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Decisions of the Appellate Body of the World Trade Organization

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WTO Appellate Body Report: *United States—Anti-Dumping Act of 1916*, AB-2000–5,6, WT/DS136, DS162/AB/R (00–3369), adopted by Dispute Settlement Body, 26 September 2000. United States, Appellant/Appellee, European Communities and Japan, Appellant/Appellee; Mexico and India, Third Participants. Division: Lacarte-Muró, Ehlermann and Feliciano.

Major topics addressed by Appellate Body: Article VI of GATT; Dispute Settlement under Anti-dumping Agreement; Mandatory and Discretionary Legislation; Article XVI of the Agreement Establishing the WTO.

WTO Appellate Body Report: *European Communities—Measures Affecting Asbestos and Asbestos-Containing Products*, AB-2000–11 WT/DS135/AB/R (00–1157), adopted by Dispute Settlement Body, 5 April 2001. Canada, Appellant/Appellee, European Communities, Appellant/Appellee. Brazil and United States, Third Participants. Division: Feliciano, Bacchus and Ehlermann.

Major topics addressed by Appellate Body: Article III of GATT; Like Products; Article XX(b) of GATT; Definition of ‘Technical Regulation’ under Annex 1.1 of the TBT Agreement; Non-Violation Nullification or Impairment; Scope of Appellate Review.

WTO Appellate Body Report: *Brazil—Export Financing Programme for Aircraft Recourse by Canada to Article 21.5 of the DSU*, AB-2000–3 WT/DS46/AB/RW (00–2990), adopted by Dispute Settlement Body, 4 August 2000. Brazil, Appellant, Canada, Appellee; European Communities and United States, Third Participants. Division: Bacchus, Ehlermann and Lacarte-Muró.

Major topics addressed by Appellate Body: Export Subsidies under Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures; Item (k) of Illustrative List of Export Subsidies; Burden of Proof in Article 21.5 Proceedings.

WTO Appellate Body Report: *Canada—Measures Affecting the Export of Civilian Aircraft Recourse by Brazil to Article 21.5 of the DSU*, AB-2000–4 WT/DS70/

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AB/RW (00–2989), adopted by Dispute Settlement Body, 4 August 2000. Brazil, Appellant, Canada, Appellee; European Communities and United States, Third Participants. Division: Feliciano, Bacchus, and Ehlermann.

Major topics addressed by Appellate Body: Export Subsidies under Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures; Scope of Review in Article 21.5 Proceedings.

WTO Appellate Body Report: *European Communities—Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India*, AB-2000–13 WT/DS141/AB/R (00–0973), adopted by Dispute Settlement Body, 12 March 2001. European Communities, Appellant/Appellee, India, Appellant/Appellee, Egypt, Japan and United States, Third Participants. Division: Bacchus, Abi-Saab, and Feliciano.

Major topics addressed by Appellate Body: Calculation of Dumping Margins under Article 2.4.2 of the Anti-Dumping Agreement; Inclusion of Sales outside the Ordinary Course in Calculation under Article 2.2.2(ii) of the Anti-Dumping Agreement.

WTO Appellate Body Report: *United States—Import Measures on Certain Products from the European Communities*, AB-2000–9, WT/DS165/AB/R (00–5330), adopted by Dispute Settlement Body 10 January 2001. European Communities, Appellant/Appellee; United States, Appellant/Appellee; Dominica, Ecuador, India, Jamaica, Japan and St. Lucia, Third Participants. Division: Bacchus, Lacarte-Muró, Taniguchi.

Major topics addressed by Appellate Body: Dispute Resolution Procedures; Authority of Arbitrators under Article 22.6 DSU; Article 23 DSU; Bonding Requirements.

WTO Appellate Body Report: *Korea—Measures Affecting Imports of Fresh, Chilled and Frozen Beef*, AB-2000–8 WT/DS161, 169/AB/R (00–5347), adopted by Dispute Settlement Body, 10 January 2001. Korea, Appellant, Australia and United States, Appellees, Canada and New Zealand, Third Participants. Division: Ehlermann, Abi-Saab, and Feliciano.

Major topics addressed by Appellate Body: National Treatment under Article III:4 of GATT; Necessity under Article XX(d) of GATT; Articles 3, 4, 6, and 7 of Agreement on Agriculture.

WTO Appellate Body Report: *Korea—Measures Affecting Imports of Fresh, Chilled and Frozen Beef*, AB-2000–8 WT/DS161, 169/AB/R (00–5347), adopted by Dispute Settlement Body, 10 January 2001. Korea, Appellant, Australia and United States, Appellees, Canada and New Zealand, Third Participants. Division: Ehlermann, Abi-Saab, and Feliciano.

Major topics addressed by Appellate Body: National Treatment under Article III:4 of GATT; Necessity under Article XX(d) of GATT; Articles 3, 4, 6, and 7 of Agreement on Agriculture.

WTO Appellate Body Report: *Canada—Term of Patent Protection*, AB-2000–7

WT/DS170/AB/R (00–3564), adopted by Dispute Settlement Body, 12 October 2000. Canada, Appellant, United States, Appellee. Division: Lacarte-Muró, Bacchus and Ganesan.

Major topics addressed by Appellate Body: Patent protection under TRIPS Art. 33; retroactivity under TRIPS Art. 70.

WTO Appellate Body Report: *Canada—Term of Patent Protection*, AB-2000–7 WT/DS170/AB/R (00–3564), adopted by Dispute Settlement Body, 12 October 2000. Canada, Appellant, United States, Appellee. Division: Lacarte-Muró, Bacchus and Ganesan.

Major topics addressed by Appellate Body: Patent protection under TRIPS Art. 33; retroactivity under TRIPS Art. 70.

WTO Appellate Body Report: *Thailand—Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams from Poland*, AB-2000–12 WT/DS122/AB/R (00–1134), adopted by Dispute Settlement Body, 5 April 2001. Thailand, Appellant, Poland, Appellee, European Communities, Japan and United States, Third Participants. Division: Ganesan, Lacarte-Muró and Taniguchi.

Major topics addressed by Appellate Body: Investigations under Article 3.1 of the Anti-Dumping Agreement; Standard of Review under Article 17.6 of the Anti-Dumping Agreement; Sufficiency of Request for a Panel under Article 6.2 of the Dispute Settlement Understanding.

WTO Appellate Body Report: *United States—Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities*, AB-2000–10 WT/DS166/AB/R (00–5593), adopted by Dispute Settlement Body, 19 January 2001. United States, Appellant/Appellee, European Communities, Appellant/Appellee, Australia, Canada and New Zealand, Third Participants. Division: Lacarte-Muró, Abi-Saab, and Taniguchi.

Major topics addressed by Appellate Body: Article XIX of GATT; Causation under Article 4.2 of the Agreement on Safeguards, MFN Nature of Measure under Article 2 of the Agreement on Safeguards; Notification and Consultation under Articles 8 and 12 of the Agreement on Safeguards; Standard of Deference to National Determination under Article 11 of the Dispute Settlement Understanding.