

**DIAGNOSIS OF THE PROBLEMS AFFECTING
THE DISPUTE SETTLEMENT MECHANISM**

Some Ideas by Mexico

The following communication is circulated at the request of the delegation of Mexico. This document was originally circulated as JOB(03)/208 on 10 November 2003.

INTRODUCTION

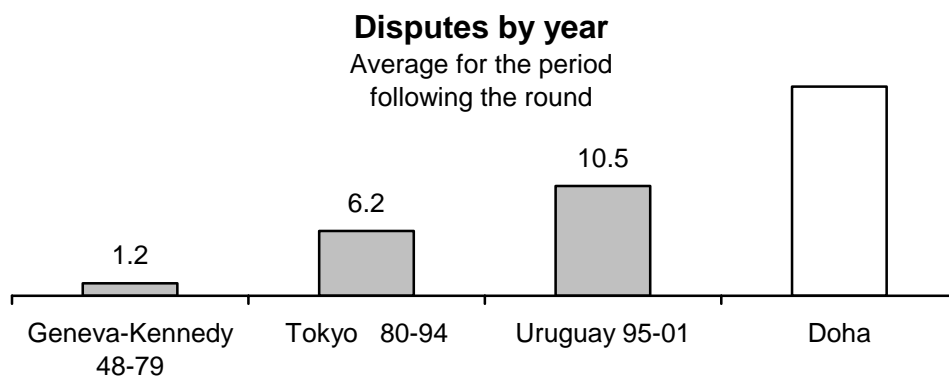
The DSU review so far

The process to amend the DSU started in 1998 and has gone through a number of phases without yielding concrete results. The latest attempt stems from the mandate at Doha, which stated that "the negotiations should be based on the work done thus far as well as any additional proposals by Members, and aim to agree on improvements and clarifications not later than May 2003". More than 40 new proposals were submitted and again, we have failed to meet our goal.

In spite of the fact that the Chairman has submitted his own text, there is no agreement in sight, and the May 2004 deadline (already pushed back from May 2003) may again prove to be inadequate. There are still many conceptual difficulties among delegations; technical divergences prevail all over the text and there is still substantial disagreement as to which issues need to be included.

Mexico believes that the **lack of focus** has been the prevalent element in our failure to reach consensus. There is not a clear idea of the goal of the exercise, there has been no prioritisation of issues, and Members have repeatedly found themselves stranded in technical discussions without strategic guidance.

Our inability to get results is especially problematic since the pressures on the system are bound to rise as disputes increase: in the past, every new round has led to a jump in disputes, as the number of issues covered by multilateral disciplines have increased (e.g. TRIPS), commitments have deepened (e.g. deeper tariff cuts) and new Members have acceded to the organization (e.g. China).



Alternative approach: diagnosis-based work

This document is based on the premise that we need to start our work by detecting the major problems facing the DSU today. Once we are clear on *what* we are trying to solve, it should be much easier to define *how* to solve it.

In other words, we propose to undertake a diagnostic exercise to **identify the fundamental problems, before considering the specific proposals aimed at solving them.** This diagnostic exercise should be based on the analysis of the empirical evidence accumulated during the first 8½ years of the DSU's operation; this would help us stay objective and avoid subjective appreciations colouring the diagnosis.

To help guide the diagnostic exercise, the present document proposes a classification of what Members seem to consider major problems, based on the proposals they have submitted: From each existing proposal, the underlying problem was distilled and classified with related problems, yielding ten fairly general categories.¹

For easier reference, we have grouped problem categories into three broad baskets: access to the system (comprising integration of developing countries and LDCs, internal transparency and external transparency), compliance (which includes enhancing compliance and limiting the application of remedies) and procedural issues (covering the need to ensure professionalism, modification of timeframes, alternative means for dispute resolution and others).

While we have worked from the proposals to detect the problems, we take no position on the proposals themselves. Specifically, it is not the aim of this paper to discuss whether the proposals effectively solve the problems. Such a discussion belongs to a later phase of the exercise, once we have finished the diagnosis.

It should also be said from the outset that this is a first approach to the diagnosis, intended to spark the discussion among Members. We have included, for each category, some (clearly marked) remarks reflecting our reaction to the data, but we certainly don't see these remarks as the ultimate answer. In fact, we welcome discussion and different interpretations of the evidence we have laid out (and additions to it). That is exactly the kind of exercise we believe is needed at this stage.

¹ We used the latest Chairman's compilation (JOB(03)/69/Rev.2) as the universe of proposals. Some proposals could address more than one single problem. However, for practical purposes, all proposals were introduced in the single category of problems which they more likely intended to solve.

TABLE OF CONTENTS

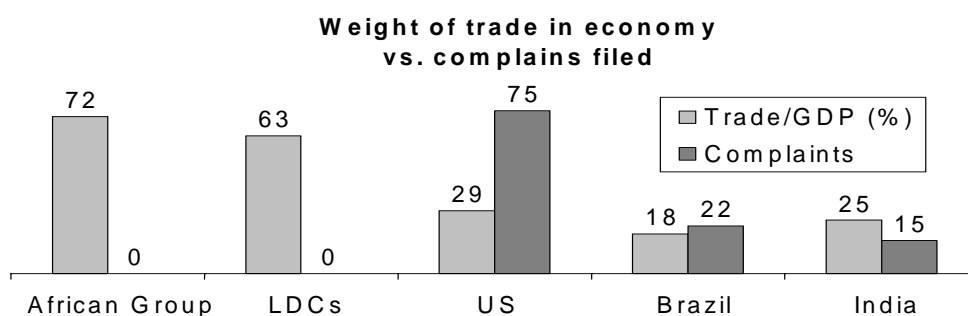
I.	Access to the system	4
I.1	Developing country Members and LDCs are not integrated into the dispute settlement system	4
I.2	Need to increase internal transparency	6
I.3	Need to modify rules on external transparency	8
II.	Compliance	9
II.1	Need to enhance compliance	10
II.2	Need to limit the application of remedies	12
III.	Procedural issues	13
III.1	Need to ensure professionalism in examining disputes	13
III.2	Need to modify timeframes	15
III.3	Need to explore alternative means for dispute resolution	16
III.4	Need for parties to regain control of disputes	17
III.5	Miscellaneous	18

I. ACCESS TO THE SYSTEM

I.1 DEVELOPING COUNTRY MEMBERS AND LDCS ARE NOT INTEGRATED INTO THE DISPUTE SETTLEMENT SYSTEM

Basic facts

- ⇒ Of a total of 295 disputes (DS numbers):^{2,3}
- 197 (61%) have been initiated by developed country Members;
 - 125 (39%) have been initiated by developing country Members; and
 - 0% has been initiated by LDCs.⁴
- ⇒ Furthermore, of 131 WTO Members:⁵
- 29 are developed countries (11 of which have initiated a dispute);
 - 72 are developing countries (28 of which have initiated a dispute); and
 - 30 are LDCs (0 of which have initiated a dispute).
- ⇒ Developing countries and LDCs with a high reliance of trade (as measured in relation to the size of their economy) are not recurring to the dispute settlement mechanism.⁶



² The cases were addressed until 29 June 2003. Each dispute is identified by a DS number. If a panel or Appellate Body report contains more than one DS number, it will be considered as a number of disputes equal to the number of DS numbers contained. To the date mentioned, 295 requests for consultations had been submitted; 89 Panel/AB reports had been adopted, 77 of which had found at least one violation of the WTO Agreements; 13 cases had been referred to a 21.5 panel and 7 awards on the level of nullification or impairment had been issued. Arbitrations on RPT, on the level of nullification or impairment and second recourses to Article 21.5 have not been considered except where it is expressly stated.

³ Annex 1 and 2.

⁴ 322 Members have requested consultations. This figure considers the joint requests for consultations issued as a single DS number (e.g. shrimp-turtle).

⁵ The original number of WTO Members is 145 at the time of this work; but for this exercise we are counting the European Community as one Member instead of 15 separate Members.

⁶ Source for Trade/GDP – Heston, Summers and Aten, Penn World Table Version 6.1, Center for International Comparisons at the University of Pennsylvania (CICUP), October 2002.

Specific Problems

- i. The DSU does not provide for litigation costs.
- ii. Consultations are not held in the capitals of LDCs.
- iii. The particular problems of developing countries and LDCs are not effectively taken into account.
- iv. The system does not ensure the presence of panelists from developing countries or LDCs.
- v. Panel timeframes do not provide for special and differential treatment.

What the experience tells us

- i. Do litigation costs amount to a major determinant in the access of developing countries?

The legal fees of the Advisory Centre on WTO Law for handling a whole case (consultations, panel and Appellate Body proceedings):

- From 6,000 US dollars, for a minimum of 240 hours at a rate of 25 US dollars (for LDCs);
- To 222,250 US dollars, for a maximum of 635 hours at 350 US dollars (the highest rate for non-Member developing countries).⁷ This equals *half-a-day* of Ecuador's losses in the banana case.⁸

- ii. Is holding consultations in the capitals of LDCs a problem?

- There have been no cases brought by or against LDCs.
- However, the provisions of the DSU do not preclude the possibility of carrying out consultations in an LDC capital.⁹ In fact, it is common practise among Members to agree on the place for consultations, which often take place in the capital of one of them.

- iii. How many times have panels been required to take into account the particular problems of developing countries and LDCs?

- Of 174 reports adopted¹⁰, Members (complainants or defendants) have invoked provisions on special and differential treatment 24 times (13.8%).¹¹

- iv. Are nationals from developing countries and LDCs being selected as panelists?

- To date, 273 panel positions have been filled;
- Of which 113 have been assigned to nationals of developing country Members (41%);

⁷ See <http://www.acwl.ch/>

⁸ The Ecuador-bananas example is used throughout the whole document, where the level of nullification or impairment needs to be estimated. Based on the arbitrator's award regarding the annual level of nullification or impairment suffered by Ecuador in that case, we estimated that its daily losses amount to \$552,328 US dollars.

⁹ Art. 4. DSU

¹⁰ 89 panel reports, 64 Appellate Body reports, 13 panel reports under Article 21.5 and 8 Appellate Body reports under Article 21.5.

¹¹ Annex 4

- No national of a LDC has been appointed panelist to date (0%).¹²

v. Is it necessary that panel timeframes provide for special and differential treatment?

- The average time for a panel to issue its report is 9.2 months.¹³
- There is no substantial difference in the timeframes of panels involving developed countries *vis-à-vis* those involving developing country Members.¹⁴
- Of a total of 89 panel and 64 Appellate Body reports adopted, none has ruled against a developing country Member for not meeting a particular deadline.

Remarks:

- Disputes by developed countries are much more frequent than by developing countries.
- LDCs have never been engaged in the dispute settlement system.
- This disparity is even more striking since trade represents a high proportion of GDP in many non-using developing countries and LDCs.
- Financial aspects of engaging in a WTO dispute do not seem to be at the core of the problem.
- Neither is the panel's attention to matters involving development issues.
- Or the impossibility of meeting deadlines.
- There is a fair amount of panelists from developing country Members, but not a single one from LDCs.

I.2 NEED TO INCREASE INTERNAL TRANSPARENCY

Basic facts

- ⇒ Out of 89 cases in which a panel report has been adopted, Members have participated as third parties in 81 (90%).¹⁵
- ⇒ Out of 64 cases in which an Appellate Body report has been adopted, Members have participated as third participants in 54 (84.4%).¹⁶
- ⇒ Public submissions may be obtained from many active players, e.g. the EC, the United States, the Advisory Centre on WTO Law, Australia, Canada and New Zealand.¹⁷
- ⇒ The average delay between issuance of a final panel report to parties and its circulation to other Members is 28 days.¹⁸

¹² <http://www.worldtradelaw.net/dsc/database/panelistcountrycount.asp>. The figures refer to the positions as panelists, regardless of the amount of DS numbers involved. Compliance panels are also considered.

¹³ Annex 3.

¹⁴ Annex 3. See also WT/DSB/OV/14.

¹⁵ <http://www.worldtradelaw.net/dsc/database/partiespanel.asp>. The cases where no third party has been involved are: DS8, DS10, DS11, DS31, DS90, DS99, DS126 and DS170.

¹⁶ <http://www.worldtradelaw.net/dsc/database/partiesab.asp>. The cases where no third participant has been involved are: DS8, DS10, DS11, DS31, DS33, DS90, DS103, DS113, DS170, and DS176.

¹⁷ <http://www.acwl.ch/>. There are other Members which make their submissions public, but do not upload them in a webpage, such as Norway

¹⁸ Annex 3.

- ⇒ Appellate Body reports are made available to parties and other Members on the same day.¹⁹
- ⇒ All WTO Members have access to the meetings of the DSB where panels are established and reports are adopted.

Specific Problems

- i. Rules for joining consultations are not adequate;
- ii. There is no adequate protection for "strictly confidential information";
- iii. Third parties do not have enough rights;
- iv. DSB rules for surveillance on compliance are insufficient.

What the experience tells us

- i. Are rules for joining consultations adequate?
 - Of a total of 295 consultation requests, in 153 cases there has been at least one request of a Member wishing to join the consultations.
 - On average, 3.2 Members request to join the consultations per case.²⁰
 - The current rules allow the Member being consulted to establish its own standard as to whether the request to join is well founded, and do not provide for deadlines.²¹
- ii. Is there adequate protection for "strictly confidential information"?
 - Of 174 reports adopted,²² 16 have dealt with business confidential information (9.2%).
 - In 6 of those cases, the parties agreed on procedures for the treatment of confidential information.
 - In another 5 cases, either the Appellate Body or the panel refused a request for procedures for the treatment of confidential information.²³
- iii. Do third parties have enough rights?
 - Shortcomings of third party rights can be divided in three categories:
 - *Documents they cannot access*: submissions made after the first substantive meeting; oral statements of the parties and replies to questions from the panel; interim and final panel report in advance.
 - *Meetings they cannot attend*: part of the first substantive meeting and all of the second substantive meeting, as well as any meeting during the interim review process.
 - *Examination of their arguments*: while panels or the Appellate Body are required to hear the arguments of third parties, they are not required to address them.²⁴

¹⁹ Rules for circulation and derestriction of documents: WT/GC/W/464/Rev.1

²⁰ Annex 5.

²¹ Art. 4.11 of the DSU.

²² 89 panel reports, 64 Appellate Body reports, 13 panel reports under Article 21.5 and 8 Appellate Body reports under Article 21.5.

²³ Annex 6.

²⁴ Annex 7.

iv. Are rules for surveillance on compliance insufficient?²⁵

- In 57 of 72 cases where an RPT has been required (79%),²⁶ the RTP has exceeded 6 months, which means Members have been required to inform as to the status of implementation under the current rules.
- At each DSB meeting in which surveillance of implementation has been an issue, Members have had the opportunity to comment on the implementation and have used it widely.

Remarks:

- Most internal transparency issues can be solved by becoming a third party in a dispute settlement case. Furthermore, non-third parties have access to submissions by many key players.
- Third parties have access to the essential documents in dispute settlement proceedings, but their views are not necessarily considered by panels and the Appellate Body.
- The issue regarding the rules for joining consultations has come up frequently, and practice on acceptance or refusal is not transparent.
- The issue of strictly confidential information has come up in a limited number of cases.
- The timelines for surveillance of compliance of DSB rulings and recommendations seem adequate, given the length of time to comply in most cases. There are no standards, however, as to the level of detail which communications may contain.

I.3 NEED TO MODIFY RULES ON EXTERNAL TRANSPARENCY

Basic Facts

⇒ The access of the general public to disputes is the same as that of WTO Members, with the following exceptions:

- They cannot access DSB meetings where panels are established and panel reports are adopted;
- Their access to the minutes of such meetings is subject to the timelines established in the rules on derestriction.²⁷

⇒ The general public has been able to communicate with panels and the Appellate Body:

- Through their governments' submissions;
- Upon request of the panel;²⁸ or
- In some cases, through *amicus curiae* briefs.²⁹

Specific Problems

- i. Need to establish procedures for *amicus curiae* briefs;
- ii. Need to prohibit *amicus curiae* briefs;

²⁵ Surveillance by the DSB on implementation begins 6 months after the date of adoption.

²⁶ Annex 10. Violations have been found in 77 cases so far, but immediate compliance (30 days or less) has been ensured 5 times.

²⁷ WT/GC/W/464/Rev.1. 45 days after the date of circulation.

²⁸ Art. 13 of the DSU.

²⁹ Annex 8.

iii. Procedures should be open to the public.

What the experience tells us

i. Is there a need for establishing procedures for amicus curiae briefs?

ii. Is there a need for prohibiting amicus curiae briefs?

- Of 174 reports adopted, ³⁰ amicus curiae briefs have been submitted 15 times (8.6%).³¹
- In 13 of these 15 cases, Members have expressed concern at DSB meetings.³²

iii. Should proceedings be open to the public?

- Hearings before panels, the Appellate Body and arbitrators have never been open to the public.
- Public access to the discussions held during those meetings has two types of limitations:
 - The extent to which Members make public their own submissions and replies to panels (at the discretion of the Member); and
 - Temporal: positions are made public at the panel/Appellate Body proceedings, in the descriptive part of the Reports (in case submissions have not been made public).

Remarks:

- The issue of amicus curiae briefs has come up a limited number of times.
- The issue of lack of openness to the public is temporary and ends at the moment when documents become public.

II. COMPLIANCE

The duty of Members to comply with their WTO commitments can be seen from two different angles:

- ⇒ Ensuring the conformity of their laws, regulations and administrative procedures with their obligations as provided in the WTO Agreements.³³ (**Compliance a priori**)
- ⇒ Securing the withdrawal of the measures concerned if these are found to be inconsistent with the provisions of any of the covered agreements.³⁴ (**Compliance a posteriori**)
- ⇒ It is impossible to estimate the number of illegal measures taken by Members which go unchallenged.³⁵ We propose to measure compliance a priori in two ways:

³⁰ 89 panel reports, 64 Appellate Body reports, 13 panel reports under Article 21.5 and 8 Appellate Body reports under Article 21.5.

³¹ DS18 (Panel); DS58 (Panel, AB, 21.5 Panel and 21.5 AB); DS122 (AB); DS135 (Panel and AB), DS138 (Panel and AB) DS141 (Panel); DS160 (Panel); DS212 (AB); DS236 (Panel) and DS231 (AB).

³² WT/DSB/M/50, WT/DSB/M/103, WT/DSB/M/83, WT/DSB/M/86, WT/DSB/M/140, WT/DSB/M/134.

³³ Article XVI:4 of the WTO Agreement. If a Member considers that a measure is nullifying or impairing its benefits (mainly because of lack of conformity), it may initiate a dispute settlement procedure.

³⁴ Article 3.7 of the DSU. In the case the panel/Appellate Body concludes that the Measure is inconsistent, it shall recommend that the Member bring its measure into conformity.

- The number of times that at least one Member has considered that another Member has not fulfilled its duty of compliance *a priori*; ³⁶ and
- The number of times in which the DSB has recommended that a Member brings its measure(s) into conformity.

⇒ The estimation of compliance *a posteriori* is easier, since it only requires an examination of what Members have done to comply with the recommendations and rulings of the DSB.

Basic Facts

Compliance *a priori*

- ⇒ During 8½ years of existence of the WTO, 295 requests for consultations have been circulated (34.7 per year).³⁷
- ⇒ Furthermore, 89 panel reports have been circulated (10.5 per year).³⁸
- ⇒ Of which, 77 (85.6%) have declared that at least one measure is illegal (9.1 per year).³⁹
- ⇒ During 47 years of existence of the GATT, 131 panel reports were circulated (2.8 per year).⁴⁰

Compliance *a posteriori*

Of the 77 cases where a violation has been found:

- ⇒ Immediate compliance has been secured 5 times.
- ⇒ Compliance has been secured within the RPT 28 times (there are 11 additional cases in which the RPT is ongoing). The average RPT is of 292 days.
- ⇒ There have been 16 cases pursuant to Article 21.5 (of which 13 were referred to a panel).
- ⇒ 12 cases remain in limbo or ongoing non-compliance.
- ⇒ A mutually agreed solution has been reached during the RPT in five cases.⁴¹

II.1 NEED TO ENHANCE COMPLIANCE

Specific Problems

- Need to introduce the possibility of taking provisional measures
- Need to address injury even if measures are withdrawn before consultations
- Need to have monetary compensation
- Retaliation is not a viable option for many Members
- Need to ensure the DSU provides incentives to comply as soon as possible.
 - Need to allow to obtain compensation or to exercise retaliation at an early stage;
 - Need to have an earlier arbitration on nullification or impairment;
 - Need to determine nullification or impairment retroactively;

³⁵ See *US – Shirts and Blouses (AB)*. Not even an estimate of the number of notifications would be appropriate, since legislation may potentially contain an unlimited number of "measures". Arguably, lack of action by a Member can also constitute a "measure".

³⁶ There are two inefficiencies in this measurement: a) the cases are not *res judicata*; and b) other cases not distinguished by Members are not covered—i.e., external agreements, measures not challenged, or measures not analyzed.

³⁷ Annex 12.

³⁸ Annex 11.

³⁹ Annex 10.

⁴⁰ Annex 11.

⁴¹ Annex 10.

- (d) Need to eliminate burdens for cross-retaliation;
- (e) Need to allow parties to have negotiable remedies;
- (f) Need to have collective retaliation.

What the experience tells us

- i. Do Members need provisional measures?
 - There are no data available to estimate this problem.
- ii. Do Members need to address injury even if measures are withdrawn before consultations?
 - There are no data available to estimate this problem.
- iii. Is monetary compensation necessary?
 - Article 22.1 of the DSU already provides for monetary compensation. In fact, it has already been used.⁴²
- iv. Is it true that retaliation is not a viable option for many Members?
 - In all cases in which the Member concerned has not secured compliance, retaliation has eventually been authorized in 7 cases (58%); in these 7 cases, compensation was not agreed.⁴³
 - Of these cases, two have been authorized in favour of developing country Members (Ecuador and Brazil) and five in favour of developed country Members (United States and Canada twice, the EC once).⁴⁴
- v. Is action needed to ensure that the DSU provides incentives to comply as soon as possible?
 - Out of 89 panel reports adopted, a violation has been found in 77 cases (86%).⁴⁵
 - The average period of time between the establishment of a panel and the expiry of the RPT is 775 days, or over two years. If one counts from the request for consultations, the average period grows to 1,507 days, or **over 4 years**.⁴⁶
 - Once a panel has established a violation (77 times), immediate compliance has been achieved five times (6%); 6 months have been exceeded 57 times (79%). The average time to comply has been 292 days. 28 cases have gone beyond the RPT (36%).⁴⁷
 - In the case of "Ecuador-Bananas", this translates into losses for 161 million dollars during the reasonable period of time *only*. The average loss from the establishment of a panel to the expiry of the RPT would have amounted to 428 million USD, or 832 million since the request for consultations.

⁴² In the case "US – Copyright Act" (WT/DS160/23), the US agreed to make a lump-sum payment of \$3.3 million to a fund to be set up by performing rights societies in the EC for the provision of general assistance to their members and the promotion of authors' rights.

⁴³ Annex 10.

⁴⁴ *Idem*.

⁴⁵ Annex 10

⁴⁶ Annex 3

⁴⁷ Annex 10

- Collective retaliation, as such, has never been authorized. Nevertheless, there have been 4 cases, out of 7 (57.1%) in which more than one Member has been authorized to suspend concessions or obligations ("Bananas" – for Ecuador and US – and "Hormones" – for Canada and US).

Remarks:

- Non-compliance (both *a priori* and *a posteriori*) is the most important problem of the dispute settlement mechanism.
- The amount of disputes (non-compliance *a priori*) has increased significantly since the creation of the WTO, and tends to grow with every round.
- Non-compliance *a posteriori* has been remedied in a fair number of cases within the RPT, but has taken an average of 292 days.
- Losses caused by delays and non-compliance amount to hundreds of millions of dollars.
- Retaliation is a last resort and has only been used by few Members. However, it has been used more than compensation.

II.2 NEED TO LIMIT THE APPLICATION OF REMEDIES

Specific Problems

- i. Need to address "sequencing"
- ii. Need to regulate "carrousel"
- iii. Need to clarify obligations regarding product en route

What the experience tells us

- i. Is "sequencing" a problem?
 - There have been 16 cases brought to 21.5 procedures;⁴⁸ of which 8 have been preceded by an agreement on sequencing between the parties (53.3%);⁴⁹
 - There has only been one case in which the proper application of "sequencing" has been disputed.
 - There has not been any case in which suspension of concessions has been denied because of lateness in the consideration of the request.
- ii. Do we need to regulate "carrousel"?
 - Of the 7 authorizations to suspend concessions, there has been no notice that a Member has changed the list of concessions suspended.
- iii. Do we need to clarify obligations regarding product en route?
 - There are no data available to estimate this problem.

⁴⁸ Annex 10

⁴⁹ WT/DSB/OV/14. There have been two further agreements on sequencing, in respect of which no proceedings have been followed. See Annex of "Cases with violation".

Remarks:

- An important number of Article 21.5 cases has not needed an agreement on "sequencing".
- There has only been one dispute in which the concept of "sequencing" has not been put into question.
- There is no evidence that carousel is a danger to the dispute settlement mechanism.

III. PROCEDURAL ISSUES

III.1 NEED TO ENSURE PROFESSIONALISM IN EXAMINING DISPUTES

Specific Problems

- Panels are often overturned by the Appellate Body;
- Difficulty to find available panelists;
- Panels take long time to issue their reports;
- There are not enough Appellate Body Members;
- It is inappropriate to reappoint Appellate Body Members.

What the experience tells us

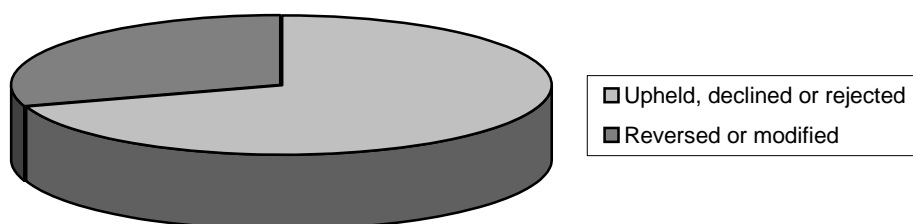
- Are panel findings being often overturned by the Appellate Body?

The Appellate Body has:

- upheld 58% of panel findings;
- modified 2% of them;
- reversed 28% of them; and
- declined to rule on or rejected 12% of claims.⁵⁰

In sum, the Appellate Body has expressly disagreed with 30% of panels' findings.

Appellate body treatment of panel findings



⁵⁰ Annex 14

- ii. How long has the dispute settlement mechanism taken to make panelists available?⁵¹
- Average time of 59 days (i.e. 29 days over schedule).
 - Panels have been composed within the legal timeframe 17 out of 102 times (16.7%).
 - Using the "EC – Bananas" case as an example, the average time taken over schedule in composing a panel can cause losses for 16 million US dollars.
- iii. How much time have panels taken to issue their report?⁵²
- Average time of 3.3 months over schedule.
 - The average time over schedule taken in the panel proceeding can cause losses for 54.5 million US dollars.
- iv. How long do the seven Appellate Body Members take to issue their reports?
- Average time of 86.3 days.
 - The Appellate Body has issued its report within the timeframe of 60 days 5 out of 64 times (7.8%).
 - In 46 of 64 times (71.9%) the report has been issued within the timeframe of 90 days.⁵³
 - Using the "EC – Bananas" case as an example, Ecuador could have lost 14.7 million US dollars for the average time over schedule in an Appellate Body proceeding.⁵⁴
- v. Is it appropriate to reappoint Appellate Body Members?
- 5 of 7 original Appellate Body Members (71.4%) were reappointed without further discussion.
 - The remaining two Members had expressed their wish not to be reappointed.

Remarks:

- The major shortcoming for panels is the excess of time needed for their composition and their work.
- The Appellate Body does not seem to be in great disagreement with the findings of panels.
- There is a problem of Appellate Body reports not being issued in the lower end of the timeframes. However, they have normally been issued within the higher end of the timeframes.
- The issue of re-appointment of Appellate Body members is not a major problem.

⁵¹ Annex 3. Legal timeframe 20+10 days.

⁵² Idem. Legal timeframe 6 months, or 3 for cases of subsidies or emergency cases.

⁵³ Idem. Legal timeframe 60 days, and in no case more than 90 days.

⁵⁴ Idem. On a basis of 60 day- Appellate Body proceeding.

III.2 NEED TO MODIFY TIMEFRAMES

Basic Facts

Timeframes⁵⁵			
	<i>De jure</i>	<i>De facto Average</i>	<i>Difference between the two</i>
<i>Consultations</i>	60 days	147.65 days	87.6 days
<i>Panel establishment</i>	10 days	41.2 days	31.2 days
<i>Panel procedure (establishment to circulation)</i>	9 months (12.9 DSU)	12.0 months	3.0 months
<i>AB procedure (Notice of appeal to circulation)</i>	60 days (17.5 DSU)	86.3 days	26.3 days
<i>From adoption/ to circulation of 21.3(c) award</i>	90 days (21.3(c) DSU)	135.2 days	45.2 days
<i>Matter referred and final report circulated in 21.5 panels⁵⁶</i>	90 days (21.3(c) DSU)	159.1 days	69.1 days

Other figures:⁵⁷

- ⇒ Average time from panel establishment to panel composition: 58 days.
- ⇒ Average time from issuance of final panel report to the date of circulation to Members: 28 days.
- ⇒ Average time RPT for compliance: 292 days.
- ⇒ Average time for a 21.5 panel proceeding: 159 days.

Specific Problems

- i. Need to have expedited procedures for safeguards/antidumping
- ii. Provide additional flexibility to extend deadlines under the DSU
- iii. Accelerate proceedings:
 - (a) Reduce number of meetings in which a panel is established.
 - (b) Require panels to circulate their reports in a timely manner.
 - (c) Merge both component of interim reports and limit the scenarios in which the interim review may be held.
 - (d) Need to have an earlier arbitration on RPT.

What the experience tells us

- i. Do we require expedited procedures for safeguards/antidumping?
 - Out of 89 panel reports circulated, 18 referred to the Anti-dumping Agreement (20%).⁵⁸
 - Out of 89 panel reports circulated, 8 referred to the Safeguards Agreement (9%).⁵⁹

⁵⁵ <http://www.worldtradelaw.net/dsc/stats.htm> and Annex 3.

⁵⁶ For this exercise, we are not taking into account 21.5 appeals.

⁵⁷ Annex 3.

⁵⁸ <http://www.worldtradelaw.net/dsc/database/ad.asp>

⁵⁹ <http://www.worldtradelaw.net/dsc/database/safeguards.asp>

- There is no evidence that procedures regarding antidumping or safeguards can be completed in a shorter timeframe.⁶⁰
- ii. Do we need to provide additional flexibility to extend deadlines under the DSU?
- We have not been able to find any dispute settlement case in which a party or third party has been ruled against for not meeting a particular deadline.
- iii. Do we need to accelerate proceedings?
- Out of 89 panel reports circulated, 81 have exceeded the 9-month period provided for in Art. 12.9 of the DSU (89%)⁶¹
 - Out of 64 Appellate Body reports circulated, 58 have exceeded the 60-day period provided for in Art. 17.5 of the DSU (91%).⁶²
 - Out of 77 cases where an RPT has been established or the Member concerned has otherwise complied, 57 have exceeded 6 months (79%), and 38 have exceeded 9 months (49%).⁶³
 - Of 89 which have adopted a report, 17 have been established at the first meeting (17%),⁶⁴ the average being 44.7 days.⁶⁵
 - Arbitrators' awards are issued in 64.3 days (135.2 days after adoption).⁶⁶

Remarks:

- Deadlines are not being met. Rather than shortening the timeframes on paper, consideration should be given to shortening the timeframes in practice.
- The need for expedited procedures for a particular set of agreements does not warrant a special treatment, since timeframes have not been respected for all WTO agreements.

III.3 NEED TO EXPLORE ALTERNATIVE MEANS FOR DISPUTE RESOLUTION

Specific Problems

- i. Need to enhance and make mandatory the use of good offices, conciliation and mediation
- ii. Need to address conflict between provisions by the GC

What the experience tells us

- i. Do we need to enhance and require Members to resort to good offices, conciliation and mediation?
 - The concept of good offices has been available to Members since 1979. Apparently, it was used three times in the GATT days, one of them unsuccessfully.⁶⁷

⁶⁰ Annex 3.

⁶¹ Annex 3.

⁶² Idem.

⁶³ Idem.

⁶⁴ Idem.

⁶⁵ Idem.

⁶⁶ <http://www.worldtradelaw.net/dsc/database/rpttiming.asp>

⁶⁷ WT/DSB/25

- The immediate precedent to the current rules is in Paragraph D of the Decision of 12 April 1989 on Improvements to the GATT Dispute Settlement Rules and Procedures (36S/61). There is no record that this decision was used.⁶⁸
- On 17 July 2001, the Director General circulated a document expressing his readiness to assist Members in the use of good offices, conciliation or mediation.⁶⁹
- To the cut-off date of this exercise (29 June 2003) no single public document exists suggesting Members' use of the current provisions.

ii. Is it appropriate to address conflict between provisions by the General Council?

- The General Council has never adopted an authoritative interpretation under Article IX of the WTO Agreement.⁷⁰
- The DSB has adopted 89 panel reports, 64 Appellate Body reports, 13 panel reports under Article 21.5 and 8 Appellate Body reports under Article 21.5.⁷¹ All of them contain certain interpretations to the provisions of WTO Agreements.

Remarks:

- Good offices, conciliation and mediation have been resorted to very seldom. Panel proceedings are preferred by Members.
- Members do not view the General Council as an efficient decision-taker regarding interpretations of or amendments to, WTO provisions. They have resorted to the DSB to sort out their differences of interpretation.

III.4 NEED FOR PARTIES TO REGAIN CONTROL OF DISPUTES

Specific Problems

- i. Need to create the possibility for Members to have partial adoption of reports;
- ii. Allow for suspension of the Appellate Body proceedings;
- iii. Need to introduce an interim proceeding for the Appellate Body.

What the experience tells us

i. Do Members need to have the option to adopt the reports partially?

- Of 174 reports,⁷² we were only able to find two cases in which the parties disagreed with the same finding or conclusion (1.2%).⁷³

ii. Do Members need the option to suspend Appellate Body proceedings?

- Of 89 panel reports and 13 panel reports under Article 21.5, we have found that 12 cases have been suspended (11.8%).⁷⁴

⁶⁸ Idem.

⁶⁹ Idem.

⁷⁰ In fact, the only formal request for an authoritative interpretation has been on "sequencing". WT/GC/W/133 and WT/GC/W/143. Furthermore, the only formal request to amend an Agreement has also been on "sequencing" (WT/GC/W/489).

⁷¹ See Annex 3. This does not count arbitration awards or 21.5 proceedings.

⁷² 89 panel reports, 64 Appellate Body reports, 13 panel reports under Article 21.5 and 8 Appellate Body reports under Article 25

⁷³ *Australia – Automotive leather* (DS 126) and *India – Automotive sector* (DS 146).

- 7 of which have been followed by a mutually agreed solution (6.9%).⁷⁵

iii. Do Members require an interim proceeding for the Appellate Body?

- We have only been able to find one panel report in which a particular ruling has been overturned as the result of the interim proceeding.⁷⁶

Remarks:

- In a large majority of cases, parties have not disagreed with regard to the same finding by a panel or the Appellate Body.
- The concept of suspension of proceedings has not been used often. However, Members might find some use in this possibility.
- Experience does not show a substantial use for the interim proceedings. In general, changes appear to be marginal.

III.5 MISCELLANEOUS

A. Housekeeping issues

Specific Problems

- i. Need to create the possibility to withdraw a panel request
- ii. Need to establish sunset procedures for consultation and panel requests and panels
- iii. Notification of mutually agreed solutions should be specific
- iv. Need to clarify obligations regarding the notices of appeal.

What the experience tells us

- i. Is there a need to create the possibility to withdraw a panel request?
 - There have been 10 cases in which the panel request has been formally withdrawn.⁷⁷
- ii. Is there a need to establish sunset procedures for consultations requests and panels?
 - There have been 151 requests for consultations which have not been followed by a panel request within one year.⁷⁸
 - There have been 7 cases in which a panel request was made, but the Panel was not established.⁷⁹
 - There have been 14 panels established which have not been composed within one year.⁸⁰

⁷⁴ WT/DS/OV/14

⁷⁵ WT/DS/OV/14

⁷⁶ DS213

⁷⁷ WT/DSB/OV/14. These cases are: DS1, DS13, DS89 and DS181 (withdrawal before the establishment of the Panel). DS35, DS106, DS227, DS240, DS255 and DS257 were withdrawn after the establishment of the Panel.

⁷⁸ Annex 3

⁷⁹ See WT/DSB/OV/14 and WT/DSB/29/Add.1. These cases are: DS36, DS39, DS82, DS115, DS120, DS123 and DS143.

⁸⁰ Annex 3

iii. Need notifications of mutually agreed solutions be more specific?

- There have been 59 notifications of mutually agreed solutions either orally or in writing.
- Of which 11 do not specify the content of such solution (19%); 20 have a low level of specificity regarding their content (34%) and 28 are exhaustive as to the explanation of their content (47%).⁸¹
-

iv. Is there a need for clarify obligations regarding the notices of appeal?

- Of 64 Appellate Body reports adopted, there have been 8 cases in which the clarity of the notice of appeal has been challenged (13%).⁸²

Remarks:

- It is possible to withdraw a panel request under the current rules. This has happened 10 times.
- There is an important amount of consultations which lay in limbo. The number of panels which are currently in limbo is smaller. A sunset procedure could help clarify the status of many of them.
- Notifications on mutually agreed solutions have a good level of detail.
- The issue of clarity regarding the notices of appeal seems to be a small one.

B. New procedures

Specific Problems

- i. Need to give special treatment to measures already held inconsistent.
- ii. Need to introduce a remand procedure from the Appellate Body.
- iii. Need to allow panels to examine mutually agreed solutions.

What the experience tells us

i. Do we need to give special treatment to measures already held inconsistent?

- Given the broad interpretation of the term "measure", it is not possible to ascertain where has been a case in which a measure already held inconsistent has been challenged anew.

ii. Do we need to introduce a remand procedure from the Appellate Body?

- There has been only one case in which the Appellate Body has been unable to make any finding because of lack of factual findings on the part of the panel.⁸³
- There have been 20 cases in which there have been two or more requests for the establishment of a panel.⁸⁴
- There have been 18 groups of disputes including more than one complainant.⁸⁵

⁸¹ Annex 15

⁸² <http://www.worldtradelaw.net/dsc/wtoindex.htm#abrul202d>

⁸³ WT/DS103/AB/RW, WT/DS113/AB/RW.

⁸⁴ Annex 17.

⁸⁵ Annex 18.

iii. Is there a need to allow panels to examine mutually agreed solutions?

- There have been 59 mutually agreed solutions.
- We do not have sufficient information as to what cases have been reintroduced to the dispute settlement mechanism as a result of lack of conformity with a mutually agreed solutions.

Remarks:

- There is an important number of cases which have been the subject of more than one challenge.
- The issue of remand has not been a major problem in practise.
- The need to have panels rule on mutually agreed solutions is not evident.

C. Others

Specific Problems

- Need to clarify that the expression "RPT" also refers to arts. 4.7 and 7.9 of the SCM Agreement
- Need to facilitate procedures for multiple complaints
- Need to know opinions of individual panelists or Appellate Body members.

What the experience tells us

- Do we need to clarify that the expression "RPT" also refers to arts. 4.7 and 7.9 of the SCM Agreement?
 - Of 77 cases in which a violation has been found, there have been 5 cases in which any of these two provisions of the SCM agreement were dealt with (7%).⁸⁶
- Do we need to facilitate procedures for multiple complaints?⁸⁷
 - There have been 20 cases in which there have been two or more requests for the establishment of a panel.⁸⁸
 - There have been 18 groups of disputes including more than one complainant.⁸⁹
- Do we need to know opinions of individual panelists or Appellate Body members?
 - We have found only one case in which the Appellate Body included a separate opinion⁹⁰ and three cases in which the panel has done so.⁹¹

⁸⁶ *Brazil – Aircraft Australia – Leather, Canada – Aircrafts, US – FSC, and Canada – Autos.*

⁸⁷ Annex 16.

⁸⁸ Annex 17.

⁸⁹ Annex 18.

⁹⁰ *EC – Asbestos.*

⁹¹ *US – German Steel CVDs, US – Certain EC products (Panel), and EC – Poultry.*

Remarks:

- The issue of clarifying that RPT includes Articles 4.7 and 7.9 of the SCM Agreement has come up in a limited number of occasions.
- There is an important number of cases which could be the subject of multiple complaints.
- Knowing the opinion of individual panelists or Appellate Body members does not seem to be very important.

Annex 1

Times that a developing Members has initiated the DSU mechanism (consultations)⁹²

The following chart shows the times a Member has requested consultations. Some DS numbers contain more than one consultation request. It includes 295 DS numbers.

Member	Consultations requested	Panels requested	Panels adopted
Brazil	22	11	5
India	15	9	6
Mexico	13	4	4
Thailand	10	3	2
Chile	8	6	3
Argentina	8	3	1
Korea	7	6	4
Philippines	4	1	1
Colombia	4	1	1
Guatemala	4	1	1
Honduras	4	1	1
Peru	3	2	2
Costa Rica	3	1	1
Turkey	2	1	1
Ecuador	2	2	1
Indonesia	2	2	1
Pakistan	2	2	2
Panama	2	0	0
Antigua and Barbuda	1	1	0
Nicaragua	1	0	0
Chinese Taipei	1	0	0
China	1	1	0
Malaysia	1	1	1
Sri Lanka	1	0	0
Hong Kong	1	0	0
Uruguay	1	0	0
Venezuela	1	1	1
Singapore	1	1	0

Number of times developing Members have requested consultations: 125 (39%)

Number of times developed Members have requested consultations: 197 (61%)

Total number of times there has been a Member requesting consultations: 322.

⁹² Based on worldtradelaw.net data form the 29 June 2003.

Percentage of participation

Member	Requests for consultations	Panels requested	Adoptions
Percentage of developing Members participating	27%	21%	18%
Percentage of LDCs participating	0%	0%	0%

Annex 2

Times that a developed Members was a complaining party⁹³

The following chart shows the times a Members has requested consultations. Some DS numbers contain more than one consultation request. It includes 295 DS numbers.

Member	Requests for consultations	Panels requested	Adoptions
US	75	35	21
EC	62	35	24
Canada	24	14	10
Japan	11	9	6
Australia	7	4	2
New Zealand	6	5	3
Hungary	4	2	0
Switzerland	4	1	0
Poland	3	1	1
Norway	1	1	0
Czech Republic	1	0	0

Number of times developing Members have requested consultations: 125 (39%)

Number of times developed Members have requested consultations: 197 (61%)

Total number of times there has been a Member requesting consultations: 322.

Percentage of participation

Member	Requests for consultations	Panels requested	Adoptions
Percentage of developed Members participating	38%	35%	24%

⁹³ Based on worldtradelaw.net data form the 29 June 2003.

Annex 3

Case	Consultations Request	Panel Request	Days from Consult. to Panel Request	Days from Consult Est. Panel	Panel Established	Days from Est. Panel and Comp.	Panel Composed	Days from Comp. To Interim Report	Interim Report Issued	Days from Comp. To Final Report to Parties
US – Gasoline (Venezuela) (DS2)	24/01/1995	25/03/1995	60	76	10/04/1995	16	26/04/1995	229	11/12/1995	266
Japan – Alcohol (EC) (DS8)	21/06/1995	15/09/1995	86	98	27/09/1995	33	30/10/1995	203	20/05/1996	
Japan – Alcohol (United States) (DS11)	07/07/1995	15/09/1995	70	82	27/09/1995	33	30/10/1995	203	20/05/1996	
Japan – Alcohol (Canada) (DS10)	07/07/1995	15/09/1995	70	82	27/09/1995	33	30/10/1995	203	20/05/1996	
Australia – Salmon (DS18)	05/10/1995	10/03/1997	522	553	10/04/1997	48	28/05/1997	302	26/03/1998	342
Brazil – Coconut (DS22)	27/11/1995	08/02/1996	73	99	05/03/1996	42	16/04/1996			
US – Underwear (DS24)	22/12/1995	27/02/1996	67	74	05/03/1996	30	04/04/1996	169	20/09/1996	204
EC – Hormones (US) (DS26)	26/01/1996	25/04/1996	90	115	20/05/1996	43	02/07/1996	309	07/05/1997	363
EC – Bananas (Guatemala/Honduras) (DS27)	05/02/1996	12/04/1996	67	93	08/05/1996	30	07/06/1996	284	18/03/1997	326
EC – Bananas (Mexico) (DS27)	05/02/1996	12/04/1996	67	93	08/05/1996	30	07/06/1996	284	18/03/1997	326
EC – Bananas (US) (DS27)	05/02/1996	12/04/1996	67	93	08/05/1996	30	07/06/1996	284	18/03/1997	326
EC – Bananas (Ecuador) (DS27)	05/02/1996	12/04/1996	67	93	08/05/1996	30	07/06/1996	284	18/03/1997	326
EC – Bananas (EC against itself) (DS27)										
Canada – Periodicals (DS31)	11/03/1996	24/05/1996	74	100	19/06/1996	36	25/07/1996	175	16/01/1997	211
US – Shirts and Blouses (DS33)		15/03/1996			17/04/1996	68	24/06/1996	141	12/11/1996	
Turkey – Textiles (DS34)	21/03/1996	02/02/1998	683	722	13/03/1998	90	11/06/1998	265	03/03/1999	288
Japan – Film (DS44)	13/06/1996	20/09/1996	99	125	16/10/1996	62	17/12/1996	353	05/12/1997	409
Brazil – Aircraft (DS46)	19/06/1996	17/09/1996	90	764	23/07/1998	91	22/10/1998	118	17/02/1999	141
EC – Hormones (Canada) (DS48)	28/06/1996	17/09/1996	81	110	16/10/1996	19	04/11/1996	184	07/05/1997	238
India – Patents (US) (DS50)	02/07/1996	08/11/1996	129	141	20/11/1996	70	29/01/1997	149	27/06/1997	
Indonesia – Autos (EC) (DS54)	03/10/1996	12/05/1997	221	252	12/06/1997	47	29/07/1997	238	24/03/1998	
Indonesia – Autos (Japan) (DS55)	04/10/1996	18/04/1997	196	251	12/06/1997	47	29/07/1997	238	24/03/1998	
Argentina – Textiles (DS56)	04/10/1996	10/01/1997	98	144	25/02/1997	38	04/04/1997	179	30/09/1997	
Indonesia – Autos (United States) (DS59)	08/10/1996	13/06/1997	248	295	30/07/1997	-1	29/07/1997	238	24/03/1998	
US – Shrimp (DS58)	08/10/1996	10/01/1997	94	140	25/02/1997	49	15/04/1997	321	02/03/1998	356
Guatemala – Cement I (DS60)	15/10/1996	13/02/1997	121	156	20/03/1997	42	01/05/1997	326	23/03/1998	382
EC – Computer Equipment (against EC) (DS62)	08/11/1996	13/02/1997	97	109	25/02/1997	52	18/04/1997	172	07/10/1997	
Indonesia – Autos (Japan) (DS64)	29/11/1996	18/04/1997	140	195	12/06/1997	47	29/07/1997	238	24/03/1998	
EC – Computer Equipment (against UK) (DS67)	14/02/1997	10/03/1997	24	34	20/03/1997	29	18/04/1997	172	07/10/1997	
EC – Computer Equipment (against Ireland) (DS68)	14/02/1997	10/03/1997	24	34	20/03/1997	29	18/04/1997	172	07/10/1997	
EC – Poultry (DS69)	24/02/1997	12/06/1997	108	156	30/07/1997	12	11/08/1997	165	23/01/1998	185
Canada – Aircraft (DS70)	10/03/1997	13/07/1998	490	500	23/07/1998	91	22/10/1998	118	17/02/1999	141
Korea – Alcohol (EC) (DS75)	02/04/1997	15/09/1997	166	197	16/10/1997	50	05/12/1997	203	26/06/1998	
Japan – Agricultural Products (DS76)	07/04/1997	06/10/1997	182	225	18/11/1997	30	18/12/1997	231	06/08/1998	292

Case	Consultations Request	Panel Request	Days from Consult. to Panel Request	Days from Consult Est. Panel	Panel Established	Days from Est. Panel and Comp.	Panel Composed	Days from Comp. To Interim Report	Interim Report Issued	Days from Comp. To Final Report to Parties
India – Patents (EC) (DS79)	28/04/1997	15/09/1997	140	171	16/10/1997	42	27/11/1997	204	19/06/1998	
Korea – Alcohol (United States) (DS84)	23/05/1997	15/09/1997	115	146	16/10/1997	50	05/12/1997	203	26/06/1998	
Chile – Alcohol (EC) (DS87)	04/06/1997	06/10/1997	124	167	18/11/1997	225	01/07/1998	229	15/02/1999	
India – QRs (DS90)	15/07/1997	06/10/1997	83	126	18/11/1997	94	20/02/1998	294	11/12/1998	
Korea – Dairy Safeguards (DS98)	12/08/1997	12/01/1998	153	345	23/07/1998	28	20/08/1998	195	03/03/1999	231
US – DRAMS (DS99)	14/08/1997	07/11/1997	85	155	16/01/1998	62	19/03/1998	218	23/10/1998	260
Canada – Milk/Dairy (United States) (DS103)	08/10/1997	03/02/1998	118	168	25/03/1998	140	12/08/1998	177	05/02/1999	
US – FSC (DS108)	18/11/1997	09/07/1998	233	308	22/09/1998	48	09/11/1998	256	23/07/1999	
Chile – Alcohol (DS110) (EC on new regime)	15/12/1997	13/03/1998	88	100	25/03/1998	98	01/07/1998	229	15/02/1999	
Canada – Pharmaceuticals (DS114)	19/12/1997	12/11/1998	328	409	01/02/1999	52	25/03/1999	302	21/01/2000	
Canada – Milk/Dairy (New Zealand) (DS113)	29/12/1997	12/03/1998	73	86	25/03/1998	140	12/08/1998	177	05/02/1999	
Argentina – Footwear Safeguards (DS121)	03/04/1998	11/06/1998	69	111	23/07/1998	54	15/09/1998	218	21/04/1999	262
Thailand – Steel (DS122)	06/04/1998	15/10/1999	557	592	19/11/1999	31	20/12/1999	163	31/05/2000	
Australia – Leather (DS126)	04/05/1998	11/04/1998	-23	49	22/06/1998	133	02/11/1998	126	08/03/1999	141
Mexico – HFCS (DS132)	08/05/1998	14/10/1998	159	201	25/11/1998	49	13/01/1999	266	06/10/1999	373
EC – Asbestos (DS135)	28/05/1998	09/10/1998	134	181	25/11/1998	124	29/03/1999	442	13/06/2000	484
US – 1916 Act (EC) (DS136)	04/06/1998	12/11/1998	161	242	01/02/1999	59	01/04/1999	263	20/12/1999	319
US – Lead Bars (DS138)	12/06/1998	14/01/1999	216	250	17/02/1999	27	16/03/1999	204	06/10/1999	251
Canada – Autos (Japan) (DS139)	03/07/1998	13/11/1998	133	213	01/02/1999	52	25/03/1999	202	13/10/1999	
EC – Bed Linen (DS141)	03/08/1998	08/09/1999	401	450	27/10/1999	89	24/01/2000	189	31/07/2000	
Canada – Autos (EC) (DS142)	17/08/1998	14/01/1999	150	168	01/02/1999	52	25/03/1999	202	13/10/1999	
India – Autos (EC) (DS146)	06/10/1998	13/10/2000	738	773	17/11/2000	7	24/11/2000	322	12/10/2001	
US – Section 301 (DS152)	25/11/1998	02/02/1999	69	97	02/03/1999	29	31/03/1999	195	12/10/1999	
Argentina – Bovine Hides (DS155)	23/12/1998	04/06/1999	163	215	26/07/1999	189	31/01/2000	256	13/10/2000	291
Guatemala – Cement II (DS156)	05/01/1999	15/07/1999	191	260	22/09/1999	41	02/11/1999	297	25/08/2000	336
US – Copyright (DS160)	26/01/1999	16/04/1999	80	120	26/05/1999	72	06/08/1999	252	14/04/2000	273
Korea – Beef (US) (DS161)	01/02/1999	16/04/1999	74	114	26/05/1999	70	04/08/1999	280	10/05/2000	316
US – 1916 Act (Japan) (DS162)	10/02/1999	04/06/1999	114	166	26/07/1999	16	11/08/1999	201	28/02/2000	233
Korea – Government Procurement (DS163)	16/02/1999	11/05/1999	84	120	16/06/1999	75	30/08/1999	186	03/03/2000	
US – Certain EC Products (DS165)	04/03/1999	11/05/1999	68	104	16/06/1999	114	08/10/1999	157	13/03/2000	
US – Wheat Gluten Safeguards (DS166)	17/03/1999	04/06/1999	79	131	26/07/1999	77	11/10/1999	252	19/06/2000	
Korea – Beef (Australia) (DS169)	13/04/1999	15/07/1999	93	104	26/07/1999	9	04/08/1999	280	10/05/2000	316
Canada – Patent Term (DS170)	06/05/1999	15/07/1999	70	139	22/09/1999	30	22/10/1999	133	03/03/2000	161
India – Autos (US) (DS175)	02/06/1999	18/05/2000	351	421	27/07/2000	120	24/11/2000	322	12/10/2001	
US – Section 211 ("Havana Club") (DS176)	07/07/1999	07/07/2000	366	447	26/09/2000	30	26/10/2000	228	11/06/2001	250
US – Lamb Safeguards (New Zealand) (DS177)	16/07/1999	15/10/1999	91	126	19/11/1999	123	21/03/2000	217	24/10/2000	

Case	Consultations Request	Panel Request	Days from Consult. to Panel Request	Days from Consult Est. Panel	Panel Established	Days from Est. Panel and Comp.	Panel Composed	Days from Comp. To Interim Report	Interim Report Issued	Days from Comp. To Final Report to Parties
US – Lamb Safeguards (Australia) (DS178)	23/07/1999	15/10/1999	84	119	19/11/1999	123	21/03/2000	217	24/10/2000	
US – Sheet/Plate from Korea (DS179)	30/07/1999	15/10/1999	77	112	19/11/1999	126	24/03/2000	230	09/11/2000	265
US – Hot-Rolled Steel from Japan (DS184)	18/11/1999	11/02/2000	85	123	20/03/2000	65	24/05/2000	243	22/01/2001	
Argentina – Floor Tiles (DS189)	26/01/2000	15/09/2000	233	296	17/11/2000	56	12/01/2001	194	25/07/2001	245
US – Cotton Yarn (DS192)		03/04/2000			19/06/2000	72	30/08/2000	205	23/03/2001	
US – Export Restraints (DS194)	19/05/2000	24/07/2000	66	115	11/09/2000	42	23/10/2000	186	27/04/2001	
US – Line Pipe Safeguards (DS202)	13/06/2000	15/09/2000	94	132	23/10/2000	91	22/01/2001	221	31/08/2001	
US – India Steel Plate (DS206)	04/10/2000	07/06/2001	246	293	24/07/2001	94	26/10/2001	189	03/05/2002	
Chile – Agricultural Products (Price Band) (DS207)	05/10/2000	19/01/2001	106	158	12/03/2001	66	17/05/2001	280	21/02/2002	322
Egypt – Rebar (DS211)	06/11/2000	04/05/2001	179	226	20/06/2001	28	18/07/2001	307	21/05/2002	
US – CVDs on EC Products (DS212)	10/11/2000	10/08/2001	273	304	10/09/2001	56	05/11/2001	189	13/05/2002	226
US – German Steel CVDs (DS213)	10/11/2000	10/08/2001	273	304	10/09/2001	46	26/10/2001	200	14/05/2002	231
EC – Pipe Fittings (DS219)	21/12/2000	08/06/2001	169	215	24/07/2001	43	05/09/2001	397	07/10/2002	461
US – Offset Act ("Byrd Amendment") (EC et al) (DS217)	21/12/2000	13/07/2001	204	245	23/08/2001	63	25/10/2001	265	17/07/2002	312
US – Section 129 (DS221)	17/01/2001	13/07/2001	177	218	23/08/2001	68	30/10/2001	204	22/05/2002	225
Canada – Aircraft II (DS222)	22/01/2001	01/03/2001	38	49	12/03/2001	60	11/05/2001	161	19/10/2001	182
EC – Sardines (DS231)	20/03/2001	07/06/2001	79	126	24/07/2001	49	11/09/2001	198	28/03/2002	253
US – Offset Act ("Byrd Amendment") (Canada and Mexico) (DS234)	21/05/2001	10/08/2001	81	94	23/08/2001	63	25/10/2001	265	17/07/2002	312
US – Lumber CVDs Prelim (DS236)	21/08/2001	26/10/2001	66	106	05/12/2001	58	01/02/2002	175	26/07/2002	
Argentina – Peach Safeguards (DS238)	14/09/2001	06/12/2002	448	126	18/01/2002	88	16/04/2002	219	21/11/2002	244
Argentina – Poultry AD Duties (DS241)	07/11/2001	26/02/2002	111	161	17/04/2002	71	27/06/2002	243	25/02/2003	285
US – Textiles Rules of Origin (DS243)	11/01/2002	08/05/2002	117	164	24/06/2002	108	10/10/2002	183	11/04/2003	197
US – Corrosion-Resistant Steel Sunset Review (DS244)	30/01/2002	05/04/2002	65	112	22/05/2002	56	17/07/2002	257	31/03/2003	309
Japan – Apples (DS245)	01/03/2002	08/05/2002	68	94	03/06/2002	43	16/07/2002	247	20/03/2003	344
US – Steel Safeguards (EC) (DS248)	07/03/2002	08/05/2002	62	88	03/06/2002	52	25/07/2002	244	26/03/2003	281
US – Steel Safeguards (Korea) (DS251)	20/03/2002	24/05/2002	65	86	14/06/2002	41	25/07/2002	244	26/03/2003	281
US – Steel Safeguards (Japan) (DS249)	20/03/2002	24/05/2002	65	86	14/06/2002	41	25/07/2002	244	26/03/2003	281
US – Steel Safeguards (China) (DS252)	26/03/2002	27/05/2002	62	90	24/06/2002	31	25/07/2002	244	26/03/2003	281
US – Steel Safeguards (Switzerland) (DS253)	03/04/2002	04/06/2002	62	82	24/06/2002	31	25/07/2002	244	26/03/2003	281
US – Steel Safeguards (Norway) (DS254)	04/04/2002	04/06/2002	61	81	24/06/2002	31	25/07/2002	244	26/03/2003	281
US – Steel Safeguards (New Zealand) (DS258)	14/05/2002	28/06/2002	45	55	08/07/2002	17	25/07/2002	244	26/03/2003	281
US – Steel Safeguards (Brazil) (DS259)	21/05/2002	22/07/2002	62	69	29/07/2002	-4	25/07/2002	244	26/03/2003	281
US – Lumber CVDs Final (DS264)	13/09/2002	06/12/2002	84	117	08/01/2003	48	25/02/2003	91	27/05/2003	
	100	102								
Averages for all Panel reports			147.06	188.22		58.53		227.77		280.69

Case	Final Report Issued to Parties	Days from Comp. To Final Report Public	Final Report Circulated	Days from Est. Panel to Final Report to Parties	Days from Est. Panel to Final Report Public	Notice of Appeal	AB Report Circulated	Adoption	Days from Notice to circulation of AB report	Days from Est. Panel to Adoption
US – Gasoline (Venezuela) (DS2)	17/01/1996	278	29/01/1996	282	294	21/02/1996	29/04/1996	20/05/1996	68	406
Japan – Alcohol (EC) (DS8)		255	11/07/1996		288	08/08/1996	04/10/1996	01/11/1996	57	401
Japan – Alcohol (United States) (DS11)		255	11/07/1996		288	08/08/1996	04/10/1996	01/11/1996	57	401
Japan – Alcohol (Canada) (DS10)		255	11/07/1996		288	08/08/1996	04/10/1996	01/11/1996	57	401
Australia – Salmon (DS18)	05/05/1998	380	12/06/1998	390	428	22/07/1998	20/10/1998	06/11/1998	90	575
Brazil – Coconut (DS22)		184	17/10/1996		226	16/12/1996	21/02/1997	20/03/1997	67	380
US – Underwear (DS24)	25/10/1996	218	08/11/1996	234	248	11/11/1996	10/02/1997	25/02/1997	91	357
EC – Hormones (US) (DS26)	30/06/1997	412	18/08/1997	406	455	24/09/1997	16/01/1998	13/02/1998	114	634
EC – Bananas (Guatemala/Honduras) (DS27)	29/04/1997	349	22/05/1997	356	379	11/06/1997	09/09/1997	25/09/1997	90	505
EC – Bananas (Mexico) (DS27)	29/04/1997	349	22/05/1997	356	379	11/06/1997	09/09/1997	25/09/1997	90	505
EC – Bananas (US) (DS27)	29/04/1997	349	22/05/1997	356	379	11/06/1997	09/09/1997	25/09/1997	90	505
EC – Bananas (Ecuador) (DS27)	29/04/1997	349	22/05/1997	356	379	11/06/1997	09/09/1997	25/09/1997	90	505
EC – Bananas (EC against itself) (DS27)										
Canada – Periodicals (DS31)	21/02/1997	232	14/03/1997	247	268	29/04/1997	30/06/1997	30/07/1997	62	406
US – Shirts and Blouses (DS33)		196	06/01/1997		264	24/02/1997	25/04/1997	23/05/1997	60	401
Turkey – Textiles (DS34)	26/03/1999	354	31/05/1999	378	444	26/07/1999	22/10/1999	19/11/1999	88	616
Japan – Film (DS44)	30/01/1998	469	31/03/1998	471	531			22/04/1998		553
Brazil – Aircraft (DS46)	12/03/1999	174	14/04/1999	232	265	03/05/1999	02/08/1999	20/08/1999	91	393
EC – Hormones (Canada) (DS48)	30/06/1997	287	18/08/1997	257	306	24/09/1997	16/01/1998	13/02/1998	114	485
India – Patents (US) (DS50)		219	05/09/1997		289	15/10/1997	19/12/1997	16/01/1998	65	422
Indonesia – Autos (EC) (DS54)		338	02/07/1998		385			23/07/1998		406
Indonesia – Autos (Japan) (DS55)		338	02/07/1998		385			23/07/1998		406
Argentina – Textiles (DS56)		235	25/11/1997		273	21/01/1998	27/03/1998	22/04/1998	65	421
Indonesia – Autos (United States) (DS59)		338	02/07/1998		337			23/07/1998		358
US – Shrimp (DS58)	06/04/1998	395	15/05/1998	405	444	13/07/1998	12/10/1998	06/11/1998	91	619
Guatemala – Cement I (DS60)	18/05/1998	414	19/06/1998	424	456	04/08/1998	02/11/1998	25/11/1998	90	615
EC – Computer Equipment (against EC) (DS62)		293	05/02/1998		345	24/03/1998	05/06/1998	22/06/1998	73	482
Indonesia – Autos (Japan) (DS64)		338	02/07/1998		385			23/07/1998		406
EC – Computer Equipment (against UK) (DS67)		293	05/02/1998		322	24/03/1998	05/06/1998	22/06/1998	73	459
EC – Computer Equipment (against Ireland) (DS68)		293	05/02/1998		322	24/03/1998	05/06/1998	22/06/1998	73	459
EC – Poultry (DS69)	12/02/1998	213	12/03/1998	197	225	29/04/1998	13/07/1998	23/07/1998	75	358
Canada – Aircraft (DS70)	12/03/1999	174	14/04/1999	232	265	03/05/1999	02/08/1999	20/08/1999	91	393
Korea – Alcohol (EC) (DS75)		286	17/09/1998		336	20/10/1998	18/01/1999	17/02/1999	90	489
Japan – Agricultural Products (DS76)	06/10/1998	313	27/10/1998	322	343	24/11/1998	22/02/1999	19/03/1999	90	486
India – Patents (EC) (DS79)		270	24/08/1998		312			22/09/1998		341

Case	Final Report Issued to Parties	Days from Comp. To Final Report Public	Final Report Circulated	Days from Est. Panel to Final Report to Parties	Days from Est. Panel to Final Report Public	Notice of Appeal	AB Report Circulated	Adoption	Days from Notice to circulation of AB report	Days from Est. Panel to Adoption
Korea – Alcohol (United States) (DS84)		286	17/09/1998		336	20/10/1998	18/01/1999	17/02/1999	90	489
Chile – Alcohol (EC) (DS87)		349	15/06/1999		574	13/09/1999	13/12/1999	12/01/2000	91	785
India – QRs (DS90)		410	06/04/1999		504	25/05/1999	23/08/1999	22/09/1999	90	673
Korea – Dairy Safeguards (DS98)	08/04/1999	305	21/06/1999	259	333	15/09/1999	14/12/1999	12/01/2000	90	538
US – DRAMS (DS99)	04/12/1998	316	29/01/1999	322	378			19/03/1999		427
Canada – Milk/Dairy (United States) (DS103)		278	17/05/1999		418	15/07/1999	13/10/1999	27/10/1999	90	581
US – FSC (DS108)		333	08/10/1999		381	26/11/1999	24/02/2000	20/03/2000	90	545
Chile – Alcohol (DS110) (EC on new regime)		349	15/06/1999		447	13/09/1999	13/12/1999	12/01/2000	91	658
Canada – Pharmaceuticals (DS114)		358	17/03/2000		410			07/04/2000		431
Canada – Milk/Dairy (New Zealand) (DS113)		278	17/05/1999		418	15/07/1999	13/10/1999	27/10/1999	90	581
Argentina – Footwear Safeguards (DS121)	04/06/1999	283	25/06/1999	316	337	15/09/1999	14/12/1999	12/01/2000	90	538
Thailand – Steel (DS122)		283	28/09/2000		314	23/10/2000	12/03/2001	05/04/2001	140	503
Australia – Leather (DS126)	23/03/1999	204	25/05/1999	274	337			16/06/1999		359
Mexico – HFCS (DS132)	21/01/2000	380	28/01/2000	422	429			24/02/2000		456
EC – Asbestos (DS135)	25/07/2000	539	18/09/2000	608	663	23/10/2000	12/03/2001	05/04/2001	140	862
US – 1916 Act (EC) (DS136)	14/02/2000	365	31/03/2000	378	424	29/05/2000	28/08/2000	26/09/2000	91	603
US – Lead Bars (DS138)	22/11/1999	282	23/12/1999	278	309	27/01/2000	10/05/2000	07/06/2000	104	476
Canada – Autos (Japan) (DS139)		323	11/02/2000		375	02/03/2000	31/05/2000	19/06/2000	90	504
EC – Bed Linen (DS141)		280	30/10/2000		369	01/12/2000	01/03/2001	12/03/2001	90	502
Canada – Autos (EC) (DS142)		323	11/02/2000		375	02/03/2000	31/05/2000	19/06/2000	90	504
India – Autos (EC) (DS146)		392	21/12/2001		399	31/01/2002	19/03/2002	05/04/2002	47	504
US – Section 301 (DS152)		266	22/12/1999		295			27/01/2000		331
Argentina – Bovine Hides (DS155)	17/11/2000	323	19/12/2000	480	512			16/02/2001		571
Guatemala – Cement II (DS156)	03/10/2000	357	24/10/2000	377	398			17/11/2000		422
US – Copyright (DS160)	05/05/2000	314	15/06/2000	345	386			27/07/2000		428
Korea – Beef (US) (DS161)	15/06/2000	362	31/07/2000	386	432	11/09/2000	11/12/2000	10/01/2001	91	595
US – 1916 Act (Japan) (DS162)	31/03/2000	292	29/05/2000	249	308	29/05/2000	28/08/2000	26/09/2000	91	428
Korea – Government Procurement (DS163)		245	01/05/2000		320			19/06/2000		369
US – Certain EC Products (DS165)		283	17/07/2000		397	12/09/2000	11/12/2000	10/01/2001	90	574
US – Wheat Gluten Safeguards (DS166)		294	31/07/2000		371	26/09/2000	22/12/2000	19/01/2001	87	543
Korea – Beef (Australia) (DS169)	15/06/2000	362	31/07/2000	325	371	11/09/2000	11/12/2000	10/01/2001	91	534
Canada – Patent Term (DS170)	31/03/2000	196	05/05/2000	191	226	19/06/2000	18/09/2000	12/10/2000	91	386
India – Autos (US) (DS175)		392	21/12/2001		512	31/01/2002	19/03/2002	05/04/2002	47	617
US – Section 211 ("Havana Club") (DS176)	03/07/2001	284	06/08/2001	280	314	04/10/2001	02/01/2002	01/02/2002	90	493
US – Lamb Safeguards (New Zealand) (DS177)		275	21/12/2000		398	31/01/2001	01/05/2001	16/05/2001	90	544
US – Lamb Safeguards (Australia) (DS178)		275	21/12/2000		398	31/01/2001	01/05/2001	16/05/2001	90	544

Case	Final Report Issued to Parties	Days from Comp. To Final Report Public	Final Report Circulated	Days from Est. Panel to Final Report to Parties	Days from Est. Panel to Final Report Public	Notice of Appeal	AB Report Circulated	Adoption	Days from Notice to circulation of AB report	Days from Est. Panel to Adoption
US – Sheet/Plate from Korea (DS179)	14/12/2000	273	22/12/2000	391	399			01/02/2001		440
US – Hot-Rolled Steel from Japan (DS184)		280	28/02/2001		345	25/04/2001	24/07/2001	23/08/2001	90	521
Argentina – Floor Tiles (DS189)	14/09/2001	47	28/02/2001	301	103			05/11/2001		353
US – Cotton Yarn (DS192)		274	31/05/2001		346	09/07/2001	08/10/2001	05/11/2001	91	504
US – Export Restraints (DS194)		249	29/06/2001		291			23/08/2001		346
US – Line Pipe Safeguards (DS202)		280	29/10/2001		371	19/11/2001	15/02/2002	08/03/2002	88	501
US – India Steel Plate (DS206)		245	28/06/2002		339			29/07/2002		370
Chile – Agricultural Products (Price Band) (DS207)	04/04/2002	351	03/05/2002	388	417	24/06/2002	23/09/2002	23/10/2002	91	590
Egypt – Rebar (DS211)		386	08/08/2002		414			01/10/2002		468
US – CVDs on EC Products (DS212)	19/06/2002	268	31/07/2002	282	324	09/09/2002	09/12/2002	08/01/2003	91	485
US – German Steel CVDs (DS213)	14/06/2002	250	03/07/2002	277	296	30/08/2002	28/11/2002	19/12/2002	90	465
EC – Pipe Fittings (DS219)	10/12/2002	548	07/03/2003	504	591	23/04/2003				
US – Offset Act ("Byrd Amendment") (EC et al) (DS217)	02/09/2002	326	16/09/2002	375	389	18/10/2002	16/01/2003	27/01/2003	90	522
US – Section 129 (DS221)	12/06/2002	258	15/07/2002	293	326			30/08/2002		372
Canada – Aircraft II (DS222)	09/11/2001	262	28/01/2002	242	322			19/02/2002		344
EC – Sardines (DS231)	22/05/2002	260	29/05/2002	302	309	28/06/2002	26/09/2002	23/10/2002	90	456
US – Offset Act ("Byrd Amendment") (Canada and Mexico) (DS234)	02/09/2002	326	16/09/2002	375	389	18/10/2002	16/01/2003	27/01/2003	90	522
US – Lumber CVDs Prelim (DS236)		238	27/09/2002		296			01/01/2002		27
Argentina – Peach Safeguards (DS238)	16/12/2002	304	14/02/2003	332	392			15/04/2003		452
Argentina – Poultry AD Duties (DS241)	08/04/2003	299	22/04/2003	356	370			19/05/2003		397
US – Textiles Rules of Origin (DS243)	25/04/2003	253	20/06/2003	305	361					
US – Corrosion-Resistant Steel Sunset Review (DS244)	22/05/2003									
Japan – Apples (DS245)	25/06/2003									
US – Steel Safeguards (EC) (DS248)	02/05/2003									
US – Steel Safeguards (Korea) (DS251)	02/05/2003									
US – Steel Safeguards (Japan) (DS249)	02/05/2003									
US – Steel Safeguards (China) (DS252)	02/05/2003									
US – Steel Safeguards (Switzerland) (DS253)	02/05/2003									
US – Steel Safeguards (Norway) (DS254)	02/05/2003									
US – Steel Safeguards (New Zealand) (DS258)	02/05/2003									
US – Steel Safeguards (Brazil) (DS259)	02/05/2003									
US – Lumber CVDs Final (DS264)										
				91			64	89		
Averages for all Panel reports		302.29		335.71	363.64				86.33	478.45

Case	Days from Consult. to Adoption	Expiry of Reasonable Period of Time	RPT	Days from Est. Panel to Expiry RPT	Days from Consult to Expiry RPT	21.5 Panel Establishment	21.5 Panel Circulated	21.5 Panel Establishment to Circulation
US – Gasoline (Venezuela) (DS2)	482	20/08/1997	457	863	939			
Japan – Alcohol (EC) (DS8)	499	14/05/1998	559	960	1058			
Japan – Alcohol (United States) (DS11)	483	14/05/1998	559	960	1042			
Japan – Alcohol (Canada) (DS10)	483	14/05/1998	559	960	1042			
Australia – Salmon (DS18)	1128	06/07/1999	242	817	1370	28/07/1999	18/02/2000	205
Brazil – Coconut (DS22)	479	No violation						
US – Underwear (DS24)	431	27/03/1997	30	387	461			
EC – Hormones (US) (DS26)	749	13/05/1999	454	1088	1203			
EC – Bananas (Guatemala/Honduras) (DS27)	598	01/01/1999	463	968	1061			
EC – Bananas (Mexico) (DS27)	598	01/01/1999	463	968	1061			
EC – Bananas (US) (DS27)	598	01/01/1999	463	968	1061			
EC – Bananas (Ecuador) (DS27)	598	01/01/1999	463	968	1061	12/01/1999	12/04/1999	90
EC – Bananas (EC against itself) (DS27)						12/01/1999	12/04/1999	90
Canada – Periodicals (DS31)	506	30/10/1998	457	863	963			
US – Shirts and Blouses (DS33)		22/11/1996	-182	219				
Turkey – Textiles (DS34)	1338	19/02/2001	458	1074	1796			
Japan – Film (DS44)	678	No violation						
Brazil – Aircraft (DS46)	1157	19/11/1999	91	484	1248	09/12/1999	09/05/2000	152
EC – Hormones (Canada) (DS48)	595	13/05/1999	454	939	1049			
India – Patents (US) (DS50)	563	19/04/1999	458	880	1021			
Indonesia – Autos (EC) (DS54)	658	23/07/1999	365	771	1023			
Indonesia – Autos (Japan) (DS55)	657	23/07/1999	365	771	1022			
Argentina – Textiles (DS56)	565	01/01/1999	254	675	819			
Indonesia – Autos (United States) (DS59)	653	23/07/1999	365	723	1018			
US – Shrimp (DS58)	759	06/12/1999	395	1014	1154	23/10/2000	16/05/2001	205
Guatemala – Cement I (DS60)	771	No violation						
EC – Computer Equipment (against EC) (DS62)	591	No violation						
Indonesia – Autos (Japan) (DS64)	601	23/07/1999	365	771	966			
EC – Computer Equipment (against UK) (DS67)	493	No violation						
EC – Computer Equipment (against Ireland) (DS68)	493	No violation						
EC – Poultry (DS69)	514	31/03/1999	251	609	765			
Canada – Aircraft (DS70)	893	19/11/1999	91	484	984	09/12/1999	09/05/2000	152
Korea – Alcohol (EC) (DS75)	686	31/01/2000	348	837	1034			
Japan – Agricultural Products (DS76)	711	31/12/1999	287	773	998			
India – Patents (EC) (DS79)	512	19/04/1999	209	550	721			

Case	Days from Consult. to Adoption	Expiry of Reasonable Period of Time	RPT	Days from Est. Panel to Expiry RPT	Days from Consult to Expiry RPT	21.5 Panel Establishment	21.5 Panel Circulated	21.5 Panel Establishment to Circulation
Korea – Alcohol (United States) (DS84)	635	31/01/2000	348	837	983			
Chile – Alcohol (EC) (DS87)	952	21/03/2001		1219	1386			
India – QRs (DS90)	799	01/04/2000	192	865	991			
Korea – Dairy Safeguards (DS98)	883	20/05/2000	129	667	1012			
US – DRAMS (DS99)	582	19/11/1999	245	672	827	25/04/2000	07/09/2000	135
Canada – Milk/Dairy (United States) (DS103)	749	31/01/2001	462	1043	1211	01/03/2001	11/07/2001	132
US – FSC (DS108)	853	01/11/2000	226	771	1079	20/12/2000	20/08/2001	243
Chile – Alcohol (DS110) (EC on new regime)	758	21/03/2001	434	1092	1192			
Canada – Pharmaceuticals (DS114)	840	07/10/2000	183	614	1023			
Canada – Milk/Dairy (New Zealand) (DS113)	667	31/01/2001	462	1043	1129	01/03/2001	11/07/2001	132
Argentina – Footwear Safeguards (DS121)	649	25/02/2000	44	582	693			
Thailand – Steel (DS122)	1095	20/10/2001	198	701	1293			
Australia – Leather (DS126)	408	17/09/1999	93	452	501	14/10/1999	21/01/2000	99
Mexico – HFCS (DS132)	657	22/09/2000	211	667	868	23/10/2000	22/06/2001	242
EC – Asbestos (DS135)	1043	No violation						
US – 1916 Act (EC) (DS136)	845	31/12/2001	461	1064	1306			
US – Lead Bars (DS138)	726	05/07/2000	28	504	754			
Canada – Autos (Japan) (DS139)	717	19/02/2001	245	749	962			
EC – Bed Linen (DS141)	952	14/08/2001	155	657	1107	22/05/2002	29/11/2002	191
Canada – Autos (EC) (DS142)	672	19/02/2001	245	749	917			
India – Autos (EC) (DS146)	1277	05/09/2002	153	657	1430			
US – Section 301 (DS152)	428	No violation						
Argentina – Bovine Hides (DS155)	786	28/02/2002	377	948	1163			
Guatemala – Cement II (DS156)	682	31/10/2000	-17	405	665			
US – Copyright (DS160)	548	31/12/2001	522	950	1070			
Korea – Beef (US) (DS161)	709	10/09/2001	243	838	952			
US – 1916 Act (Japan) (DS162)	594	31/12/2001	461	889	1055			
Korea – Government Procurement (DS163)	489	No violation						
US – Certain EC Products (DS165)	678	No violation						
US – Wheat Gluten Safeguards (DS166)	674	02/06/2001	134	677	808			
Korea – Beef (Australia) (DS169)	638	10/09/2001	243	777	881			
Canada – Patent Term (DS170)	525	12/08/2001	304	690	829			
India – Autos (US) (DS175)	1038	05/09/2002	153	770	1191			
US – Section 211 ("Havana Club") (DS176)	940	03/01/2003	336	829	1276			
US – Lamb Safeguards (New Zealand) (DS177)	670	15/11/2001	183	727	853			
US – Lamb Safeguards (Australia) (DS178)	663	15/11/2001	183	727	846			

Case	Days from Consult. to Adoption	Expiry of Reasonable Period of Time	RPT	Days from Est. Panel to Expiry RPT	Days from Consult to Expiry RPT	21.5 Panel Establishment	21.5 Panel Circulated	21.5 Panel Establishment to Circulation
US – Sheet/Plate from Korea (DS179)	552	01/09/2001	212	652	764			
US – Hot-Rolled Steel from Japan (DS184)	644	23/11/2002	457	978	1101			
Argentina – Floor Tiles (DS189)	649	05/04/2002	151	504	800			
US – Cotton Yarn (DS192)		09/11/2001	4	508	37204			
US – Export Restraints (DS194)	461	No violation						
US – Line Pipe Safeguards (DS202)	633	01/03/2003	358	859	991			
US – India Steel Plate (DS206)	663	31/01/2003	186	556	849			
Chile – Agricultural Products (Price Band) (DS207)	748	23/12/2003	426	1016	1174			
Egypt – Rebar (DS211)	694	31/07/2003	303	771	997			
US – CVDs on EC Products (DS212)	789	08/11/2003	304	789	1093			
US – German Steel CVDs (DS213)	769							
EC – Pipe Fittings (DS219)								
US – Offset Act ("Byrd Amendment") (EC et al) (DS217)	767	27/12/2003	334	856	1101			
US – Section 129 (DS221)	590	No violation						
Canada – Aircraft II (DS222)	393							
EC – Sardines (DS231)	582	01/07/2003	251	707	833			
US – Offset Act ("Byrd Amendment") (Canada and Mexico) (DS234)	616	27/12/2003	334	856	950			
US – Lumber CVDs Prelim (DS236)	133	28/11/2002	331	358	464			
Argentina – Peach Safeguards (DS238)	578							
Argentina – Poultry AD Duties (DS241)	558							
US – Textiles Rules of Origin (DS243)								
US – Corrosion-Resistant Steel Sunset Review (DS244)								
Japan – Apples (DS245)								
US – Steel Safeguards (EC) (DS248)								
US – Steel Safeguards (Korea) (DS251)								
US – Steel Safeguards (Japan) (DS249)								
US – Steel Safeguards (China) (DS252)								
US – Steel Safeguards (Switzerland) (DS253)								
US – Steel Safeguards (Norway) (DS254)								
US – Steel Safeguards (New Zealand) (DS258)								
US – Steel Safeguards (Brazil) (DS259)								
US – Lumber CVDs Final (DS264)								
						13		
Averages for all Panel reports	680.00		292.08	775.15	1,507.14			159.08

Annex 4
Panel and Appellate Body procedures
with findings on provisions regarding development

Dispute Name	DS Number	Adoption Date/Status	Development provision examined
EC – Bed Linen (21.5) <u>Panel</u>	141	April 24, 2003	Art. 15 AD
US – Dumping/Subsidy Offset Act ("Byrd Amendment") <u>Panel</u>	217,234	January 27, 2003	Art 15 AD, and Art 12.11 DSU
US – India Steel Plate <u>Panel</u>	206	July 29, 2002	Art. 15 AD
US – Line Pipe Safeguards <u>Panel / Appellate Body</u>	202	March 8, 2002	Art 9 Safeguards
EC – Bed Linen <u>Panel</u>	141	March 12, 2001	Art. 15 AD
Korea – Beef <u>Panel / Appellate Body</u>	161,169	January 10, 2001	Art. 6.4 Agriculture
India – QRs <u>Panel / Appellate Body</u>	90	September 22, 1999	Art 12.10 DSU and Art. XVIII GATT
Brazil – Aircraft <u>Panel / Appellate Body</u>	46	August 20, 1999	Art. 27 SCM
Indonesia – Automobiles <u>Panel</u>	54,55,59,64	July 23, 1998	Art. 27 SCM and Art 65 TRIPS
EC – Poultry <u>Panel / Appellate Body</u>	69	July 23, 1998	Art. 1.2, 3.5(j) and 3.5(a) Licensing
India – Patents (US) <u>Panel</u>	50	January 16, 1998	56 TRIPS
EC – Bananas <u>Panel</u>	27	September 25, 1997	1.2 Licensing
Brazil – Desiccated Coconut <u>Panel</u>	22	March 20, 1997	Art 6 Agriculture

Annex 5
Number of Members that have requested to join consultations

DS number	Requests	DS number	Requests	DS number	Requests	DS number	Requests
DS3	1	DS91	6	DS174	1	DS261	2
DS5	2	DS92	6	DS175	2	DS262	2
DS6	2	DS93	6	DS177	2	DS265	18
DS7	4	DS94	6	DS178	4	DS266	18
DS8	2	DS95	1	DS183	1	DS267	3
DS10	2	DS96	6	DS186	2	DS269	1
DS12	3	DS98	1	DS196	2	DS270	2
DS14	3	DS102	2	DS197	1	DS271	2
DS15	1	DS103	2	DS199	1	DS274	1
DS16	6	DS104	3	DS200	10	DS275	3
DS20	2	DS105	11	DS201	1	DS276	4
DS21	1	DS109	2	DS202	2	DS279	1
DS26	3	DS110	2	DS209	1	DS283	1
DS27	14	DS111	2	DS212	3	DS284	2
DS28	1	DS113	2	DS213	1	DS286	2
DS29	6	DS114	3	DS214	2	DS287	4
DS35	1	DS116	5	DS216	2	DS290	15
DS36	1	DS118	3	DS217	3	DS291	10
DS42	1	DS119	2	DS218	1	DS292	7
DS48	3	DS121	1	DS221	2	DS293	7
DS50	2	DS123	1	DS224	1	DS294	3
DS51	4	DS133	1	DS225	1	TOTAL	493
DS52	4	DS135	1	DS228	5	AVG (%)	3,22
DS53	2	DS138	1	DS230	4		
DS54	4	DS140	1	DS231	4		
DS55	4	DS141	1	DS232	1		
DS56	2	DS146	2	DS234	10		
DS58	4	DS149	4	DS237	1		
DS59	4	DS150	5	DS239	2		
DS61	2	DS151	8	DS241	1		
DS62	2	DS152	9	DS242	5		
DS64	2	DS153	3	DS243	2		
DS66	1	DS154	4	DS244	2		
DS67	1	DS158	2	DS246	2		
DS73	1	DS160	3	DS248	9		
DS74	2	DS161	3	DS249	3		
DS75	2	DS162	1	DS251	4		
DS77	1	DS163	2	DS252	2		
DS84	2	DS164	1	DS253	2		
DS85	7	DS165	6	DS254	2		
DS87	3	DS166	1	DS255	1		
DS88	1	DS167	1	DS258	6		
DS89	5	DS169	3	DS259	6		
DS90	6	DS171	1	DS260	1		

Annex 6

CONFIDENTIALITY

Cases	Principle
<u>US – Line Pipe Safeguards (Panel)</u>	Panel denied Korea's request that the Panel ask the US to submit the entire confidential record from the US safeguard investigation at issue; the Panel did request that the US turn over certain specific pieces of information identified by Korea; the US turned over some of the requested information; the Panel rejected a second request by Korea for the remaining information, finding that the information already on the record was sufficient for an objective assessment; Panel also rejected Korea's claim that the failure to include relevant confidential information in a published determination is <i>per se</i> a violation of Safeguards Agreement Articles 3.1 and 4.2(c).
<u>Canada – Milk/Dairy, Article 21.5 (Panel)</u>	Panel rejected Canada's request for special procedures for confidential information, holding that Canada failed to describe properly the nature of the information and the need for added procedures, and further stating that the confidentiality requirements of DSU Article 18.2 and Working Procedures paragraph 3 were sufficient.
<u>US – Lamb Safeguards (Panel)</u>	The US initially refused to submit certain confidential information, and the Panel later requested that information; the US responded by submitting the information in indexed form; the other parties did not object to the submission of the information in this form.
<u>Thailand – Steel (AB)</u>	Breach of confidentiality occurred with regard to Thailand's submission; in addition, reversed the Panel's interpretation of AD Agreement Articles 3.1 and 17.6(i), holding that investigating authorities may rely on confidential information not shared with the parties in reaching their determinations.
<u>Thailand – Steel (Panel)</u>	Despite the parties' agreement on procedures for the treatment of confidential information, Poland did not receive access to much of this information during the proceeding and the information it did receive did not come until just prior to the first panel meeting; the Panel stated that this played an "important role" in its consideration of the substantive claims; also discussed in the context of the Standard of Review and in the injury context in conjunction with AD Agreement Article 3.1; held that Article 3.1, read together with the standard of review established in Article 17.6(i), dictates that "the reasoning supporting the determination be 'formally or explicitly stated' in documents in the record of the anti-dumping investigation to which interested parties (and/or their legal counsel) have access at least from the time of the final determination," and similarly the factual basis relied upon by the authority "must also be discernible from those documents" -- reversed on appeal.
<u>US – Wheat Gluten Safeguards (Panel)</u>	Special working procedures for confidential information adopted whereby only "approved" persons obtained access to certain confidential information; no agreement reached on additional rules requested by U.S.
<u>Australia – Salmon, Article 21.5 (Panel)</u>	Panel refused to adopt the special procedures requested by Australia on the basis that the information at issue was not sensitive business information and because regular procedures already require confidential treatment of designated information; Panel did agree that, in its report, it would not quote from the confidential information, or refer to the author of that information; also, to prevent the leak of information after the completion of proceedings, all confidential information was required to be returned to the submitting party at the end of the proceeding, unless that party agreed otherwise.
<u>Australia – Leather, Article 21.5 (Panel)</u>	Special working procedures for confidential information adopted whereby only "approved" persons obtained access to certain confidential information.
<u>Canada – Aircraft (AB)</u>	Appellate Body refused to adopt procedures that had been used by the Panel; said that procedures used by the Panel would still apply to information submitted to the Panel and that Appellate Body rules required confidentiality anyway.
<u>Canada – Aircraft (Panel)</u>	Special working procedures for confidential information adopted.
<u>Brazil – Aircraft (AB)</u>	Appellate Body refused to adopt procedures that had been used by the Panel; said that procedures used by the Panel would still apply to information submitted to the Panel and that Appellate Body rules required confidentiality anyway.
<u>Brazil – Aircraft (Panel)</u>	Special working procedures for confidential information adopted.
<u>Australia – Leather (Panel)</u>	Special procedures adopted whereby only "approved" persons obtained access to certain confidential information.
<u>Indonesia – Autos (Panel)</u>	No special procedures taken; Panel said that it would ensure that all parties had time to respond fully to data in the event that the US submitted certain information that it deemed "confidential" at a later date.

Annex 7
INTERNAL TRANSPARENCY

I. INCOMING INFORMATION TO THE MEMBER

MEETINGS	WTO Member (Non-Third Party nor a Party)	Third Party to a dispute	Party to a dispute
A. DSB Meetings	✓	✓	✓
B. Consultations' meetings		✓ (If accepted) ⁹⁶	✓
C. Hearings with the Panel, the Appellate Body or Arbitrator		✓ (Session of the first substantive meeting) ⁹⁷	✓
D. Oral hearings before the Appellate Body ⁹⁴		✓	✓
E. Preparatory meetings with the Panel, the Appellate Body or Arbitrator ⁹⁵			✓

DOCUMENTS	WTO Member (Non-Third Party nor a Party)	Third Party to a dispute	Party to a dispute
A. Public WTO documents ⁹⁸	✓	✓	✓
B. Press	✓	✓	✓
C. Submissions and statements made public ⁹⁹	✓	✓	✓
D. Submissions to the Panel ¹⁰⁰		✓ (Parties' first submission) ¹⁰⁴	✓
E. Descriptive interim report ¹⁰¹			✓
F. Submissions to Arbitrator ¹⁰²			✓
G. Submissions to the Appellate Body ¹⁰³			✓
H. Questions and replies of Parties in Consultations		✓	✓
I. Confidential information		✓ (If accepted) ¹⁰⁵	✓ (With limitations)

⁹⁴ Rule 27 of the Working Procedures of the Appellate Body.

⁹⁵ Article 12.3 of the DSU.

⁹⁶ Article 4.11 of DSU.

⁹⁷ Appendix 3.3 of DSU.

⁹⁸ Circulation and Derestriction of the WTO documents (WT/L/452)

⁹⁹ The USA, the EC and the Advisory Center publish their submissions in their web sites. Australia, Canada and New Zealand may provide them upon request.

¹⁰⁰ Article 12.6 and Appendix 3.6 of the DSU.

¹⁰¹ Articles 12.7, 15 and Appendix 3 of the DSU.

¹⁰² Articles 21.3 (c), 22.6, 25 of the DSU.

¹⁰³ Rules 21, 22 and 28 of the Working Procedures of the Appellate Body.

¹⁰⁴ Article 10.3 of DSU.

¹⁰⁵ Article 4.11 of the DSU.

II. OUT-COMING INFORMATION FROM THE MEMBER

INFORMATION	WTO Member (Non-Third Party)	Third Party to a dispute	Party to a dispute
The Panel, Appellate Body or Arbitrator may take into account information from:	Not taken into account	Not taken into account	Taken into account

Annex 8

EXTERNAL TRANSPARENCY

IN WTO, PARTIES OR THIRD PARTIES TO A DISPUTE AND OTHER WTO MEMBERS

INFORMATION	WTO	Party or Third Party to a dispute	Other WTO Member (Not Parties nor Third Parties)
Information from an external	Amicus Curiae	Member discretion	Member discretion
Information to an external	Public WTO documents ¹⁰⁶ Press Submissions made public ¹⁰⁷ .	National Transparency laws	National Transparency laws

¹⁰⁶ Circulation and Derestriction of the WTO documents (WT/L/452).

¹⁰⁷ The USA, the EC and the Advisory Center publish their submissions in their web sites. Australia, Canada and New Zealand may provide them upon request.

¹⁰⁷ Article 12.6 and Appendix 3.6 of the DSU

Annex 9
EXTERNAL TRANSPARENCY

COMPARISON BETWEEN A WTO MEMBER (NON PARTY NOR THIRD PARTY) AND A
WTO EXTERNAL PERSON OR ENTITY

DOCUMENTS AND MEETINGS	WTO Member (Non-Third Party nor a Party)	External
A. DSB Meetings	✓	✓
B. Public WTO documents ¹⁰⁸	✓	✓ ¹¹⁴
C. Press	✓	✓
D. Submissions and statements made public ¹⁰⁹	✓	✓
E. Submissions to Panel ¹¹⁰	✓	✓
F. Descriptive interim report ¹¹¹	✓	✓
G. Submissions to Arbitrator ¹¹²	✓	✓
H. Submissions to the Appellate Body ¹¹³	✓	✓
I. Questions and replies of Parties in Consultations	✓	✓
J. Confidential information	✓	✓

¹⁰⁸ Circulation and Derestriction of the WTO documents (WT/L/452)

¹⁰⁹ The USA, the EC and the Advisory Center publish their submissions in their web sites. Australia, Canada and New Zealand may provide them upon request.

¹¹⁰ Article 12.6 and Appendix 3.6 of the DSU.

¹¹¹ Articles 12.7, 15 and Appendix 3 of the DSU.

¹¹² Articles 21.3 (c), 22.6, 25 of the DSU.

¹¹³ Rules 21, 22 and 28 of the Working Procedures of the Appellate Body.

¹¹⁴ An external may access to the minutes of the meeting 45 days after their circulation (See 2 (b) of WT/L/452).

Annex 10

Doc nr.	Violation?	Immediate compliance	Compliance within RPT	21.5 Panel	Suspension	Current status
DS135	No					Finished
DS152	No					Finished
DS163	No					Finished
DS165	No					Finished
DS194	No					Finished
DS22	No					Finished
DS221	No					Finished
DS44	No					Finished
DS60	No					Finished
DS62	No					Finished
DS67	No					Finished
DS68	No					Finished
DS10	Yes					Agreement on compensation
DS103	Yes			Yes		MAS after second 21.5
DS108	Yes			Yes	Yes	Ongoing non-compliance
DS11	Yes					Agreement on compensation
DS110	Yes		Yes			Finished
DS113	Yes			Yes		MAS after second 21.5
DS114	Yes		Yes			Finished
DS121	Yes					Limbo. No document after adoption.
DS122	Yes					MAS after agreement on sequencing.
DS126	Yes			Yes		MAS after 21.5
DS132	Yes			Yes		No document after adoption of 21.5 report
DS136	Yes					Ongoing non-compliance
DS138	Yes	Yes				Finished
DS139	Yes		Yes			Finished
DS141	Yes			Yes		No document after adoption of 21.5 AB report
DS142	Yes		Yes			Finished
DS146	Yes		Yes			Finished
DS155	Yes					Agreement on "sequencing"
DS156	Yes	Yes				Finished
DS160	Yes					Temporary agreement on compensation
DS161	Yes		Yes			Finished
DS162	Yes					Ongoing non-compliance
DS166	Yes					No document after 21.3 agreement

Doc nr.	Violation?	Immediate compliance	Compliance within RPT	21.5 Panel	Suspension	Current status
DS169	Yes		Yes			Finished
DS170	Yes					No document after 21.3 agreement
DS175	Yes		Yes			Finished
DS176	Yes					Ongoing RPT
DS177	Yes		Yes			Finished
DS178	Yes		Yes			Finished
DS179	Yes		Yes			Finished
DS18	Yes			Yes		No document after 21.5 report adopted
DS184	Yes					Ongoing RPT
DS189	Yes		Yes			Finished
DS192	Yes	Yes				Finished
DS2	Yes		Yes			Finished
DS202	Yes		Yes			Finished
DS206	Yes					No document after agreement on "sequencing".
DS207	Yes					Ongoing RPT
DS211	Yes					Ongoing RPT
DS212	Yes					Ongoing RPT
DS213	Yes					Ongoing RPT
DS217	Yes					Ongoing RPT
DS222	Yes				Yes	Limbo.
DS231	Yes					Ongoing RPT
DS234	Yes					Ongoing RPT
DS236	Yes					Limbo. No document after adoption.
DS238	Yes					Ongoing RPT
DS24	Yes	Yes				Finished
DS241	Yes					Ongoing RPT
DS26	Yes				Yes	Ongoing non-compliance
DS27ECU	Yes			Yes	Yes	MAS after 21.5 and 22.6
DS27GUA	Yes					Consultations under 21.5 were held.
DS27MEX	Yes					Consultations under 21.5 were held.
DS27USA	Yes				Yes	Consultations under 21.5 were held. MAS after 22.6.
DS31	Yes		Yes			Finished
DS33	Yes	Yes				Finished
DS34	Yes		Yes			Finished
DS46	Yes			Yes	Yes	21.5 panel (second recourse) found no violation.
DS48	Yes				Yes	Ongoing non-compliance
DS50	Yes		Yes			Finished

Doc nr.	Violation?	Immediate compliance	Compliance within RPT	21.5 Panel	Suspension	Current status
DS54	Yes		Yes			Finished
DS55	Yes		Yes			Finished
DS56	Yes		Yes			Finished
DS58	Yes			Yes		21.5 AB found no violation.
DS59	Yes		Yes			Finished
DS64	Yes		Yes			Finished
DS69	Yes					No document after 21.3 agreement
DS70	Yes			Yes		No document after adoption of 21.5 AB report
DS75	Yes		Yes			Finished
DS76	Yes					MAS during RPT
DS79	Yes		Yes			Finished
DS8	Yes					Agreement on compensation
DS84	Yes		Yes			Finished
DS87	Yes		Yes			Finished
DS90	Yes		Yes			Finished
DS98	Yes		Yes			Finished
DS99	Yes			Yes		MAS after 21.5
DS27EC				Yes		Never adopted.

Records: 89 cases
Violation found: 77 cases
No violation: 12 cases
Immediate compliance: 5 cases
Compliance within RPT: 28 cases
21.5 cases (panels or consultations): 16 cases
Ongoing RPT: 11 cases
MAS or compensation agreement: 5 cases
Limbo or ongoing non-compliance: 12 cases

Annex 11

INCREASE FROM GATT TO THE WTO

Number of WTO dispute settlement cases:

Request for consultations	Panel reports adopted	Number of Panels that have <i>not</i> found a violation	Appellate Body reports adopted
295	89	12	64

Comparison of GATT and WTO Panel reports:

	Total of Panel (or Appellate Body) reports	Number of cases per year (average)
GATT (47 years)	131	2.8
WTO (8.5 years)	89 (64)	10.5 (7.53)

Annex 12

A priori and a posteriori

Member imposing the measure	Times that a Member believed a measure was not in conformity
US	80
EC	60 ¹¹⁵
Argentina	15
India	14
Japan	13
Canada, Korea and Brazil (each)	12
Chile	10
Australia and Mexico (each)	9
Turkey	7
Philippines, Peru and Indonesia (each)	4
Slovak Republic	3
Hungary, Czech Republic, Rumania, Ecuador, Pakistan, Trinidad & Tobago, Nicaragua, Venezuela, South Africa, Guatemala and Egypt (each)	2
Thailand, Malaysia, Uruguay, Poland and Colombia (each)	1
Total	295

b) Figures on non-compliance *a posteriori*:

During 47 years of existence of the GATT, 131 panel reports were circulated (2.8 per year).

During 8.5 years of existence of the WTO, 89 panel reports have been circulated (10.5 per year).

Member imposing the measure	Disputes with a determination of violation
US	24
EC	12 ¹¹⁶
Canada	9
Argentina	6
India and Korea (each)	5
Indonesia and Japan (each)	4
Australia and Chile (each)	2
Brazil, Egypt, Guatemala, Mexico, Thailand and Turkey (each)	1
Total	77

¹¹⁵ We have added the cases against a Member State from the European Community.

¹¹⁶ The case on "Bananas" is counted on the basis of the number of panel reports (4).

Annex 13 (Level of nullification or impairment)

Case	Level of nullification or impairment	Level of N or I in USD
1. Brazil – Export financing programme for aircraft (<u>Brought by Canada</u>) (DS46)	C\$ 344.2 million per year.	220,774,944
2. US – Section 110(5) of the US Copyright Act (<u>Brought by EC</u>): (DS160)	E\$1,219,900 per year	1,180,822
3. EC-Banana for Ecuador (DS27)	US\$ 201.6 million per year.	201,600,000
4. EC-Bananas <u>for the US</u> (DS27)	US\$191.4 million per year.	191,400,000
5. EC-Hormones <u>for Canada</u> (DS48)	C\$ 11.3 million per year	7,249,738
6. EC-Hormones <u>for the US</u> (DS26)	US\$ 116.8 million per year	116,800,000
7. United States -Foreign Sales Corporations (<u>Brought by EC</u>) (DS108)	US\$ \$4,043 million (the subsidy of 2000)	4,043,000,000
8. Canada – Export credits and loan guarantees for regional aircraft (DS222)	US\$ 247,797,000	247,797,000
	Total amounts determined	5,029,802,504
	Average amounts determined	628,725,313

Annex 14
QUANTITATIVE ASSESSMENT OF APPEALED ISSUES

DS Number	no. of issues appealed	upheld	reversed	declined	rejected	modified
141	5	2	1	2	0	0
217,234	6	3	1	0	2	0
212	4	2	2	0	0	0
213	5	4	1	0	0	0
231	8	4	1	1	2	0
207	6	3	2	1	0	0
146,175	-	-	-	-	-	-
202	9	5	3	0	0	1
176	10	5	5	0	0	0
108	7	6	1	0	0	0
103,113	3	0	2	1	0	0
58	2	2	0	0	0	0
132	5	5	0	0	0	0
192	4	2	1	1	0	0
184	10	5	2	3	0	0
177,178	7	4	2	1	0	0
122	6	4	2	0	0	0
135	7	2	5	0	0	0
141	2	1	1	0	0	0
166	11	8	3	0	0	0
161,169	11	4	3	4	0	0
165	5	1	4	0	0	0
114	2	2	0	0	0	0
136,162	7	6	0	1	0	0
70	1	0	1	0	0	0
46	2	2	0	0	0	0
139,142	5	3	1	1	0	0
138	3	3	0	0	0	0
108	7	2	1	4	0	0
121	7	4	2	1	0	0
98	9	3	3	3	0	0
87,110	4	4	0	0	0	0
34	2	1	1	0	0	0
103,113	4	1	2	1	0	0
90	5	5	0	0	0	0
70	5	5	0	0	0	0
46	9	7	1	1	0	0

QUANTITATIVE ASSESSMENT OF APPEALED ISSUES

DS Number	issues appealed	upheld	reversed	declined	rejected	modified
75,84	5	5	0	0	0	0
60	3	0	3	0	0	0
18	13	5	4	3	1	0
58	2	0	2	0	0	0
69	8	7	1	0	0	0
62,67,68	3	1	2	0	0	0
56	4	3	0	0	0	1
26,48	14	8	4	0	0	2
50	3	2	1	0	0	0
27	22	19	3	0	0	0
31	4	1	2	0	0	1
33	1	1	0	0	0	0
22	1	1	0	0	0	0
24	1	0	1	0	0	0
8,10,11	4	0	4	0	0	0
2	3	0	3	0	0	0
	296	173	84	29	5	5
	100.00%	58.45%	28.38%	9.80%	1.69%	1.69%

Annex 15
Specificity of Mutually Agreed Solutions
(59 MAS obtained)¹¹⁷

	No specificity	Low specificity	High specificity
Num. of Cases	11	20	28
Percentages	16%	34%	50%
WT/DS num.	DS1, DS6, DS23, DS32, DS40, DS72, DS73, DS99, DS126, DS160, DS122	DS13, DS35, DS99, DS210, DS28, DS37, DS42, DS43, DS82, DS83, DS86, DS89, DS94, DS115, DS119, DS125, DS190, DS199, DS210, DS237	DS5, DS7, DS12, DS14, DS19, DS20, DS21, DS27, DS34, DS36, DS74, DS76, DS85, DS91, DS92, DS93, DS96, DS102, DS103, DS113, DS124, DS126, DS151, DS160, DS171, DS196, DS198, DS235

¹¹⁷ Based on WT/DS/OV/14 and WT/DSB/29/Add.1.

Annex 16
Requests to join consultations¹¹⁸

Num. of Cases	Requests to join consultations
138	DS3, DS5, DS6, DS7, DS8, DS10, DS12, DS14, DS15, DS16, DS20, DS21, DS26, DS27, DS28, DS29, DS35, DS36, DS42, DS48, DS50, DS51, DS52, DS53, DS54, DS55, DS56, DS58, DS59, DS61, DS62, DS64, DS66, DS67, DS73, DS74, DS75, DS77, DS84, DS85, DS87, DS88, DS89, DS90, DS91, DS92, DS93, DS94, DS95, DS96, DS98, DS102, DS103, DS104, DS105, DS109, DS110, DS111, DS113, DS114, DS116, DS118, DS119, DS121, DS123, DS133, DS135, DS138, DS140, DS141, DS146, DS149, DS150, DS151, DS152, DS153, DS154, DS158, DS160, DS161, DS162, DS163, DS164, DS165, DS166, DS167, DS169, DS171, DS174, DS175, DS177, DS178, DS183, DS186, DS196, DS197, DS199, DS200, DS201, DS202, DS209, DS212, DS213, DS214, DS216, DS217, DS218, DS221, DS224, DS225, DS228, DS230, DS231, DS232, DS234, DS237, DS239, DS241, DS242, DS 243, DS244, DS246, DS248, DS249, DS251, DS252, DS253, DS254, DS255, DS258, DS259, DS260, DS261, DS262, DS265, DS266, DS267, DS269,

¹¹⁸ Based on WT/DSB/29/Add.1. Updated to June 29th 2003.

Annex 17

Cases with two or more requests for establishment¹¹⁹

Dispute	Request for Establishment of a Panel	Panel Established
1. European Communities – Trade Description of Scallops	15.09.95 Peru WT/DS12/6 Annex 22.09.95 Peru WT/DS12/7	11.10.95 WT/DSB/M/8
2. European Communities – Duties on Imports of Grains	29.09.95 US WT/DS13/2 22.11.96 WT/DS13/2/ Add.1 13.02.97 WT/DS13/5 27.03.97 WT/DS13/6	
3. European Communities – Trade Description of Scallops	15.09.95 Chile WT/DS14/5 Annex 27.09.95 Chile WT/DS14/6 Annex	11.10.95 WT/DSB/M/8
4. Hungary – Export Subsidies in Respect of Agricultural Products	10.01.97 Australia WT/DS35/4 10.01.97 New Zealand WT/DS/35/5 10.01.97 US WT/DS35/6 10.01.97 Argentina WT/DS35/7	25.02.97 WT/DSB/M/29
5. Brazil – Export Financing Programme for Aircraft	17.09.96 Canada WT/DS46/2 04.10.96 WT/DS46/4 13.07.98 WT/DS46/5	23.07.98 WT/DSB/M/47

¹¹⁹ Based on WT/DSB/29/Add.1.

Dispute	Request for Establishment of a Panel	Panel Established
6. United States – Import Prohibition of Certain Shrimp and Shrimp Products	10.01.97 Malaysia Thailand WT/DS58/6 07.02.97 Pakistan WT/DS58/7 04.03.97 India WT/DS58/8	25.02.97 WT/DSB/M/29 (Malaysia, Thailand, Pakistan) 10.04.97 WT/DSB/M/31 India
7. United States – Imposition of Anti-Dumping Duties on Imports of Colour Television Receivers from Korea	07.11.97 Korea WT/DS89/7 28.11.97 WT/DS89/7/ Corr.1	
8. India – Quantitative Restrictions on Imports of Agricultural, Textile and Industrial Products	06.10.97 US WT/DS90/8 07.11.97 WT/DS90/8/ Corr.1	18.11.97 WT/DSB/M/39
9. Argentina – Safeguard Measures on Imports of Footwear	16.04.99 WT/DS123/3 On 10.05.99, Indonesia requested the withdrawal of the panel request from the DSB agenda and reserved its rights to include that request at a future DSB meeting (WT/DS123/4)	
10. United States – Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products Originating in the United Kingdom	14.01.99 WT/DS138/3 25.01.99 WT/DS138/3 and Corr.1	17.02.99 WT/DSB/M/55 and Corr.1
11. Guatemala – Definitive Anti-Dumping Measure on Grey Portland Cement from Mexico	15.07.99 Mexico WT/DS156/2 05.08.99 WT/DS156/2 and Corr.1	22.09.99 WT/DSB/M/68
12. Argentina – Measures Affecting Imports of Footwear	20.05.99 US WT/DS164/3 15.07.99 WT/DS164/4	26.07.99 WT/DSB/M/65

Dispute	Request for Establishment of a Panel	Panel Established
13. Argentina – Definitive Anti-Dumping Measures on Carton-Board Imports from Germany and Definitive Anti-Dumping Measures on Imports of Ceramic Floor Tiles from Italy	15.09.00 EC WT/DS189/2 07.11.00 WT/DS189/3	17.11.00 WT/DSB/M/92
14. Belgium – Administration of Measures Establishing Customs Duties for Rice	19.01.01 United States WT/DS210/2 01.03.01 WT/DS201/2/ Rev.1	12.03.01 WT/DSB/M/101
15. Egypt – Definitive Anti-Dumping Measures on Steel Rebar from Turkey	04.05.01 Turkey WT/DS211/2 11.05.01 WT/DS/211/2/ Corr. 1	20.06.01 WT/DSB/M/106
16. United States – Continued Dumping and Subsidy Offset Act of 2000	10.08.01 Canada WT/DS234/12 10.08.01 Mexico WT/DS234/13	10.09.01 DSB decided that the Panel established on 23.08.01 at the request of Australia, Brazil, Chile, EC, India, Indonesia, Japan, Korea and Thailand in relation to the same matter would also examine the complaints by Canada and Mexico WT/DSB/M/109
17. Romania – Import Prohibition on Wheat and Wheat Flour	28.11.01 Hungary WT/DS240/2 20.12.01 Withdrawal of the panel request WT/DS240/3	
18. United States – Rules of Origin for Textiles and Apparel Products	08.05.02 India WT/DS243/5 07.06.02 WT/DS243/5/ Rev.1	24.06.02 WT/DSB/M/128
19. Peru – Tax Treatment on Certain Imported Products	14.06.02 Chile WT/DS255/3 25.09.02 WT/DS255/5 (withdrawal of the matter)	
20. Final Countervailing Duty Determination with Respect to Certain Softwood Lumber from Canada	19.07.02 Canada WT/DS257/2 19.08.02 WT/DS257/3	01.10.02 WT/DSB/M/133

Annex 18
Panels and Appellate Body reports
with more than one DS number

Dispute Name	DS Number
US – Dumping/Subsidy Offset Act ("Byrd Amendment")	217,234
India – Autos	146,175
Canada – Milk/Dairy (21.5)	103,113
Korea – Beef	161,169
US – 1916 Act	136,162
Canada – Automotive Industry	139,142
Chile – Alcoholic Beverages	87,110
Canada – Milk/Dairy	103,113
Korea – Alcoholic Beverages	75,84
Indonesia – Automobiles	54,55,59,64
EC – Computer Equipment	62,67,68
EC – Hormones	26,48
Japan – Alcoholic Beverages	8,10,11
EC – Scallops	7,12,14
US – Lamb Safeguards	177, 178
EC – Bananas	27
US – Shrimp	58
