

## WTO DISPUTE SETTLEMENT 1995–2000: A STATISTICAL ANALYSIS

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As of 1 January 2001, 219 requests for consultation have been made, 49 Panel reports have been issued, 33 Appellate Body reports have been given, and 41 Panel or Appellate Body reports have been adopted.

The following 10 figures aim at responding to some questions most frequently asked in discussions about the WTO Dispute Settlement:

- Who were participants and non-participants in the WTO dispute settlement process?
- Who were the major complaints and defendants?
- How have disputes been resolved?
- What was the outcome of the Appellate Body Review?
- Which types of products are at stake in WTO disputes?
- What types of measures are disputed?
- Which WTO agreements (and which provisions) have been interpreted in Panel and Appellate Body Reports?

### PARTICIPANTS AND NON-PARTICIPANTS IN THE WTO DISPUTE SETTLEMENT PROCESS<sup>3</sup>

There is no official classification of WTO Members. For operational and analytical purposes, however, we divide 140 WTO Members into five categories: (1) developed countries (DCs),<sup>3</sup> (2) newly industrialized countries

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<sup>3</sup> On 1 December 1999, 29 WTO Members signed the Agreement Establishing the Advisory Centre on WTO Law to preserve the neutrality of the WTO Secretariat in legal assistance. For developed countries, we followed a classification approach listed in the Annex I of the Agreement. For text of the Agreement, see <http://www.itd.org/links/acwlinintro.htm>, last visited 23 January 2001.

(NICs),<sup>4</sup> (3) traditional developing countries (TLDCs), (4) least-developed countries (LLDCs),<sup>5</sup> and (5) transitional economic countries (TECs).

Table 1 indicates which WTO Members have participated in the WTO Dispute Settlement Process. WTO Members are classified either as 'participants' or 'non-participants'. A WTO member is considered a 'non-participant' when it has participated neither as a party to a dispute nor as a third party. No least-developed country has participated, and 23 out of 65 traditional developing countries have not participated in any WTO dispute.

#### ACTORS INVOLVED IN WTO DISPUTES

Figure 1 and Table 2 analyse the 213 complaints<sup>6</sup> by examining the number of complaints brought by and against (1) the United States, (2) the European Communities, (3) Canada, (4) Japan, (5) all developed countries combined (including the US, the EC, Canada, and Japan), (6) less-developed countries (LDCs) (consisting of NICs and TLDCs), (7) least-developed countries, and (8) transitional economic countries.<sup>7</sup>

The United States was the most active complainant, and the EC was the most frequent target. The US and the EC combined brought 110 complaints (55.4% of 213 complaints) and defended against 95 complaints (43.4% of 219 complaints). Developed countries brought three times as many cases as developing countries.

#### TRENDS IN USE OF THE DISPUTE SETTLEMENT MECHANISM

Figure 2 shows annual trends in use of 208 consultation requests brought during the first six years of the WTO.<sup>8</sup> In 1995, developed and developing

<sup>4</sup> Developing countries are designated in the WTO on the basis of self-selection. See [http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org7\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/org7_e.htm), last visited 23 January 2001. In this article, developing countries (LDCs) are divided into newly industrialized countries (NICs) and traditional developing countries (TLDCs) on the bases of their share of world trade, their per capita income and the frequency of the Trade Policy Review.

<sup>5</sup> For classification as least-developed country, the WTO refers to the list set up by the United Nations. Of the countries named there, 29 are WTO Members. See [http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org7\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/org7_e.htm), last visited 23 January 2001.

<sup>6</sup> We included four requests for the establishment of a panel by India (DS32 & DS33), Thailand (DS181), and Pakistan (DS192) although they were not preceded by requests for consultations under the DSU, but fulfilled the consultation requirements under the Agreement on Textiles and Clothing.

<sup>7</sup> Six co-complaints raised from 1995 to January 1, 2001 (DS16, DS27, DS35, DS58, DS158, DS217) are not considered in analyzing activities of complainants (i.e. 213 of total 219 complaints are considered). It should be noted, however, that these six co-complaints are considered in analyzing activities of defendants (i.e. all of 219 complaints are considered).

<sup>8</sup> In Figure 2, the category 'developing countries' consists of NICs, TLDCs, LLDCs, and TECs, and six co-complaints raised from 1995 to 1 January 2001 are not considered in the figure for convenience.

Table 1. Classification of the WTO Members and their participation in the Dispute Settlement Mechanism

Country groups	Participants in the WTO Dispute Settlement Process	Non-Participants in the WTO Dispute Settlement Process	Total
Developed countries (DCs)	Australia, Canada, the European Communities and its 15 Member States, Iceland, Japan, New Zealand, Norway, Switzerland, the United States (24)	Liechtenstein (1)	25
Newly industrialized countries (NICs)	Argentina, Brazil, Hong Kong, Korea, Malaysia, Mexico, Singapore, Thailand (8)		8
Traditional developing countries (TLDCs)	Barbados, Belize, Bolivia, Cameroon, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ghana, Grenada, Guatemala, Honduras, India, Indonesia, Israel, Jamaica, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, Peru, the Philippines, Saint Lucia, Saint Vincent & the Grenadines, Senegal, South Africa, Sri Lanka, Suriname, Swaziland, Trinidad and Tobago, Turkey, Uruguay, Venezuela, Zimbabwe (41)	Antigua and Barbuda, Bahrain, Botswana, Brunei Darussalam, Congo, Cyprus, Fiji, Gabon, Guyana, Jordan, Kenya, Kuwait, Macau, Malta, Mauritius, Mongolia, Morocco, Namibia, Papua New Guinea, Oman, Qatar, Saint Kitts (Saint Christopher) and Nevis, Tunisia, United Arab Emirates (24)	65
Least-developed Countries (LLDCs)		Angola, Bangladesh, Benin, Burkina Faso, Burundi, Central African Republic, Chad, Democratic Republic of the Congo, Djibouti, Gambia, Guinea, Guinea-Bissau, Haiti, Lesotho, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Myanmar, Niger, Rwanda, Sierra Leone, Solomon Islands, Tanzania, Togo, Uganda, Zambia (29)	29
Transitional Economic Countries (TECs)	Czech Republic, Hungary, Poland, Romania, Slovak Republic (5)	Albania, Bulgaria, Croatia, Estonia, Georgia, Republic of Kyrgyz, Latvia, Slovenia (8)	13
Total	78	62	140

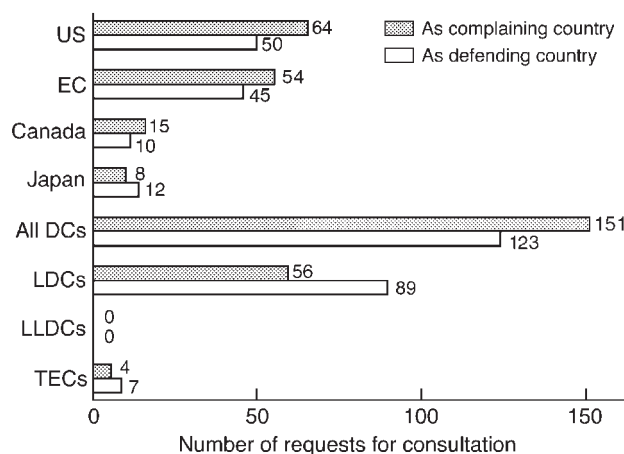


Fig. 1. Actors involved in WTO disputes excluding co-complaints

Table 2. Participation ratio as complainant and defendant excluding co-complaints

Country groups	As complainant (%)	As defendant (%)	Participation ratio as complainant or defendant (%)
USA	30.0	22.8	52.1 (114 complaints)
EC	25.4	20.5	45.2 (99 complaints)
Canada	7.0	4.6	11.4 (25 complaints)
Japan	3.8	5.5	9.1 (20 complaints)
All DCs	70.9	56.2	NA
LDCs	26.3	40.6	NA
LLDCs	0	0	0
TECs	1.9	3.2	NA

countries filed a similar number of cases. Yet, while the litigation activities of developed countries peaked at 40 cases in 1997 and fell to 22 in 1999, the number of complaints brought by developing countries hovered around 10 a year and dropped to 7 cases in 1999. In 2000, the complaints gap between developed and developing countries became narrowed again and the complaints by developed countries was outnumbered by those by developing countries for the first time (the number of complaints: US 8, EC 7, Canada 1; NICs 11, TLDCs 6).

#### ALTERNATIVE APPROACHES TO RESOLVING DISPUTES

The Dispute Settlement Understanding (DSU) provides for alternative approaches to resolving a trade dispute. As of 1 January 2001, 103 complaints

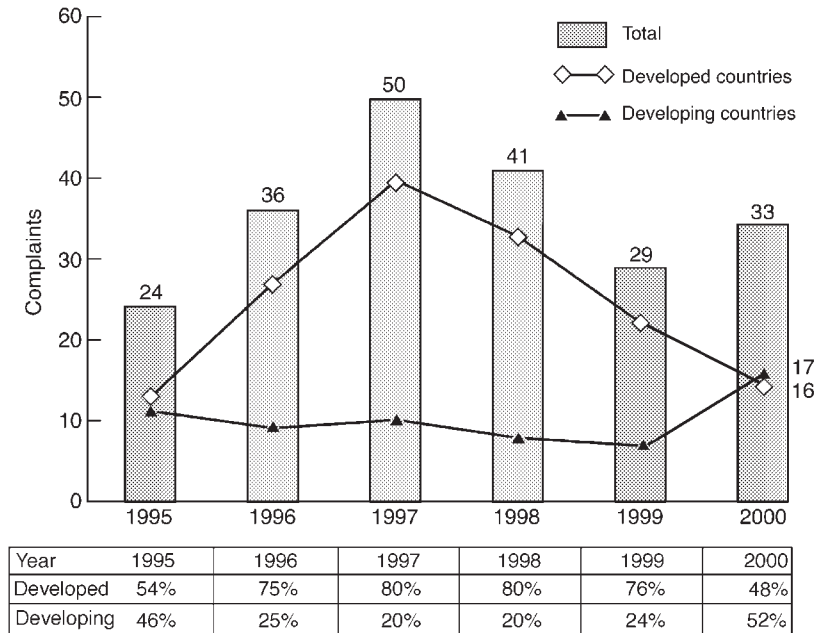


Fig. 2. Trends in the use of the Dispute Settlement Mechanism

are deemed to have been ‘settled’. Of these, 55 were resolved by a DSB ruling adopting a Panel and/or Appellate Body report. Interestingly, 48 were concluded in other ways, such as bilateral settlements,<sup>9</sup> unilateral withdrawal of the measures at stake,<sup>10</sup> withdrawal of the request for the establishment of a Panel,<sup>11</sup> settlement through inaction,<sup>12</sup> and other forms.<sup>13</sup> None of the disputes was resolved by such ‘diplomatic’ means of settlement as good offices, conciliation or mediation under Article 5 of the DSU. None of the WTO

<sup>9</sup> Under bilateral settlement, we included the following: (1) mutually agreed solutions notified to the DSB according to Article 3.6 of the DSU (29 requests for consultations: DS5, DS6, DS7+DS12+DS14, DS19, DS20, DS21, DS28, DS35, DS36, DS37, DS40, DS42, DS43, DS72, DS73, DS74, DS85, DS86, DS91+DS92+DS93+DS94+DS96, DS102, DS119, DS151, DS190); (2) a joint communication not notified to the DSB (DS57); (3) a unilateral official statement not notified to the DSB (DS49); and (4) a *de facto* bilateral settlement without an official statement (DS15).

<sup>10</sup> See cases DS23, DS32, DS39.

<sup>11</sup> See cases DS1, DS13, DS89, DS106, DS123, DS181.

<sup>12</sup> Settlement through inaction comprises cases where (1) panelists were not selected (DS9); (2) no further action was taken after the request for consultations (DS17, DS25); and (3) the panel’s authority lapsed pursuant to Article 12.12 of the DSU (DS38, DS88+DS95).

<sup>13</sup> A new request for consultations superseded the former matter (DS16).

Members have had recourse to voluntary arbitration process under Article 25 of the DSU.

Table 3. Various means of WTO Dispute Settlement

Status of the disputes	Complaints	Share (%)
Total number of requests for consultation	219	100
Cases in progress	116	53.0
Resolved by adopted panel or Appellate Body Report	55	25.1
Resolved in other ways	48	21.9
Bilateral settlement	32	14.6
Unilateral withdrawal of the measures at stake	3	1.4
Withdrawal of the request for the establishment of a panel	6	2.7
Settlement through inaction	6	2.7
Others	1	0.5
Resolved by voluntary arbitration	0	0
Resolved by good offices, conciliation or mediation	0	0

#### THE USE OF APPELLATE BODY REVIEW

Now, we examine how often WTO Members have used the Appellate Body review mechanism. As of 1 January 2001, 49 panel reports have been issued.<sup>14</sup> For three matters, the time for appeal has not run out.<sup>15</sup> Of the remaining 46 cases,<sup>16</sup> 36 were appealed. Thus, Appellate Body Review was invoked in 78.3 percent of the cases. Figure 3 indicates annual trends in issue of panel and Appellate Body Reports.

Figure 4 indicates the results of the 33 Appellate Body reports. In 54.5 percent of its reports (18 reports), the Appellate Body reversed the findings of the Panels, either in part or in full. In 45.5 percent of its reports (15 reports), the Appellate Body upheld the findings of the Panel, although making modifications in five matters.

<sup>14</sup> We did not count cases where a mutually agreed solution to the dispute between the parties was informed to the DSB during the panel proceeding and the panel report was confined to a brief description of the case and to reporting that a solution has been reached under Article 12.7 of the DSU. See DS7, DS12 & DS14, and DS72. Also, we did not consider compliance review panel reports circulated under Article 21.5 of the DSU.

<sup>15</sup> See DS155, DS156, DS177+DS178.

<sup>16</sup> Ten panel reports were adopted by the DSB without appeal.

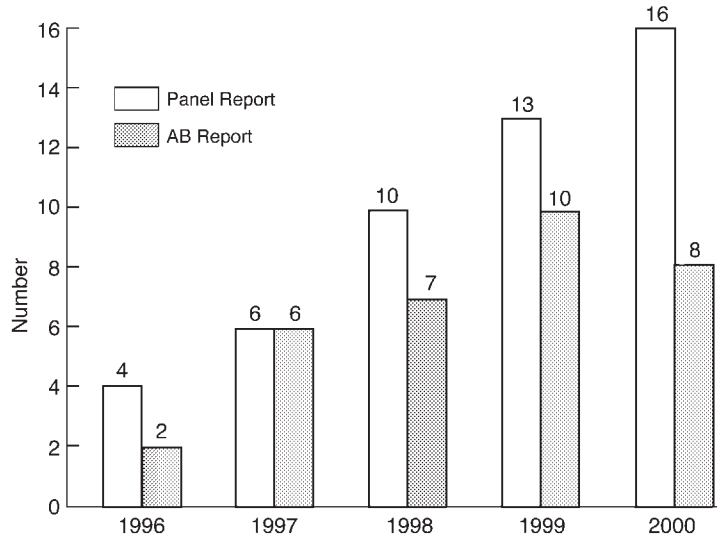


Fig. 3. Annual trends in circulation of Panel and Appellate Body Reports

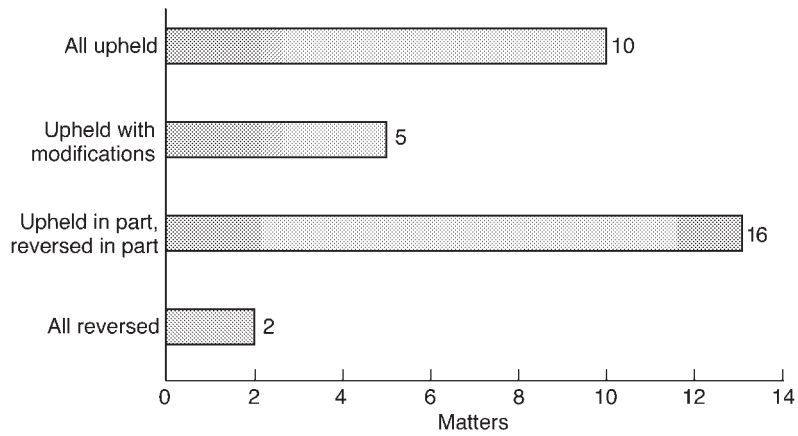


Fig. 4. The outcome of Appellate Body Review

#### TYPES OF PRODUCTS DISPUTED

Table 4 indicates the relationship between the defendants and the types of products complained about in 219 complaints, as of 1 January 2001. Here the products<sup>17</sup> are classified according to the Harmonized System.<sup>18</sup> Over one-third of the cases (33.5%) concerned agricultural products,<sup>19</sup> followed by vehicles (11.3%), textiles (8.2%), chemicals (7.2%) and base metals (6.3%).

<sup>17</sup> We have not considered cases that do not deal with products, but with copyrights not related to a specific product (e.g., DS82, DS124, DS160). Similarly, we have not considered cases regarding trade in services (e.g., DS80).

<sup>18</sup> Harmonized Commodity Description and Coding System, as set up by the International Convention on the Harmonized Commodity Description and Coding System, done at Brussels on 14 June 1983, and the Protocol thereto, done at Brussels on 24 June 1986, 1035 UNTS 3, entered into force 1 January 1988. According to the Harmonized System, the first two digits identify the chapter. The basic commodity chapters are numbered from 1 to 97. Each chapter is made up of several sections ranging from I to XXI. Our figure refers to these sections.

<sup>19</sup> The Agreement on Agriculture covers all the products of HS Code Section I through IV (except fish and fish products) and certain products of HS Code Section VI, VIII and XI. *See* Annex 1 of the Agreement on Agriculture. The term 'general products' was used when the complaint(s) did not specify the category of the products but just mentioned 'agricultural products and industrial products (except textile and clothing products)'.



Table 4. Types of products disputed and defending country groups

HS Section	Type of products	Defending country						Total	Share (%)
		US	EC	Other DCs	NICs	TLDCs	TECs		
	<i>Agricultural products (sub-total)</i>	10	18	7	16	10	4	65	33.5
–	not specified	–	1	1	2	–	1	5	2.6
<b>I</b>	<b>Animal products less fish &amp; fish products</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>21</b>	<b>10.8</b>
<b>II</b>	<b>Vegetables</b>	<b>4</b>	<b>12</b>	–	<b>3</b>	<b>1</b>	<b>2</b>	<b>22</b>	<b>11.3</b>
III	Animal or Vegetable fats & oils	–	–	–	–	2	–	2	1.0
IV	Prepared foodstuffs	1	–	3	6	5	–	15	7.7
	<i>Non-agricultural (sub-total)</i>	24	14	18	26	28	2	112	57.7
I	Fish & fish products	3	3	2	–	1	–	9	4.6
V	Minerals	2	–	–	–	4	–	6	3.1
<b>VI</b>	<b>Chemicals</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>5</b>	–	<b>14</b>	<b>7.2</b>
VII	Plastics	–	–	–	2	1	–	3	1.5
VIII	Leather	–	–	4	1	2	–	7	3.6
IX	Wood	–	1	–	–	–	–	1	0.5
X	Pulp & paper	–	–	2	1	–	–	3	1.5
<b>XI</b>	<b>Textiles and clothing</b>	<b>6</b>	<b>2</b>	–	<b>4</b>	<b>4</b>	–	<b>16</b>	<b>8.2</b>
XII	Footwear	–	–	–	5	–	–	5	2.6
XIII	Glass	–	1	–	1	–	–	2	1.0
<b>XV</b>	<b>Base metals</b>	<b>8</b>	<b>1</b>	–	<b>1</b>	<b>3</b>	<b>1</b>	<b>14</b>	<b>7.2</b>
XVI	Machines and electronic equipment	2	3	1	3	–	–	9	4.6
<b>XVII</b>	<b>Vehicles</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>5</b>	<b>8</b>	<b>1</b>	<b>22</b>	<b>11.3</b>
XX	Other manufactures	1	–	–	–	–	–	1	0.5
	<i>General products</i>	3	0	0	3	10	1	17	8.8
	Total complaints	37	32	25	45	48	7	194	100
	Share (%)	19.1	16.5	12.9	23.2	24.7	3.6	100	–

## TYPES OF MEASURES DISPUTED

Table 5 shows the different types of measures challenged in 219 complaints (total 199 distinctive measures), as of 1 January 2001.<sup>20</sup> Most are antidumping measures (15.1%),<sup>21</sup> followed by non-automatic licensing measures (9.5%), measures regarding intellectual property rights (IPRs) (9%),<sup>22</sup> TBT/SPS measures (8.5%)<sup>23</sup>, safeguards (8%) and subsidies (7%).<sup>24</sup> In 10 of the 16 safeguards cases, safeguard measures were imposed in the form of quotas only, and the remaining six cases involved prohibitions, safeguard duties, and tariff quotas.<sup>25</sup> Countervailing duty measures were disputed in 14 cases<sup>26</sup> and trade-in-service measures were challenged in nine cases.<sup>27</sup>

<sup>20</sup> In this Table, we counted each measure defended by a WTO Member only once, even if there were several matters, e.g., *EC – Hormones* case (DS26+DS48). However, where a case involves several distinct measures, we made an entry for each of them, for example, in *EC – Bananas* case (DS27) three measures were involved (i.e., non-automatic licensing, tariff quotas, and preferential duties).

<sup>21</sup> See DS24, DS49, DS60, DS63, DS89, DS99, DS101, DS119, DS122, DS132, DS136+DS162, DS140, DS141, DS156, DS157, DS168, DS179, DS182, DS184, DS185, DS187, DS189, DS191, DS203, DS206, DS208, DS211, DS217, DS219 ('+' mark indicates multiple complaints that are considered one measure).

<sup>22</sup> See DS28 & DS42, DS36, DS37, DS50&DS79, DS54+DS55+DS59+DS64, DS82+DS115, DS83, DS86, DS114, DS124+DS125, DS153, DS160, DS170, DS171, DS174, DS176, DS196, DS199 ('+' mark indicates multiple complaints that are considered one measure and '&' mark indicates case of the same measure).

<sup>23</sup> See DS2+DS4, DS3+DS41, DS5, DS7+DS12+DS14, DS18&DS21, DS20, DS26+DS48, DS72, DS76, DS77, DS100, DS133, DS135, DS144, DS203, DS205, DS210 ('+' mark indicates multiple complaints which are considered one measure and '&' mark indicates case of the same measure).

<sup>24</sup> See DS35, DS46, DS52+DS65+DS81, DS54+DS59+DS64, DS57, DS70&DS71, DS103+DS113, DS104, DS106&DS126, DS108, DS127&DS128&DS129&DS130&DS131, DS139+DS142, DS147, DS172+DS173 ('+' mark indicates multiple complaints that are considered one measure and '&' mark indicates case of the same measure).

<sup>25</sup> (1) Quota: DS24, DS29&DS47, DS32, DS33, DS78, DS98, DS159, DS166, DS190, DS192; (2) Prohibition: DS181; (3) Safeguard duties: DS121&DS123&DS164, DS202, DS207; and (4) Tariff quota: DS177+DS178 and (5) Quota and Safeguard duties: DS214.

<sup>26</sup> See DS22&DS30, DS97, DS112, DS138, DS145, DS167, DS194, DS206, DS212, DS213, DS215, DS216, DS217, DS218.

<sup>27</sup> See DS16&DS27, DS38, DS45, DS80, DS105, DS117, DS158, DS188, DS204. However, three of seven cases were related to EC's banana regime (DS16&DS27, DS105, DS158).

Table 5. Types of measures disputed and defending country groups

Contested measures	Defending country						Total	Share (%)
	US	EC	Other DCs	NICs	TLDCs	TECs		
Anti-dumping measures	10	3	1	6	10	–	30	15.1
Non-automatic licensing	1	3	1	6	7	1	19	9.5
Protection of IPRs	3	7	3	3	2	–	18	9.0
TBT/SPS measures	3	5	2	5	1	1	17	8.5
Safeguards measures	9	–	–	3	3	1	16	8.0
Subsidies	1	3	6	2	1	1	14	7.0
Countervailing measures	9	–	–	3	2	–	12	7.0
Service measures	1	4	2	1	1	–	9	4.5
Internal taxes	–	–	2	2	4	–	8	4.0
Customs valuation	–	3	–	2	–	1	6	3.0
Preferential duties	–	4	1	–	–	1	6	3.0
Tariff increase	–	–	–	2	2	2	6	3.0
Tariff quotas	1	3	2	–	–	–	6	3.0
Quotas	–	2	1	–	2	–	5	2.5
Retaliatory duties	5	–	–	–	–	–	5	2.5
Prohibitions	1	–	1	1	1	–	4	2.0
Additional charges	1	–	–	1	1	–	3	1.5
Administrative pricing	–	–	–	2	–	1	3	1.5
Government procurement	1	–	1	1	–	–	3	1.5
Rules of origin	2	–	–	–	–	–	2	1.0
State trading	–	–	1	1	–	–	2	1.0
Tariff classification	1	1	–	–	–	–	2	1.0
Competition policies	–	–	1	–	–	–	1	0.5
Total measures	49	38	25	41	37	9	199	100
Share (%)	23.2	19.1	12.9	21.1	19.1	4.6	100	–

## AGREEMENTS AND PROVISIONS LITIGATED

The following tables serve two purposes. First, they provide a quick reference for WTO lawyers who look for the Panel or Appellate Body Reports interpreting a certain provision of WTO law. They work as follows: In Table 6, all Uruguay Round Agreements are listed following the order of the Annexes to the WTO Agreement. A specific article is only listed if a Panel or Appellate Body Report has made a finding on it or at least discussed it. The third column then indicates the case numbers (e.g., DS2/R or DS2/AB/R, depending on whether only the Panel or also the Appellate Body addressed a provision). To obtain the full name of the case and the status of the report, please see Table 7.

Secondly, this analysis enables us to learn more about how often a particular provision of the Uruguay Round Agreements has been used by Panels and the Appellate Body. Most findings were made on GATT provisions, in particular Articles III:4, III:2 and XI, followed by the Agreement on Subsidies and Countervailing Measures and the Agreement on Agriculture. The Agreement on Technical Barriers to Trade, the Agreement on Customs Valuation, the Agreement on Preshipment Inspection and the Agreement on Rules of Origins have not yet been applied by WTO Panels.

Table 6. Provisions litigated, by Agreement

Agreements	Article	Case number	Total matters	
Agreement Establishing the World Trade Organization GATT	XVI	DS136/AB/R, DS162/AB/R	2	
	I	DS27/AB/R, DS54, 55, 59 & 64/R, DS152/R, DS165/AB/R, DS139 & 142/AB/R, DS156R, DS161 & 169/AB/R, DS166/AB/R, DS141/R, DS177 & 178/R	10	
	II	DS56/AB/R, DS62, 67 & 68/AB/R, DS103 & 113 /AB/R, DS152/R, DS165/AB/R, DS156/R	6	
	III: 2	DS8, 10 & 11/AB/R, DS31/AB/R, DS54, 55, 59 & 64/R, DS75 & 84/AB/R, DS87 & 110/AB/R, DS139 & 142/AB/R, DS155/R	7	
	III: 4	DS2/R, DS27/AB/R, DS54, 55, 59 & 64/R, DS44/R DS69/R, DS152/R, DS136/AB/R, DS161 & 169/AB/R, DS135/R	8	
	VI	DS22/AB/R, DS136/AB/R, DS162/AB/R, DS122/R, DS141/R, DS179/R	7	
	VIII	DS56/AB/R, DS152/R, DS165/AB/R	2	
	X	DS24/AB/R, DS27/AB/R, DS44/R, DS69/AB/R, DS155/R, DS179/R	6	
	XI	DS31/R, DS58/R, DS90/R, DS34/R, DS152/R, DS162/AB/R, DS165/AB/R, DS135/R, DS155/R	9	
	XIII	DS27/AB/R, DS69/AB/R, DS34/R, DS135/R	4	
	XVII	DS161 & 169/AB/R	1	
	XVIII	DS90/AB/R, DS165/R	2	
	XIX	DS98/AB/R, DS121/AB/R, DS166/AB/R, DS177 & 178/R	4	
	XX	DS2/AB/R, DS58/AB/R, DS161 & 169/AB/R, DS135/R, DS155/R	5	
	XXIII	DS33/R, DS44/R, DS69/R, DS58/R, DS90/AB/R, DS135/R	6	
	XXIV	DS139 & 142/AB/R	1	
	Agreement on Agriculture	3	DS103 & 113/AB/R, DS108/AB/R, DS161 & 169/AB/R	3
		4	DS27/AB/R, DS69/R, DS90/R, DS108/R, DS161 & 169/AB/R, DS166/AB/R	6
		5	DS69/AB/R	1
		6	DS161 & 169/AB/R	1
7		DS161 & 169/AB/R	1	
8		DS103 & 113/AB/R, DS108/AB/R	2	
9		DS103 & 113/AB/R, DS108/AB/R	2	

Table 6. *Continued*

Agreements	Article	Case number	Total matters
Agreement on Agriculture <i>continued</i>	10	DS103 & 113/R, DS108/AB/R	2
	13	DS22/R	1
Agreement on the Application of Sanitary and Phytosanitary Measures (SPS)	2	DS76/AB/R, DS135/R	2
	3	DS26 & 48/AB/R, DS135/R	2
	5	DS26 & 48/AB/R, DS18/AB/R, DS76/AB/R, DS135/R	4
Agreement on Textiles and Clothing (ATC)	7	DS76/AB/R	1
	2	DS24/R, DS33/R, DS34/R	3
	6	DS24/AB/R, DS33/R.	2
	7	DS56/R	1
Agreement on Technical Barriers to Trade (TBT)	8	DS24/R	1
	2	DS135/R	1
Agreement on Trade-Related Investment Measures (TRIMS)	2	DS54, 55, 59 & 64/R, DS139 & 142/AB/R	1
	1	DS136/AB/R, DS162/AB/R, DS156/R	3
Agreement on Implementation of Art VI GATT (Antidumping Agreement)	2	DS99/R, DS136/AB/R, DS156/R, DS122/R, DS141/R, DS179/R	6
	3	DS132/R, DS136/AB/R, DS156/R, DS122/R, DS141/R	5
	4	DS136/AB/R, DS162/AB/R	2
	5	DS60/R, <sup>1</sup> DS99/R, DS132R, DS136/ AB/R, DS162/AB/R, DS122/R, DS141/R	7
	6	DS99/R, DS156/R, DS122/R, DS179/R	4
	7	DS132/R, DS156/R	2
	11	DS99/R	1
	12	DS132/R, DS156/R, DS141/R, DS179/5	4
	15	DS141/R	1
	17	DS60/AB/R, DS132/R	2
Agreement on the Implementation of Art. VII GATT (Customs Valuation)	18	DS136/R, DS162/AB/R, DS156/R	3
	13	DS165/R	1
Agreement on Preshipment Inspection	–	–	0
Agreement on Rules of Origin	–	–	0
Agreement on Import Licensing Procedures	1	DS27/AB/R, DS69/AB/R, DS161 & 169/AB/R	3
	3	DS27/AB/R, DS69/AB/R, DS90/R, DS161 & 169/AB/R	4
Agreement on Subsidies and Countervailing Measures (SCM)	1	DS126/R, DS46/R, DS70/AB/R, DS108/R, DS138/R	4
	2	DS54, 55, 59 & 64/R	1
	3	DS126/R, DS46/R, DS70/R, DS108/R, DS108/AB/R, DS139 & 142/AB/R	6

<sup>1</sup> Findings reversed by the Appellate Body on procedural grounds.

Table 6. *Continued*

Agreements	Article	Case number	Total matters
	4	DS126/R, DS46/AB/R, DS70/R, DS108/R	4
	5	DS54, 55, 59&64/R	1
	6	DS54, 55, 59&64/R	1
	8	DS108/R	1
	10	DS138/R	
	19	DS138/R	
	21	DS22/R	1
	25	DS70/R	1
	27	DS54, 55, 59 & 64/R, DS46/AB/R	2
	28	DS54, 55, 59 & 64/R	1
	32	DS22/AB/R	1
Agreement on Safeguards	1	DS138/AB/R	1
	2	DS98/R, DS121/AB/R, DS166/AB/R, DS17 & 178/R	4
	4	DS98/AB/R, DS121/AB/R, DS166/AB/R, DS177 & 178/R	4
	5	DS98/AB/R, DS166/AB/R, DS177 & 178/R	3
	8	DS166/AB/R	1
	10	DS138/AB/R	1
	11	DS177 & 178/R	1
	12	DS98/AB/R, DS121/R, DS166/AB/R, DS177 & 178/R	4
	14	DS138/AB/R	1
	19	DS138/AB/R	1
General Agreement on Trade in Services	I	DS27/AB/R, DS139 & 142/AB/R	2
	II	DS27/AB/R, DS139 & 142/AB/R	2
	V	DS139 & 142/AB/R	1
	VI	DS139 & 142/AB/R	1
	XVII	DS27/AB/R, DS139 & 142/AB/R	2
Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)	3	DS54, 55, 59 & 64/R	1
	13	DS160/R	1
	20	DS54, 55, 59 & 64/R	1
	27	DS114/R	1
	28	DS114/R	1
	30	DS114/R	1
	33	DS114/R, DS170/AB/R	2
	63	DS50/AB/R	1
	65	DS54, 55, 59 & 64/R, DS170/AB/R	2
	70	DS50/AB/R, DS79/R, DS170/AB/R	3
Agreement on Government Procurement (GPA)	III	DS163/R	1
	VIII	DS163/R	1
	XI	DS163/R	1
	XX	DS163/R	1
	XXII	DS163/R	1
	XXIV	DS163/R	1

Table 7. Matters listed by case number

Case Number	Case name	Status
DS2/AB/R	<i>US – Standards for Reformulated and Conventional Gasoline</i>	Adopted 20 May 1996
DS8, 10 & 11/ AB/R	<i>Japan – Taxes on Alcoholic Beverages</i>	Adopted 1 November 1996
DS18/AB/R	<i>Australia – Measures Affecting the Importation of Salmon</i>	Adopted 6 November 1998
DS22/AB/R	<i>Brazil – Measures Affecting Desiccated Coconut</i>	Adopted 20 March 1997
DS24/AB/R	<i>US – Restriction on Imports of Cotton and Man-Made Fibre Underwear</i>	Adopted 25 February 1997
DS26 & 48/ AB/R	<i>EC – Measures Affecting Meat and Meat Products (Hormones)</i>	Adopted 13 February 1998
DS27/AB/R	<i>EC – Regime for the Importation Sale and Distribution of Bananas</i>	Adopted 25 September 1997
DS31/AB/R	<i>Canada – Certain Measures Concerning Periodicals</i>	Adopted 30 July 1997
DS33/AB/R	<i>US – Measure Affecting Imports of Woven Wool Shirts and Blouses</i>	Adopted 23 May 1997
DS34/AB/R	<i>Turkey – Restrictions on Imports of Textile and Clothing Products</i>	Adopted 19 November 1999
DS44/R	<i>Japan – Measures Affecting Consumer Photographic Film and Paper</i>	Adopted 22 April 1998
DS46/AB/R	<i>Brazil – Export Financing Programme for Aircraft</i>	Adopted 20 August 1999
DS50/AB/R	<i>India – Patent Protection for Pharmaceutical and Agricultural Chemical Products</i>	Adopted 16 January 1998
DS54, 55, 59 & 64/R	<i>Indonesia – Certain Measures Affecting the Automobile Industry</i>	Adopted 23 July 1998
DS56/AB/R	<i>Argentina – Certain Measures Affecting Imports of Footwear Textiles Apparel and Other Items</i>	Adopted 22 April 1998
DS58/AB/R	<i>US – Import Prohibition of Certain Shrimp and Shrimp Products</i>	Adopted 6 November 1998
DS60/AB/R	<i>Guatemala – Anti-Dumping Investigation Regarding Imports of Portland Cement from Mexico</i>	Adopted 25 November 1998
DS62, 67 & 68/ AB/R	<i>EC – Customs Classification of Certain Computer Equipment</i>	Adopted 22 June 1998
DS69/AB/R	<i>EC – Measures Affecting Importation of Certain Poultry Products</i>	Adopted 23 July 1998
DS70/AB/R	<i>Canada – Measures Affecting the Export of Civilian Aircraft</i>	Adopted 20 August 1999
DS75 & 84/AB/R	<i>Korea – Taxes on Alcoholic Beverages</i>	Adopted 17 February 1999



Table 7. *Continued*

Case Number	Case name	Status
DS76/AB/R	<i>Japan – Measures Affecting Agricultural Products</i>	Adopted 19 March 1999
DS79/R	<i>India – Patent Protection for Pharmaceutical and Agricultural Chemical Products</i>	Adopted 2 September 1998
DS87 & 110/ AB/R	<i>Chile – Taxes on Alcoholic Beverages</i>	Adopted 12 January 2000
DS90/AB/R	<i>India – Quantitative Restrictions on Imports of Agricultural Textile and Industrial Products</i>	Adopted 22 September 1999
DS98/AB/R	<i>Korea – Definitive Safeguard Measures on Imports of Certain Dairy Products</i>	Adopted 12 January 2000
DS99/R	<i>US – Anti-Dumping Duty on Dynamic Random Access Memory Semiconductors (DRAMS) of One Megabit or Above from Korea</i>	Adopted 19 March 1999
DS103 & 113/ AB/R	<i>Canada – Measures Affecting the Importation of Dairy Products</i>	Adopted 27 October 1999
DS108/R	<i>US – Tax Treatment for ‘Foreign Sales Corporations’</i>	Adopted 20 March 2000
DWS114/R	<i>Canada – Patent Protection of Pharmaceutical Products</i>	Adopted 7 April 2000
DS121/AB/R	<i>Argentina – Safeguard Measures on Imports of Footwear</i>	Adopted 12 January 2000
DS122/R	<i>Thailand – Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel: H-Beams from Poland</i>	Thailand notified its intention to appeal 23 October 2000
DS126/R	<i>Australia – Subsidies Provided to Producers and Exporters of Automotive Leather</i>	Adopted 16 June 1999
DS132/R	<i>Mexico – Anti-Dumping Investigation of High Fructose Corn Syrup (HFCS) from the United States</i>	Adopted 24 February 2000
DS135/R	<i>EC – Measures Affecting the Prohibition of Asbestos and Asbestos Products</i>	Canada notified its intention to appeal 23 October 2000
DS138/AB/R	<i>US – Imposition of Countervailing Duties on Certain Hot-Rolled and Bismuth Carbon Steel Products Originating in the United Kingdom</i>	Adopted 7 June 2000
DS139 & 142/ AB/R	<i>Canada – Certain Measures Affecting the Automotive Industry</i>	Adopted 19 June 2000
DS141/R	<i>EC – Anti-Dumping Duties of Imports of Cotton-Type Bed Linen from India</i>	The EC notified its intention to appeal 1 December 2000
DS136/AB/R	<i>US – Anti-Dumping Act of 1916</i>	Adopted 26 September 2000

Table 7. *Continued*

Case Number	Case name	Status
DS152/R	<i>US – Sections 301–310 of the Trade Act of 1974</i>	Adopted 27 January 2000
DS155/R	<i>Argentina – Measures of the Export of Bovine Hides and the Import of Finished Leather</i>	Circulated 19 December 2000
DS156/R	<i>Guatemala – Definitive Anti-dumping Measure regarding Grey Portland Cement from Mexico</i>	Adopted 17 November 2000
DS160/R	<i>US – Section 110(5) of the US Copyright Act</i>	Adopted 27 July 2000
DS161 & 169/ AB/R	<i>Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef</i>	Circulated 11 December 2000
DS162/AB/R	<i>US – Anti-Dumping Act of 1916</i>	Adopted 26 September 2000
DS163/R	<i>Korea – Measures Affecting Government Procurement</i>	Adopted 19 June 2000
DS165/AB/R	<i>US – Import Measures on Certain Products from the European Communities</i>	Circulated 11 December 2000
DS166/AB/R	<i>US – Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities</i>	Circulated 22 December 2000
DS170/AB/R	<i>Canada – Patent Protection Term</i>	Adopted 12 October 2000
DS177 & 178/R	<i>US – Safeguard Measures on Imports of Fresh, Chilled or Frozen Lamb from New Zealand</i>	Circulated 21 December 2000
DS179/R	<i>US – Anti-Dumping Measures on Stainless Steel Plate in Coils and Stainless Steel Sheet and Strip from Korea</i>	Circulated 22 2000