
C WTO trade disputes in which Australia has third party status

This Appendix tabulates the 64 trade disputes lodged with the WTO since its formation in 1995, where Australia has requested, and been accepted, as a third party. These are cases where Australia judges it has commercial and/or legal interest in the matters in question (DFAT 2010b). Under WTO dispute resolution procedures, a country granted third part status can present its views to the dispute panel or, in the event of an appeal to an initial ruling, the Appellate Body.

Table C.1 WTO disputes involving Australia, 1995-2010

| <i>Case no.</i> | <i>Year</i> | <i>Product</i> | <i>Complainant</i> | <i>Respondent</i> | <i>Outcome</i> |
|-----------------|-------------|---|---|----------------------|--------------------------------|
| DS2 | 1995 | Gasolin | Brazil Venezuela | United States | Compliant upheld 1996 |
| DS7 | 1995 | Scallops | Canada | European Communities | Mutually agreed solution 1996 |
| DS12 | 1995 | Scallops | Peru | European Communities | Mutually agreed solution 1996 |
| DS14 | 1995 | Scallops | Chile | European Communities | Mutually agreed solution 1996 |
| DS26 | 1996 | Prohibition of certain hormones in livestock farming | United States | European Communities | Most of complaints upheld 1998 |
| DS46 | 1996 | Export subsidies on aircraft | Canada | Brazil | Most of complaints upheld 1999 |
| DS48 | 1996 | Prohibition of certain hormones in livestock farming | Canada | European Communities | Most of complaints upheld 1998 |
| DS58 | 1996 | US Importation of shrimp and shrimp products | India, Malaysia, Pakistan and Thailand | United States | Some of complaints upheld 1998 |
| DS70 | 1997 | Export financing for aircraft | Canada | Brazil | Most of complaint upheld 1999 |
| DS103 | 1997 | Canadian export subsidies on dairy products and tariff-rate quota on milk | United States | Canada | Mutually agreed solution 2003 |
| DS108 | 1997 | Special tax treatment for "Foreign Sales Corporations" | European Communities | United States | Most of complaints upheld 2000 |
| DS113 | 1997 | Canadian export subsidies on dairy products and tariff-rate quota on milk | New Zealand | Canada | Mutually agreed solution 2003 |
| DS114 | 1997 | Lack of patent protection of pharmaceutical products | European Communities | Canada | Some of complaints upheld 2000 |
| DS160 | 1999 | Section 110(5) of US Copyright Act | European Communities | United States | Some of complaints upheld 2000 |
| DS161 | 1999 | Measures restricting the sale of imported beef | United States | Korea | Most of complaints upheld 2000 |
| DS166 | 1999 | Safeguards on imports of wheat gluten | European Communities | United States | Most of complaints upheld 2000 |
| DS174 | 1999 | Lack of protection of trademarks and geographical indications | United States | European Communities | Some of complaints upheld 2005 |
| DS177 | 1999 | Safeguards on imports of lamb meat | New Zealand | United States | Some of complaints upheld 2001 |
| DS194 | 2000 | Measures treating export restraints as subsidies | Canada | United States | No complaints upheld 2001 |

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Table C.1 (continued)

| <i>Case no.</i> | <i>Year</i> | <i>Product</i> | <i>Complainant</i> | <i>Respondent</i> | <i>Outcome</i> |
|-----------------|-------------|---|----------------------|----------------------|-----------------------------------|
| DS204 | 2000 | Regulatory measures affecting telecommunications services | United States | Mexico | Most of complaints upheld 2004 |
| DS202 | 2000 | Safeguards on imports of circular welded carbon quality line pipe | Korea | United States | Most of complaints upheld 2002 |
| DS207 | 2000 | Price band system and safeguards on certain agricultural imports | Argentina | Chile | Most of complaints upheld 2007 |
| DS222 | 2001 | Export credits and loan guarantees for regional aircraft | Brazil | Canada | Some of complaints upheld 2002 |
| DS234 | 2001 | Continued Dumping and Subsidy Offset Act of 2000 | Canada and Mexico | United States | Some of complaints upheld 2003 |
| DS245 | 2002 | Import restrictions on apples | United States | Japan | Mutually agreed solution 2005 |
| DS266 | 2002 | Export subsidies on sugar | Brazil | European Communities | Some of complaints upheld 2005 |
| DS267 | 2002 | Subsidies on Upland cotton | Brazil | United States | Most of complaints upheld 2008 |
| DS276 | 2002 | Treatment of wheat exports and grain imports | United States | Canada | Some of complaints upheld 2004 |
| DS283 | 2003 | Sugar export subsidies | Thailand | European Communities | Some of complaints upheld 2005 |
| DS291 | 2003 | Measures affecting the approval of biotech products | United States | European Communities | Some of complaints upheld 2006 |
| DS292 | 2003 | Measures affecting the approval of biotech products | Canada | European Communities | Some of complaints upheld 2006 |
| DS293 | 2003 | Measures affecting the approval of biotech products | Argentina | European Communities | Some of complaints upheld 2006 |
| DS315 | 2004 | Certain Customs matters | United States | European Communities | Some of complaints upheld 2006 |
| DS316 | 2004 | Measures affecting trade in large civil aircraft | United States | European Communities | Panels established. Yet to report |
| DS317 | 2004 | Measures affecting trade in large civil aircraft | European Communities | United States | Panels established. Yet to report |

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Table C.1 (continued)

| <i>Case no.</i> | <i>Year</i> | <i>Product</i> | <i>Complainant</i> | <i>Respondent</i> | <i>Outcome</i> |
|-----------------|-------------|--|----------------------|----------------------|--|
| DS320 | 2004 | Retaliatory measures to the prohibition of certain hormones in livestock farming (retaliatory to DS26) | European Communities | United States | Some of complaints upheld 2008 |
| DS321 | 2004 | Retaliatory measures to the prohibition of certain hormones in livestock farming (retaliatory to DS48) | European Communities | Canada | Some of complaints upheld 2008 |
| DS332 | 2005 | Measures affecting retreaded tyre imports | European Communities | Brazil | Some of complaints upheld 2007 |
| DS334 | 2005 | Import restrictions on rice | United States | Turkey | Most of complaints upheld 2007 |
| DS339 | 2006 | Measures adversely affecting automobile part imports | European Communities | China | Most of complaints upheld 2008 |
| DS340 | 2006 | Measures adversely affecting automobile part imports | United States | China | Most of complaints upheld 2008 |
| DS342 | 2006 | Measures adversely affecting automobile part imports | Canada | China | Most of complaints upheld 2008 |
| DS347 | 2006 | Measures affecting trade in large civil aircraft | United States | European Communities | Suspended at the request of the United States in 2006 |
| DS352 | 2006 | Measures adversely affecting wine and spirit imports | European Communities | India | Suspended at the request of the European Communities in 2007 |
| DS353 | 2005 | Measures affecting trade in large civil aircraft | European Communities | United States | Panel established. Yet to report |
| DS357 | 2007 | Domestic support and export credit guarantees for agricultural products | Canada | United States | Panel established. Yet to report |
| DS360 | 2007 | Certain import duties | United States | India | Some of complaints upheld 2008 |
| DS362 | 2007 | Measures affecting the protection and enforcement of intellectual property rights | United States | China | Most of complaints upheld 2009 |

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Table C.1 (continued)

| <i>Case no.</i> | <i>Year</i> | <i>Product</i> | <i>Complainant</i> | <i>Respondent</i> | <i>Outcome</i> |
|-----------------|-------------|---|----------------------|----------------------|----------------------------------|
| DS363 | 2007 | Measures affecting trading rights and distribution services for certain publications and audiovisual entertainment products | United States | China | Most of complaints upheld 2009 |
| DS365 | 2007 | Domestic support and export credit guarantees for agricultural products | Brazil | United States | Panel established. Yet to report |
| DS371 | 2008 | Customs and fiscal measures on cigarettes | Philippines | Thailand | Panel established. Yet to report |
| DS375 | 2008 | Tariff treatment of certain information technology products | United States | European Communities | Panel established. Yet to report |
| DS376 | 2008 | Tariff treatment of certain information technology products | Japan | European Communities | Panel established. Yet to report |
| DS377 | 2008 | Tariff treatment of certain information technology products | Chinese Taipei | European Communities | Panel established. Yet to report |
| DS379 | 2008 | Anti-dumping and countervailing duties on certain products | China | United States | Panel established. Yet to report |
| DS381 | 2008 | Measures concerning the importation, marketing and sale of tuna products | Mexico | United States | Panel established. Yet to report |
| DS384 | 2009 | Certain country of origin labelling requirements | Canada | United States | Panel established. Yet to report |
| DS386 | 2009 | Certain country of origin labelling requirements | Mexico | United States | Panel established. Yet to report |
| DS387 | 2009 | Grants, loans and other incentives to Chinese enterprises | United States | China | Mutually agreed solution 2009 |
| DS388 | 2009 | Grants, loans and other incentives to Chinese enterprises | Mexico | China | Mutually agreed solution 2009 |
| DS389 | 2009 | Measures affecting imports of poultry meat/products | European Communities | United States | Panel established. Yet to report |
| DS390 | 2009 | Grants, loans and other incentives to Chinese enterprises | Guatemala | China | Mutually agreed solution 2009 |
| DS396 | 2010 | Excise taxes on distilled spirits | European Union | Philippines | Panel established. Yet to report |
| DS403 | 2010 | Taxes on distilled spirits | United States | Philippines | Panel established. Yet to report |

Source: DFAT (2010b).