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WT/DSB/M/390

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Dispute Settlement Body
16 December 2016

MINUTES OF MEETING

HELD IN THE CENTRE WILLIAM RAPPARD
ON 16 DECEMBER 2016

Chairman: Mr. Xavier Carim (South Africa)

Prior to the adoption of the Agenda, the item concerning the adoption of the Panel Report in the dispute on: "United States – Conditional Tax Incentives for Large Civil Aircraft" (DS487) was removed from the proposed Agenda following the US decision to appeal the Report.

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B. United States – Section 110(5) of the US Copyright Act: Status report by the United States (WT/DS160/24/Add.142)

C. European Communities – Measures affecting the approval and marketing of biotech products: Status report by the European Union (WT/DS291/37/Add.105)

1.1. The Chairman noted that there were three sub-items under this Agenda item concerning status reports submitted by delegations pursuant to Article 21.6 of the DSU. He recalled that Article 21.6 required that: "Unless the DSB decides otherwise, the issue of implementation of the recommendations or rulings shall be placed on the Agenda of the DSB meeting after six months following the date of establishment of the reasonable period of time and shall remain on the DSB's Agenda until the issue is resolved". Under this Agenda item, the Chairman invited delegations to provide up to date information about compliance efforts and to focus on new developments, suggestions and ideas on progress towards the resolution of disputes. He also reminded delegations that, as provided for in Rule 27 of the Rules of Procedure for DSB meetings: "Representatives should make every effort to avoid the repetition of a full debate at each meeting on any issue that has already been fully debated in the past and on which there appears to have been no change in Members' positions already on record". He then turned to the first status report under this Agenda item.

A. United States – Anti-dumping measures on certain hot-rolled steel products from Japan: Status report by the United States (WT/DS184/15/Add.167)

1.2. The Chairman drew attention to document WT/DS184/15/Add.167, which contained the status report by the United States on progress in the implementation of the DSB's recommendations in the case concerning US anti-dumping measures on certain hot-rolled steel products from Japan.

1.3. The representative of the United States said his country had provided a status report in this dispute on 5 December 2016, in accordance with Article 21.6 of the DSU. The United States had addressed the DSB's recommendations and rulings with respect to the calculation of anti-dumping margins in the hot-rolled steel anti-dumping duty investigation at issue. With respect to the recommendations and rulings of the DSB that had yet to be addressed, the US Administration would work with the US Congress with respect to appropriate statutory measures that would resolve this matter.

1.4. The representative of Japan said her country thanked the United States for its statement and its status report submitted on 5 December 2016. Japan referred to its previous statements that this issue should be resolved as soon as possible.

1.5. The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

B. United States – Section 110(5) of the US Copyright Act: Status report by the United States (WT/DS160/24/Add.142)

1.6. The Chairman drew attention to document WT/DS160/24/Add.142, which contained the status report by the United States on progress in the implementation of the DSB's recommendations in the case concerning Section 110(5) of the US Copyright Act.

1.7. The representative of the United States said his country had provided a status report in this dispute on 5 December 2016, in accordance with Article 21.6 of the DSU. The US Administration would continue to confer with the European Union, and to work closely with the US Congress, in order to reach a mutually satisfactory resolution of this matter.

1.8. The representative of the European Union said his delegation thanked the United States for the status report and its statement made at the present meeting. The EU referred to its previous statements made at previous meetings and said that it would like to resolve this case as soon as possible.

1.9. The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

C. European Communities – Measures affecting the approval and marketing of biotech products: Status report by the European Union (WT/DS291/37/Add.105)

1.10. The Chairman drew attention to document WT/DS291/37/Add.105, which contained the status report by the European Union on progress in the implementation of the DSB's recommendations in the case concerning measures affecting the approval and marketing of biotech products.

1.11. The representative of the European Union said that there had been no new developments since the previous DSB meeting on 23 November 2016. The EU continued to be committed to acting in line with its WTO obligations. But, more generally, and as stated many times before, the EU recalled that the EU approval system was not covered by the DSB's recommendations and rulings.

1.12. The representative of the United States said his country thanked the EU for its status report and its statement at the present meeting. As the United States had noted at past meetings of the DSB, the EU measures affecting the approval and marketing of biotech products were characterized by lengthy, unpredictable, and unexplained delays in approvals. This remained a substantial concern to the United States. As the EU was aware, the United States was concerned that the EU's scientific review process seemed to have slowed in recent years. Many corn and soy products had now been under consideration by the EU's scientific authority for several years. Further, even after products had received positive scientific evaluations, they continued to languish without approval by the relevant EU bodies. The delays in approvals caused adverse effects on trade, particularly with respect to soybeans and corn. The United States encouraged the EU to ensure that products in the biotech approval pipeline moved forward in a timely manner, as required by EU regulations and WTO rules.

1.13. The DSB took note of the statements and agreed to revert to this matter at its next regular meeting.

2 UNITED STATES – CONTINUED DUMPING AND SUBSIDY OFFSET ACT OF 2000: IMPLEMENTATION OF THE RECOMMENDATIONS ADOPTED BY THE DSB

A. Statements by the European Union and Japan

2.1. The Chairman said this item was on the Agenda of the present meeting at the request of the European Union and Japan and he invited the respective representatives to speak.

2.2. The representative of the European Union said his delegation requested, once again, that the United States stop transferring anti-dumping and countervailing duties to the US industry. Every disbursement that still took place was clearly an act of non-compliance with the DSB's recommendations and rulings. The EU renewed its call on the United States to abide by its clear obligation under Article 21.6 of the DSU to submit implementation reports in this dispute. The EU would continue to put this point on the Agenda as long as the US had not implemented the WTO ruling.

2.3. The representative of Japan said that US Customs and Border Protection had just issued the CDSOA Annual Report for Financial Year 2016.[1] According to the report, some $46 million had been disbursed for financial year 2016. These latest distributions showed that the CDSOA still remained operational. It was Japan's firm view that as long as distributions continued the United States was not in full compliance. It was also under an obligation to provide the DSB with a status report in accordance with Article 21.6 of the DSU. Japan recalled that, for years, it had been inscribing this item on the Agenda of each and every regular DSB meeting and Japan's position on the matter was well known. In order to avoid undue repetition of its positon and to expedite the conduct of business of the DSB, Japan had decided not to continue this practice as of the next regular DSB meeting. Needless to say, this was without prejudice to Japan's positon on this matter and Japan reserved all its rights under the DSU, including the right to raise this matter again in the DSB and its right under Article 22.7 of the DSU.

2.4. The representative of Canada said that his country wished to refer to its previous statements made on this matter.

2.5. The representative of Brazil said that her country, once again, thanked the EU and Japan for placing this item on the Agenda of the DSB. As one of the original parties to this matter, Brazil referred to its earlier statements on the subject, specifically with continuing payment of illegal disbursements. These had to stop immediately. Brazil called upon the United States to comply with the DSB's rulings and recommendations. The United States, of course, was now responsible for providing status reports, pursuant to Article 21.6 of the DSU.

2.6. The representative of China said that her country thanked the EU and Japan for placing this item on the Agenda of the present meeting. China urged the United States to fully implement the DSB's rulings on this matter as soon as possible.

2.7. The representative of the United States said that, as the United States had noted at previous DSB meetings, the Deficit Reduction Act – which included a provision repealing the Continued Dumping and Subsidy Offset Act of 2000 – had been enacted into law in February 2006. Accordingly, the United States had taken all actions necessary to implement the DSB's recommendations and rulings in these disputes. The United States recalled, furthermore, that the EU, Japan, and other Members had acknowledged that the Deficit Reduction Act did not permit the distribution of duties collected on goods entered after 1 October 2007, over nine years ago. In light of this, the United States was pleased to note Japan's statement, at the present meeting, that it would not continue to inscribe this item on the DSB Agenda while reserving its rights. The United States viewed this as a positive development, illustrative of the close and cooperative relationship it shared with Japan. With respect to comments regarding continued status reports in this matter, as it had already explained at previous DSB meetings, the United States failed to see what purpose would be served by further submission of status reports which would repeat, again, that the United States had taken all actions necessary to implement the DSB's recommendations and rulings in these disputes. Indeed, as these very WTO Members had demonstrated repeatedly when they had been a responding party in a dispute, there was no obligation under the DSU to provide further status reports once a Member announced that it had implemented those DSB recommendations and rulings, regardless of whether the complaining party disagreed about compliance.

2.8. The DSB took note of the statements.

3 CHINA – CERTAIN MEASURES AFFECTING ELECTRONIC PAYMENT SERVICES

A. Statement by the United States

3.1. The Chairman said that this item was on the Agenda of the present meeting at the request of the United States and he invited the representative of the United States to speak.

3.2. The representative of the United States said that the DSB had adopted its recommendations in this dispute more than four years ago, and the reasonable period of time had long since expired.

[1] CDSOA 2016 Annual Reports dated 1 December 2016. See US Customs and Border Protection's website at:
https://www.cbp.gov/trade/priority-issues/adcvd/continued-dumping-and-subsidy-offset-act-cdsoa-2000

China had issued a regulation several months ago that purported to set out a licensing application process for foreign EPS suppliers. However, the only entity authorized to provide electronic payment services (EPS) in China remained a business set up by the People's Bank of China and other Chinese Government-related entities. The United States urged China to ensure that foreign EPS suppliers may apply for and receive permission to operate in China, in accordance with China's WTO obligations.

3.3. The representative of China said her country regretted that the United States had once again brought this matter before the DSB. China referred to its statements made at previous meetings and emphasized that China had taken all necessary actions and fully implemented the DSB recommendations and rulings in this dispute. China also reiterated that the regulation mentioned by the United States was not relevant to the implementation of the DSB recommendations and rulings in this dispute. Nor was the DSB meeting an appropriate forum to discuss China's domestic regulatory action, which was irrelevant to this specific dispute.

3.4. The DSB took note of the statements.

4 EUROPEAN UNION – COST ADJUSTMENT METHODOLOGIES AND CERTAIN ANTI-DUMPING MEASURES ON IMPORTS FROM RUSSIA (SECOND COMPLAINT)

A. Request for the establishment of a panel by the Russian Federation (WT/DS494/4)

4.1. The Chairman recalled that the DSB had considered this matter at its meeting on 23 November 2016 and had agreed to revert to it. He drew attention to the communication from the Russian Federation contained in document WT/DS494/4, and invited the representative of the Russian Federation to speak.

4.2. The representative of the Russian Federation said that, at the previous meeting of the DSB, her country had requested the establishment of a panel to examine the EU's cost adjustment methodologies and certain anti-dumping measures on imports from Russia. Russia referred to its statement made at the previous DSB meeting, where it had explained the reasons behind its request, and repeated its request to establish a panel at the present meeting. Russia noted that, at the previous DSB meeting, the EU had stated that, in its panel request "the Russian Federation raises issues, such as for example Article 2(3) of the Basic EU Anti-Dumping Regulation that have never been raised in consultations". The grounds of the EU's statement were not clear. Apart from being incorrect, it prematurely and improperly raised issues that could not be resolved at this stage of the proceedings. Therefore, Russia considered it inappropriate to engage in any substantive discussion of this matter at the present meeting.

4.3. The representative of the European Union said that his delegation regretted that the Russian Federation had decided to request the establishment of a panel. The EU believed that its Basic Anti-Dumping Regulation and the measures adopted on the basis of this Regulation were WTO-consistent.

4.4. 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.

4.5. The representatives of Argentina, Australia, Brazil, Canada, China, India, Indonesia, Japan, Korea, Mexico, Norway, Ukraine, the United States and Viet Nam reserved their third-party rights to participate in the Panel's proceedings.

5 RUSSIA – MEASURES AFFECTING THE IMPORTATION OF RAILWAY EQUIPMENT AND PARTS THEREOF

A. Request for the establishment of a panel by Ukraine (WT/DS499/2)

5.1. The Chairman recalled that the DSB had considered this matter at its meeting on 23 November 2016 and had agreed to revert to it. He drew attention to the communication from Ukraine contained in document WT/DS499/2, and invited the representative of Ukraine to speak.

5.2. The representative of Ukraine said that, at the previous DSB meeting on 23 November 2016, Ukraine had requested, for the first time, the establishment of a panel to examine certain measures imposed by Russia on imports of railway products from Ukraine. At the present meeting, Ukraine was requesting the establishment of a panel for a second time. Pursuant to Article 6.1 of the DSU, this panel would have to be established at the present meeting. Ukraine wished to reiterate its grave concerns over the measures imposed by Russia on imports of railway products from Ukraine. As discussed at the DSB meeting on 23 November 2016 and explained in detail in Ukraine's panel request, since 2014 Russia had been systematically suspending the conformity assessment certificates held by Ukrainian producers of railway products, rejecting new applications for conformity assessment certificates and refusing to recognize valid conformity assessment certificates issued by other countries of the Eurasian Customs Union. As a result, certain railway products of Ukrainian origin had been effectively banned from the Russian market. These measures have had very detrimental economic consequences and were inconsistent with several provisions of the GATT 1994 and the TBT Agreement. Since the Russian measures remained in force and continued to violate several WTO obligations, Ukraine once again requested that a panel be established to examine this matter, with standard terms of reference, in accordance with Article 7.1 of the DSU.

5.3. The representative of the Russian Federation said that her country would like to reiterate its disappointment with Ukraine's decision to, once again, request the establishment of a panel to examine the subject matter of the DS499 dispute at the present meeting. As had been stated at the previous DSB meeting, Russia had entered into consultations in good faith and had attempted to find appropriate solutions to resolve the dispute with Ukraine. Russia stood ready to defend its rights under the covered agreements.

5.4. 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.

5.5. The representatives of Canada, China, the European Union, Indonesia, Japan, Singapore and the United States reserved their third-party rights to participate in the Panel's proceedings.

6 CHINA – DOMESTIC SUPPORT FOR AGRICULTURAL PRODUCERS

A. Request for the establishment of a panel by the United States (WT/DS511/8)

6.1. The Chairman drew attention to the communication from the United States contained in document WT/DS511/8, and invited the representative of the United States to speak.

6.2. The representative of the United States recalled that all WTO Members, including China, had undertaken to limit the trade – or production-distorting government support they provided to agricultural producers. For each WTO Member, non-exempt domestic support, as defined by the Agreement on Agriculture, may not exceed the level agreed to by that Member as reflected in its WTO Schedule. Unfortunately, it appeared that China maintained domestic support at levels well in excess of its scheduled commitments, including with respect to wheat, Indica rice, Japonica rice, and corn. When China joined the WTO, it committed not to provide support in favour of domestic producers, expressed in terms of China's Current Total Aggregate Measurement of Support (Current Total AMS), in excess of its final bound commitment level of "nil". China had further agreed that its *de minimis* exemption for product-specific support would be equivalent to 8.5 percent of the total value of production of a basic agricultural product during the relevant year.

6.3. For the years 2012, 2013, 2014 and 2015, however, it appeared that China had exceeded its final bound commitment level on the basis of China's market price support (MPS) programs for wheat, Indica rice, Japonica rice, and corn alone. That is, China's support for these products had exceeded 8.5 percent of the total value of production for each product. Prior to initiating this dispute, the United States had attempted to resolve these issues with China, both bilaterally and in the Committee on Agriculture. However, China had continued to provide domestic support at levels well in excess of its WTO commitments. In September 2016, the United States and China had held formal WTO consultations, but these efforts also unfortunately had failed to resolve US concerns. Accordingly, the United States requested that the DSB establish a panel to examine the matter set out in its panel request, with standard terms of reference.

6.4. The representative of China said his country regretted the US request for the establishment of a panel. China could not accept that request at this time. Indeed, China was particularly disappointed by the United States' unprecedented and unjustified step to challenge China's legitimate and WTO-consistent domestic support with respect to vital agricultural staples including wheat, Indica rice, Japonica rice and corn. In responding to the consultation request by the United States, China had agreed to conduct consultations. In Geneva, on 20 October 2016, during the consultations, China had made efforts to clarify its agricultural policies. It noted that, after the implementation of reform and opening up of its policy, and especially after its accession to the WTO, its economy had been developing rapidly. Against this background, China had provided more supports for its farmers, mainly for the livelihood of its enormous agricultural populations. All these measures were consistent with WTO rules. China was thus very disappointed to learn that the United States, for domestic political reasons, had requested the establishment of a panel. China had always respected the WTO rules in calibrating and adapting its domestic support for China's agricultural production and development. This support was consistent with well-recognized WTO rules and practices confirming that WTO Members had the right to provide support to their respective domestic agricultural sectors. Indeed, WTO rules not only permitted such support, but also actively facilitated and encouraged Members to implement measures protecting the interests of their agricultural producers. Should the United States continue to seek the establishment of a panel in this dispute, China would strongly defend its interests and demonstrate the WTO-consistency of its measures.

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

7 PROPOSED NOMINATION FOR THE INDICATIVE LIST OF GOVERNMENTAL AND NON-GOVERNMENTAL PANELISTS (WT/DSB/W/585)

7.1. The Chairman drew attention to document WT/DSB/W/585, which contained one additional name, proposed by Mexico, for inclusion on the Indicative List of Governmental and Non-Governmental Panelists, in accordance with Article 8.4 of the DSU. He proposed that the DSB approve the name contained in document WT/DSB/W/585.

7.2. The DSB so agreed.

8 COLOMBIA – MEASURES RELATING TO THE IMPORTATION OF TEXTILES, APPAREL AND FOOTWEAR

A. Statement by Colombia

8.1. The representative of Colombia, speaking under "Other Business", referred to Colombia's communication contained in WT/DS461/15, which had been circulated on 15 December 2016. In that communication, Colombia had informed the DSB, in accordance with Article 21.6 of the DSU, that on 2 November 2016 the Colombian Government had issued Decree 1744 of 2016 modifying the tariffs applicable to imports of products classified in Chapters 61, 62 and 63 of the Customs Tariff, and certain items in Chapter 64. He noted that Decree 1744 had set an *ad valorem* MFN tariff of 40% for imports of products classified in Chapters 61 and 62 when the declared FOB import price was less than or equal to US$10 per gross kilogram. This tariff was equal to the bound tariff in Colombia's Schedule LXXVI, Part I – Most-Favoured-Nation Tariff, Section II – Other products, annexed to the GATT 1994. In cases where the import price for these products exceeded US$10, the MFN tariff would be as provided in Decree 4927 of 2011 or any amending decree, containing the Customs Tariff of the Republic of Colombia, and, as such, it will not exceed Colombia's bound tariffs. With regard to imports of products classified under tariff headings 6401, 6402, 6403, 6404 and 6405 of the Customs Tariff of the Republic of Colombia, an MFN tariff of 35% *ad valorem* was applied when the declared FOB import price was less than or equal to prices that varied between US$6 and US$10 per pair, in accordance with the said Decree. For imports of products classified under sub-heading 6406.10.00.00, an MFN tariff of 35% *ad valorem* would be applied when the declared FOB price was less than or equal to US$5 per gross kilogram. These tariffs were equal to the tariff bound in Colombia's Schedule LXXVI, Part I – Most-Favoured-Nation Tariff, Section II – Other products, annexed to the GATT 1994. In cases where the import price for these products exceeded the above-mentioned prices, the MFN tariff would be as provided in Decree 4927 of 2011 or any amending decree, and as such it would not exceed Colombia's bound tariffs. For imports of the other products that were covered by the compound tariffs introduced by

Decree 456 of 2014, including the products classified in Chapter 63 of the Customs Tariff and those classified under the headings of Chapter 64 not mentioned above, the applicable tariff, as from 2 November 2016, was the MFN *ad valorem* tariff set forth in Decree 4927 of 2011 or any amending decree, and, as such, it would not exceed Colombia's bound tariffs. Thus, Colombia had fully complied with the DSB's recommendations and rulings adopted on 22 June 2016 in the dispute on: "Colombia – Textiles Apparel and Footwear" (DS461).

8.2. The representative of Panama said that his country welcomed the information provided by Colombia. Panama was in the process of examining Decree 1744, to which Colombia had referred. On a preliminary basis, in Panama's view, Colombia's modification of the compound tariff, by means of Decree 1744 of 2 November 2016, lost any capacity to ensure compliance with the findings and recommendations in this dispute, if it was accompanied by measures that imposed requirements, strict controls and special customs obligations in respect of the relevant goods, and that excessively restricted access to the Colombian clothing and footwear market, as did those set forth in Decree 1745 of 2 November 2016. He said that Panama had placed copies of this Decree, in Spanish, at the back of the room. Panama also wished to express concern that, among the customs control measures adopted under Decree 1745 of 2 November 2016, there were renewed restrictions on ports of entry of the goods in question. Such measures had already been declared to be inconsistent by the DSB in the DS366 dispute. Regardless of whether Colombia opted to comply with the WTO rulings by temporarily replacing the compound tariff – that had been declared inconsistent with its commitments under the GATT 1994 – with *ad valorem* tariffs, such a course of action was undermined by the adoption of the measures that violated Canada's market access and customs valuation obligations. This was evidenced by the fact that Colombia sought to base these measures on the general exceptions of Article XX(a) and (d), which presupposed violations of obligations – an argument that had been used by Colombia in an attempt to justify the compound tariffs. That had been dismissed by the two bodies dealing with this case. In view of the foregoing, Panama had no alternative but to reserve the right to seek the other remedies available under the DSU in order to ensure that Colombia proceeded in accordance with the commitments that it had undertaken as a WTO Member.

8.3. The DSB took note of the statements.

9 DISPUTE SETTLEMENT WORKLOAD

A. Statement by the Chairman

9.1. The Chairman, speaking under "Other Business", said that he wished to provide the DSB with information about the Appellate Body's workload, the number of disputes before panels, and at the panel composition stage, and the ability of the Secretariat to meet expected demand over the coming period. With regard to appeals, he said that the Appellate Body was currently dealing with four appeals, including the extremely complex compliance proceedings in "EC and Certain Member States – Large Civil Aircraft" (Airbus). One of these appeals was filed on 16 December 2016 and could not be staffed immediately. In addition, one panel report had been circulated on 15 December 2016 and four final panel reports that had been issued to the parties were currently being translated. Of the reports being translated, two panel reports were scheduled to be circulated in December 2016. Two more were expected to be circulated in the next three months. If they were appealed, they could not be staffed immediately. With regard to panels and arbitrations, there were currently 18 active panels (including five panels under Article 21.5 of the DSU) that had not yet issued a final report to the parties. Multiple disputes that were being considered simultaneously by the same panel were being counted as one. As of the present meeting, all composed panels had been assigned staff to assist them and were active or in the process of commencing proceedings. There were an additional six panels at the composition stage. This did not count panels for which there had been no composition activity in the last 12 months. In addition, two matters had been referred to arbitration under Article 22.6 of the DSU and one under Article 21.3(c) of the DSU.

9.2. The DSB took note of the statement.

10 APPELLATE BODY MATTERS

A. Statement by the Chairman

10.1. The Chairman, speaking under "Other Business", said he wished to make two short announcements regarding the Appellate Body matters. First, he drew attention to the fact that the second four–year term of Mr. Ricardo Ramírez Hernández would expire on 30 June 2017. Also, the second four–year term of Mr. Peter Van den Bossche would expire on 11 December 2017. Accordingly, in 2017, the DSB would have to decide on the appointments of two new Appellate Body members to replace them. It was therefore the Chairman's intention to circulate a draft decision in early 2017 in respect of a new selection process for these two upcoming positions in the Appellate Body to be adopted by the DSB. For efficiency, and taking into account that in the second half of the year delegations would be very busy with the preparations for the next Ministerial Conference, the Chairman proposed that the DSB carry out one selection process for the two positions, at the same time, with a view to completing the process by the end of June 2017. However, a selection committee would make recommendations for filling one position as of 1 July 2017 and the other as of 12 December 2017. The Chairman's proposal setting out details regarding the process would be formally submitted before the DSB in the beginning of 2017. However, in the meantime, the Chairman encouraged delegations to start thinking about possible candidates for the two positions. Second, the Chairman informed delegations that, in regard to the two new appointments approved by the DSB in November 2016, there would be a swearing-in ceremony for Ms. Zhao Hong and Mr. Hyun Chong Kim. This ceremony would be held on 25 January 2017 following the DSB meeting scheduled for that day. A formal fax to this effect would be circulated in January 2017.

10.2. The representative of Turkey said his delegation had planned to make its statement at the previous DSB meeting on 23 November 2016 under the Agenda item regarding the new appointments to the Appellate Body. However, due to the need for further consultations, the meeting had been postponed on this Agenda item. Subsequently, the item had been considered in the afternoon of 23 November. However, Turkey had been unaware of this. As such, Turkey had not had the opportunity to make a statement on this matter. Therefore, Turkey requested that this statement be registered under the relevant Agenda item of the November meeting.[2] With regard to the statement at hand, Turkey wished to congratulate Ms. Zhao Hong and Mr. Hyun Chong Kim on their appointments to the Appellate Body. Both Ms. Zhao Hong and Mr. Hyun Chong Kim had impressive backgrounds in both WTO-issues and international law. Turkey said it was sure they would act independently, impartially and within the framework of the DSU during their respective terms. Turkey wished them all the best and a successful career in Geneva. Turkey also thanked the Selection Committee for its hard work and cooperation with Members. Although it had been a delicate and lengthy process, Turkey considered that the Selection Committee had completed its task successfully. As Members knew, Turkey had, for the first time, nominated a candidate for one of the vacant positions on the Appellate Body. Turkey thanked all WTO Members who had shown interest in the Turkish nominee and expressed special thanks to those who had indicated their support to the Selection Committee for the Turkish candidate. Turkey said that it believed that diversity among the members of the Appellate Body was important and hoped to see more candidates from different WTO Members for future vacancies.

10.3. The DSB took note of the statements.

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[2] WT/DSB/M/389.