
DISPUTE SETTLEMENT BODY

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Annual Report (1996)

The present report has been prepared in pursuance of the Procedures for an Annual Overview of WTO Activities and for Reporting under the WTO (WT/L/105), and sets out the actions taken by the Dispute Settlement Body (DSB) since the previous overview of WTO activities held in December 1995.¹

In carrying out its task, the DSB has held 15 meetings since December 1995. The minutes of these meetings, which remain the record of the DSB's work, are contained in documents WT/DSB/M/10-WT/DSB/M/24.

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¹The 1995 Annual Report of the DSB is contained in WT/DSB/3.

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1.	<u>DSB schedule of meetings (WT/DSB/M/10)</u>	

At the DSB meeting on 31 January 1996, the Chairman announced that the schedule of DSB meetings for 1996 had been circulated in WTO/AIR/237 on 12 December 1995.

The DSB took note of this information.

2. Election of Chairperson (WT/DSB/M/10)

At its meeting on 31 January 1996, the DSB elected Mr. Celso Lafer (Brazil) as Chairman by acclamation.

3. Working procedures of the Appellate Body (WT/DSB/M/10, 11)

At the DSB meeting on 31 January 1996, the Chairman said that the work on the procedures for the appellate review had been carried out by the Appellate Body members in January 1996. The views expressed by Members on this matter had been conveyed to the Appellate Body in accordance with paragraph 14 in WT/DSB/1. Any other views by Members on key issues were required to be conveyed to the Chairman the following day, as the Appellate Body was finalizing its procedures.

The DSB took note of this information.

At the DSB meeting on 21 February 1996, the Chairman drew attention to the working procedures of the Appellate Body contained in WT/AB/WP/1, which had been circulated on 15 February 1996 as an unrestricted document. He also drew attention to a covering letter from the Chairman of the Appellate Body which had addressed the issues of interest to Members, and had explained the reasons of the Appellate Body for its conclusions on certain key elements of the working procedures.

The representatives of Mexico, Egypt, India, the United States, Chile, Canada and the European Communities spoke.

The DSB took note of the statements.

4. Indicative list of governmental and non-governmental panelists
(WT/DSB/M/10, 14, 20, 21, 22, 24)

At the DSB meeting on 31 January 1996, the Chairman drew attention to document WT/DSB/W/17 containing names of candidates for inclusion on the indicative list, and proposed that the DSB approve the names contained therein.

The DSB so agreed.

At the DSB meeting on 17 April 1996, the Chairman drew attention to documents WT/DSB/W/21 and WT/DSB/W/24, containing names of candidates for inclusion on the indicative list, and proposed that the DSB approve the names contained therein.

The representative of the United States spoke.

The DSB took note of the statement and approved the names in WT/DSB/W/21 and WT/DSB/W/24.

At the DSB meeting on 5 July 1996, the Chairman drew attention to document WT/DSB/W/30 containing names of candidates for inclusion on the indicative list, and proposed that the DSB approve the names contained therein.

The DSB so agreed.

At the DSB meeting on 15 and 16 July 1996, the Chairman drew attention to document WT/DSB/W/33 containing names of candidates for inclusion on the indicative list, and proposed that the DSB approve the names contained therein.

The DSB so agreed.

At the DSB meeting on 27 September 1996, the Chairman drew attention to document WT/DSB/W/36 containing names of candidates for inclusion on the indicative list, and proposed that the DSB approve the names contained therein.

The DSB so agreed.

At the DSB meeting on 16 October 1996, the Chairman drew attention to document WT/DSB/W/40 containing names of candidates for inclusion on the indicative list, and proposed that the DSB approve the names contained therein.

The DSB so agreed.

5. Curricula vitae of representatives to the WTO (WT/DSB/M/20)

At the DSB meeting on 5 July 1996, the Chairman proposed that in order to facilitate the work of the Secretariat with regard to the composition of panels, Members were invited to submit the curricula vitae of their Geneva-based representatives which might be considered to serve on panels.

The DSB took note of the statement.

6. Mutually agreed solutions (WT/DSB/M/15, 24)

At the DSB meeting on 24 April 1996, the Chairman drew attention to the obligation under Article 3.6 of the DSU to notify mutually agreed solutions to matters formally raised under the dispute settlement provisions.

The representative of India spoke.

The DSB took note of the statement.

At the DSB meeting on 16 October 1996, the representative of India drew attention to document WT/DSB/W/35 prepared by the Secretariat in response to India's request made at the DSB meeting on 24 April 1996, with regard to the obligation under Article 3.6 of the DSU to notify mutually agreed solutions. He said that he would make a detailed statement explaining his views on this document at a later date.

The DSB took note of the statement.

7. Requests to be joined in consultations under the DSU (WT/DSB/M/13)

At the DSB meeting on 27 March 1996, the Chairman presented a proposal concerning communications containing requests to be joined in consultations pursuant to Article 4.11 of the DSU. The text of this proposal was subsequently circulated in WT/DSB/W/23.

The DSB agreed to revert to this matter at its next meeting.

8. Recourse to dispute settlement procedures

(a) Brazil

(i) Export financing programme for aircraft (WT/DSB/M/22)

At its meeting on 27 September 1996, the DSB considered a request by Canada for the establishment of a panel to examine its complaint regarding Brazil's export financing programme for aircraft (WT/DS46/2).

The representatives of Canada, Brazil and Jamaica spoke.

The DSB took note of the statements and agreed with Canada's decision that its request for a panel in WT/DS46/2 be withdrawn and that a new request for a panel on this matter be circulated and considered by the DSB at its next regular meeting.

(ii) Measures affecting desiccated coconut (WT/DSB/M/10, 11,12)

At the DSB meeting on 31 January 1996, the representative of the Philippines informed Members that consideration of the request for the establishment of a panel to examine the Philippines' complaint regarding Brazil's countervailing duties on imports of desiccated coconut would be postponed (WT/DS22/5).

The representative of Brazil spoke.

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

At its meeting on 21 February 1996, the DSB considered a request by the Philippines for the establishment of a panel to examine its complaint regarding Brazil's countervailing duties on imports of desiccated coconut (WT/DS22/5).

The representatives of the Philippines, Brazil, Indonesia on behalf of ASEAN countries, and Sri Lanka spoke.

The DSB took note of the statements and agreed, at the request of the Philippines, to convene its next meeting on 5 March in order to reconsider this matter.

At its meeting on 5 March 1996, the DSB again considered this matter.

The representatives of the Philippines and Brazil spoke.

The DSB took note of the statements, agreed to establish a panel to examine the Philippines' request, and authorized the Chairman of the DSB to draw up the terms of reference

of the panel in consultation with the parties to the dispute in accordance with Article 7.3 of the DSU.

The representatives of Canada, the European Communities, Indonesia, Malaysia and the United States reserved their third-party rights to participate in the panel proceedings.²

- (b) Canada
- Certain measures concerning periodicals (WT/DSB/M/18 and Corr.1, 19)

At its meeting on 6 June 1996, the DSB considered a request by the United States for the establishment of a panel to examine its complaint regarding Canada's measures concerning periodicals (WT/DS31/2).

The representatives of the United States and Canada spoke.

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

At its meeting on 19 June 1996, the DSB again considered this matter.

The representatives of the United States and Canada spoke.

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

- (c) European Communities
(i) Implementation of the Uruguay Round commitments concerning rice (WT/DSB/M/10)

At the DSB meeting on 31 January 1996, the representative of Uruguay informed Members that his country had requested consultations under Article XXII:1 of GATT 1994 with the European Communities with respect to the implementation of the commitments on rice undertaken by the latter in the Uruguay Round (WT/DS25/1 and Corr.1).

The DSB took note of the statement.

- (ii) Measures affecting livestock and meat (hormones) (WT/DSB/M/22, 24)

At its meeting on 27 September 1996, the DSB considered a request by Canada for the establishment of a panel to examine its complaint regarding European Communities' measures affecting livestock and meat (WT/DS48/5).

The representatives of Canada and the European Communities spoke.

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

At its meeting on 16 October 1996, the DSB again considered this matter.

²After the meeting Sri Lanka also reserved its third-party rights.

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

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

The representatives of Australia, New Zealand, Norway and the United States reserved their third-party rights to participate in the panel proceedings.

(iii) Measures concerning meat and meat products (hormones)
(WT/DSB/M/16,17)

At its meeting on 8 May 1996, the DSB considered a request by the United States for the establishment of a panel to examine its complaint regarding the European Communities' measures concerning meat and meat products (WT/DS26/6).

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

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

At its meeting on 20 May 1996, the DSB again considered this matter.

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

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

The representatives of Australia, Canada, New Zealand and Norway reserved their third-party rights to participate in the panel proceedings.

(iv) Regime for the importation, sale and distribution of bananas
(WT/DSB/M/15, 16, 19)

At its meeting on 24 April 1996, the DSB considered a request by Ecuador, Guatemala, Honduras, Mexico and the United States for the establishment of a panel to examine their complaint regarding the European Communities' regime for the importation, sale and distribution of bananas (WT/DS27/6).

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

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

At its meeting on 8 May 1996, the DSB again considered this matter.

The representative of Guatemala, on behalf of Ecuador, Honduras, Mexico and the United States, the representative of St. Lucia, on behalf of Belize, Dominica, Dominican Republic, Grenada and St. Vincent and the Grenadines, and the representatives of India, Côte d'Ivoire,

Cameroon, Ghana, Jamaica, Dominican Republic, Costa Rica, Colombia, Nicaragua, Venezuela, Canada, the European Communities and the United States spoke.

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

The representatives of Belize, Cameroon, Colombia, Costa Rica, Côte d'Ivoire, Dominica, Dominican Republic, Ghana, Grenada, India, Jamaica, Japan, Nicaragua, the Philippines, St. Lucia, St. Vincent and the Grenadines, Senegal, Thailand and Venezuela reserved their third-party rights to participate in the panel proceedings.³

At the DSB meeting on 19 June 1996, the representative of Jamaica expressed her country's concerns with regard to the decision taken by the panel on the Communities régime for the importation, sale and distribution of bananas, to grant ACP countries observer status during the first substantive meeting of the panel. She requested the Chairman to initiate consultations on this matter.

The representatives of Cameroon, Côte d'Ivoire, the European Communities, the United States and the Chairman spoke.

The DSB took note of the statements.

(v) Trade description of scallops (WT/DSB/M/20)

At the DSB meeting on 5 July 1996, the representative of Canada, speaking on behalf of the European Communities, Chile and Peru, announced that mutually agreed solutions had been reached in both disputes regarding the French labelling regulation on scallops (WT/DS7, WT/DS12 and WT/DS14).

The Chairman spoke.

The DSB took note of the statements.

(d) Japan

- Measures affecting consumer photographic film and paper
(WT/DSB/M/23,24)

At its meeting on 3 October 1996, the DSB considered a request by the United States for the establishment of a panel to examine its complaint regarding Japan's measures affecting consumer photographic film and paper (WT/DS44/2).

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

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

At its meeting on 16 October 1996, the DSB again considered this matter.

³After the meeting Thailand informed the Secretariat that it would not participate as a third party in this dispute; Canada and Suriname reserved their third-party rights.

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

The DSB took note of the statements and agreed to establish a panel with the terms of reference to be drawn up by the parties to the dispute within 20 days in accordance with Article 7.1 of the DSU.

The representatives of the European Communities and Mexico reserved their third-party rights to participate in the panel proceedings.

- (e) Korea
 - Measures concerning bottled water (WT/DSB/M/15)

At the DSB meeting on 24 April 1996, the representative of Canada announced that Korea and Canada had reached a mutually agreed solution with regard to Korea's measures concerning bottled water (WT/DS20/6).

The representative of Korea spoke.

The DSB took note of the statement.

- (f) Pakistan
 - Patent protection for pharmaceutical and agricultural chemical products (WT/DSB/M/21)

At its meeting on 15 and 16 July 1996, the DSB considered a request by the United States for the establishment of a panel to examine its complaint regarding Pakistan's patent protection for pharmaceutical and agricultural chemical products (WT/DS36/3).

The representatives of the United States and Pakistan spoke.

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

- (g) Poland
 - Import regime for automobiles (WT/DSB/M/21,22)

At the DSB meeting on 15 and 16 July 1996, the representative of India announced that the authorities of India and Poland had reached a mutually agreed solution with regard to Poland's import régime for automobiles (WT/DS19/1).

The representative of Poland spoke.

The DSB took note of this information.

At the DSB meeting on 27 September 1996, the representative of the United States sought further clarification with regard to the settlement reached between Poland and India on passenger cars (WT/DS19/2).

The representatives of the United States and Poland spoke.

The DSB took note of the statements.

- (h) Portugal
- Patent protection under the Industrial Property Act (WT/DSB/M/24)

At the DSB meeting on 16 October 1996, the representative of the United States drew attention of Members that Portugal and the United States had reached a mutually satisfactory solution to the matter raised by the United States concerning the term of patent protection required by the Agreement on Trade-Related Aspects of Intellectual Property Rights (WT/DS37/2 and Corr.1).

The DSB took note of the statement.

- (i) Turkey
- Action on imports of textiles and clothing (WT/DSB/M/11, 13, 14, 15)

At the DSB meeting on 21 February 1996, the representative of Hong Kong informed Members that his Government had requested consultations with Turkey with regard to the implementation of the Customs Union between Turkey and the European Community (WT/DS29/1).

The representatives of the Philippines, on behalf of Malaysia and Thailand, India, Korea, Peru, Argentina, Colombia, Brazil, Pakistan, Turkey and the European Communities spoke.

The DSB took note of the statements.

At the DSB meeting on 27 March 1996, the representative of India informed Members that his Government had requested consultations with Turkey on quantitative restrictions imposed unilaterally on imports of a broad range of textile and clothing products from India (WT/DS34/1).

The representatives of Turkey, Hong Kong, the European Communities and Japan spoke.

The DSB took note of the statements.

At the DSB meeting on 27 March 1996, the representative of Hong Kong said that since the thirty-day period to enter into consultations pursuant to Article 4.3 of the DSU had expired, he requested Turkey to confirm its readiness to enter into consultations with Hong Kong (WT/DS29/1).

The representatives of Thailand, on behalf of Malaysia and the Philippines, and Turkey spoke.

The DSB took note of the statements.

At the DSB meeting on 17 April 1996, the representative of Hong Kong expressed his delegation's position regarding the participation of the European Communities in consultations which Hong Kong had requested with Turkey (WT/DS29/1).

The representatives of Thailand, on behalf of Malaysia and the Philippines, India, Peru, Turkey, Brazil, the European Communities and Canada spoke.

The DSB took note of the statements.

At the DSB meeting on 24 April 1996, the representative of India expressed his delegation's position regarding the participation of the European Communities in consultations which India had requested with Turkey (WT/DS34/1).

The representatives of Turkey, the European Communities and Hong Kong spoke.

The DSB took note of the statements.

- (j) United States
 - (i) Anti-dumping investigation regarding imports of fresh or chilled tomatoes from Mexico (WT/DSB/M/20)

At the DSB meeting on 5 July 1996, the representative of Mexico informed Members that his country had requested consultations with the United States with regard to the anti-dumping investigation on imports of fresh or chilled tomatoes from Mexico (WT/DS49/1)

The DSB took note of the statement.

- (ii) Import prohibition of certain shrimp and shrimp products (WT/DSB/M/24)

At the DSB meeting on 16 October 1996, the representative of Thailand, on behalf of India, Malaysia and Pakistan, informed Members that they had requested consultations with the United States concerning its ban imposed on importation of shrimp and shrimp products from the above-mentioned countries (WT/DS58/1).

The DSB took note of the statement.

- (iii) Increase in the rates of duty on certain products of the European Communities (Presidential Proclamation No 5759 of 24 December 1987) (WT/DSB/M/13)

At the DSB meeting on 27 March 1996, the representative of the European Communities drew attention to the unilateral measures taken by the United States under Presidential Proclamation No 5759 of 24 December 1987, in retaliation for the Communities' directive prohibiting the use of hormones and its ban on imports of beef from cattle raised with the use of hormones.

The representatives of Japan and Canada spoke.

The DSB took note of the statements.

- (iv) Measures affecting imports of women's and girls' wool coats (WT/DSB/M/13,14)

At its meeting on 27 March 1996, the DSB considered a request by India for the establishment of a panel to examine its complaint regarding the United States' measures affecting imports of women's and girls' wool coats from India (WT/DS32/1).

The representatives of India and the United States spoke.

The DSB took note of the statements and agreed to convene a meeting on 17 April in order to revert to this matter.

At its meeting on 17 April 1996, the DSB again considered this matter.

The representatives of India and the United States spoke.

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

The representatives of Canada, Costa Rica, the European Communities, Norway, Pakistan and Turkey reserved their third-party rights to participate in the panel proceedings.⁴

(v) Measures affecting imports of woven wool shirts and blouses
(WT/DSB/M/13,14)

At its meeting on 27 March 1996, the DSB considered a request by India for the establishment of a panel to examine its complaint regarding the United States' measures affecting imports of woven wool shirts and blouses from India (WT/DS33/1).

The representatives of India and the United States spoke.

The DSB took note of the statements and agreed to convene a meeting on 17 April in order to revert to this matter.

At its meeting on 17 April 1996, the DSB again considered this matter.

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

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

The representatives of Canada, the European Communities, Norway, Pakistan and Turkey reserved their third-party rights to participate in the panel proceedings.

(vi) Restrictions on imports of cotton and man-made fibre underwear
(WT/DSB/M/10, 11, 12)

At the DSB meeting on 31 January 1996, the representative of Costa Rica informed Members that his authorities had requested consultations with the United States under Article 4 of the DSU, Article XXIII of the GATT 1994, and the corresponding provisions of the Agreement on Textiles and Clothing with regard to the introduction and implementation of quantitative restrictions on imports of cotton and man-made fibre underwear (WT/DS24/1 and Corr.1).

The representatives of India and Hong Kong spoke.

The DSB took note of the statements.

⁴In its communication dated 25 April 1996 and circulated in WT/DS32/2, India informed the DSB that its Government had decided to terminate the panel proceedings with regard to this dispute.

At the DSB meeting on 21 February 1996, the representative of Costa Rica requested that a meeting of the DSB be convened within the next 15 days in order to consider Costa Rica's request for the establishment of a panel on this matter.

The DSB took note of the statement.

At its meeting on 5 March 1996, the DSB considered a request by Costa Rica for the establishment of a panel on this matter (WT/DS24/2).

The representatives of Costa Rica and the United States spoke.

The DSB took note of the statements and agreed to establish a panel with standard terms of reference in accordance with Article 6 of the DSU.⁵

- (vii) Standards for reformulated and conventional gasoline
(WT/DSB/M/11,17,19,20)

On 10 April 1995, the DSB had established a panel to examine this matter at the request of Venezuela. On 31 May 1995, the DSB had established a panel to examine this matter at the request of Brazil. At that meeting, pursuant to Article 9 of the DSU in respect of multiple complainants the DSB had decided, with the agreement of all parties, that this matter be examined by the panel already established at the request of Venezuela.

At its meeting on 21 February 1996, the DSB considered the panel report on the complaints by Venezuela and Brazil contained in WT/DS2/R. Mr. Harbinson (Hong Kong), on behalf of Mr. Wong, Chairman of the Panel, introduced the panel report.

The representatives of Venezuela, the United States and Brazil spoke.

The DSB took note of the statements and of the United States' decision to appeal the panel report in DS2/R.

At its meeting on 20 May 1996, the DSB considered the Appellate Body report in WT/DS2/AB/R and the Panel report in WT/DS2/R pertaining to the complaints by Venezuela and Brazil.

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

The DSB took note of the statements, adopted the Appellate Body report in WT/DS2/AB/R and the Panel report in WT/DS2/R as modified by the Appellate Body report, and agreed that in accordance with the procedures adopted by the GATT 1947 Council in May 1988 (BISD 35S/331), both reports be derestricted.

At the DSB meeting on 19 June 1996, the United States informed the DSB of its intentions in respect of implementation of the recommendations of the DSB at its meeting of 20 May (WT/DS2/9).

⁵After the meeting India reserved its third-party rights.

The representatives of Venezuela, Brazil and Norway spoke.

The DSB took note of the statements and of the information provided by the United States regarding its intentions to implement the recommendations of the DSB.

At the DSB meeting on 5 July 1996, the representative of Venezuela informed Members that parties to the dispute had decided to extend the 45-day period stipulated in Article 21.3 of the DSU with a view of reaching a mutually agreed time-period for the implementation of the DSB recommendations.

The representative of Brazil spoke.

The DSB took note of the statements.

- (viii) Tariff increases on products from the European Communities
(WT/DSB/M/19, 20, 21)

At the DSB meeting on 19 June 1996, the representative of the European Communities requested a special meeting of the DSB in order to consider the Communities' request for the establishment of a panel regarding tariff increases by the United States on certain export products from the European Communities (WT/DS39/2).

The DSB took note of the request.

At its meeting on 5 July 1996, the DSB considered a request by the European Communities for the establishment of a panel to examine their complaint regarding tariff increases by the United States on certain export products from the European Communities.

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

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

At the DSB meeting on 15 and 16 July 1996, the DSB again considered this matter.

The representatives of the European Communities and United States spoke.

The DSB took note of the statements.

- (ix) The Cuban Liberty and Democratic Solidarity Act (WT/DSB/M/24)

At its meeting on 16 October 1996, the DSB considered a request by the European Communities and their Member States for the establishment of a panel to examine their complaint regarding the United States' legislation: i.e., the Cuban Liberty and Democratic Solidarity Act (WT/DS38/2 and Corr.1).

The representatives of Australia, Bolivia, on behalf of members of the "Rio Group"⁶, Canada, Cuba, Mexico, India and Switzerland spoke.

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

9. US draft bill concerning the definition of "domestic industry" in the area of safeguards
(WT/DSB/M/16)

At the DSB meeting on 8 May 1996, the representative of Mexico expressed his delegation's concerns regarding the draft bill to be submitted for approval by the US Senate under which the definition of "domestic industry" contained in the US legislation on safeguards would be redefined.

The representatives of Canada, Argentina, Australia, Brazil, Chile, Costa Rica, Dominican Republic, Egypt, El Salvador, Guatemala, Honduras, New Zealand, Nicaragua, Norway, Peru, the Philippines on behalf of ASEAN countries, and Uruguay spoke.

The DSB took note of the statements.

10. Report on progress of preparatory work for the Singapore Ministerial Conference
(WT/DSB/M/21)

At the DSB meeting on 15 and 16 July 1996, the Chairman announced that at the meeting of the General Council scheduled for 18 July he would present an oral report on the activities of the DSB in implementing the provisions of the DSU.

The DSB took note of the information.

11. DSB report to the General Council for the Singapore Ministerial Conference
(WT/DSB/M/20,22,24)

At the DSB meeting on 5 July 1996, the Chairman proposed that the DSB submit its annual report for consideration by the General Council at its meeting on 7 November 1996.

The DSB took note of the statement.

At the DSB meeting on 27 September 1996, the Chairman drew to the attention of Members that certain aspects concerning the DSB's activities referred to in his statement made at the General Council meeting on 18 July 1996, would be included in the annual report of the DSB to be submitted for approval by the DSB at its meeting on 16 October 1996.

The representatives of Jamaica, Mexico and Norway spoke.

⁶Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela.

The DSB took note of the statements.

At the DSB meeting on 16 October 1996, the Chairman submitted for adoption a draft text of the 1996 Annual Report of the DSB contained in WT/DSB/W/37. He proposed that following its adoption, the Secretariat be authorized to update the Annual Report under its own responsibility. He also proposed that an annex be attached to the Annual Report containing an overview of the state of play of WTO disputes prepared by the Secretariat.

The representatives of Canada, the United States, the European Communities, India, Korea, Norway, Hong Kong and the Chairman spoke.

The DSB took note of the statements and adopted the Annual Report contained in WT/DSB/W/37 on the understanding that drafting amendments proposed by Members with regard to the "Summary conclusions" be included in the text and circulated together with an annex as proposed by the Chairman. If necessary, informal consultations would be held on this matter. The DSB authorized the Secretariat to update the Annual Report under its own responsibility as proposed by the Chairman.

12. Summary conclusions

The Dispute Settlement Body (DSB) has been in operation for just under two years. The purpose of this section is to highlight certain aspects of the dispute settlement process during this period.

Since January 1995, 42 distinct matters have been raised in the DSB under the provisions of the DSU.⁷ Dispute settlement panels have been established in respect of 12 different matters, three of which were ultimately settled without panel decisions being issued. Of the nine remaining matters, three panel reports have been circulated,⁸ two of which were appealed to the Appellate Body (as at 18 October 1996). The Appellate Body has issued reports in two cases. Although in each case the Appellate Body upheld the panel's recommendations, it modified the panel's legal reasoning. The remaining six panels are expected to issue their reports in due course.

A number of observations could be made after the DSB's experience in 1995 and 1996. First, the number of matters referred to the DSB is considerably greater than was the number under GATT during similar periods. The major trading nations have been the main participants in the dispute settlement system, both as complaining and responding Members. There has been an evident tendency to use the DSU in settling trade disputes in accordance with the aim of Article 23 of the DSU on "Strengthening of the Multilateral System". A further noteworthy development is the increased use of the system by developing country Members.

⁷There have actually been 58 formal requests for consultations under the DSU and two matters brought before the DSB pursuant to the Agreement on Textiles and Clothing (ATC), which does not require consultations in the DSU, but rather allows parties to request the establishment of a panel following completion of consultation and other procedures under the ATC.

⁸Two additional short panel reports were circulated informing Members that mutually agreed solutions have been reached between the parties to the disputes.

Second, there have been a significant number of settlements reached under the DSU. In seven of the 42 matters referred to it, the DSB has been formally notified of settlements. In addition, in seven other matters the DSB has not received a request for the establishment of a panel, even though more than six months has elapsed since the initial request for consultations. This record suggests that the DSU is fulfilling its function of permitting, wherever possible, Members to resolve disputes quickly, without resort to the formal panel procedures.

Third, the experience of the DSB to date shows that there is increased transparency in the WTO dispute settlement system. As a result of the implementation of the General Council's Decision of 18 July 1996 on derestriction of documents, all documents circulated under the auspices of the DSB are now available as unrestricted documents or are subject to expeditious consideration for derestriction. Furthermore, the DSU provides that "mutually agreed solutions to matters formally raised under the consultation and dispute settlement provisions of the covered agreements shall be notified to the DSB and the relevant Councils and Committees." The Chairman of the DSB has drawn the attention of Members to these provisions.

As the body dealing with disputes in the WTO, the DSB, in accordance with the provisions laid down in the DSU, has held meetings as often as necessary in order to carry out its functions. Since January 1995, the DSB has held 22 meetings. There were two non-scheduled meetings held in 1995 and since January 1996, five such meetings have been held.

Among its functions the DSB administers the indicative list of governmental and non-governmental panelists having expertise in different fields. This list which, as of 18 October 1996 contained 189 names, has assisted Members to obtain high-level expertise in different panels.

Following the tradition of GATT, the DSB has worked in a spirit of pragmatism and facilitated the obtention of mutually acceptable solutions to trade disputes. The dispute settlement system of the WTO has however moved beyond the GATT dispute settlement procedures through the progressive development of past practices in GATT which are now enshrined in the DSU. The DSU therefore provides Members with both the possibility of reaching mutually satisfactory solutions to their disputes consistently with the WTO Agreement and with the certainty of a legal solution of such disputes, when necessary.

It may therefore be concluded that the role of the DSB in managing the settlement of disputes within the new multilateral trading system under the WTO has been positive. The DSU, under the management of the DSB, is contributing to greater security and predictability in relations amongst partners in the open multilateral trading system. Certain problems in the overall operation of the dispute settlement system have been identified and in most cases, working practices have been developed to solve these problems in a pragmatic manner. Further experience in the operation of the system is nevertheless required before it can be fully evaluated. In this respect, the Decision by Ministers to review the operation of the system within four years after its entry into force will provide an opportunity for such an evaluation and for the introduction of improvements in the system if necessary.

It can finally be stated that the effective operation of the dispute settlement system during the first two years of its existence has fostered greater cooperation amongst Members, reflecting their growing trust in the multilateral system, and thus contributing towards the strengthening and the consolidation of the WTO and the open multilateral trading system.

ANNEX

OVERVIEW OF THE STATE OF PLAY OF WTO DISPUTES

At the DSB meeting on 16 October 1996, the Secretariat was requested to provide an overview of the state of play of disputes under the dispute settlement system in the WTO. The attached overview, which reflects the state of play of WTO disputes from 1 January 1995 to 18 October 1996, has been prepared by the Secretariat under its own responsibility. Section I of the overview indicates the state of play of disputes until the stage of the establishment of panels. Section II indicates the state of play of disputes from the establishment of panels until the stage of adoption of Appellate Body reports.

SECTION I

Dispute	Request for Consultations (date of circulation)	Date of Receipt of the Request for Consultation	Expiration of Consultation Period	Request to Join Consultations	Mutually Agreed Solution	Request for Establishment of a Panel	Panel Established
1. Malaysia - Prohibition of Imports of Polyethylene and Polypropylene	13.01.95 Singapore WT/DS1/1	10.01.95	11.03.95			17.03.95 Singapore WT/DS1/2 withdrawal of request on 19.07.95 WT/DSB/M/6	
2. United States - Standards for Reformulated and Conventional Gasoline	02.02.95 Venezuela WT/DS2/1	24.01.95	25.03.95			27.03.95 Venezuela WT/DS2/2	10.04.95 WT/DSB/M/3
3. Korea - Measures Concerning the Testing and Inspection of Agricultural Products	06.04.95 United States WT/DS3/1	04.04.95	03.06.95	09.06.95 Japan WT/DS3/2			
4. United States - Standards for Reformulated and Conventional Gasoline	12.04.95 Brazil WT/DS4/1	10.04.95	09.06.95			22.05.95 Brazil WT/DS4/2	31.05.95 WT/DSB/M/5

Dispute	Request for Consultations (date of circulation)	Date of Receipt of the Request for Consultation	Expiration of Consultation Period	Request to Join Consultations	Mutually Agreed Solution	Request for Establishment of a Panel	Panel Established
5. Korea - Measures Concerning the Shelf-Life of Products	05.05.95 United States WT/DS5/1	03.05.95	02.07.95	24.05.95 Canada WT/DS5/2 09.06.95 Japan WT/DS5/4	31.07.95 WT/DS5/5 & Corr.1 24.11.95 Add.1 22.04.96 Add.1/Rev.1 22.04.96 Add.2 22.04.96 Add.3 19.07.96 Add.4 20.09.96 Add.5		
6. United States - Imposition of Import Duties on Automobiles from Japan under Sections 301 and 304 of the Trade Act of 1974	22.05.95 Japan WT/DS6/1	17.05.95	16.07.95	02.06.95 EC WT/DS6/2 12.06.95 Australia WT/DS6/3	19.07.95 WT/DSB/M/6		
7. EC - Trade Description of Scallops	24.05.95 Canada WT/DS7/1	19.05.95	18.07.95	09.06.95 Chile WT/DS7/2 09.06.95 Iceland WT/DS7/3 09.06.96 Japan WT/DS7/4 12.06.95 Peru WT/DS7/5	19.07.96 WT/DS7/12	10.07.95 Canada WT/DS7/7 & Corr.1	19.07.95 WT/DSB/M/6

Dispute	Request for Consultations (date of circulation)	Date of Receipt of the Request for Consultation	Expiration of Consultation Period	Request to Join Consultations	Mutually Agreed Solution	Request for Establishment of a Panel	Panel Established
8. Japan - Taxes on Alcoholic Beverages	29.06.95 EC WT/DS8/1	21.06.95	20.08.95	17.07.95 United States WT/DS8/2 17.07.95 Canada WT/DS8/3		15.09.95 EC WT/DS8/5	27.09.95 WT/DSB/M/7
9. EC - Duties on Imports of Cereals	10.07.95 Canada WT/DS9/1	30.06.95	29.08.95			15.09.95 Canada WT/DS9/2	11.10.95 WT/DSB/M/8
10. Japan - Taxes on Alcoholic Beverages	17.07.95 Canada WT/DS10/1	07.07.95	05.09.95	21.07.95 United States WT/DS10/2 27.07.95 EC WT/DS10/3		15.09.95 Canada WT/DS10/5	27.09.95 WT/DSB/M/7
11. Japan - Taxes on Alcoholic Beverages	17.07.95 United States WT/DS11/1	07.07.95	05.09.95			15.09.95 USA WT/DS11/2 & Corr.1	27.09.95 WT/DSB/M/7
12. EC - Trade Description of Scallops	25.07.95 Peru WT/DS12/1	18.07.95	15.09.95	09.08.95 Canada WT/DS12/3 11.08.95 Chile WT/DS12/2 & Rev.1 17.08.95 Japan WT/DS12/5	19.07.96 WT/DS12/12	15.09.95 Peru WT/DS12/6 22.09.95 Peru WT/DS12/7	11.10.95 WT/DSB/M/8
13. EC - Duties on Imports of Grains	26.07.95 United States WT/DS13/1	19.07.95	17.09.95			29.09.95 United States WT/DS13/2	

Dispute	Request for Consultations (date of circulation)	Date of Receipt of the Request for Consultation	Expiration of Consultation Period	Request to Join Consultations	Mutually Agreed Solution	Request for Establishment of a Panel	Panel Established
14. EC - Trade Description of Scallops	31.07.95 Chile WT/DS14/1	24.07.95	22.09.95	07.08.95 Canada WT/DS14/2 11.08.95 Peru WT/DS14/3 17.08.95 Japan WT/DS14/4	19.07.96 WT/DS14/11	15.09.95 Chile WT/DS14/5 27.09.95 Chile WT/DS14/6	11.10.95 WT/DSB/M/8
15. Japan - Measures Affecting the Purchase of Telecommunications Equipment	24.08.95 EC WT/DS15/1	18.08.95	17.10.95	31.08.95 United States WT/DS15/2			
16. EC - Régime for the Importation, Sale and Distribution of Bananas	04.10.95 Guatemala Honduras Mexico United States WT/DS16/1	28.09.95	26.11.95	13.10.95 St. Lucia WT/DS16/2 20.10.95 Colombia WT/DS16/3 24.10.95 Dominican Rep WT/DS16/4 25.10.95 Venezuela WT/DS16/5 20.10.95 Nicaragua WT/DS16/6 30.10.95 Costa Rica WT/DS16/7			
17. EC - Duties on Imports of Rice	11.10.95 Thailand WT/DS17/1	05.10.95	04.12.95				

Dispute	Request for Consultations (date of circulation)	Date of Receipt of the Request for Consultation	Expiration of Consultation Period	Request to Join Consultations	Mutually Agreed Solution	Request for Establishment of a Panel	Panel Established
18. Australia - Measures Affecting Importation of Salmon	11.10.95 Canada WT/DS18/1	05.10.95	04.12.95				
19. Poland - Import Régime for Automobiles	18.10.95 India WT/DS19/1	28.09.95	27.11.95		11.09.96 WT/DS19/2		
20. Korea - Measures Concerning Bottled Water	22.11.95 Canada WT/DS20/1	08.11.95	08.01.96	30.11.95 United States WT/DS20/2 14.12.95 EC WT/DS20/4	6.05.96 WT/DS20/6		
21. Australia - Measures Affecting the Importation of Salmonids	23.11.95 United States WT/DS21/1	20.11.95	19.01.96	13.12.95 Canada WT/DS21/2			
22. Brazil - Measures Affecting Desiccated Coconut	20.12.95 Philippines WT/DS22/1 10.01.96 Rev.1	30.11.96	29.01.96			08.02.96 Philippines WT/DS22/5	05.03.96 WT/DSB/M/12
23. Venezuela - Anti-Dumping Investigation in Respect of Imports of Certain Oil Country Tubular Goods (OCTG)	4.01.96 Mexico WT/DS23/1	5.12.95	3.02.96				
24. United States - Restriction on Imports of Cotton and Man-Made Fibre Underwear	15.01.96 Costa Rica WT/DS24/1 23.01.96 Corr.1	22.12.95	20.02.96			27.02.96 Costa Rica WT/DS24/2	05.03.96 WT/DSB/M/12

Dispute	Request for Consultations (date of circulation)	Date of Receipt of the Request for Consultation	Expiration of Consultation Period	Request to Join Consultations	Mutually Agreed Solution	Request for Establishment of a Panel	Panel Established
25. EC - Implementation of the Uruguay Round Commitments Concerning Rice	19.01.96 Uruguay WT/DS25/1 19.10.96 Corr.1	14.12.95	12.2.96				
26. EC - Measures Concerning Meat and Meat Products (Hormones)	31.01.96 United States WT/DS26/1	26.1.96	26.3.96	8.02.96 New Zealand WT/DS26/2 9.02.96 Australia WT/DS26/3 13.02.96 Canada WT/DS26/4		25.04.96 United States WT/DS26/6	20.05.96 WT/DSB/M/17
27. EC - Régime for the Importation, Sale and Distribution of Bananas	13.02.96 Ecuador Guatemala Honduras Mexico United States WT/DS27/1	05.02.96	05.04.96	28.02.96 Dominican Republic WT/DS27/2 28.02.96 St. Lucia WT/DS27/3 28.02.96 Nicaragua WT/DS27/4 01.03.96 Jamaica WT/DS/27/5		12.04.06 Ecuador, Guatemala, Honduras, Mexico, United States WT/DS27/6	08.05.96 WT/DSB/M/16
28. Japan - Measures Concerning Sound Recordings	14.02.96 United States WT/DS28/1	09.02.96	09.04.96	28.02.96 EC WT/DS28/2			

Dispute	Request for Consultations (date of circulation)	Date of Receipt of the Request for Consultation	Expiration of Consultation Period	Request to Join Consultations	Mutually Agreed Solution	Request for Establishment of a Panel	Panel Established
29. Turkey - Restrictions on Imports of Textile and Clothing Products	15.02.96 Hong Kong WT/DS29/1	12.02.96	12.04.96	01.03.96 EC WT/DS29/2 28.02.06 Malaysia Philippines Thailand WT/DS29/3 28.02.96 Peru WT/DS29/4 29.02.96 India WT/DS29/5 01.03.96 Brazil WT/DS29/7 01.03.96 Canada WT/DS29/8			
30. Brazil - Countervailing Duties on Imports of Desiccated Coconut and Coconut Milk Powder from Sri Lanka	05.03.96 Sri Lanka WT/DS30/1	23.02.96	23.04.96				
31. Canada - Certain Measures Concerning Periodicals	14.03.96 United States WT/DS31/1	11.03.96	10.05.96			24.05.96 United States WT/DS31/2	19.06.96 WT/DSB/M/19
32. United States - Measures Affecting Imports of Women's and Girls' Wool Coats					30.04.96 WT/DS32/2	15.03.96 India WT/DS32/1	17.04.96 WT/DSB/M/14

Dispute	Request for Consultations (date of circulation)	Date of Receipt of the Request for Consultation	Expiration of Consultation Period	Request to Join Consultations	Mutually Agreed Solution	Request for Establishment of a Panel	Panel Established
33. United States - Measures Affecting Imports of Woven Wool Shirts and Blouses						15.03.96 India WT/DS33/1	17.04.96 WT/DSB/M/14
34. Turkey - Restrictions on Imports of Textile and Clothing Products	25.3.96 India WT/DS34/1	21.03.96	20.05.96				
35. Hungary - Export Subsidies in Respect of Agricultural Products	02.04.96 Argentina Australia Canada New Zealand Thailand United States WT/DS35/1	27.3.96	26.5.96	12.04.96 Japan WT/DS35/2			
36. Pakistan - Patent Protection for Pharmaceutical and Agricultural Chemical Products	06.05.96 United States WT/DS36/1	30.04.96	29.06.96	28.05.96 EC WT/DS36/2		4.07.96 US WT/DS36/3	
37. Portugal - Patent Protection under the Industrial Property Act	06.05.96 United States WT/DS37/1	30.04.96	29.06.96		8.10.96 WT/DS37/2 15.10.96 Corr.1		
38. United States - The Cuban Liberty and Democratic Solidarity Act	13.05.96 EC WT/DS38/1	3.05.96	2.07.96			8.10.96 WT/DS38/2 14.10.96 and Corr.1	
39. United States - Tariff Increases on Products from the European Communities	29.05.96 EC WT/DS39/1	18.04.96	17.06.96			24.6.96 EC WT/DS39/2	

Dispute	Request for Consultations (date of circulation)	Date of Receipt of the Request for Consultation	Expiration of Consultation Period	Request to Join Consultations	Mutually Agreed Solution	Request for Establishment of a Panel	Panel Established
40. Korea - Laws, Regulations and Practices in the Telecommunications Procurement Sector	20.05.96 EC WT/DS40/1	9.05.96	8.07.96				
41. Korea - Measures Concerning Inspection of Agricultural Products	31.05.96 US WT/DS41/1	24.05.96	23.07.96				
42. Japan - Measures Concerning Sound Recordings	04.06.96 EC WT/DS42/1	28.05.96	27.07.96	11.06.96 US WT/DS42/2			
43. Turkey - Taxation of Foreign Film Revenues	17.06.96 US WT/DS43/1	12.06.96	11.08.96				
44. Japan - Measures Affecting Consumer Photographic Film and Paper	21.06.96 US WT/DS44/1	13.06.96	12.08.96			20.09.96 US WT/DS44/2	16.10.96 WT/DSB/M/24
45. Japan - Measures Affecting Distribution Services	20.06.96 US WT/DS45/1 24.09.94 US WT/DS45/1/Add.1	13.06.96 20.09.94	12.08.96				
46. Brazil - Export Financing Programme for Aircraft	21.06.96 Canada WT/DS46/1	19.06.96	18.08.96			17.09.96 Canada WT/DS46/2 4.10.96 WT/DS46/4	

Dispute	Request for Consultations (date of circulation)	Date of Receipt of the Request for Consultation	Expiration of Consultation Period	Request to Join Consultations	Mutually Agreed Solution	Request for Establishment of a Panel	Panel Established
47. Turkey - Restrictions on Imports of Textile and Clothing Products	26.06.96 Thailand WT/DS47/1	20.06.96	19.08.96				
48. European Communities - Measures Affecting Livestock and Meat (Hormones)	08.07.96 Canada WT/DS48/1	28.06.96	27.08.96	22.07.96 Australia WT/DS48/2 23.07.96 US WT/DS48/3 23.07.96 New Zealand WT/DS48/4		17.09.96 Canada WT/DS48/5	16.10.06 WT/DSB/M/24
49. United States - Anti-Dumping Investigation Regarding Imports of Fresh or Chilled Tomatoes from Mexico	08.07.96 Mexico WT/DS49/1	01.07.96	30.08.96				
50. India - Patent Protection for Pharmaceutical and Agricultural Chemical Products	09.07.96 US WT/DS50/1	02.07.96	31.08.96	22.07.96 EC WT/DS50/2			
51. Brazil - Certain Automotive Investment Measures	06.08.96 Japan WT/DS51/1	30.07.96	28.09.96	13.08.96 Korea WT/DS51/2 15.08.96 EC WT/DS51/3 15.08.96 United States WT/DS51/4 19.08.96 Canada WT/DS51/6			

Dispute	Request for Consultations (date of circulation)	Date of Receipt of the Request for Consultation	Expiration of Consultation Period	Request to Join Consultations	Mutually Agreed Solution	Request for Establishment of a Panel	Panel Established
52. Brazil - Certain Measures Affecting Trade and Investment in the Automotive Sector	14.08.96 US WT/DS52/1	09.08.96	08.10.96	19.08.96 Canada WT/DS52/2 19.08.96 Japan WT/DS52/3 28.08.96 Korea WT/DS52/4 02.09.96 EC WT/DS52/5			
53. Mexico - Customs Valuation of Imports	9.09.96 EC WT/DS53/1	27.08.96	26.10.96	18.09.96 Norway WT/DS53/2 30.09.96 Switzerland WT/DS53/3			
54. Indonesia- Certain Measures Affecting the Automobile Industry	14.10.96 EC WT/DS54/1	3.10.96	2.12.96	18.10.96 United States WT/DS54/2 .. Japan WT/DS54/3 .. Korea WT/DS54/4			
55. Indonesia - Certain Measures Affecting the Automobile Industry	10.10.96 Japan WT/DS55/1	4.10.96	3.12.96	18.10.96 United States WT/DS55/2 .. EC WT/DS55/3			

Dispute	Request for Consultations (date of circulation)	Date of Receipt of the Request for Consultation	Expiration of Consultation Period	Request to Join Consultations	Mutually Agreed Solution	Request for Establishment of a Panel	Panel Established
56. Argentina - Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items	15.10.96 United States WT/DS56/1	4.10.96	3.12.96	.. Hungary WT/DS56/2			
57. Australia - Textile, Clothing and Footwear Import Credit Scheme	09.10.96 United States WT/DS57/1	7.10.96	6.11.96				
58. United States - Import Prohibition of Certain Shrimp and Shrimp Products	14.10.96 India, Malaysia, Pakistan and Thailand WT/DS58/1	8.10.96	7.12.96				
59. Indonesia - Certain Measures Affecting the Automobile Industry	15.10.96 United States WT/DS59/1	8.10.96	7.12.96	.. Japan WT/DS59/2			
60. Guatemala - Anti-Dumping Investigation Regarding Imports of Portland Cement from Mexico	24.10.96 Mexico WT/DS60/1	15.10.96	14.12.96				

SECTION II

Title	Panel Established	Panel Report Circulated	Expiration of 20-Day Period	Expiration of 60-Day Period	Notice of Appeal	Panel Report Adopted	Appellate Report Circulated	Expiration of 30-Day Period	Appellate Report Adopted
1. United States - Standards for Reformulated and Conventional Gasoline	10.04.95 Venezuela WT/DS2 31.05.95 Brazil WT/DS4	29.01.96 WT/DS2/R	18.02.96	29.03.96	21.02.96 United States WT/DS2/6	20.05.96 WT/DS2/9	29.04.96 WT/DS2/AB/R	29.05.96	20.05.96 WT/DS2/9
2. Japan - Taxes on Alcoholic Beverages	27.09.95 EC WT/DS8 Canada WT/DS10 US WT/DS11	11.07.96 WT/DS8/R WT/DS10/R WT/DS11/R	31.07.96	09.09.96	08.08.96 Japan WT/DS8/9 WT/DS10/9 WT/DS11/6		4.10.96 WT/DS8/AB/R WT/DS10/AB/R WT/DS11/AB/R	3.11.96	
3. EC - Trade Description of Scallops	19.07.95 Canada WT/DS7	05.08.96 WT/DS7/R							
4. EC - Trade Description of Scallops	11.10.95 Peru WT/DS12 Chile WT/DS14	05.08.95 WT/DS12/R WT/DS14/R							
5. Brazil - Measures Affecting Desiccated Coconut	05.03.96 Philippines WT/DS22	17.10.96 WT/DS22/R	06.11.96	16.12.96					