



Dispute Settlement Body
10 March 2015

MINUTES OF MEETING

HELD IN THE CENTRE WILLIAM RAPPARD
ON 10 MARCH 2015

Chairman: Mr. Harald Neple (Norway)

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1 CANADA – ANTI-DUMPING MEASURES ON IMPORTS OF CERTAIN CARBON STEEL WELDED PIPE FROM THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

A. Request for the establishment of a panel by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (WT/DS482/2)

1.1. The Chairman recalled that the DSB had considered this matter at its meeting on 23 February 2015. He drew attention to the communication from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu contained in document WT/DS482/2, and invited the representative of that delegation to speak.

1.2. The representative of Chinese Taipei said that, for the second time, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu wished to request that the DSB establish a panel to examine the anti-dumping measures imposed by Canada, and the relevant Canadian laws. At the previous DSB meeting, her delegation had explained the inconsistency between these challenged measures and the WTO Agreements. However, those inconsistent measures were still being imposed and there was no signalled intention to remove them and to modify the relevant laws. Therefore, her delegation was left with no choice, but to request the establishment of a panel to secure a solution to this dispute.

1.3. The representative of Canada said that his country was disappointed that the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu had decided to request, for the second time, a panel with respect to Canada's anti-dumping measures on imports of carbon steel welded pipe. Canada remained confident that the measures identified in the panel request before the DSB at the present meeting were consistent with Canada's obligations under the WTO Agreement. Canada understood that a panel would be established at the present meeting, and was prepared to engage in these proceedings to ensure the effective resolution of this dispute.

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

1.5. The representatives of China, the EU, Korea, Norway, the United Arab Emirates and the United States reserved their third-party rights to participate in the Panel's proceedings.

2 CHINA – ANTI-DUMPING MEASURES ON IMPORTS OF CELLULOSE PULP FROM CANADA

A. Request for the establishment of a panel by Canada (WT/DS483/2)

2.1. The Chairman recalled that the DSB had considered this matter at its meeting on 23 February 2015. He drew attention to the communication from Canada contained in document WT/DS483/2, and invited the representative of Canada to speak.

2.2. The representative of Canada said that, at the previous DSB meeting, Canada had made its first request for the establishment of a panel regarding China's measures that imposed anti-dumping duties on imports of cellulose pulp from Canada. As it had explained at that meeting, and as was set out in its panel request in document WT/DS483/2, Canada considered China's measures to be inconsistent with its obligations under the Anti-Dumping Agreement and the GATT 1994. Canada had already set out its reasons for proceeding with this dispute in its panel request and would not repeat them at the present meeting. Canada, once again, requested that the DSB establish a panel in this dispute with standard terms of reference. Canada remained open nonetheless to continuing its dialogue with China in order to find a way to address its concerns.

2.3. The representative of China said that, once again, his country was disappointed that Canada had requested the establishment of a panel in this dispute. As it had stated at the 23 February 2015 DSB meeting, China had engaged constructively and in good faith in the consultations in order to address Canada's questions and concerns. China was convinced that the measure identified in the panel request was consistent with its WTO obligations. China understood that a panel would be established at the present meeting and would defend its measure in the proceedings.

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

2.5. The representatives of Chile, the EU, Japan, Korea, Norway and the United States reserved their third-party rights to participate in the Panel's proceedings.

3 RUSSIA - TARIFF TREATMENT OF CERTAIN AGRICULTURAL AND MANUFACTURING PRODUCTS

A. Request for the establishment of a panel by the European Union (WT/DS485/6)

3.1. The Chairman drew attention to the communication from the European Union contained in document WT/DS485/6, and invited the representative of the European Union to speak.

3.2. The representative of the European Union said that the EU was requesting the establishment of a panel to examine the tariff treatment that Russia accorded to certain goods in both agricultural and manufacturing sectors, with standard terms of reference. This request followed the EU efforts to find a solution with Russia since it joined the WTO, including through formal WTO consultations that had been held in November 2014. Despite those efforts, the measures were still in place and continued to severely hamper trade. In addition to their negative economic impact, those measures also raised important systemic concerns. In fact, the Russian Federation subjected

a number of goods to import duties that exceeded the bound levels recorded in its Schedule. This was inconsistent with one of the WTO's most basic rules, enshrined in Article II of the GATT 1994. Under those circumstances, the EU had no choice but to request the establishment of a panel to rule on this matter.

3.3. The representative of the Russian Federation said that her country regretted that the EU requested the establishment of a panel to examine this matter. Russia had participated in the consultations held on this matter with the EU in good faith, with the intention of finding a mutually satisfactory solution. Russia was convinced that this matter could be successfully resolved through further consultations. For those reasons, Russia was not in a position to agree to the establishment of a panel at the present meeting. Russia would seek the continuation of the consultation process.

3.4. The DSB took note of the statements and agreed to revert to this matter.

4 UNITED STATES – ANTI-DUMPING MEASURES ON CERTAIN OIL COUNTRY TUBULAR GOODS FROM KOREA

A. Request for the establishment of a panel by Korea (WT/DS488/5)

4.1. The Chairman drew attention to the communication from Korea contained in document WT/DS488/5, and invited the representative of Korea to speak.

4.2. The representative of Korea said that his country had filed its request for the establishment of a panel in this dispute on 23 February 2015. This dispute concerned anti-dumping measures imposed by the United States on certain oil country tubular goods from Korea. Korea believed that the measures were inconsistent with the US obligations under the WTO Agreements. More specifically, Korea challenged the legality of: (i) USDOC's use of constructed value to determine normal value; (ii) USDOC's calculation of constructed value profit; (iii) USDOC's finding of affiliation between the company NEXTEEL and NEXTEEL's supplier/customer; and (iv) procedural claims under the Anti-Dumping Agreement and the GATT 1994. The reasons for this request were explained in detail in Korea's panel request and his delegation would not repeat them at the present meeting. Korea and the United States had held consultations on 21 January 2015. While the consultations had been helpful in understanding each other's respective positions on this matter, they had not led to a mutually satisfactory resolution of the dispute. The US measures continued to nullify or impair the benefits accruing to Korea directly or indirectly under the cited Agreements. Therefore, Korea requested that a panel be established, with standard terms of reference as set out in Article 7.1 of the DSU.

4.3. The representative of the United States said that his country was disappointed that Korea had chosen to request the establishment of a panel with regard to this matter. As the United States had explained to Korea, the measures identified in its request were fully consistent with US obligations under the WTO Agreement. For these reasons, the United States was not in a position to agree to the establishment of a panel at the present meeting.

4.4. The DSB took note of the statements and agreed to revert to this matter.
