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National Law in WTO Law

Effectiveness and Good Governance
in the World Trading System

SHARIF BHUIYAN



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National Law in WTO Law

This book examines how national law is treated in WTO law – both in the WTO treaty and dispute settlement cases. The WTO treaty contains a set of far-reaching obligations establishing a systemic and constitutional framework of interaction between WTO law and national law. WTO dispute settlement operates as an international layer of judicial review of national laws and administrative, judicial or quasi-judicial measures. Consequently, many of the WTO dispute settlement decisions and rulings relate in different ways to Members' national laws. Yet, there is no systematic analysis of this vastly important subject. This book provides the first thorough map of an increasingly complex field. In doing so, it extends the enquiry beyond well-known formulas and combines practical analysis with principled discussion of how the treatment of national law in international law can – and indeed should – ensure effectiveness of international rules and promote good governance within nation-states.

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CAMBRIDGE
UNIVERSITY PRESS

CAMBRIDGE UNIVERSITY PRESS
Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore,
São Paulo, Delhi, Dubai, Tokyo

Cambridge University Press
The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org

Information on this title: www.cambridge.org/9780521875318

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First published in print format 2007

ISBN-13 978-0-511-66908-8 eBook (Adobe Reader)

ISBN-13 978-0-521-87531-8 Hardback

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In memory of my father Sharafat Ullah Bhuiyan and to my
mother Nur Jahan

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Acknowledgements

This book has its origin in a Ph.D. thesis submitted to Cambridge University in September 2004. My greatest debts, respectively, for the thesis and the book are to Daniel Bethlehem and James Crawford. Daniel was my Ph.D. supervisor and without his support, encouragement and advice nothing would have been possible. His sharp comments and criticisms, which combined his wealth of knowledge, academic acumen and practical experience in different branches of public international law, have always been useful. The Ph.D. thesis could not have metamorphosed into a book without the encouragement and guidance of James Crawford. I had the good fortune of being able to rely on James's support and to discuss both research and pastoral matters with him during my Ph.D. years as well. James was my examiner for the Certificate of Postgraduate Legal Studies course and in that capacity he read and commented on the paper that I submitted for that course. An abridged and updated version of the Certificate paper forms Chapter 8 of this book. Later, as I embarked on revising the thesis for publication, James made valuable suggestions and read, commented on and corrected various drafts of the concluding chapter.

I am indebted to my Ph.D. examiners, Dan Sarooshi and Guglielmo Verdirame, anonymous reviewers for Cambridge University Press and Joost Pauwelyn, who all made helpful, acute and provocative suggestions and criticisms. Many of their suggestions and criticisms have been taken into account in the final product. I thank John Barratt and Barbara von Tigerstrom for reading and commenting on earlier versions of Chapters 7 and 8. I had spent the autumn of 2002 with the Legal Affairs Division (LAD) of the WTO Secretariat, which gave me the opportunity to interact with the WTO's excellent legal team. I thank all staff and lawyers of the LAD for their warmth and cordiality and would like

to mention in particular María Pereyra-Friedrichsen and Bruce Wilson. While at the WTO, I was able to discuss the research project with Lothar Ehring, Jeffrey Gertler, Reto Malacrida, Gabrielle Marceau and Ernst-Ulrich Petersmann, to all of whom I extend my sincere thanks.

I am grateful to the Commonwealth Scholarship Commission at the Association of Commonwealth Universities and Trinity College, Cambridge, for their generous financial support, without which neither the Ph.D. nor this book would have been possible. Thanks are due to the Lauterpacht Research Centre for International Law and its excellent international law community for their kind invitation and generosity, which made possible a visit to the Centre for purposes of revising the manuscript. At Cambridge University Press, many thanks to Finola O'Sullivan, Brenda Burke, Leigh Mueller and Richard Woodham. This is an opportunity also to thank the staff of the British Council, Commonwealth Scholarship Commission, Faculty of Law in Cambridge, Lauterpacht Research Centre, Squire Law Library and Trinity College.

At a personal level, there is an endless list of people to whom I am deeply indebted. Grae Worster has always listened with patience and kindness to various difficulties that I confronted and provided invaluable help, support and encouragement to cope with them. I received similar support and encouragement from my supervisor and James Crawford. I owe a very special debt to Kamal Hossain, for his affectionate advice, guidance, encouragement, relentless help over the years and, especially, for the example of his scholarship. I am indebted to Mizanur Rahman for an enjoyable introduction to international law and to Salahuddin Ahmad for his guidance during my transition from a student to a lawyer. I express thanks to my friends M. M. Akbar, Tanjib-ul Alam, John and Hilary Barratt, Mudasser Chowdhury, Lesley Dingle, Zakir Hafez, Manzoor Hasan, Sara Hossain and Shah Jahan for their support and encouragement. I am grateful to my former in-laws, particularly my parents-in-law, for their kindness and affection. Last but not least, I have always recognized the love and affection of my parents, brother and sisters to be my greatest good fortune. It is because of them that everything seems achievable and enjoyable and they deserve many thanks for that.

Abbreviations

AB	(WTO) Appellate Body
ADA	(WTO) Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (commonly referred to as the “Anti-Dumping Agreement”)
Agriculture Agreement	(WTO) Agreement on Agriculture
AJIL	<i>American Journal of International Law</i>
ARO	(WTO) Agreement on Rules of Origin
ASCM	(WTO) Agreement on Subsidies and Countervailing Measures
ATC	(WTO) Agreement on Textiles and Clothing
Berne Convention	Berne Convention for the Protection of Literary and Artistic Works 1971
BYIL	<i>British Year Book of International Law</i>
Customs Valuation Agreement	(WTO) Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994
DSB	(WTO) Dispute Settlement Body
DSU	(WTO) Understanding on Rules and Procedures Governing the Settlement of Disputes (commonly referred to as the “Dispute Settlement Understanding”)
EC	European Communities

EC Treaty	Treaty Establishing the European Community, March 25, 1957; consolidated version, November 10, 1997
ECHR	European Court of Human Rights
ECJ	Court of Justice of the European Communities
EHR Convention	Convention for the Protection of Human Rights and Fundamental Freedoms 1950
EJIL	<i>European Journal of International Law</i>
EU	European Union
GATS	(WTO) General Agreement on Trade in Services
GATT 1947	General Agreement on Tariffs and Trade 1947
GATT 1994	(WTO) General Agreement on Tariffs and Trade 1994
GPA	(WTO) Agreement on Government Procurement
ICJ	International Court of Justice
ILC	International Law Commission
IPRs	intellectual property rights
ITLOS	International Tribunal for the Law of the Sea
JIEL	<i>Journal of International Economic Law</i>
JWT	<i>Journal of World Trade</i>
Licensing Agreement	(WTO) Agreement on Import Licensing Procedures
MFN	most-favored nation
NAFTA	North American Free Trade Agreement
PCIJ	Permanent Court of International Justice
PSI Agreement	(WTO) Agreement on Preshipment Inspection
Safeguards Agreement	(WTO) Agreement on Safeguards
SPS Agreement	(WTO) Agreement on the Application of Sanitary and Phytosanitary Measures

TBT Agreement	(WTO) Agreement on Technical Barriers to Trade
TPRM	(WTO) Trade Policy Review Mechanism
TRIMS Agreement	(WTO) Agreement on Trade-Related Investment Measures
TRIPS Agreement	(WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights
UNCLOS	United Nations Convention on the Law of the Sea
UR	Uruguay Round of Multilateral Trade Negotiations
VCLT	Vienna Convention on the Law of Treaties 1969
WTO Agreement	Marrakesh Agreement Establishing the World Trade Organization

Table of GATT cases

Short title	Full case title and citation
<i>Belgian Family Allowances</i>	<i>Belgian Family Allowances</i> Working Party Report, adopted November 7, 1952, BISD 1S/59 246
<i>Belgium – Tax Legislation</i>	<i>Income Tax Practices Maintained by Belgium</i> Panel Report, adopted December 7–8, 1981, BISD 23S/127 138
<i>Brazil – Milk Powder</i>	<i>Brazil – Imposition of Provisional and Definitive Countervailing Duties on Milk Powder and Certain Types of Milk from the European Economic Community</i> Panel Report, adopted April 28, 1994, GATT Doc. SCM/179 153, 159
<i>Brazilian Internal Taxes</i>	<i>Brazilian Internal Taxes</i> Working Party Report, adopted June 30, 1949, BISD II/181 247
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<i>US – Fur Hats</i>	<i>Withdrawal by the United States of a Tariff Concession under Article XIX of the General Agreement on Tariffs and Trade</i> Working Party Report, adopted October 22, 1951, GATT/CP.6/SR.19, Sales No. GATT/1951–3 153, 159
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<i>US – Tuna I</i>	<i>United States – Restrictions on Imports of Tuna</i> Panel Report, September 3, 1991, unadopted, GATT Doc. DS21/R, BISD 39S/155 136
<i>US – Tuna II</i>	<i>United States – Restrictions on Imports of Tuna</i> Panel Report, June 16, 1994, unadopted, GATT Doc. DS29/R 136

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<i>Argentina – Footwear</i>	<i>Argentina – Safeguard Measures on Imports of Footwear</i> Panel Report, WT/DS121/R, DSR 2000: II, 575 (June 25, 1999) Appellate Body Report, WT/DS121/AB/R, DSR 2000: I, 515 (December 14, 1999) 65, 188
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<i>Chile – Alcohol</i>	<i>Chile – Taxes on Alcoholic Beverages</i> Panel Report, WT/DS87/R, WT/DS110/R, DSR 2000: I, 303 (June 15, 1999) Appellate Body Report, WT/DS87/AB/R, WT/DS110/AB/R, DSR 2000: I, 281 (December 13, 1999) 227, 228–9
<i>Chile – Alcohol 21.3(c)</i>	<i>Chile – Taxes on Alcoholic Beverages, Arbitration under Article 21.3(c) of the DSU</i> Award of the Arbitrator, WT/DS87/15, WT/DS110/14, DSR 2000: V, 2583 (May 23, 2000) 113
<i>Dominican Republic – Cigarettes</i>	<i>Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes</i> Panel Report, WT/DS302/R (November 26, 2004) Appellate Body Report, WT/DS302/AB/R (April 25, 2005) 79, 88, 100, 201, 210
<i>EC – Asbestos</i>	<i>European Communities – Measures Affecting Asbestos and Asbestos-Containing Products</i> Panel Report, WT/DS135/R, DSR 2001: VIII, 3305 (September 18, 2000) Appellate Body Report, WT/DS135/AB/R, DSR 2001: VII, 3243 (March 12, 2001) 49, 99, 136, 171, 196, 197, 198, 201, 219
<i>EC – Bananas</i>	<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas</i> Panel Reports, WT/DS27/R/ECU, DSR 1997: III, 3 (Complaint by Ecuador), WT/DS27/R/GTM, WT/DS27/R/HND, DSR 1997: II, 695 (Complaint by Guatemala and Honduras), WT/DS27/R/MEX, DSR 1997: II, 803 (Complaint by Mexico), WT/DS27/R/USA, DSR 1997: II, 943 (Complaint by the United States) (May 22, 1997) Appellate Body Report, WT/DS27/AB/R, DSR 1997: II, 589 (September 9, 1997) 46, 61, 75–7, 78, 116, 136, 223
<i>EC – Bananas 21.3(c)</i>	<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas, Arbitration under Article 21.3(c) of the DSU</i> Award of the Arbitrator, WT/DS27/15, DSR 1998: I, 3 (January 7, 1998) 113

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<i>EC – Bananas 22.6</i>	<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas, Recourse to Arbitration by the European Communities under Article 22.6 of the DSU</i> Decision by the Arbitrators, WT/DS27/ARB, DSR 1999: II, 725 (April 9, 1999) 47, 115
<i>EC – Bananas (Ecuador) 22.6</i>	<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas, Recourse to Arbitration by the European Communities under Article 22.6 of the DSU</i> Decision by the Arbitrators, WT/DS27/ARB/ECU, DSR 2000: V, 2237 (March 24, 2000) 115
<i>EC – Bed Linen</i>	<i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India</i> Panel Report, WT/DS141/R, DSR 2001: VI, 2077 (October 30, 2000) Appellate Body Report, WT/DS141/AB/R, DSR 2001: V, 2049 (March 1, 2001) 146, 160, 177, 179, 185
<i>EC – Bed Linen 21.5</i>	<i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India, Recourse to Article 21.5 of the DSU by India</i> Panel Report, WT/DS141/RW, DSR 2003: IV, 1269 (November 29, 2002) Appellate Body Report, WT/DS141/AB/RW, DSR 2003: III, 965 (April 8, 2003) 179, 201
<i>EC – Chicken Cuts 21.3(c)</i>	<i>European Communities – Customs Classification of Frozen Boneless Chicken Cuts, Arbitration under Article 21.3(c) of the DSU</i> Award of the Arbitrator, WT/DS269/13, WT/DS286/15 (February 20, 2006) 113
<i>EC – Customs Matters</i>	<i>European Communities – Selected Customs Matters</i> Panel Report, WT/DS315/R (June 16, 2006) Appellate Body Report, WT/DS315/AB/R (November 13, 2006) 68, 77, 79, 80

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<i>EC – Export Subsidies on Sugar 21.3(c)</i>	<i>European Communities – Export Subsidies on Sugar, Arbitration under Article 21.3(c) of the DSU</i> Award of the Arbitrator, WT/DS265/33, WT/DS266/33, WT/DS283/14 (October 28, 2005) 113
<i>EC – Hormones I</i>	<i>EC – Measures Concerning Meat and Meat Products (Hormones), Complaint by the United States</i> Panel Report, WT/DS26/R/USA, DSR 1998: III, 698 (August 18, 1997) Appellate Body Report, WT/DS26/AB/R, WT/DS48/AB/R, DSR 1998: I, 135 (January 16, 1998) 62, 106, 116, 122, 136, 156–7, 158–63, 168, 179, 184, 198, 201, 226, 227, 239
<i>EC – Hormones II</i>	<i>EC – Measures Concerning Meat and Meat Products (Hormones), Complaint by Canada</i> Panel Report, WT/DS48/R/CAN, DSR 1998: II, 235 (August 18, 1997) Appellate Body Report, WT/DS26/AB/R, WT/DS48/AB/R, DSR 1998: I, 135 (January 16, 1998) 62, 106, 116, 122, 136, 156–7, 158–63, 168, 179, 184, 198, 201, 226, 227, 229
<i>EC – Hormones I 22.6</i>	<i>European Communities – Measures Concerning Meat and Meat Products (Hormones), Original Complaint by the United States, Recourse to Arbitration by the European Communities under Article 22.6 of the DSU</i> Decision by the Arbitrators, WT/DS26/ARB, DSR 1999: III, 1105 (July 12, 1999) 88, 115
<i>EC – Hormones II 22.6</i>	<i>European Communities – Measures Concerning Meat and Meat Products (Hormones), Original Complaint by Canada, Recourse to Arbitration by the European Communities under Article 22.6 of the DSU</i> Decision by the Arbitrators, WT/DS48/ARB, DSR 1999: III, 1135 (July 12, 1999) 88, 115
<i>EC – Hormones 21.3(c)</i>	<i>EC – Measures Concerning Meat and Meat Products (Hormones), Arbitration under Article 21.3(c) of the DSU</i> Award of the Arbitrator, WT/DS26/15, WT/DS48/13, DSR 1998: V, 1833 (May 29, 1998) 113
<i>EC – Pipe Fittings</i>	<i>European Communities – Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil</i> Panel Report, WT/DS219/R, DSR 2003: VII, 2701 (March 7, 2003) Appellate Body Report, WT/DS219/AB/R, DSR 2003: VI, 2613 (July 22, 2003) 146, 185

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<i>EC – Poultry</i>	<i>European Communities – Measures Affecting the Importation of Certain Poultry Products</i> Panel Report, WT/DS69/R, DSR 1998: V, 2089 (March 12, 1998) Appellate Body Report, WT/DS69/AB/R, DSR 1998: V, 2031 (July 13, 1998) 76, 93, 239, 240
<i>EC – Sardines</i>	<i>European Communities – Trade Description of Sardines</i> Panel Report, WT/DS231/R, DSR 2002: VIII, 3451 (May 29, 2002) Appellate Body Report, WT/DS231/AB/R, DSR 2002: VIII, 3359 (September 26, 2002) 136, 201
<i>EC – Tariff Preferences</i>	<i>European Communities – Conditions for the Granting of Tariff Preferences to Developing Countries</i> Panel Report, WT/DS246/R, DSR 2004: III, 1037 (December 1, 2003) Appellate Body Report, WT/DS246/AB/R, DSR 2004: III, 951 (April 7, 2004) 38, 47
<i>EC – Tariff Preferences 21.3(c)</i>	<i>European Communities – Conditions for the Granting of Tariff Preferences to Developing Countries, Arbitration under Article 21.3(c) of the DSU</i> Award of the Arbitrator, WT/DS246/14, DSR 2004: IX, 4313 (September 20, 2004) 88, 113
<i>Egypt – Rebar</i>	<i>Egypt – Definitive Anti-Dumping Measures on Steel Rebar from Turkey</i> Panel Report, WT/DS211/R, DSR 2002: VII, 2667 (August 8, 2002) 145, 185, 219
<i>Guatemala – Cement I</i>	<i>Guatemala – Anti-Dumping Investigation Regarding Portland Cement from Mexico</i> Panel Report, WT/DS60/R, DSR 1998: IX, 3797 (June 19, 1998) Appellate Body Report, WT/DS60/AB/R, DSR 1998: IX, 3767 (November 2, 1998) 64
<i>Guatemala – Cement II</i>	<i>Guatemala – Definitive Anti-Dumping Measures on Grey Portland Cement from Mexico</i> Panel Report, WT/DS156/R, DSR 2000: XI, 5295 (October 24, 2000) 145, 185
<i>India – Autos</i>	<i>India – Measures Affecting the Automotive Sector</i> Panel Report, WT/DS146/R, WT/DS175/R, DSR 2002: V, 1827 (December 21, 2001) Appellate Body Report, WT/DS146/AB/R, WT/DS175/AB/R, DSR 2002: V, 1821 (March 19, 2002) 259

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<i>India – Patent I</i>	<i>India – Patent Protection for Pharmaceutical and Agricultural Chemical Products</i> Panel Report, WT/DS50/R, DSR 1998: I, 41 (September 5, 1997) Appellate Body Report, WT/DS50/AB/R, DSR 1998: I, 9 (December 19, 1997) 19, 42, 56, 94, 101, 192, 194–5, 216, 217, 219, 223, 232, 233–5, 254, 263
<i>India – Patent II</i>	<i>India – Patent Protection for Pharmaceutical and Agricultural Chemical Products, Complaint by the European Communities</i> Panel Report, WT/DS79/R, DSR 1998: VI, 2661 (August 24, 1998) 19, 101, 192, 194–5, 219, 220, 222, 232, 233–5, 254
<i>India – Quantitative Restrictions</i>	<i>India – Quantitative Restrictions on Imports of Agricultural, Textile and Industrial Products</i> Panel Report, WT/DS90/R, DSR 1999: V, 1799 (April 6, 1999) Appellate Body Report, WT/DS90/AB/R, DSR 1999: IV, 1763 (August 23, 1999) 92
<i>Indonesia – Autos</i>	<i>Indonesia – Certain Measures Affecting the Automobile Industry</i> Panel Report, WT/DS54/R, WT/DS55/R, WT/DS59/R, WT/DS64/R, DSR 1998: VI, 2201 (July 2, 1998) 136, 138, 267
<i>Japan – Agricultural Products II</i>	<i>Japan – Measures Affecting Agricultural Products</i> Panel Report, WT/DS76/R, DSR 1999: I, 315 (October 27, 1998) Appellate Body Report, WT/DS76/AB/R, DSR 1999: I, 277 (February 22, 1999) 170, 201, 239
<i>Japan – Alcohol II</i>	<i>Japan – Taxes on Alcoholic Beverages</i> Panel Report, WT/DS8/R, WT/DS10/R, WT/DS11/R, DSR 1996: I, 125 (July 11, 1996) Appellate Body Report, WT/DS8/AB/R, WT/DS10/AB/R, WT/DS11/AB/R, DSR 1996: I, 97 (October 4, 1996) 65, 97, 156, 227–8, 229, 230
<i>Japan – Alcohol II 21.3(c)</i>	<i>Japan – Taxes on Alcoholic Beverages, Arbitration under Article 21.3(c) of the DSU</i> Award of the Arbitrator, WT/DS8/15, WT/DS10/15, WT/DS11/13, DSR 1997: I, 3 (February 14, 1997) 113

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<i>Japan – Apples</i>	<i>Japan – Measures Affecting the Importation of Apples</i> Panel Report, WT/DS245/R, DSR 2003: IX, 4481 (July 15, 2003) Appellate Body Report, WT/DS245/AB/R, DSR 2003: IX, 4391 (November 26, 2003) 38, 88, 160, 171–2, 201
<i>Japan – Film</i>	<i>Japan – Measures Affecting Consumer Photographic Film and Paper</i> Panel Report, WT/DS44/R, DSR 1998: IV, 1179 (March 31, 1998) 99, 101, 211–12. 277
<i>Korea – Alcohol</i>	<i>Korea – Taxes on Alcoholic Beverages</i> Panel Report, WT/DS75/R, WT/DS84/R, DSR 1999: I, 44 (September 17, 1998) Appellate Body Report, WT/DS75/AB/R, WT/DS84/AB/R, DSR 1999: I, 3 (January 18, 1999) 113, 160, 201, 239, 240
<i>Korea – Alcohol 21.3(c)</i>	<i>Korea – Taxes on Alcoholic Beverages, Arbitration under Article 21.3(c) of the DSU</i> Award of the Arbitrator, WT/DS75/16, WT/DS84/14, DSR 1999: II, 937 (June 4, 1999) 113
<i>Korea – Beef</i>	<i>Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef</i> Panel Report, WT/DS161/R, WT/DS169/R, DSR 2001: I, 59 (July 31, 2000) Appellate Body Report, WT/DS161/AB/R, WT/DS169/AB/R, DSR 2001: I, 5 (December 11, 2000) 49, 101, 171, 197
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<i>Korea – Dairy</i>	<i>Korea – Definitive Safeguard Measure on Imports of Certain Dairy Products</i> Panel Report, WT/DS98/R, DSR 2000: I, 49 (June 21, 1999) Appellate Body Report, WT/DS98/AB/R, DSR 2000: I, 3 (December 14, 1999) 65, 188
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<i>Thailand – H-Beams</i>	<p><i>Thailand – Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams from Poland</i> Panel Report, WT/DS122/R, DSR 2001: VII, 2741 (September 28, 2000) Appellate Body Report, WT/DS122/AB/R, DSR 2001: VII, 2701 (March 12, 2001) 45, 146, 177, 179, 185</p>
<i>Turkey – Textiles</i>	<p><i>Turkey – Restrictions on Imports of Textile and Clothing Products</i> Panel Report, WT/DS34/R, DSR 1999: VI, 2363 (May 31, 1999) Appellate Body Report, WT/DS34/AB/R, DSR 1999: VI, 2345 (October 22, 1999) 92, 254</p>
<i>US – 1916 Act I</i>	<p><i>United States – Anti-Dumping Act of 1916, Complaint by the European Communities</i> Panel Report, WT/DS136/R, DSR 2000: X, 4593 (March 31, 2000) Appellate Body Report, WT/DS136/AB/R, WT/DS162/AB/R, DSR 2000: X, 4793 (August 28, 2000) 38, 61, 88, 131–4, 192, 194, 219, 220, 222, 223–4, 225, 232, 244, 254, 257–9</p>
<i>US – 1916 Act II</i>	<p><i>United States – Anti-Dumping Act of 1916, Complaint by Japan</i> Panel Report, WT/DS162/R, DSR 2000: X, 4831 (May 29, 2000) Appellate Body Report, WT/DS136/AB/R, WT/DS162/AB/R, DSR 2000: X, 4793 (August 28, 2000) 38, 61, 88, 131–4, 192, 194, 219, 220, 222, 223–4, 225, 232, 244, 254, 257–9</p>
<i>US – 1916 Act I 22.6</i>	<p><i>United States – Anti-Dumping Act of 1916, Original Complaint by the European Communities, Recourse to Arbitration by the United States under Article 22.6 of the DSU</i></p>

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<i>US – Carbon Steel</i>	<i>United States – Countervailing Duties on Certain Corrosion-Resistant Carbon Steel Flat Products from Germany</i> Panel Report, WT/DS213/R, DSR 2002: IX, 3835 (July 3, 2002) Appellate Body Report, WT/DS213/AB/R, DSR 2002: IX, 3781 (November 28, 2002) 62, 88, 201, 210, 259
<i>US – Certain Products</i>	<i>United States – Import Measures on Certain Products from the European Communities</i> Panel Report, WT/DS165/R, DSR 2001: II, 413 (July 17, 2000) Appellate Body Report, WT/DS165/AB/R, DSR 2001: I, 373 (December 11, 2000) 109
<i>US – Copyright Act</i>	<i>United States – Section 110(5) of the US Copyright Act</i> Panel Report, WT/DS160/R, DSR 2000: VIII, 3769 (June 15, 2000) 25, 38, 88, 211, 223, 226, 262
<i>US – Copyright Act 21.3(c)</i>	<i>United States – Section 110(5) of the US Copyright Act, Arbitration under Article 21.3(c) of the DSU</i> Award of the Arbitrator, WT/DS160/12, DSR 2001: II, 657 (January 15, 2001) 113
<i>US – Copyright Act 25</i>	<i>United States – Section 110(5) of the US Copyright Act, Recourse to Arbitration under Article 25 of the DSU</i> Award of the Arbitrators, WT/DS160/ARB25/1, DSR 2001: II, 667 (November 9, 2001) 91, 192
<i>US – Cotton Yarn</i>	<i>United States – Transitional Safeguard Measure on Combed Cotton Yarn from Pakistan</i> Panel Report, WT/DS192/R, DSR 2001: XII, 6067 (May 31, 2001) Appellate Body Report, WT/DS192/AB/R, DSR 2001: XII, 6027 (October 8, 2001) 160, 172, 187–8, 189, 198

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US – Countervailing Measures	<p><i>United States – Countervailing Measures Concerning Certain Products from the European Communities</i> Panel Report, WT/DS212/R, DSR 2003: I, 73 (July 31, 2002) Appellate Body Report, WT/DS212/AB/R, DSR 2003: I, 5 (December 9, 2002) 88, 211, 219, 220, 223, 226, 227, 229, 232, 252, 259</p>
US – CRCS Sunset Review	<p><i>United States – Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan</i> Panel Report, WT/DS244/R, DSR 2004: I, 87 (August 14, 2003) Appellate Body Report, WT/DS244/AB/R, DSR 2004: I, 3 (December 15, 2003) 62, 252, 253, 259, 260</p>
US – CVD Investigation on DRAMS	<p><i>United States – Countervailing Duty Investigation on Dynamic Random Access Memory Semiconductors (DRAMS) from Korea</i> Panel Report, WT/DS296/R (February 21, 2005) Appellate Body Report, WT/DS296/AB/R (June 27, 2005) 189–90, 195, 200–1</p>
US – DRAMS	<p><i>United States – Anti-Dumping Duty on Dynamic Random Access Memory Semiconductors (DRAMS) of One Megabit or Above from Korea</i> Panel Report, WT/DS99/R, DSR 1999: II, 521 (January 29, 1999) 176, 254</p>
US – Exports Restraints	<p><i>United States – Measures Treating Exports Restraints as Subsidies</i> Panel Report, WT/DS194/R, DSR 2001: XI, 5767 (June 29, 2001) 88, 219, 225–6, 232, 259</p>
US – FSC	<p><i>United States – Tax Treatment for “Foreign Sales Corporations”</i> Panel Report, WT/DS108/R, DSR 2000: IV, 1675 (October 8, 1999) Appellate Body Report, WT/DS108/AB/R, DSR 2000: III, 1619 (February 24, 2000) 38, 88, 102, 114, 137–9, 262</p>
US – FSC 21.5 I	<p><i>United States – Tax Treatment for “Foreign Sales Corporations,” Recourse to Article 21.5 of the DSU by the European Communities</i> Panel Report, WT/DS108/RW, DSR 2002: I, 119 (August 20, 2001) Appellate Body Report, WT/DS108/AB/RW, DSR 2002: I, 55 (January 14, 2002) 25, 38, 88, 114, 138, 139, 226, 227, 229</p>

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US – FSC 21.5 II	<i>United States – Tax Treatment for “Foreign Sales Corporations” Second recourse to Article 21.5 of the DSU by the European Communities</i> Panel Report, WT/DS108/RW2 (September 30, 2005) Appellate Body Report, WT/DS108/AB/RW2 (February 13, 2006) 38, 88, 114, 139
US – FSC 22.6	<i>United States – Tax Treatment for “Foreign Sales Corporations,” Recourse to Arbitration by the United States under Article 22.6 of the DSU and Article 4.11 of the SCM Agreement</i> Decision of the Arbitrator, WT/DS108/ARB, DSR 2002: VI, 2517 (August 30, 2002) 15
US – Gambling Services	<i>United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services</i> Panel Report, WT/DS285/R (November 10, 2004) Appellate Body Report, WT/DS285/AB/R (April 7, 2005) 38, 201
US – Gambling Services 21.3(c)	<i>United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services, Arbitration under Article 21.3(c) of the DSU</i> Award of the Arbitrator, WT/DS285/13 (August 19, 2005) 75, 8, 113
US – Gasoline	<i>United States – Standards for Reformulated and Conventional Gasoline</i> Panel Report, WT/DS2/R, DSR 1996: I, 29 (January 29, 1996) Appellate Body Report, WT/DS2/AB/R, DSR 1996: I, 3 (April 29, 1996) 65, 88, 93, 97, 173, 184–5
US – Hot-Rolled Steel	<i>United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan</i> Panel Report, WT/DS184/R, DSR 2001: X, 4769 (February 28, 2001) Appellate Body Report, WT/DS184/AB/R, DSR 2001: X, 4697 (July 24, 2001) 61, 64, 78, 88, 145, 146, 177, 178, 185, 186, 220, 231, 232, 259
US – Hot-Rolled Steel 21.3(c)	<i>United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan, Arbitration under Article 21.3(c) of the DSU</i> Award of the Arbitrator, WT/DS184/13, DSR 2002: IV, 1389 (February 19, 2002) 113

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<i>US – Lamb</i>	<p><i>United States – Safeguard Measures on Imports of Fresh, Chilled or Frozen Lamb Meat from New Zealand and Australia</i></p> <p>Panel Report, WT/DS177/R, WT/DS178/R, DSR 2001: IX, 4107 (December 21, 2000)</p> <p>Appellate Body Report, WT/DS177/AB/R, WT/DS178/AB/R, DSR 2001: IX, 4051 (May 1, 2001) 160, 188, 198</p>
<i>US – Lead and Bismuth</i>	<p><i>United States – Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products Originating in the United Kingdom</i></p> <p>Panel Report, WT/DS138/R, DSR 2000: VI, 2623 (December 23, 1999)</p> <p>Appellate Body Report, WT/DS138/AB/R, DSR 2000: V, 2595 (May 10, 2000) 155</p>
<i>US – Line Pipe</i>	<p><i>United States – Definitive Safeguard Measures on Imports of Circular Welded Carbon Quality Line Pipe from Korea</i></p> <p>Panel Report, WT/DS202/R, DSR 2002: IV, 1473 (October 29, 2001)</p> <p>Appellate Body Report, WT/DS202/AB/R, DSR 2002: IV, 1403 (February 15, 2002) 172, 188, 198</p>
<i>US – OCTG Sunset Reviews</i>	<p><i>United States – Sunset Reviews of Anti-Dumping Measures on Oil Country Tubular Goods from Argentina</i></p> <p>Panel Report, WT/DS268/R, DSR 2004: VIII, 3421 (July 16, 2004)</p> <p>Appellate Body Report, WT/DS268/AB/R, DSR 2004: VII, 3341 (November 29, 2004) 77, 201</p>
<i>US – Offset Act</i>	<p><i>United States – Continued Dumping and Subsidy Offset Act of 2000</i></p> <p>Panel Report, WT/DS217/R, WT/DS234/R, DSR 2003: II, 489 (September 16, 2002)</p> <p>Appellate Body Report, WT/DS217/AB/R, WT/DS234/AB/R, DSR 2003: I, 375 (January 16, 2003) 38, 61, 77, 88, 99, 192, 220, 226, 227, 229–30, 231, 259</p>
<i>US – Offset Act 21.3(c)</i>	<p><i>United States – Continued Dumping and Subsidy Offset Act of 2000, Arbitration under Article 21.3(c) of the DSU</i></p> <p>Award of the Arbitrator, WT/DS217/14, WT/DS234/22, DSR 2003: III, 1163 (June 13, 2003) 113</p>
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