



DISPUTE SETTLEMENT BODY

ANNUAL REPORT (2014)

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

In carrying out its tasks, the DSB held 14 meetings since the period covered by the previous Report. The minutes of these meetings, which remain the record of the DSB's work, are contained in documents WT/DSB/M/339 – WT/DSB/M/352² and should be read in conjunction with this Report. The overview of the state of play of WTO disputes since 1 January 1995 to 31 October 2014 prepared by the Secretariat on its own responsibility is included in Addendum 1 to this Report.

The following matters are included in this Report:

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¹ WT/DSB/61.

² The present report includes activities that took place during meetings of the DSB from 25 November 2013 through 18 November 2014.

1 ELECTION OF CHAIRPERSON

1.1. At its meeting on 26 March 2014, the DSB elected by acclamation H.E. Mr. Fernando De Mateo (Mexico) as Chairman of the DSB (WT/DSB/M/343).

2 APPOINTMENT/REAPPOINTMENT OF APPELLATE BODY MEMBERS

2.1. Regarding the reappointment of Mr. Peter Van den Bossche:

- At its meeting on 25 November 2013, the DSB considered this matter and agreed to reappoint Mr. Peter Van den Bossche for a second four-year term of office starting on 12 December 2013 (WT/DSB/M/339). The following delegations made statements: Brazil, the European Union, the United States, Mexico and China.

2.2. Regarding the appointment of one Appellate Body member:

- At the DSB meeting on 25 November 2013, the Chairman referred to his fax of 14 November 2013 and noted that, as stated in the fax, due to the remarkably intense pace of meetings and consultations in preparation for the Ministerial Conference, it had been impossible for the Selection Committee to find adequate time to schedule a meeting where it could complete its deliberations on a recommendation. He said that it was the intention of the Selection Committee to resume its deliberations after the Ministerial Conference (WT/DSB/M/339).
- At the DSB meeting on 22 January 2014, the Chairman said that, on 20 January 2014, he had circulated a fax on behalf of the Selection Committee constituting a report on the ongoing process to appoint an Appellate Body member. In that communication, the Selection Committee had proposed that the DSB decide, either at the present meeting or as soon as practicable thereafter, to open the process for further nominations and for consultations of the Selection Committee. The Chair said that it was his intention to submit formally a draft decision on this matter for consideration by the DSB at a special meeting to be held on 7 February 2014. The draft decision would be based on the elements outlined by the Selection Committee reflected in the Chair's fax and would take into account the views expressed by delegations at the present meeting and any further views delegations may wish to express to the Chair directly or through the Secretariat prior to 27 January 2014 (WT/DSB/M/341). The following delegations made statements: Australia, Kenya, Egypt, Cameroon, India, Japan, the United States, Brazil and China.
- At the DSB meeting on 26 February 2014, the Chairman referred to a communication from the Selection Committee which had been circulated to Members by fax on 24 February 2014. He noted that the Selection Committee communication contained the final report of the Selection Committee and its recommendation. He said that it would be up to the DSB to determine the next steps (WT/DSB/M/342). The following delegations made statements: Kenya, the European Union, Australia, Egypt, Norway, Turkey, Japan, Brazil, the United States, Chile, China, Canada, Singapore, Chinese Taipei, Honduras, South Africa and Hong Kong, China.
- At the DSB meeting on 26 March 2014, the Chairman said that one of the most urgent and pressing issues was to fill the vacancy in the Appellate Body. He said that he would consult with delegations on this matter in order to find a way forward (WT/DSB/M/343). The following delegations made statements: Kenya and Saudi Arabia.
- At the DSB meeting on 25 April 2014, the Chairman drew attention to his proposal regarding the AB selection process (room document) and said that he would give delegations some time in order to consult with capitals. He said that he would inform delegations as soon as possible when the matter would be considered by the DSB (WT/DSB/M/344 and Corr.1). Kenya made a statement.

- At the DSB meeting on 23 May 2014, the Chairman drew attention to his revised proposal on the AB selection process, which had been circulated to all Members by fax on 12 May 2014 (WT/DSB/M/345). As set out in that fax, the Chairman proposed that the DSB agree to the following five elements: (i) to launch a selection process for the vacant position in the Appellate Body to invite nominations of candidates for that position; (ii) to agree that the candidates nominated for the 2013 process initiated by the DSB (WT/DSB/60) will remain under consideration and that it will not be necessary for Members to re-nominate them; (iii) to set a deadline of 30 June 2014 for Members' nominations of any additional candidates for the vacant position; (iv) to establish a Selection Committee, consistent with the procedures set out in document WT/DSB/1 and with previous selection processes, composed of the Director-General and the 2014 Chairpersons of the General Council, the Goods Council, the Services Council, the TRIPS Council and the DSB, to be chaired by the DSB Chair; and (v) to request the Selection Committee to carry out its work, including conducting interviews with all candidates and hearing the views of delegations on all candidates during July and September 2014, as necessary, in order to make a recommendation to the DSB no later than 15 September 2014 so that the DSB can take a decision to appoint a new Appellate Body member by its regular meeting scheduled for 26 September 2014. The DSB agreed to the Chairman's proposal, which had been subsequently circulated in document WT/DSB/63. Australia made a statement.
- At the DSB meetings on 18 June 2014 (WT/DSB/M/346), 10 July 2014 (WT/DSB/M/347), 22 July 2014 (WT/DSB/M/348) and 29 August 2014 (WT/DSB/M/349), the Chairman made statements providing updates on the AB selection process.
- At the DSB meeting on 26 September 2014 (WT/DSB/M/350), in accordance with the recommendation of the Selection Committee, which was circulated to delegations on 10 September 2014, the DSB agreed to appoint Mr. Shree Baboo Chekitan Servansing (Mauritius) as a member of the Appellate Body for a four-year term, starting on 1 October 2014. The following delegations made statements: Egypt, Saudi Arabia, Mauritius, Singapore, Ghana, Chinese Taipei, India, Jamaica, Australia, the European Union, Russia, the United States, Japan, Korea, Canada, Mexico and Hong Kong, China.

2.3. Currently, the Appellate Body is composed of the following members (in alphabetical order): Mr. Ujal Singh Bhatia (India), Mr. Seung Wha Chang (Korea), Mr. Thomas Graham (US), Mr. Ricardo Ramírez-Hernández (Mexico), Mr. Shree Baboo Chekitan Servansing (Mauritius), Mr. Peter Van den Bossche (Belgium) and Ms. Yuejiao Zhang (China).

3 INDICATIVE LIST OF GOVERNMENTAL AND NON-GOVERNMENTAL PANELISTS

3.1. The DSB approved a total of four new nominations for inclusion on the Indicative List of Governmental and Non-Governmental Panelists, in accordance with Article 8.4 of the DSU. These names are contained in documents: WT/DSB/W/518, WT/DSB/W/522, WT/DSB/W/530 and WT/DSB/W/533). The DSB approved these nominations at its meetings on 22 January 2014 (WT/DSB/M/341), 25 April 2014 (WT/DSB/M/344), 20 October 2014 (WT/DSB/M/351) and 18 November 2014 (WT/DSB/M/352).

3.2. During the period under review, Members suggested and the DSB approved the following new names for the Indicative List: (i) Chile – Mr. Sergio Escudero; (ii) China – Ms Hong Zhao; (iii) the Dominican Republic – Ms Roxana De Los Santos De Piantini; and (iv) the European Union – Mr. Geert Van Calster (Belgium).

4 ADOPTION OF THE 2014 DRAFT ANNUAL REPORT OF THE DISPUTE SETTLEMENT BODY

4.1. At its meeting on 18 November 2014, the DSB adopted the draft Annual Report of the DSB for 2014 contained in document WT/DSB/W/531 and Add.1 on the understanding that it would be further updated by the Secretariat in order to include the actions taken by the DSB at its November meeting. The updated Report would be submitted for consideration by the General Council at its meeting on 10/11 December 2014 (WT/DSB/M/352).

5 THE DS DIGITAL REGISTRY INITIATIVE

5.1. At the DSB meeting on 26 March 2014, the Chairman, at the request of several delegations, invited the Director of the Legal Affairs Division, Ms. Valerie Hughes, to make a report to Members on progress in the Digital DS Registry Initiative (WT/DSB/M/343). Progress was reported with respect to all three elements of the project, namely: (i) development of a central electronic storage facility for all dispute settlement records; (ii) design of a research facility for Members and the Secretariat to search for dispute settlement information; and (iii) creation of a secure electronic registry for filing and serving dispute settlement documents on line. The United States made a statement.

6 ESTABLISHMENT OF PANELS AND REQUESTS FOR ESTABLISHMENT OF PANELS

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

- "Russian Federation – Recycling Fee on Motor Vehicles": The DSB considered, for the second time, the European Union's panel request at its meeting on 25 November 2013 (WT/DS462/8; WT/DSB/M/339), and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference. The European Union and the Russian Federation made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Brazil, China, India, Japan, Korea, Norway, Turkey, Ukraine and the United States.
- "United States – Anti-Dumping and Countervailing Measures on Large Residential Washers from Korea": The DSB considered, for the first time, Korea's panel request at its meeting on 18 December 2013 (WT/DS464/4; WT/DSB/M/340). Korea and the United States made statements. The DSB considered this matter, for the second time, at its meeting on 22 January 2014 and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/341). Korea and the United States made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Brazil, Canada, China, the European Union, India, Japan, Norway, Saudi Arabia, Thailand, Turkey and Viet Nam.
- "European Union – Measures on Atlanto-Scandian Herring": The DSB considered, for the first time, a panel request by Denmark in respect of the Faroe Islands, at its meeting on 22 January 2014 (WT/DS469/2; WT/DSB/M/341). Denmark, in respect of the Faroe Islands, and the European Union made statements. The DSB considered this matter, for the second time, at its meeting on 26 February 2014 and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/342). Denmark, in respect of the Faroe Islands, and the European Union made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Argentina, Australia, Brazil, China, Guatemala, Honduras, Iceland, India, Japan, Mexico, New Zealand, Norway, Panama, Peru, the Russian Federation, Chinese Taipei, Thailand, Turkey and the United States.
- "Ukraine – Definitive Safeguard Measures on Certain Passenger Cars": The DSB considered, for the first time, Japan's panel request at its meeting on 26 February 2014 (WT/DS468/5; WT/DSB/M/342). Japan and Ukraine made statements. The DSB considered this matter, for the second time, at its meeting on 26 March 2014 and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/343). Japan and Ukraine made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Australia, the European Union, India, Korea, the Russian Federation, Turkey and the United States.
- "United States – Certain Methodologies and Their Application to Anti-Dumping Proceedings Involving China": The DSB considered, for the first time, China's panel request at its meeting on 26 February 2014 (WT/DS471/5; WT/DSB/M/342). China and the United States made statements. The DSB considered this matter, for the second time, at its meeting on 26 March 2014 and agreed to establish a panel in accordance with the provisions of Article 6

of the DSU, with standard terms of reference (WT/DSB/M/343). China, the United States and Ukraine made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Brazil, Canada, the European Union, India, Japan, Korea, Norway, the Russian Federation, Saudi Arabia, Chinese Taipei, Turkey, Ukraine and Viet Nam.

- "Australia – Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging": The DSB considered, for the first time, Indonesia's panel request at its meeting on 26 March 2014 (WT/DS467/15; WT/DSB/M/343). At that meeting, the DSB agreed to establish a panel in accordance with the provisions of Article 6 of the DSU with standard terms of reference. Indonesia, Australia, Ukraine and Honduras made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Argentina, Brazil, Canada, Chile, China, Cuba, the Dominican Republic, the European Union, Guatemala, Honduras, India, Japan, Korea, Malawi, Malaysia, Mexico, New Zealand, Nicaragua, Nigeria, Norway, Oman, Peru, the Philippines, the Russian Federation, Singapore, Chinese Taipei, Thailand, Turkey, Ukraine, the United States, Uruguay and Zimbabwe.
- "European Union – Anti-Dumping Measures on Biodiesel from Argentina": The DSB considered, for the first time, Argentina's panel request at its meeting on 26 March 2014 (WT/DS473/5; WT/DSB/M/343). Argentina and the European Union made statements. The DSB considered this matter, for the second time, at its meeting on 25 April 2014 and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU with standard terms of reference (WT/DSB/M/344 and Corr.1). Argentina and the European Union made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Australia, China, Colombia, Indonesia, Malaysia, Mexico, Norway, the Russian Federation, Saudi Arabia, Turkey and the United States.
- "Australia – Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging": The DSB considered, for the first time, the Dominican Republic's panel request at its meeting on 17 December 2012 (WT/DS441/15; WT/DSB/M/327). The Dominican Republic, Australia, Honduras, New Zealand, Uruguay, Norway, Ukraine, Trinidad and Tobago, Cuba, Zimbabwe and Nicaragua made statements. The DSB considered this matter, for the second time, at its meeting on 25 April 2014 and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU, with standard terms of reference (WT/DSB/M/344 and Corr.1). The Dominican Republic, Australia, Ukraine, Honduras, New Zealand and Cuba made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Argentina, Brazil, Canada, Chile, China, Cuba, the European Union, Guatemala, Honduras, India, Indonesia, Japan, Korea, Malaysia, Mexico, New Zealand, Nicaragua, Nigeria, Norway, Peru, the Philippines, the Russian Federation, Saudi Arabia, Singapore, South Africa, Chinese Taipei, Thailand, Trinidad and Tobago, Turkey, Ukraine, the United States, Uruguay and Zimbabwe.
- "Australia – Certain Measures Concerning Trademarks, Geographical Trademarks and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging": The DSB considered, for the first time, Cuba's panel request at its meeting on 25 April 2014 (WT/DS458/14; WT/DSB/M/344 and Corr.1). At that meeting, the DSB agreed to establish a panel in accordance with the provisions of Article 6 of the DSU with standard terms of reference. Cuba, Australia, Ukraine, Honduras and the Dominican Republic made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Argentina, Brazil, Canada, Chile, China, the Dominican Republic, the European Union, Guatemala, Honduras, India, Indonesia, Japan, Korea, Malaysia, Mexico, New Zealand, Nicaragua, Nigeria, Norway, Peru, the Philippines, the Russian Federation, Saudi Arabia, Singapore, South Africa, Chinese Taipei, Thailand, Turkey, Ukraine, the United States, Uruguay and Zimbabwe.
- "India – Certain Measures Relating to Solar Cells and Solar Modules": The DSB considered, for the first time, the US panel request at its meeting on 25 April 2014 (WT/DS456/5; WT/DSB/M/344 and Corr.1). The United States and India made statements. The DSB considered this matter, for the second time, at its meeting on 23 May 2014 and agreed to

establish a panel in accordance with the provisions of Article 6 of the DSU with standard terms of reference (WT/DSB/M/345). The United States and India made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Brazil, Canada, China, Ecuador, the European Union, Japan, Korea, Malaysia, Norway, the Russian Federation, Saudi Arabia, Chinese Taipei and Turkey.

- "European Union – Cost Adjustment Methodologies and Certain Anti-Dumping Measures on Imports from Russia": The DSB considered, for the first time, the Russian Federation's panel request at its meeting on 18 June 2014 (WT/DS474/4; WT/DSB/M/346). The Russian Federation and the European Union made statements. The DSB considered this matter, for the second time, at its meeting on 22 July 2014 and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU with standard terms of reference (WT/DSB/M/348). The Russian Federation and the European Union made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Argentina, Australia, Brazil, Canada, China, Indonesia, Mexico, Norway, Saudi Arabia, Turkey, Ukraine and the United States.
- "Russian Federation – Measures on the Importation of Live Pigs, Pork and Other Pig Products from the European Union": The DSB considered, for the first time, the European Union's panel request at its meeting on 10 July 2014 (WT/DS475/2; WT/DSB/M/347). The European Union and the Russian Federation made statements. The DSB considered this matter, for the second time, at its meeting on 22 July 2014 and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU with standard terms of reference (WT/DSB/M/348). The European Union and the Russian Federation made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Australia, Brazil, China, India, Japan, Korea, Norway, South Africa, Chinese Taipei and the United States.
- "Russia – Anti-Dumping Duties on Light Commercial Vehicles from Germany and Italy": The DSB considered, for the first time, the European Union's panel request at its meeting on 26 September 2014 (WT/DS479/2; WT/DSB/M/350). The European Union and the Russian Federation made statements. The DSB considered this matter, for the second time, at its meeting on 20 October 2014 and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU with standard terms of reference (WT/DSB/M/351). The European Union and the Russian Federation made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Brazil, China, India, Japan, Korea, Turkey, Ukraine and the United States.

6.2. The following two panel requests were considered by the DSB for the first time:

- "Pakistan – Anti-Dumping and Countervailing Duty Investigations on Certain Paper Products from Indonesia": The DSB considered, for the first time, Indonesia's panel request at its meeting on 23 May 2014 (WT/DS470/2; WT/DSB/M/345). Indonesia and Pakistan made statements. No further action by the DSB had taken place by the time of writing this Report.
- "Brazil – Certain Measures Concerning Taxation and Charges": The DSB considered, for the first time, the European Union's panel request at its meeting on 18 November 2014 (WT/DS472/5; WT/DSB/M/352). The European Union and Brazil made statements. No further action by the DSB had taken place by the time of writing the Report.

7 ADOPTION OF APPELLATE BODY/PANEL REPORTS

7.1. During the period covered by this Report, the DSB adopted seven Panel Reports and six Appellate Body Reports.

- "European Communities – Measures Prohibiting the Importation and Marketing of Seal Products": The DSB adopted the Appellate Body Reports contained in WT/DS400/AB/R – WT/DS401/AB/R and the Panel Reports contained in WT/DS400/R and Add.1 – WT/DS401/R and Add.1, as modified by the Appellate Body Reports in these disputes at its meeting on

18 June 2014 (WT/DSB/M/346). The following delegations made statements: Canada, Norway, the European Union, the United States, Guatemala, Norway and Japan.

- "China – Anti-Dumping and Countervailing Duties on Certain Automobiles from the United States": The DSB adopted the Panel Report in this dispute contained in WT/DS440/R and Add.1 at its meeting on 18 June 2014 (WT/DSB/M/346). The following delegations made statements: the United States and China.
- "United States – Countervailing and Anti-Dumping Measures on Certain Products from China": The DSB adopted the Appellate Body Report contained in WT/DS449/AB/R and Corr.1 and the Panel Report contained in WT/DS449/R and Add.1, as modified by the Appellate Body Report in this dispute at its meeting on 22 July 2014 (WT/DSB/M/348). The following delegations made statements: China, the United States, Japan and Korea.
- "China – Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum": The DSB adopted the Appellate Body Reports contained in WT/DS431/AB/R – WT/DS432/AB/R – WT/DS433/AB/R and the Panel Reports contained in WT/DS431/R and Add.1 – WT/DS432/R and Add.1 – WT/DS433/R and Add.1, as upheld by the Appellate Body Reports at its meeting on 29 August 2014 (WT/DSB/M/349). The following delegations made statements: the United States, Japan, the European Union, China, the Russian Federation and Canada.

8 STATEMENTS OF INTENTIONS IN RESPECT OF IMPLEMENTATION PURSUANT TO ARTICLE 21.3 OF THE DSU

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

- "European Communities – Measures Prohibiting the Importation and Marketing of Seal Products": The European Union informed the DSB of its intentions in respect of implementation of the recommendations and rulings of the DSB in these disputes at the DSB meeting on 10 July 2014 (DS400-DS401; WT/DSB/M/347). The following delegations made statements: the European Union, Canada and Norway.
- "United States – Countervailing and Anti-Dumping Measures on Certain Products from China": The United States informed the DSB of its intentions in respect of implementation of the recommendations and rulings of the DSB in this dispute on 21 August 2014 (WT/DS449/11). The United States further confirmed its intentions in respect of implementation of the recommendations and rulings of the DSB in this dispute at the DSB meeting on 29 August 2014 (WT/DSB/M/349). The following delegations made statements: the United States and China.
- "China – Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum": China informed the DSB of its intentions in respect of implementation of the recommendations and rulings of the DSB in these disputes at the DSB meeting on 26 September 2014 (DS431 – DS432 – DS433; WT/DSB/M350). The following delegations made statements: China, the European Union, Japan and the United States.

9 STATUS REPORTS ON PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS ADOPTED BY THE DSB

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

- "United States – Section 211 Omnibus Appropriations Act of 1998": status reports by the United States (WT/DS176/11/Add.132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143) submitted at the DSB meetings held on 25 November 2013 (WT/DSB/M/339), 22 January 2014 (WT/DSB/M/341), 26 February 2014 (WT/DSB/M/342), 26 March 2014

(WT/DSB/M/343), 25 April 2014 (WT/DSB/M/344 and Corr.1), 23 May 2014 (WT/DSB/M/345), 18 June 2014 (WT/DSB/M/346), 22 July 2014 (WT/DSB/M/348), 29 August 2014 (WT/DSB/M/349), 26 September 2014 (WT/DSB/M/350), 20 October 2014 (WT/DSB/M/351) and 18 November 2014 (WT/DSB/M/352). In the course of the year, the following Members made statements on this matter: the United States (12 times), the European Union (12), Angola (4), Antigua and Barbuda, on behalf of the OECS (4), Argentina (12), the Bolivarian Republic of Venezuela (12), Brazil (12), Chile (3), China (12), Cuba (12), Dominica, on behalf of the OECS (4), the Dominican Republic (7), Ecuador (11), El Salvador (10), India (12), Jamaica (10), Kenya (2), Mexico (12), Nicaragua (11), the Plurinational State of Bolivia (10), the Russian Federation (9), South Africa (10), Trinidad and Tobago (3), Uruguay (11), Viet Nam (9) and Zimbabwe (9).

- "United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan": status reports by Japan (WT/DS184/15/Add.132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143) submitted at the DSB meetings held on 25 November 2013 (WT/DSB/M/339), 22 January 2014 (WT/DSB/M/341), 26 February 2014 (WT/DSB/M/342), 26 March 2014 (WT/DSB/M/343), 25 April 2014 (WT/DSB/M/344 and Corr.1), 23 May 2014 (WT/DSB/M/345), 18 June 2014 (WT/DSB/M/346), 22 July 2014 (WT/DSB/M/348), 29 August 2014 (WT/DSB/M/349), 26 September 2014 (WT/DSB/M/350), 20 October 2014 (WT/DSB/M/351) and 18 November 2014 (WT/DSB/M/352). In the course of the year, statements on this matter were made by the United States (12 times) and Japan (12).
- "United States – Section 110(5) of the US Copyright Act": status reports by the United States (WT/DS160/24/Add.107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118) submitted at the DSB meetings held on 25 November 2013 (WT/DSB/M/339), 22 January 2014 (WT/DSB/M/341), 26 February 2014 (WT/DSB/M/342), 26 March 2014 (WT/DSB/M/343), 25 April 2014 (WT/DSB/M/344 and Corr.1), 23 May 2014 (WT/DSB/M/345), 18 June 2014 (WT/DSB/M/346), 22 July 2014 (WT/DSB/M/348), 29 August 2014 (WT/DSB/M/349), 26 September 2014 (WT/DSB/M/350), 20 October 2014 (WT/DSB/M/351) and 18 November 2014 (WT/DSB/M/352). In the course of the year, statements on this matter were made by the United States (12 times) and the European Union (12).
- "European Communities – Measures Affecting the Approval and Marketing of Biotech Products": status reports by the European Union (WT/DS291/37/Add.70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81) submitted at the DSB meetings held on 25 November 2013 (WT/DSB/M/339), 22 January 2014 (WT/DSB/M/341), 26 February 2014 (WT/DSB/M/342), 26 March 2014 (WT/DSB/M/343), 25 April 2014 (WT/DSB/M/344 and Corr.1), 23 May 2014 (WT/DSB/M/345), 18 June 2014 (WT/DSB/M/346), 22 July 2014 (WT/DSB/M/348), 29 August 2014 (WT/DSB/M/349), 26 September 2014 (WT/DSB/M/350), 20 October 2014 (WT/DSB/M/351) and 18 November 2014 (WT/DSB/M/352). In the course of the year, statements on this matter were made by the European Union (12 times) and the United States (12).
- "Thailand – Customs and Fiscal Measures on Cigarettes from the Philippines": status reports by Thailand (WT/DS371/15/Add.19, 20, 21, 22, 23, 24, 25) submitted at the DSB meetings held on 25 November 2013 (WT/DSB/M/339), 22 January 2014 (WT/DSB/M/341), 26 February 2014 (WT/DSB/M/342), 26 March 2014 (WT/DSB/M/343), 25 April 2014 (WT/DSB/M/344 and Corr.1), 23 May 2014 (WT/DSB/M/345) and 18 June 2014 (WT/DSB/M/346). In the course of the year, statements on this matter were made by Thailand (7 times), the Philippines (7) and the United States (1).
- "United States – Anti-Dumping Measures on Certain Shrimp from Viet Nam": status reports by the United States (WT/DS404/11/Add.18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29) submitted at the DSB meetings held on 25 November 2013 (WT/DSB/M/339), 22 January 2014 (WT/DSB/M/341), 26 February 2014 (WT/DSB/M/342), 26 March 2014 (WT/DSB/M/343), 25 April 2014 (WT/DSB/M/344 and Corr.1), 23 May 2014 (WT/DSB/M/345), 18 June 2014 (WT/DSB/M/346), 22 July 2014 (WT/DSB/M/348), 29 August 2014 (WT/DSB/M/349), 26 September 2014 (WT/DSB/M/350), 20 October 2014 (WT/DSB/M/351) and 18 November 2014 (WT/DSB/M/352). In the course of the year,

statements on this matter were made by the United States (12 times), Viet Nam (10), Cuba (10) and the Bolivarian Republic of Venezuela (9).

- "Canada – Certain Measures Affecting the Renewable Energy Generation Sector/Canada – Measures Relating to the Feed-In Tariff Program": status reports by Canada (WT/DS412/17 – WT/DS426/17 and Add.1, 2, 3) submitted at the DSB meetings held on 26 February 2014 (WT/DSB/M/342), 26 March 2014 (WT/DSB/M/343), 25 April 2014 (WT/DSB/M/344 and Corr.1) and 23 May 2014 (WT/DSB/M/345). In the course of the year, statements on this matter were made by Canada (4 times), Japan (4), the European Union (4) and the United States (1).
- "China – Definitive Anti-Dumping Duties on X-Ray Security Inspection Equipment from the European Union": a status report by China (WT/DS425/9) submitted at the DSB meeting held on 26 February 2014 (WT/DSB/M/342). Statements on this matter were made by China and the European Union.
- "China – Anti-Dumping and Countervailing Duty Measures on Broiler Products from the United States": a status report by China (WT/DS427/8) submitted at the DSB meeting held on 22 July 2014 (WT/DSB/M/348). Statements on this matter were made by China and the United States.

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

10.1. The DSB considered at several meetings the implementation of the DSB recommendations and rulings with respect to five matters.

- "United States – Continued Dumping and Subsidy Offset Act of 2000" (DS217; DS234): The European Union and Japan raised the implementation of the DSB recommendations and rulings in these disputes at the DSB meetings held on 25 November 2013 (WT/DSB/M/339), 22 January 2014 (WT/DSB/M/341), 26 February 2014 (WT/DSB/M/342), 26 March 2014 (WT/DSB/M/343), 25 April 2014 (WT/DSB/M/344 and Corr.1), 23 May 2014 (WT/DSB/M/345), 18 June 2014 (WT/DSB/M/346), 22 July 2014 (WT/DSB/M/348), 29 August 2014 (WT/DSB/M/349), 26 September 2014 (WT/DSB/M/350), 20 October 2014 (WT/DSB/M/351) and 18 November 2014 (WT/DSB/M/352). In the course of the year, the following delegations made statements: the European Union (12 times), Japan (12), Brazil (12), Canada (12), India (12), Thailand (7) and the United States (12).
- "United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services" (DS285): Antigua and Barbuda raised the implementation of the DSB recommendations and rulings in this dispute at the DSB meetings held on 26 February 2014 (WT/DSB/M/342), 25 April 2014 (WT/DSB/M/344 and Corr.1), 23 May 2014 (WT/DSB/M/345), 18 June 2014 (WT/DSB/M/346) and 29 August 2014 (WT/DSB/M/349). In the course of the year, the following delegations made statements: Antigua and Barbuda (2 times), Dominica, on behalf of Antigua and Barbuda (3), Dominica, on behalf of the OECS (4), Dominica, on behalf of CARICOM (2), Argentina (4), the Bolivarian Republic of Venezuela (5), Brazil (4), China (4), Chile (1), Cuba (5), the Dominican Republic (2), Grenada (1), India (4), Jamaica (5), Nicaragua (2), South Africa (1), Trinidad and Tobago (5) and the United States (5).
- "China – Certain Measures Affecting Electronic Payment Services" (DS413): The United States raised the implementation of the DSB recommendations and rulings in this dispute at the DSB meetings held on 25 November 2013 (WT/DSB/M/339), 22 January 2014 (WT/DSB/M/341), 26 February 2014 (WT/DSB/M/342), 26 March 2014 (WT/DSB/M/343), 25 April 2014 (WT/DSB/M/344 and Corr.1), 23 May 2014 (WT/DSB/M/345), 18 June 2014 (WT/DSB/M/346), 22 July 2014 (WT/DSB/M/348), 29 August 2014 (WT/DSB/M/349), 26 September 2014 (WT/DSB/M/350), 20 October 2014 (WT/DSB/M/351) and 18 November 2014 (WT/DSB/M/352). In the course of the year, the following delegations made statements: the United States (12 times) and China (12).

- "Canada – Certain Measures Affecting the Renewable Energy Generation Sector/Canada – Measures Relating to the Feed-In Tariff Program" (DS412-DS426): Japan and the European Union raised the implementation of the DSB recommendations and rulings in these disputes at the DSB meetings on 18 June 2014 (WT/DSB/M/346), 22 July 2014 (WT/DSB/M/348) and 29 August 2014 (WT/DSB/M/349). In the course of the year, the following delegations made statements: Japan (3 times), the European Union (3), Canada (3) and the United States (1).
- "Thailand – Customs and Fiscal Measures on Cigarettes from the Philippines" (DS371): the Philippines raised the implementation of the DSB recommendations and rulings in this dispute at the DSB meetings held on 22 July 2014 (WT/DSB/M/348), 29 August 2014 (WT/DSB/M/349), 26 September 2014 (WT/DSB/M/350), 20 October 2014 (WT/DSB/M/351) and 18 November 2014 (WT/DSB/M/352). In the course of the year, the following delegations made statements: the Philippines (5 times), Thailand (5) and the United States (1).

11 RECOURSE TO ARTICLE 21.5 OF THE DSU (COMPLIANCE PANEL)

11.1. Three matters were referred by the DSB to a compliance panel pursuant to Article 21.5 of the DSU.

- "United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products": At its meeting on 25 November 2013, the DSB considered, for the first time, a panel request pursuant to Article 21.5 of the DSU by Mexico (WT/DS381/20; WT/DSB/M/339). Mexico and the United States made statements. The DSB considered this matter, for the second time, at its meeting on 22 January 2014 and agreed, pursuant to Article 21.5 of the DSU, to refer to the original Panel, if possible, the matter raised by Mexico in document WT/DS381/20. It was agreed that the Panel would have standard terms of reference (WT/DSB/M/341). Mexico and the United States made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Australia, Canada, China, the European Union, Guatemala, Japan, Korea, New Zealand, Norway and Thailand.
- "European Communities – Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China": At its meeting on 18 December 2013, the DSB considered, for the first time, China's panel request pursuant to Article 21.5 of the DSU (WT/DS397/18; WT/DSB/M/340) and agreed, pursuant to Article 21.5 of the DSU, to refer to the original Panel, if possible, the matter raised by China in document WT/DS397/18. It was agreed that the Panel would have standard terms of reference. China and the European Union made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Japan and the United States.
- "China – Countervailing and Anti-Dumping Duties on Grain Oriented Flat-Rolled Electrical Steel from the United States": At its meeting on 26 February 2014, the DSB considered, for the first time, the US panel request pursuant to Article 21.5 of the DSU (WT/DS414/16; WT/DSB/M/342) and agreed, pursuant to Article 21.5 of the DSU, to refer to the original Panel, if possible, the matter raised by the United States in document WT/DS414/16. It was agreed that the Panel would have standard terms of reference. The United States and China made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: the European Union, India, Japan and the Russian Federation.

12 OTHER MATTERS

12.1. The DSB also considered a variety of other matters.

12.2. At the DSB meeting held on 22 January 2014, the European Union raised the matter related to the pending proceedings in the dispute: "United States – Measures Affecting the Production and Sale of Clove Cigarettes" (DS406). The European Union, Mexico, China, Guatemala, Brazil, Canada, Japan, India, Indonesia and the United States made statements (WT/DSB/M/341). At the DSB meeting held on 26 February 2014, the European Union raised this matter again as set out in its communication (WT/DS406/15; WT/DSB/M/342). The European Union, Mexico, Canada, Japan,

Brazil, Chinese Taipei, Norway, India, Australia, China, Argentina, Ecuador, Indonesia, Honduras and the United States made statements.

12.3. At the DSB meeting held on 26 March 2014, Panama raised the matter related to Venezuela's decision to break off its economic and trade relations with Panama (WT/DSB/M/343). Panama, the Bolivarian Republic of Venezuela, the Plurinational State of Bolivia, Cuba, Nicaragua and Ecuador made statements.

12.4. At the DSB meeting held on 26 March 2014, Australia raised the matter related to some systemic issues with respect to the disputes on: "Australia – Tobacco Plain Packaging" (WT/DSB/M/343). The following delegations made statements: Australia, Ukraine, New Zealand, Honduras, the European Union, Uruguay, Norway, Cuba, Indonesia, Canada, Japan, Zimbabwe, Brazil and Hong Kong, China.

12.5. At the DSB meeting held on 29 August 2014, the Chairman informed delegations that the Director-General would make a presentation at the September DSB meeting on the current DS situation, and that he would brief delegations on the steps to address the unprecedented increase in the number of disputes before the system (WT/DSB/M/349). At the DSB meeting held on 26 September 2014, the Director-General made a presentation regarding dispute settlement activities (WT/DSB/M/350). The following delegations made statements: Korea, Canada, Norway, the United States, Mexico, China, Brazil, India, the European Union, Lesotho, South Africa, Ecuador, the Dominican Republic, Cuba, Japan, Argentina, Guatemala, Uganda and Hong Kong, China.

12.6. At the DSB meeting held on 20 October 2014, the United States raised the matter concerning a mutually agreed solution reached by Brazil and the United States in the dispute: "United States – Subsidies on Upland Cotton" (WT/DS267/46; WT/DSB/M/351). The United States and Brazil made statements.

12.7. At the DSB meeting held on 20 October 2014, the United States made a statement regarding a mutually agreed solution reached by Indonesia and the United States in the dispute: "United States – Measures Affecting the Production and Sale of Clove Cigarettes" (WT/DS406/17; WT/DSB/M/351).

12.8. At the DSB meeting held on 18 November 2014, pursuant to the joint request by India and the United States, the DSB adopted a draft decision, as set out in document WT/DS430/7 pertaining to the dispute: "India – Measures Concerning the Importation of Certain Agricultural Products" (WT/DSB/M/352). The representatives of India and the United States made statements.

12.9. At the DSB meeting held on 18 November 2014, Australia made a statement to express its concerns regarding recent interventions made by complainants in the disputes on "Australia – Tobacco Plain Packaging" at the November meetings of the TRIPS Council and the TBT Committee (WT/DSB/M/352). The representatives of Ukraine and Honduras also made statements regarding this matter.

13 CONCLUSION

13.1. This brief overview demonstrates that during the period from 25 November 2013 through 18 November 2014, the DSB was called upon to consider a variety of significant matters and took a number of important decisions. As set out in detail in previous Sections above, the DSB agreed to reappoint one member of the Appellate Body, Mr. Peter Van den Bossche, for a second four-year term of office, starting on 12 December 2013. The DSB also agreed to appoint Mr. Shree Baboo Chekitan Servansing as a new member of the Appellate Body for a four-year term, starting on 1 October 2014. It approved a total of four new nominations proposed for inclusion on the Indicative List of Governmental and Non-Governmental Panelists. It established 13 panels in accordance with Article 6 of the DSU. The DSB also referred three matters to the original Panel in accordance with Article 21.5 of the DSU. It adopted seven Panel Reports and six Appellate Body Reports. As part of its surveillance function, the DSB considered status reports on implementation with regard to nine matters. Finally, the Director-General made a presentation to the DSB about the unprecedented high level of dispute settlement activity, and explained the actions he was taking in terms of budget and personnel allocations to address the situation. He also encouraged

Members to give thought to actions they could take to respond to what he expected to be a continuing trend in WTO dispute settlement activities.
