

## WTO Cases: US Compliance as a Responding Party

### Status of cases as of December 31, 2004

No.	Case No.	Issue	Date Initiated	Complainant	Result	Compliance
1	DS2	Standards for reformulated and conventional gasoline	02/02/95	Venezuela	Lost (Combined with DS4)	<b>EFFECTIVE</b> - On 5/20/1996, the WTO Dispute Settlement Body requested the United States bring the baseline establishment rules contained in Part 80 of Title 40 of the Code of Federal Regulations into conformity with its obligations under the WTO General Agreement. On 6/19/1996, Charlene Barshefsky, the acting U.S. trade representative (USTR), announced that
2	DS4	Standards for reformulated and conventional gasoline	04/12/95	Brazil	Lost (Combined with DS2)	
3	DS6	Imposition of import duties on autos from Japan under Section 301 & 304	05/22/95	Japan	Negotiated	
4	DS24	Quantitative restrictions on Costa Rican underwear	01/15/96	Costa Rica	Lost	<b>EFFECTIVE</b> - In November 1996, the WTO panel recommended that the US bring the measure challenged by Costa Rica into compliance with its obligations under the ATC. The panel further suggested that the US bring the measure into compliance by immediately withdrawing the restriction. In April 1997, the US informed the DSB that the contested measure had expired in March 1997.
5	DS32	Measures affecting imports of women's and girl's wool coats	03/15/96	India	Negotiated	
6	DS33	Measures affecting imports of woven wool shirts and blouses	04/01/96	India	Lost	<b>EFFECTIVE</b> - The United States had lifted the measure against imports from India in December 1996, even before the issuance of the final report of the WTO panel. In May 1997, the DSB adopted the reports of the panel and the Appellate Body. There was no implementation issue because the restraint was no longer in place at the time of the adoption.
7	DS38	The Cuban Liberty and Democratic Solidarity Act (also known as the Helms-Burton Act)	05/13/96	European Communities	Negotiated	
8	DS39	Tariff increases on products from the EC	05/29/96	European Communities	Negotiated	
9	DS49	Antidumping investigation on fresh and chilled tomatoes from Mexico	07/08/96	Mexico	Negotiated	
10	DS58	Import prohibition of certain shrimp and shirmp products	10/14/96	India, Malaysia, Pakistan, and Thailand	Lost (Combined with DS61)	<b>EFFECTIVE</b> - The US informed the DSB, in its meeting on November 25, 1998, that the US would implement the DSB recommendations "consistent not only with our WTO obligations but also with our firm commitment to the protection of endangered species, including sea turtles." No details of the US implementation plan were provided. However, the US and the complaining WTO members announced in the DSB meeting, held on February 1, 1999, that they had
11	DS61	Import prohibition of certain shrimp and shirmp products	11/04/96	Philippines	Lost (Combined with DS58)	
12	DS63	Anti-dumping measures on imports of solid urea	12/09/96	European Communities	Negotiated	
13	DS78	Safeguard measures against imports of broom and corn brooms	05/01/97	Columbia	Negotiated	
14	DS85	Measures affecting textiles and apparel products (I)	06/03/97	European Communities	Negotiated (Combined with DS151)	
15	DS88	Measures affecting government procurement	06/26/97	European Communities	Negotiated (Combined with DS95)	
16	DS89	Imposition of antidumping duties on imports of colour television receivers from Korea	07/16/97	Korea	Negotiated	
17	DS95	Measures affecting government procurement	07/21/97	Japan	Negotiated (Combined with DS88)	
18	DS97	Countervailing duty investigation of imports of salmon from Chile	08/12/97	Chile	Inactive	

## WTO Cases: US Compliance as a Responding Party

### Status of cases as of December 31, 2004

No.	Case No.	Issue	Date Initiated	Complainant	Result	Compliance
19	DS99	Antidumping duty on dynamic random access memory semiconductors (DRAMS) of 1 megabyte or above originating from Korea	08/15/97	Korea	Lost	<b>EFFECTIVE</b> - At the meeting of the DSB held on April 25, 2000, Korea asserted that the US had failed to comply with the DSB's recommendations and rulings. The panel reconvened with the parties on July 2, 2000, for discussions. On September 19, 2000, Korea asked the panel to suspend its work because the US terminated the AD order in question. Finally, in October 2000, pursuant to Article 3.6 of the DSU, the parties notified the DSB of a mutually agreed solution to the matter under review by the panel.
20	DS100	Measures affecting imports of poultry products	08/25/97	European Communities	Negotiated	
21	DS108	Tax treatment for "foreign sales corporations"	11/28/97	European Communities	Lost	<b>EFFECTIVE</b> - On May 7, 2003, the DSB authorized the EU to increase duties up to the level of 100% for a total of \$4 billion of US trade to be applied on a detailed list of products. On December 8, 2003, the EC adopted a regulation on the imposition of countermeasures as from March 1, 2004. On July 17, 2004, the US Senate agreed to go to conference on the Grassley-Baucus and Thomas bills to repeal FSC/ETI. The US informed the DSB that President Bush signed into law the American Jobs Creation Act of 2004 (AJCA) on October 22, 2004. The ACJA repealed the tax exclusion of the Foreign Sales Corporations Repeal and Extraterritorial Income Exclusion Act of 2000. The US concluded that it looked forward to the withdrawal of the suspension of concessions by the EC.
22	DS111	Tariff rate quota for imports of groundnuts	01/08/98	Argentina	Inactive	
23	DS118	Harbor maintenance tax	02/16/98	European Communities	Inactive	
24	DS136	Anti-Dumping Act of 1916 (I)	06/14/98	European Communities	Lost (Combined with DS162)	<b>EFFECTIVE</b> - An arbitrator, in a decision (WT/DS136/ARB) issued by the WTO on February 24, 2004, concluded that the EC may suspend trade obligations against the US, subject to certain specified limits, after the failure of the latter to bring its Anti-Dumping Act of 1916 into conformity with the WTO. In July 2004, the US informed the DSB that Ambassador Robert Zoellick in a
25	DS162	Anti-Dumping Act of 1916 (II)	02/16/99	Japan	Lost (Combined with DS136)	
26	DS138	Imposition of countervailing duties on certain hot-rolled lead & bismuth carbon steel products originating from the United Kingdom	07/06/98	European Communities	Lost (UK leaded bars)	<b>EFFECTIVE</b> - The US revoked the CVD duties on British Steel retroactively (from January 1, 1995).
27	DS144	Certain measures affecting the import of cattle, swine, and grain from Canada	09/29/98	Canada	Negotiated	
28	DS151	Measures affecting textiles and apparel products (II)	11/25/98	European Communities	Negotiated (Combined with DS85)	
29	DS152	Sections 301-310 of the Trade Act of 1974	11/30/98	European Communities	Won	
30	DS160	Section 110 (5) of the US Copyright Act	02/04/99	European Communities	Lost	<b>PARTIAL</b> - In July 2002, the US Congress created a fund to pay settlement of WTO disputes. On that basis a mutually satisfactory temporary arrangement for a period of 3 years between the US and the EC was notified to the DSB on June 23, 2003. The EU further expects the US administration to engage the US Congress with a view to bringing the US Copyright Act into compliance with the TRIPS agreement. In November 2004, the US reported that the Bush administration had been consulting with the US Congress on the Section 110(5) of the US Copyright Act. The EC complained that nearly three years had passed and the US government was only at the stage of consultation with the US Congress. As of December 2004, there were no new developments.

## WTO Cases: US Compliance as a Responding Party

### Status of cases as of December 31, 2004

No.	Case No.	Issue	Date Initiated	Complainant	Result	Compliance
31	DS165	Import measures on certain products from the European Communities (Bonding Requirements)	03/05/99	European Communities	Lost	<b>EFFECTIVE</b> - The Appellate Body made no recommendations for compliance because the US had already removed the import measures implemented on March 3, 1999.
32	DS166	Definitive safeguard measures on imports of wheat gluten	03/23/99	European Communities	Lost	<b>EFFECTIVE</b> - In June 2001, the US decided not to extend the wheat gluten quota. The EC had implemented a rebalancing measure on imports of US corn gluten feed, which began January 24, 2001. The EC decided not to renew the EU tariff on US corn gluten because of the US decision.
33	DS167	Countervailing duty investigation with respect to live cattle from Canada	03/25/99	Canada	Inactive	
34	DS176	Section 211 Omnibus Appropriations Act	07/15/99	European Communities	Lost	<b>NONCOMPLIANCE</b> - The US informed the DSB that the Senate Judiciary Committee held hearings concerning the Section 211 repealing legislation on July 13, 2004. The EC said that the US-Cuba Trademarks Protection Act would give an opportunity to the US to apply effective protection of TRIPS and to support the legislation as the appropriate solution to this dispute. Cuba said that the US-Cuba Trademarks Protection Act was not an isolated case of noncompliance by the US. Cuba emphasized that Section 211 was a violation of WTO basic principles, such as national treatment, most-favored nation (MFN) treatment, and the intellectual property rights of third countries. The EC stressed that two bills were pending in Congress to provide effective protection of intellectual property rights and to repeal Section 211. Cuba underlined that the resolution of the dispute required a repeal rather than an amendment of the WTO-inconsistent legislation.
35	DS177	Safeguard measures on imports of fresh, chilled, or frozen lamb from New Zealand	07/22/99	New Zealand	Lost (Combined with DS178)	<b>EFFECTIVE</b> - The US reported that on November 14, 2001, it completed the necessary legal steps to implement the decision to end safeguard measures on imports of lamb meat.
36	DS178	Safeguard measures on imports of fresh, chilled or frozen lamb from Australia	07/29/99	Australia	Lost (Combined with DS177)	
37	DS179	Antidumping measures on stainless steel plate in coils and stainless steel sheet and strip from Korea	08/06/99	Korea	Lost	<b>EFFECTIVE</b> - On August 28, 2001, the Department of Commerce amended its final determinations in the antidumping duty investigations on stainless steel plate in coils and stainless steel sheet and strip in coils from the Republic of Korea in order to implement the report of the WTO dispute settlement panel addressing these matters. Consistent with section 129 of the Uruguay Round Agreements Act, which governs the department's actions following WTO panel reports, the department has revised the calculation of dumping margins in the above cases. The DOC amended the final determinations consistent with the revised calculation of dumping margins (Federal Register #: 66 FR 45279). Korea thanked the US for implementing in a "prompt manner."
38	DS180	Reclassification of certain sugar syrups	09/15/99	Canada	Inactive	
39	DS184	Antidumping measures on certain hot-rolled steel products from Japan	11/23/99	Japan	Lost	<b>NONCOMPLIANCE</b> - The US requested that the "reasonable period of time" for implementation of the remaining rulings to be extended from July 31, 2004, to July 31, 2005. Following consultations with the US, Japan decided not to object to the modification of the "reasonable period of time" proposed by the US. The US said that the US administration was working with the US Congress on recommendations that were not addressed before November 2002. Japan expressed hope for rapid implementation. However, they were concerned that the absence of any legislation to implement the DSB rulings was indicative of the US intention not to comply. In November 2004, Japan expressed discouragement for not having yet seen a bill that would rectify the US violation.

## WTO Cases: US Compliance as a Responding Party

### Status of cases as of December 31, 2004

No.	Case No.	Issue	Date Initiated	Complainant	Result	Compliance
40	DS186	Section 337 of the Tariff Act of 1930 & amendments thereto	01/18/00	European Communities	Inactive	
41	DS192	Transitional safeguard measure on combed cotton yarn from Pakistan	04/03/00	Pakistan	Lost	<b>EFFECTIVE</b> - The US notified the DSB that effective November 9, 2001, there are no more limits on the import of this product from Pakistan.
42	DS194	Section 771 (5) of the Tariff Act of 1930, as amended and applied (CVD regulations)	05/24/00	Canada	Won	
43	DS200	Section 306 of the Trade Act of 1974 and amendments thereto	06/13/00	European Communities	Inactive	
44	DS202	Definitive safeguard measures on imports of circular welded carbon quality pipe from Korea	06/15/00	Korea	Lost	<b>EFFECTIVE</b> - In March 2002, the US regretted that the AB affirmed the ultimate conclusion of the panel in this dispute but said it plans to respond quickly to this ruling. The US safeguard measure on line pipe from Korea was terminated on March 1, 2003.
45	DS206	Antidumping and countervailing measures on steel plate from India	10/12/00	India	Won	
46	DS212	Countervailing measures concerning certain (steel) products from the EC	11/27/00	European Communities	Lost	<b>PARTIAL</b> - On November 7, 2003, the US announced revised determinations for each of the 12 countervailing determinations. Some of the changes revoked the countervailing orders, while some kept the old determinations in place. Even noting this information, the US announced it had implemented the recommendations and rulings of the DSB. The EC responded that it was still evaluating the reasons the US Department of Commerce had not performed an analysis of the privatization in 4 of the 12 cases. At the September 27, 2004, DSB meeting, the EC requested a compliance panel be established. The EC considered that for three cases involving corrosion-resistant carbon steel flat products from France, and carbon steel plate from Spain and the UK, the US failed to examine the continuation of subsidization or the nature of the privatization involved in these cases. Brazil, as a third party in the dispute, supported the EC. As of December 2004, these issues are still PENDING in the Compliance Hearing Panel Stage.
47	DS213	Countervailing duties on certain corrosion-resistant carbon steel flat products from Germany	11/20/00	European Communities	Won	
48	DS214	Definitive safeguard measures on imports of steel wire rod and circular welded carbon quality line pipe	12/07/00	European Communities	Pending (Panel Stage)	

## WTO Cases: US Compliance as a Responding Party

### Status of cases as of December 31, 2004

No.	Case No.	Issue	Date Initiated	Complainant	Result	Compliance
49	DS217	Continued Dumping and Subsidy Offset Act of 2000 (Byrd Amendment)	01/09/01	Australia, Brazil, Chile, European Community, India, Indonesia, Japan, Korea, and Thailand	Lost (Combined with case DS234)	<b>NONCOMPLIANCE</b> - On August 31, 2004, the WTO issued decisions by the arbitrator regarding the level of suspension of concessions and other obligations that Brazil, Canada, Chile, the EC, India, Japan, Korea, Mexico may request to apply for in this case. The EC mentioned that if compliance was not achieved within a short period, it would exercise its rights. Brazil, Chile, and Canada called for the US to repeal the Byrd Amendment. In October 2004, the EC complained that the US had not reported any progress. In November 2004, 8 of the 10 complainants requested authorization to suspend the application of concessions to the US. They argued that the US still had not implemented the DSB recommendations after the expiry of the implementation time on December 27, 2003, and that sanctions were the only tool left to them to get the US to comply. The US reiterated its intention to comply with the DSB rulings and emphasized that it would not be necessary for complainants to exercise that authorization.
50	DS234	Continued Dumping and Subsidy Offset Act of 2000 (Byrd Amendment)	06/01/01	Canada and Mexico	Lost (Combined with DS217)	
51	DS218	Countervailing duties on certain carbon steel products from Brazil	01/09/01	Brazil	Pending (Consultation Stage)	
52	DS221	Section 129 (c)(1) of the Uruguay Round Agreements Act	01/22/01	Canada	Won	
53	DS224	US Patent Code	02/07/01	Brazil	Inactive	
54	DS225	Antidumping duties on seamless pipe from Italy	02/08/01	European Communities	Pending (Consultation stage)	
55	DS236	Preliminary determinations with respect to certain softwood lumber from Canada	08/27/01	Canada	Lost	<b>EFFECTIVE</b> - At the DSB meeting of November 28, 2002, the US said that the measures at issue in this dispute were no longer in effect and that the provisional cash deposits that Canada challenged had been refunded prior to the circulation of the panel report. As such, it was not necessary for the US to take any further action to comply with the recommendations and rulings of the DSB. Canada dismissed the US view that no action was required on its part to implement the recommendations and rulings of the DSB. Canada stated that the legal methodologies found by the panel to be plainly illegal in the US Preliminary Countervailing Duty Determination remained unchanged in the final determination.
56	DS239	Certain measures regarding antidumping methodology	11/21/01	Brazil	Pending (Consultation Stage)	
57	DS243	Rules of origin for textiles and apparel products	01/22/02	India	Won	
58	DS244	Sunset review of antidumping duties on corrosion-resistant carbon steel flat products from Japan	02/04/02	Japan	Won	
59	DS247	Provisional antidumping measure on imports of certain softwood lumber from Canada	03/12/02	Canada	Inactive	
60	DS248	Definitive safeguard measures on imports of certain steel products	03/13/02	European Communities	Lost (Combined with DS249, DS251, DS252, DS253, DS254, DS258, and DS259)	<b>EFFECTIVE</b> - The EC, Japan, Norway, New Zealand, China, Brazil, Thailand, and Venezuela welcomed both the adoption of the Appellate Body and panel reports and the US government's decision on December 4, 2003, to remove the steel safeguard measures. Japan, Norway and China announced that, given the termination of the US safeguards, they would refrain from exercising their right to suspend concessions. Japan commended the EC on the withdrawal of its own safeguard measures and urged other such members who took measures in reaction to the US' steel safeguards to remove them. Norway also called for the speedy termination of these safeguards.
61	DS249	Definitive safeguard measures on imports of certain steel products	03/26/02	Japan	Lost (Combined with case DS248, DS251, DS252, DS253, DS254, DS258, and DS259)	

## WTO Cases: US Compliance as a Responding Party

### Status of cases as of December 31, 2004

No.	Case No.	Issue	Date Initiated	Complainant	Result	Compliance
62	DS251	Definitive safeguard measures on imports of certain steel products	03/26/02	Korea	Lost (Combined with DS248, DS249, DS252, DS253, DS254, DS258, and DS259)	
63	DS252	Definitive safeguard measures on imports of certain steel products	04/02/02	China	Lost (Combined with DS248, DS249, DS251, DS253, DS254, DS258, and DS259)	
64	DS253	Definitive safeguard measures on imports of certain steel products	04/08/02	Switzerland	Lost (Combined with DS248, DS249, DS251, DS252, DS254, DS258, and DS259)	
65	DS254	Definitive safeguard measures on imports of certain steel products	04/10/02	Norway	Lost (Combined with DS248, DS249, DS251, DS252, DS253, DS258, and DS259)	
66	DS258	Definitive safeguard measures on imports of certain steel products	05/21/02	New Zealand	Lost (Combined with DS248, DS249, DS251, DS252, DS253, DS254, and DS259)	
67	DS259	Definitive safeguard measures on imports of certain steel products	05/23/02	Brazil	Lost (Combined with DS248, DS249, DS251, DS252, DS253, DS254, and DS258)	
68	DS250	Equalizing excise tax imposed by Florida on processed orange and grapefruit products	03/26/02	Brazil	Negotiated	
69	DS257	Final countervailing duty determination with respect to certain softwood lumber from Canada	05/13/02	Canada	Won	
70	DS262	Sunset reviews of antidumping and countervailing duties on certain steel products from France and Germany	07/30/02	European Communities	Pending (Consultation Stage)	
71	DS264	Final dumping determination on softwood lumber from Canada	09/19/02	Canada	Won	
72	DS267	Subsidies on upland cotton	10/03/02	Brazil	Lost (Appellate Stage)	The case is in the appellate stage. On October 18, 2004, the US notified the DSB of its decision to appeal the panel report that had examined Brazil's complaint against the US.
73	DS268	Sunset review of antidumping measures on oil country tubular goods from Argentina	10/10/02	Argentina	Lost	On August 31, 2004, the US informed the WTO that it would appeal the DSB recommendations that were offered in their panel report. On November 29, 2004, the Appellate Body upheld the recommendations in the panel report. As of December 31, 2004, the US had taken no action.
74	DS274	Definitive safeguard measures on certain agricultural products	11/11/02	Chinese Taipei	Negotiated	

## WTO Cases: US Compliance as a Responding Party

### Status of cases as of December 31, 2004

No.	Case No.	Issue	Date Initiated	Complainant	Result	Compliance
75	DS277	Investigation of the International Trade Commission in softwood lumber from Canada	01/07/03	Canada	<b>Lost</b>	On October 1, 2004, pursuant to Article 21.3(b) of the DSU, Canada and the US reached an agreement on a reasonable period of time for implementation of the DSB's recommendations and rulings: 10 months. The DSB recommendations should be implemented by January 26, 2005. As of December 31, 2004, the US had taken no action.
76	DS280	Countervailing duties on steel plate from Mexico	01/27/03	Mexico	<b>Pending (Panel Stage)</b>	
77	DS281	Antidumping measures on cement from Mexico	02/11/03	Mexico	<b>Pending (Panel Stage)</b>	
78	DS282	Antidumping measures on oil country tubular goods (OCTG)	02/26/03	Mexico	<b>Pending (Panel Stage)</b>	
79	DS285	Measures affecting the cross-border supply of gambling and betting services	03/27/03	Antigua and Barbuda	<b>Lost (Appellate Stage)</b>	The case is in the appellate stage.
80	DS294	Laws, regulations, and methodology for calculating dumping margins ("zeroing")	06/19/03	European Communities	<b>Pending (Panel Stage) - AD zeroing</b>	
81	DS296	Countervailing duty investigation on dynamic random access memory semiconductors (DRAMs) from Korea	07/08/03	Korea	<b>Pending (Panel Stage)</b>	
82	DS310	Determination of International Trade Commission in hard red spring wheat from Canada	04/15/04	Canada	<b>Pending (Consultation Stage)</b>	
83	DS311	Reviews of countervailing duty on softwood lumber	04/19/04	Canada	<b>Pending (Consultation Stage)</b>	
84	DS317	Measures affecting trade in large civil aircraft	10/12/04	European Communities	<b>Pending (Consultation Stage)</b>	
85	DS319	Section 776 of the Tariff Act of 1930 (UK stainless steel bar)	11/09/04	European Communities	<b>Pending (Consultation Stage)</b>	
86	DS320	Continued suspensions of obligations in the EC-hormones dispute	11/10/04	European Communities	<b>Pending (Consultation Stage)</b>	
87	DS322	Measures relating to zeroing and sunset reviews	11/29/04	Japan	<b>Pending (Consultation Stage)</b>	
88	DS324	Provisional antidumping measures on shrimp from Thailand	12/14/04	Thailand	<b>Pending (Consultation Stage)</b>	

All decisions are as of December 31, 2004.