

**DISPUTE SETTLEMENT BODY****ANNUAL REPORT (2021)**

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.<sup>1</sup>

In carrying out its tasks, the DSB held 10 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/447 – WT/DSB/M/457<sup>2</sup> and should be read in conjunction with this Report.

The following matters are included in this Report:

**Table of Contents**

<b>1 ELECTION OF CHAIRPERSON.....</b>	<b>2</b>
<b>2 APPOINTMENT OF APPELLATE BODY MEMBERS.....</b>	<b>2</b>
<b>3 INDICATIVE LIST OF GOVERNMENTAL AND NON-GOVERNMENTAL PANELISTS.....</b>	<b>4</b>
<b>4 ADOPTION OF THE 2021 DRAFT ANNUAL REPORT OF THE DSB .....</b>	<b>4</b>
<b>5 ESTABLISHMENT OF PANELS AND REQUESTS FOR ESTABLISHMENT OF PANELS .....</b>	<b>5</b>
<b>6 STATUS REPORTS ON PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS ADOPTED BY THE DSB .....</b>	<b>6</b>
<b>7 MATTERS RAISED BY MEMBERS PURSUANT TO ARTICLE 21.6 OF THE DSU (SURVEILLANCE AND IMPLEMENTATION) .....</b>	<b>7</b>
<b>8 RECOURSE TO ARTICLE 21.5 OF THE DSU (COMPLIANCE PANEL) .....</b>	<b>8</b>
<b>9 RECOURSE TO ARTICLE 22 OF THE DSU (COMPENSATION AND SUSPENSION OF CONCESSIONS) .....</b>	<b>8</b>
<b>10 OTHER MATTERS .....</b>	<b>8</b>
<b>11 CONCLUSION.....</b>	<b>10</b>

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<sup>1</sup> WT/DSB/81.

<sup>2</sup> This Report includes activities that took place during meetings of the DSB from 18 December 2020 through 26 October 2021.

## **1 ELECTION OF CHAIRPERSON**

1.1. At its meeting on 28 April 2021, the DSB elected by acclamation H.E. Didier Chambovey (Switzerland) as Chairman of the DSB (WT/DSB/M/451). The following delegations made statements: Canada; the European Union; the Russian Federation; China; Korea; Peru; Brazil; India; Singapore; the United States; the Philippines; Japan; the United Kingdom; Thailand; New Zealand and Indonesia.

## **2 APPOINTMENT OF APPELLATE BODY MEMBERS**

2.1. Regarding the selection processes to appoint new Appellate Body members:

- At the 18 December 2020 DSB meeting, Mexico, on behalf of the proponents, submitted a joint proposal on the AB selection processes contained in WT/DSB/W/609/Rev.19. No consensus was reached on this matter. The following delegations made statements: Mexico, on behalf of the proponents; the European Union; the United States; Brazil; Thailand; Switzerland; Iceland; the United Kingdom; Nigeria, on behalf of the African Group; Peru; Japan; South Africa; Korea; India; Singapore; Indonesia; Turkey; Canada; China and Mexico. The Chairman said that the DSB would take note of the statements expressing the respective positions, which would be reflected in the minutes of the present meeting. He said that this matter required political engagement on the part of all WTO Members (WT/DSB/M/447).
- At the 25 January 2021 DSB meeting, Mexico, on behalf of the proponents, submitted a joint proposal on the AB selection processes contained in WT/DSB/W/609/Rev.19. No consensus was reached on this matter. The following delegations made statements: Mexico, on behalf of the proponents; the European Union; the Russian Federation; Indonesia; Colombia; Thailand; China; India; Korea; New Zealand; South Africa; Nigeria, on behalf of the African Group; Switzerland; Canada; Japan; the United States; Singapore; Turkey; Afghanistan; the United Kingdom; Mexico and Brazil. The Chairman said that the DSB would take note of the statements expressing the respective positions, which would be reflected in the minutes of the present meeting. He said that this matter required political engagement on the part of all WTO Members (WT/DSB/M/448).
- At the 22 February 2021 DSB meeting, Mexico, on behalf of the proponents, submitted a joint proposal on the AB selection processes contained in WT/DSB/W/609/Rev.19. No consensus was reached on this matter. The following delegations made statements: Mexico, on behalf of the proponents; the European Union; Korea; India; Indonesia; China; Hong Kong, China; Japan; South Africa; the United Kingdom; Nigeria, on behalf of the African Group; the United States; Brazil; Norway; Switzerland; Canada; Iceland; Thailand; New Zealand; the Russian Federation; Singapore; Turkey and Mexico. The Chairman said that the DSB would take note of the statements expressing the respective positions, which would be reflected in the minutes of the present meeting. He said that this matter required political engagement on the part of all WTO Members (WT/DSB/M/449).
- At the 28 April 2021 DSB meeting, Mexico, on behalf of the proponents, submitted a joint proposal on the AB selection processes contained in WT/DSB/W/609/Rev.19. No consensus was reached on this matter. The following delegations made statements: Mexico, on behalf of the proponents; the European Union; Mauritius, on behalf of the African Group; Canada; India; Indonesia; China; Korea; Hong Kong, China; New Zealand; Thailand; Norway; Switzerland; Japan; the United Kingdom; Brazil, the United States; the Russian Federation; Singapore and Mexico. The Chairman said that the DSB would take note of the statements expressing the respective positions, which would be reflected in the minutes of the present meeting. He said that this matter required political engagement on the part of all WTO Members and he hoped that Members would be able to find a solution to this matter as soon as possible (WT/DSB/M/451).

- At the 28 May 2021 DSB meeting, Mexico, on behalf of the proponents, submitted a joint proposal on the AB selection processes contained in WT/DSB/W/609/Rev.19. No consensus was reached on this matter. The following delegations made statements: Mexico, on behalf of the proponents; New Zealand; the European Union; Norway; China; Indonesia; the Russian Federation; Thailand; India; the United Kingdom; Korea; Canada; Japan; Nigeria, on behalf of the African Group; Switzerland; the United States; Brazil; Singapore and Mexico. The Chairman said that the DSB would take note of the statements expressing the respective positions, which would be reflected in the minutes of the present meeting. He said that this matter required political engagement on the part of all WTO Members and he hoped that Members would be able to find a solution to this matter as soon as possible. He also said that his door was open to all delegations wishing to contact him on this matter (WT/DSB/M/452).
- At the 28 June 2021 DSB meeting, Mexico, on behalf of the proponents, submitted a joint proposal on the AB selection processes contained in document WT/DSB/W/609/Rev.19. No consensus was reached on this matter. The following delegations made statements: Mexico, on behalf of the proponents; the European Union; Hong Kong, China; Nigeria, on behalf of the African Group; Indonesia; New Zealand; Korea; Thailand; the United States; the United Kingdom; Switzerland; Japan; Norway; the Russian Federation; Canada; China; Singapore; Turkey; Brazil; India and Mexico. The Chairman said that the DSB would take note of the statements expressing the respective positions, which would be reflected in the minutes of the present meeting. He said that this matter required political engagement on the part of all WTO Members and he hoped that Members would be able to find a solution to this matter as soon as possible. He recalled that this matter has also been discussed at the TNC meeting held on 25 June 2021. He also said that his door was open to all delegations wishing to contact him on this matter. He said that he himself would try to have a better understanding of the situation and different views on this matter (WT/DSB/M/453).
- At the 26 July 2021 DSB meeting, Mexico, on behalf of the proponents, submitted a joint proposal on AB selection processes contained in document WT/DSB/W/609/Rev.19. No consensus was reached on this matter. The following delegations made statements: Mexico, on behalf of the proponents; the United States; Canada; Indonesia; China; Japan; Thailand; the European Union; Hong Kong, China; Brazil; New Zealand; Korea; Nigeria, on behalf of the African Group; Norway; the United Kingdom; Singapore; Argentina; Switzerland; India; Turkey; Qatar; the Russian Federation and Mexico. The Chairman said that the DSB would take note of the statements expressing the respective positions, which would be reflected in the minutes of the present meeting. He said that this matter required political engagement on the part of all WTO Members and he hoped that Members would be able to find a solution to this matter as soon as possible. He noted that the Chair of the General Council had held consultations on this matter in the context of the broader consultations in preparation for the MC12. He also said that his door was open to any delegation wishing to contact him on this matter (WT/DSB/M/454).
- At the 30 August 2021 DSB meeting, Mexico, on behalf of the proponents, submitted a joint proposal on AB selection processes contained in document WT/DSB/W/609/Rev.19. No consensus was reached on this matter. The following delegations made statements: Mexico, on behalf of the proponents; the European Union; Nigeria, on behalf of the African Group; Brazil; Canada; Japan; China; Indonesia; the United Kingdom; Korea; Thailand; the Russian Federation; Turkey; Norway; India; Hong Kong, China; Argentina; New Zealand; Iceland; Switzerland; Singapore; the United States and Mexico. The Chairman said that the DSB would take note of the statements expressing the respective positions, which would be reflected in the minutes of the present meeting. He said that this matter required political engagement on the part of all WTO Members and he hoped that Members would be able to find a solution to this matter as soon as possible. He noted that the Chair of the General Council had briefly reported on his consultations regarding the issue of restoration of a fully functional dispute settlement system at meeting of the General Council held on 27 July 2021. He said that he would take up this matter with the GC Chair and indicated that his door was open to any delegation wishing to contact him directly on this matter (WT/DSB/M/455).

- At the 27 September 2021 DSB meeting, Mexico, on behalf of the proponents, submitted a joint proposal on AB selection processes contained in document WT/DSB/W/609/Rev.19. No consensus was reached on this matter. The following delegations made statements: Mexico, on behalf of the proponents; the United States; the European Union; Canada; Brazil; Indonesia; Hong Kong, China; India; China; Japan; the United Kingdom; Korea; Switzerland; Norway; Iceland; Nigeria, on behalf of the African Group; New Zealand; Singapore; Zambia; Malaysia; Thailand; the Russian Federation; Chad, on behalf of the LDC Group and Mexico. The Chairman said that the DSB would take note of the statements expressing the respective positions, which would be reflected in the minutes of the present meeting. He said that this matter required political engagement on the part of all WTO Members and he hoped that Members would be able to find a solution to this matter as soon as possible. He noted that the Chair of the General Council had briefly reported on his consultations regarding the issue of restoration of a fully functional dispute settlement system at the meeting of the General Council held on 27 July 2021. He said that he would take up this matter with the GC Chair. He also said that his door was open to any delegation wishing to contact him directly on this matter (WT/DSB/M/456).
- At the 26 October 2021 DSB meeting, Mexico, on behalf of the proponents, submitted a joint proposal on AB selection processes contained in document WT/DSB/W/609/Rev.19. No consensus was reached on this matter. The following delegations made statements: Mexico, on behalf of the proponents; the European Union; the United States; Brazil; Japan; Korea; Australia; China; Hong Kong, China; Norway; the United Kingdom; Switzerland; Turkey; New Zealand; Nigeria, on behalf of the African Group; Indonesia; the Russian Federation; India; Canada; Malaysia; Thailand; Singapore and Mexico. The Chairman said that the DSB would take note of the statements expressing the respective positions, which would be reflected in the minutes of the present meeting. He said that this matter required political engagement on the part of all WTO Members and hoped that Members would be able to find a solution to this matter as soon as possible. He said that the Chair of the General Council continued to consult on this matter in the context of the preparations for the MC12, and had reported on his consultations to all Members at the stocktaking meeting held on 25 October 2021. The GC Chair's consultations would continue on this matter (WT/DSB/M/457).

### **3 INDICATIVE LIST OF GOVERNMENTAL AND NON-GOVERNMENTAL PANELISTS**

3.1. During the period under review, the DSB approved a total of seven 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/673, WT/DSB/W/675 and WT/DSB/W/682. The DSB approved these nominations at its meetings on 18 December 2020 (WT/DSB/M/447), 25 January 2021 (WT/DSB/M/448) and 28 June 2021 (WT/DSB/M/453).

3.2. The DSB approved the following new names for the Indicative List: (i) Ecuador – Mr Roberto Betancourt, Mr Diego Caicedo, Mr Juan Carlos Castrillón, Ms Mireya Muñoz and Mr Luis Vayas; (ii) Kenya – Mr Andrew Waruhiu and (iii) Qatar – Mr Abdulmehsen Fetais.

### **4 ADOPTION OF THE 2021 DRAFT ANNUAL REPORT OF THE DSB**

4.1. At its meeting on 26 October 2021, the DSB adopted the draft Annual Report of the DSB for 2021 contained in document WT/DSB/W/686 on the understanding that it would be further updated by the Secretariat in order to include the actions taken by the DSB at its meeting held on 26 October 2021. The updated Report would be submitted for consideration by the General Council at its meeting on 22 and 23 November 2021 so that the General Council could take note of the Report (WT/DSB/M/457).

## 5 ESTABLISHMENT OF PANELS AND REQUESTS FOR ESTABLISHMENT OF PANELS

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

- "Indonesia – Measures Relating to Raw Materials": The DSB considered, for the first time, the European Union's panel request at its meeting on 25 January 2021 (WT/DS592/3; WT/DSB/M/448). The European Union and Indonesia made statements. The DSB considered this matter, for the second time, at its meeting on 22 February 2021 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/449). The European Union and Indonesia made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Brazil; Canada; China; India; Japan; Korea; the Russian Federation; Saudi Arabia; Singapore; Chinese Taipei; Turkey; Ukraine; the United Arab Emirates; the United Kingdom and the United States.
- "United States – Origin Marking Requirement": The DSB considered, for the first time, Hong Kong, China's panel request at its meeting on 25 January 2021 (WT/DS597/5; WT/DSB/M/448). Hong Kong, China and the United States made statements. The DSB considered this matter, for the second time, at its meeting on 22 February 2021 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/449). Hong Kong, China 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; Korea; Norway; the Russian Federation; Singapore; Switzerland; Turkey and Ukraine.
- "China – Anti-Dumping and Countervailing Duty Measures on Barley from Australia": The DSB considered, for the first time, Australia's panel request at its meeting on 28 April 2021 (WT/DS598/4; WT/DSB/M/451). Australia and China made statements. The DSB considered this matter, for the second time, at its meeting on 28 May 2021 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/452). Australia and China made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Brazil; Canada; the European Union; India; Japan; Mexico; New Zealand; Norway; the Russian Federation; Singapore; Ukraine; the United Kingdom and the United States.
- "European Union and Certain Member States – Certain Measures Concerning Palm Oil and Oil Palm Crop-Based Biofuels": The DSB considered, for the first time, Malaysia's panel request at its meeting on 28 April 2021 (WT/DS600/6; WT/DSB/M/451). Malaysia and the European Union made statements. The DSB considered this matter, for the second time, at its meeting on 28 May 2021 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/452). Malaysia 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; Colombia; Costa Rica; Ecuador; El Salvador; Guatemala; Honduras; India; Indonesia; Japan; Korea; Norway; the Russian Federation; Saudi Arabia; Singapore; Thailand; Turkey; Ukraine; the United Kingdom and the United States.
- "China – Measures Concerning the Importation of Canola Seeds from Canada": The DSB considered, for the first time, Canada's panel request at its meeting on 28 June 2021 (WT/DS589/4; WT/DSB/M/453). Canada and China made statements. The DSB considered this matter, for the second time, at its meeting on 26 July 2021 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/454). Canada and China made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Australia; Brazil; the European Union; India; Japan; Norway; the Russian Federation; Singapore; Chinese Taipei, the United States and Viet Nam.

- "Panama – Measures Concerning the Importation of Certain Products from Costa Rica": The DSB considered, for the first time, Costa Rica's panel request at its meeting on 30 August 2021 (WT/DS599/4; WT/DSB/M/455). Costa Rica and Panama made statements. The DSB considered this matter, for the second time, at its meeting on 27 September 2021 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/456). Costa Rica and Panama made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Australia; Brazil; Canada; China; the European Union; Guatemala; Honduras; India; Mexico; Nicaragua; the Russian Federation; the United Kingdom Chinese Taipei and the United States.
- "China – Anti-Dumping Measures on Stainless Steel Products from Japan": The DSB considered, for the first time, Japan's panel request at its meeting on 30 August 2021 (WT/DS601/2; WT/DSB/M/455). Japan and China made statements. The DSB considered this matter, for the second time, at its meeting on 27 September 2021 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/456). Japan and China made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Australia; Brazil; Canada; the European Union; India; Korea; Mexico; the Russian Federation; Saudi Arabia; Chinese Taipei; the United States and Viet Nam.
- "China – Anti-Dumping and Countervailing Duty Measures on Wine from Australia": The DSB considered, for the first time, Australia's panel request at its meeting on 27 September 2021 (WT/DS602/2; WT/DSB/M/456). Australia and China made statements. The DSB considered this matter, for the second time, at its meeting on 26 October 2021 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/457). Australia and China made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Brazil; Canada; the European Union; India; Japan; Korea; Mexico; New Zealand; Norway; the Russian Federation; Singapore; Switzerland; Chinese Taipei; Turkey; Ukraine; the United Kingdom; the United States and Viet Nam.

## **6 STATUS REPORTS ON PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS ADOPTED BY THE DSB**

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

- "United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan": Status reports by the United States (WT/DS184/15/Add.210, 211, 212, 214, 215, 216, 217, 218, 219 and 220) were submitted at the DSB meetings held on 18 December 2020 (WT/DSB/M/447), 25 January 2021 (WT/DSB/M/448), 22 February 2021 (WT/DSB/M/449), 28 April 2021 (WT/DSB/M/451), 28 May 2021 (WT/DSB/M/452), 28 June 2021 (WT/DSB/M/453), 26 July 2021 (WT/DSB/M/454), 30 August 2021 (WT/DSB/M/455), 27 September 2021 (WT/DSB/M/456) and 26 October 2021 (WT/DSB/M/457). In the course of the period covered by this report, statements on this matter were made by the United States (10 times) and Japan (10).
- "United States – Section 110(5) of the US Copyright Act": Status reports by the United States (WT/DS160/24/Add.185, 186, 187, 189, 190, 191, 192, 193, 194 and 195) were submitted at the DSB meetings held on 18 December 2020 (WT/DSB/M/447), 25 January 2021 (WT/DSB/M/448), 22 February 2021 (WT/DSB/M/449), 28 April 2021 (WT/DSB/M/451), 28 May 2021 (WT/DSB/M/452), 28 June 2021 (WT/DSB/M/453), 26 July 2021 (WT/DSB/M/454), 30 August 2021 (WT/DSB/M/455), 27 September 2021 (WT/DSB/M/456) and 26 October 2021 (WT/DSB/M/457). In the course of the period covered by this report, statements on this matter were made by the United States (10 times), the European Union (10) and China (1).



- "European Communities – Measures Affecting the Approval and Marketing of Biotech Products": Status reports by the European Union (WT/DS291/37/Add.148, 149, 150, 152, 153, 154, 155, 156, 157 and 158) were submitted at the DSB meetings held on 18 December 2020 (WT/DSB/M/447), 25 January 2021 (WT/DSB/M/448), 22 February 2021 (WT/DSB/M/449), 28 April 2021 (WT/DSB/M/451), 28 May 2021 (WT/DSB/M/452), 28 June 2021 (WT/DSB/M/453), 26 July 2021 (WT/DSB/M/454), 30 August 2021 (WT/DSB/M/455), 27 September 2021 (WT/DSB/M/456) and 26 October 2021 (WT/DSB/M/457). In the course of the period covered by this report, statements on this matter were made by the European Union (10 times) and the United States (10).
- "United States – Anti-Dumping and Countervailing Measures on Large Residential Washers from Korea": Status reports by United States (WT/DS464/17/Add.32, 33, 34, 36, 37, 38, 39, 40, 41 and 42) were submitted at the DSB meetings held on 18 December 2020 (WT/DSB/M/447), 25 January 2021 (WT/DSB/M/448), 22 February 2021 (WT/DSB/M/449), 28 April 2021 (WT/DSB/M/451), 28 May 2021 (WT/DSB/M/452), 28 June 2021 (WT/DSB/M/453), 26 July 2021 (WT/DSB/M/454), 30 August 2021 (WT/DSB/M/455), 27 September 2021 (WT/DSB/M/456) and 26 October 2021 (WT/DSB/M/457). In the course of the period covered by this report, statements on this matter were made by the United States (10 times), Korea (10) and Canada (10).
- "United States – Certain Methodologies and their Application to Anti-Dumping Proceedings Involving China": Status reports by the United States (WT/DS471/17/Add.24, 25, 26, 28, 29, 30, 31, 32, 33 and 34) were submitted at the DSB meetings held on 18 December 2020 (WT/DSB/M/447), 25 January 2021 (WT/DSB/M/448), 22 February 2021 (WT/DSB/M/449), 28 April 2021 (WT/DSB/M/451), 28 May 2021 (WT/DSB/M/452), 28 June 2021 (WT/DSB/M/453), 26 July 2021 (WT/DSB/M/454), 30 August 2021 (WT/DSB/M/455), 27 September 2021 (WT/DSB/M/456) and 26 October 2021 (WT/DSB/M/457). In the course of the period covered by this report, statements on this matter were made by the United States (10 times) and China (10).
- "Indonesia – Importation of Horticultural Products, Animals and Animal Products": Status reports by Indonesia (WT/DS477/21–WT/DS478/22 Add. 19, 20, 21, 23, 24, 25, 26, 27, 28 and 29) were submitted at the DSB meetings held on 18 December 2020 (WT/DSB/M/447), 25 January 2021 (WT/DSB/M/448), 22 February 2021 (WT/DSB/M/449), 28 April 2021 (WT/DSB/M/451), 28 May 2021 (WT/DSB/M/452), 28 June 2021 (WT/DSB/M/453), 26 July 2021 (WT/DSB/M/454), 30 August 2021 (WT/DSB/M/455), 27 September 2021 (WT/DSB/M/456) and 26 October 2021 (WT/DSB/M/457). In the course of the period covered by this report, statements on this matter were made by Indonesia (10 times), New Zealand (10) and the United States (10).

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

7.1. The DSB considered at several meetings the implementation of the DSB recommendations and rulings with respect to three matters:

- "United States – Continued Dumping and Subsidy Offset Act of 2000" (DS217; DS234): the European Union raised the implementation of the DSB's recommendations and rulings in these disputes at the DSB meetings held on 18 December 2020 (WT/DSB/M/447), 25 January 2021 (WT/DSB/M/448), 22 February 2021 (WT/DSB/M/449), 28 April 2021 (WT/DSB/M/451), 28 May 2021 (WT/DSB/M/452), 28 June 2021 (WT/DSB/M/453), 26 July 2021 (WT/DSB/M/454), 30 August 2021 (WT/DSB/M/455), 27 September 2021 (WT/DSB/M/456) and 26 October 2021 (WT/DSB/M/457). In the course of the period covered by this report, the following delegations made statements: The European Union (10 times), Canada (6) and the United States (10).
- "European Communities and Certain Member States – Measures Affecting Trade in Large Civil Aircraft" (DS316): The United States raised the implementation of the DSB recommendations and rulings in this dispute at the DSB meetings held on 18 December 2020 (WT/DSB/M/447), 25 January 2021 (WT/DSB/M/448), 22 February 2021

(WT/DSB/M/449), 28 April 2021 (WT/DSB/M/451), 28 May 2021 (WT/DSB/M/452), 28 June 2021 (WT/DSB/M/453), 26 July 2021 (WT/DSB/M/454), 30 August 2021 (WT/DSB/M/455), 27 September 2021 (WT/DSB/M/456) and 26 October 2021 (WT/DSB/M/457). In the course of the period covered by this report, the following delegations made statements: The United States (10 times) and the European Union (10).

- "Australia – Anti-Dumping Measures on A4 Copy Paper" (DS529): Indonesia raised the issue of implementation of the DSB recommendations and rulings in this dispute at the DSB meetings held on 18 December 2020 (WT/DSB/M/447), 25 January 2021 (WT/DSB/M/448), 22 February 2021 (WT/DSB/M/449) and 28 April 2021 (WT/DSB/M/451). In the course of the period covered by this report, the following delegations made statements: Indonesia (4 times) and Australia (4).

## **8 RECOURSE TO ARTICLE 21.5 OF THE DSU (COMPLIANCE PANEL)**

8.1. One matter was referred by the DSB to the compliance Panel pursuant to Article 21.5 of the DSU:

- "China – Tariff Rate Quotas for Certain Agricultural Products": At its meeting on 26 July 2021, the DSB considered, for the first time, a panel request pursuant to Article 21.5 of the DSU by China (WT/DS517/20; WT/DSB/M/454). China and the United States made statements. The DSB considered this matter, for the second time, at its meeting on 30 August 2021 (WT/DSB/M/455) 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/DS17/20. It was agreed that the Panel would have standard terms of reference. China and the United States made statements. The following delegations reserved third-party rights to participate in the Panel's proceedings: Australia, Brazil, Canada, the European Union, Guatemala, India, Japan, the Russian Federation, Chinese Taipei, Turkey, the United Kingdom and Viet Nam.

## **9 RECOURSE TO ARTICLE 22 OF THE DSU (COMPENSATION AND SUSPENSION OF CONCESSIONS)**

9.1. During the period under review, one request for DSB authorization to suspend concessions or other obligations had been referred to arbitration under Article 22.6 of the DSU:

- "China – Tariff Rate Quotas for Certain Agricultural Products": Prior to the adoption of the proposed Agenda of the 26 July 2021 DSB meeting (WT/DSB/M/454), the US request under Article 22.2 of the DSU contained in document WT/DS517/19, was removed from the proposed Agenda following China's request for arbitration under Article 22.6 of the DSU (WT/DS517/21). The United States and China made statements.

## **10 OTHER MATTERS**

10.1. A variety of other matters were raised in the DSB:

10.2. At the DSB meeting held on 18 December 2020 (WT/DSB/M/447), the Chairman made a statement, under his own responsibility, in order to report to delegations on his consultations with Thailand and the Philippines in the DS371 dispute ("Thailand – Customs and Fiscal Measures on Cigarettes from the Philippines"). He said that as a result of this consultative process he was pleased to announce that the parties had agreed to a new step, namely, the appointment of Ambassador George Mina of Australia as a Facilitator to deepen the Chair's consultative process. He said that the mandate of the Facilitator was to seek to identify and make recommendations to the parties on ways and means of resolving the relevant outstanding issues, which would include both procedural and/or substantive issues, including a potential comprehensive settlement, subject to the parties' agreement (WT/DS371/44). The following delegations made statements: the Philippines, Thailand, Australia and Japan. At the DSB meeting held on 26 July 2021 (WT/DSB/M/454), Ambassador George Mina of Australia, the Facilitator in the DS371 dispute ("Thailand – Customs and Fiscal Measures on Cigarettes from the Philippines") made a progress report on the DS371 Facilitator-assisted discussions in accordance with paragraph 5 of the 21 December 2020



Understanding between the Philippines and Thailand contained in document WT/DS371/44. He also referred to his previous written report on this matter contained in document WT/DS371/45.

10.3. At the DSB meeting held on 18 December 2020 (WT/DSB/M/447), Canada made a statement on practices concerning the use of flexible arrangements in dispute settlement proceedings during the COVID-19 pandemic (JOB/DSB/1/Add.13). The following delegations made statements: Canada; India; the United States; Guatemala; Tunisia; Chinese Taipei; Japan; Nigeria, speaking on behalf of the African Group; Australia; China; Korea; Turkey; the United Kingdom; Colombia and South Africa.

10.4. At the DSB meeting held on 18 December 2020 (WT/DSB/M/447), Brazil made a statement regarding the Panel Report in the dispute on: "Indonesia – Measures Concerning the Importation of Chicken Meat and Chicken Products: Recourse to Article 21.5 of the DSU by Brazil" (DS484). The following delegations made statements: Brazil, Indonesia, the European Union, Canada and the Russian Federation.

10.5. At the DSB meeting held on 25 January 2021 (WT/DSB/M/448), Japan made a statement regarding the Panel Report in the dispute: "Korea – Sunset Review of Anti-Dumping Duties on Stainless Steel Bars" (DS553). The following delegations made statements: Japan, Korea, the European Union, Canada and the Russian Federation.

10.6. At the DSB meeting held on 22 February 2021 (WT/DSB/M/449), Pakistan and the United Arab Emirates made statements regarding the Panel Report in the dispute on: "Pakistan – Anti-Dumping Measures on Biaxially Oriented Polypropylene Film from the United Arab Emirates" (DS538). The following delegations made statements: Pakistan, the United Arab Emirates, the European Union, the Russian Federation and Canada.

10.7. Prior to the adoption of the proposed Agenda, the 26 March 2021 DSB meeting (WT/DSB/M/450) was suspended in order to allow time for consultations with regard to the DS574 dispute. The following delegations made statements: the United States, Venezuela, Peru, Brazil, Colombia, the European Union, Cuba and the Russian Federation.

10.8. Prior to the adoption of the proposed Agenda of the 28 April 2021 DSB meeting (WT/DSB/M/451), the Chairman made a short report regarding his consultations on the DS574 dispute with each interested party. Venezuela made a statement regarding this matter. Prior to the adoption of the proposed Agenda of the 28 May 2021 DSB meeting (WT/DSB/M/452), the Chairman made a further short report regarding his consultations on the DS574 dispute with each interested party. Prior to the adoption of the proposed Agenda of the 28 June 2021 DSB meeting (WT/DSB/M/453), the Chairman made a further short report regarding his consultations on the DS574 dispute with each interested party. Venezuela made a statement on this matter. Prior to the adoption of the proposed Agenda of the 26 July 2021 DSB meeting (WT/DSB/M/454), the Chairman made a further short report regarding his consultations on the DS574 dispute with each interested party. Prior to the adoption of the proposed Agenda of the 30 August 2021 DSB meeting (WT/DSB/M/455), the Chairman made a further short report regarding his consultations on the DS574 dispute with each interested party. Prior to the adoption of the proposed Agenda of the 27 September 2021 DSB meeting (WT/DSB/M/456), the Chairman made a further short report regarding his consultations on the DS574 dispute with each interested party. Prior to the adoption of the proposed Agenda of the 26 October 2021 DSB meeting (WT/DSB/M/457), the Chairman made a further short report regarding his consultations on the DS574 dispute with each interested party.

10.9. At the DSB meeting held on 30 August 2021 (WT/DSB/M/455), Tunisia raised the issue regarding the Panel Report in the dispute on: "Morocco – Definitive Anti-Dumping Measures on School Exercise Books from Tunisia" (DS578). The following delegations made statements: Tunisia, the Russian Federation, Canada and Morocco. At the DSB meeting held on 27 September 2021 (WT/DSB/M/456), Morocco raised the issue regarding the Panel Report in the dispute on: "Morocco – Definitive Anti-Dumping Measures on School Exercise Books from Tunisia". The following delegations made statements: Morocco, Tunisia, the European Union and the Russian Federation. At the DSB meeting held on 26 October 2021 (WT/DSB/M/457), Tunisia reported on its consultations with Morocco regarding the dispute on: "Morocco – Definitive Anti-Dumping Measures on School Exercise Books from Tunisia". The following delegations made statements: Tunisia and Morocco.

10.10. At the DSB meeting held on 27 September 2021 (WT/DSB/M/456), China made a statement regarding the Panel Report in the dispute on: "United States – Safeguard Measure on Imports of Crystalline Silicon Photovoltaic Products" (DS562). The following delegations made statements: China, the United States, the European Union and Canada.

10.11. At the DSB meeting held on 27 September 2021 (WT/DSB/M/456), Australia and Guatemala raised the issue of the Twentieth Anniversary of the Advisory Centre on WTO Law (ACWL). The following delegations made statements: Guatemala; Australia; Tunisia; Niger; Sri Lanka; Panama; Chad, on behalf of the LDC Group; the Philippines; Cuba; Kenya; Pakistan; Mauritius; Uruguay; Angola; Canada; Brazil; Colombia; Costa Rica; Peru; Indonesia; El Salvador; Switzerland; Lesotho; Mexico; Thailand; Egypt; Bangladesh; the European Union; India; the United Kingdom; Mongolia; Ukraine; Nepal; Norway; Nigeria, on behalf of the African Group; Argentina and the Russian Federation. In the context of this Agenda item, the Chairman made some concluding remarks regarding this matter.

10.12. At the DSB meeting held on 27 September 2021 (WT/DSB/M/456), China made a statement regarding the issue of due process in the context of panel compositions.

## **11 CONCLUSION**

11.1. This brief overview demonstrates that, during the period from 18 December 2020 through 26 October 2021, the DSB was called upon to consider a variety of significant matters and took a number of important decisions. As set out in detail above, the DSB approved a total of seven new nominations proposed for inclusion on the Indicative List of Governmental and Non-Governmental Panelists. It established eight Panels in accordance with Article 6 of the DSU, and one matter was referred to the compliance Panel, pursuant to Article 21.5 of the DSU. One request for DSB authorization to suspend concessions or other obligations had been referred to arbitration under Article 22.6 of the DSU. As part of its surveillance function, the DSB considered status reports on implementation with regard to six matters.

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