

23<sup>rd</sup> November, 2016

**Antigua and Barbuda's DSB Statement**

**WT/DS285: United States – Measures Affecting the Cross-Border  
Supply of**

**Gambling and Betting Services.**

**Thank you Mr Chair and good morning to all.**

My government very much regrets that once again we have to appear before this body on the matter of “Measures affecting the cross-border supply of Gambling and Betting Services, WT/DS285”.

It has been 12 long years since an Arbitration panel, established under the rules and procedures of this body, issued a decision that found the United States of America in violation of international obligations under the General Agreement on Trade in Services.

It was a decision upheld by several Appeal panels.

Over that entire 12-year period, my small country with a Gross Domestic Product of just \$1 billion has been deprived of trade revenues which now exceed \$250 million.

For my country's tiny economy, \$250 million is a meaningful sum of money.

Its loss has significantly retarded our economic growth and social development.

By the same token, \$250 million represents the paltry sum of point nought, nought, nought, three per cent (.0003%) of only one year of the US' Gross Domestic Product.

Further, over the last 12 years, the United States has enjoyed a balance of trade surplus with my small country of over \$1 billion.

Over all this time my government has patiently engaged in good faith consultations with the Government of the United States in the genuine hope that the harm done to our economy by US action would be repaired through a settlement that recognizes justice and fairness.

Alas, the US has not been able to propose terms for a settlement that would even remotely compensate for the harm that has been done to our economy and continues to impact it negatively.

And while the US continues to act in contradiction of the rulings and recommendations stipulated by DSB concerning my country, it remains the most active user of the institution's Dispute Settlement System.

The United States' continued non-compliance in this matter should concern every Member of this esteemed organization.

Each of us – and all of us – are equally responsible for upholding and safeguarding the WTO's institutional integrity.

Consequently, the protracted failure by the US to settle this matter, despite the fact that it is not compliant with WTO rules, has the potential to collapse confidence in the efficacy and credibility of the rules-based trading system.

Antigua and Barbuda, one of the smallest economies in the world is yet to reap any benefit from having prevailed against the United States through the rulings and recommendations of the DSB.

My government has almost exhausted its patient efforts to reach a settlement with the US.

This is regrettable since, on our side, we have always conducted our relations with the US at a high level of regard and cooperation.

We advise this body that we are now engaged in a final effort with representatives of the US Trade Representative's Office to reach an agreed settlement.

We hope that a sense of right will prevail.

But, we cannot go beyond the end of this year.

Our economic growth and social development has been materially and adversely affected by the loss of substantial trade revenues.

In light of the above, Antigua and Barbuda now informs the DSB that, if an appropriate and beneficial settlement is not reached with the US by year-end, the

government will be compelled to take action to enforce the suspension of copyright on the sale of US intellectual property, consistent with the award of the DSB.

My Government is obliged to uphold the authority of this Organization

It also has a duty of care to the people of our country who have suffered as a result of non-compliance by the US with the rules of this body.

Thank you.

EU

CHECK AGAINST DELIVERY

REGULAR DSB MEETING – 23 NOVEMBER 2016

AGENDA POINT: 2. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

B. United States - Section 110(5) of the US Copyright Act: Status Report by the United States (WT/DS160/24/ADD.141)

*Mr Chairman,*

- *We thank the United States for the status report and its statement today.*
- *We refer to our previous statements. We would like to resolve this case as soon as possible.*

EU

CHECK AGAINST DELIVERY

REGULAR DSB MEETING – 23 NOVEMBER 2016

AGENDA POINT: 2. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

**C. European Communities – Measures Affecting the Approval and Marketing of Biotech Products: Status Report by the European Union (WT/DS291/37/Add.104)**

*Mr. Chairman,*

- *There have been no new developments since our last DSB meeting on 26 October.*
- *The EU continues to be committed to acting in line with its WTO obligations.*
- *But more generally, and as stated many times before, the EU recalls that the EU approval system is not covered by the DSB's recommendations and rulings.*

EU

CHECK AGAINST DELIVERY

REGULAR DSB MEETING – 23 NOVEMBER 2016

AGENDA POINT: 3. SURVEILLANCE OF THE RECOMMENDATIONS OF THE DSB

B. European Union – Anti-Dumping Measures on Biodiesel from Argentina

*Mr Chairman,*

- *The EU wishes to inform the Dispute Settlement Body that it intends to implement the recommendations and rulings in this dispute in a manner that respects its WTO obligations.*
- *As it is impracticable to comply immediately, the EU will need a reasonable period of time in which to do this.*
- *My delegation is ready to discuss this matter with Argentina in due course in accordance with Article 21.3(b) of the DSU.*

EU

CHECK AGAINST DELIVERY

REGULAR DSB MEETING – 23 NOVEMBER 2016

AGENDA POINT: 4. 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

*Mr Chairman,*

- *The EU requests once again that the United States stops transferring antidumping and countervailing duties to the US industry.*
- *Every disbursement that still takes place is clearly an act of non-compliance with DSB recommendations and rulings.*
- *The EU renews 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 will continue to put this point on the agenda as long as the US has not implemented the WTO ruling.*



EU

CHECK AGAINST DELIVERY

REGULAR DSB MEETING – 26 OCTOBER 2016

AGENDA POINT: 7. INDIA – MEASURES CONCERNING THE IMPORTATION OF CERTAIN AGRICULTURAL PRODUCTS

A. STATEMENT BY THE UNITED STATES

*Mr. Chairman,*

- *We refer to our statement at the special DSB meeting on 19 July.*
- *We continue to trust that India and the US will ensure that the procedures of the DSU as regards compliance and suspension of obligations in this dispute can be conducted efficiently and in the correct sequence.*
- *We will continue to follow the developments in this dispute.*

EU

CHECK AGAINST DELIVERY

REGULAR DSB MEETING – 26 OCTOBER 2016

AGENDA POINT: 10. 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)

*Mr Chairman,*

- *The European Union regrets that the Russian Federation decided to request the establishment of a panel.*
- *After the Russian Federation filed its request for consultations and its supplementary request for consultations, both parties held constructive consultations in which the EU provided extensive explanations.*
- *The EU regrets to see that 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 EU believes that its Basic Anti-Dumping Regulation and the measures adopted on the basis of this Regulation are WTO-consistent.*
- *The EU, therefore, does not support the establishment of a panel at this DSB.*

## Statement by Ukraine at the DSB Meeting

Geneva, November 23, 2016

### ***11. Russia — Measures affecting the importation of railway equipment and parts thereof***

#### A. Request for the Establishment of a Panel by Ukraine (WT/DS499/2)

Since 2014, the validity of conformity assessment certificates for railway products issued to Ukrainian producers of railway rolling stock, railroad switches, other railroad equipment and parts thereof have systematically been suspended by the authorities of the Russian Federation without any reasonable explanation to Ukrainian producers or to the Ukrainian authorities.

Furthermore, the applications filed by some Ukrainian producers to obtain new conformity assessment certificates have systematically been rejected or returned without consideration.

In addition, conformity assessment certificates issued by the certification bodies in other countries of the Eurasian Economic Union (Republic of Belarus, Republic of Kazakhstan) under the same technical regulations, have not been recognized by the authorities of the Russian Federation. As a consequence, products of certain Ukrainian producers can neither be imported nor registered for operation in the territory of the Russian Federation.

As a result, certain railway products of Ukrainian origin have been effectively banned from the market of the Russian Federation. The effects of the measures are clearly demonstrated by the statistics: while exports of such products from Ukraine to the Russian Federation had reached USD 1.7 billion in 2013, it decreased to USD 600 million in 2014, USD 110 million in 2015, and amounted to only USD 560 thousand in the period of eight months (January - August) in 2016.

With a view to finding a mutually agreed solution, on 21 October 2015 Ukraine requested consultations with the Russian Federation. These consultations were held on 4 December 2015 but unfortunately failed to settle the dispute.

On 10 November 2016 Ukraine submitted the Request for the establishment of a Panel to examine this matter with standard terms of reference.

As described in more detail in the Ukraine's panel request, the measures taken by the Russian Federation appear to be inconsistent with several provisions of the General Agreement on Tariffs and Trade 1994 and the Agreement on Technical Barriers to Trade.

## India's DSB Statement - 23.11.2016

### 3. Implementation of the Recommendations of the DSB

#### A. India – Certain Measures Relating to Solar Cells and Solar Modules

- On 14<sup>th</sup> October 2016, the DSB had adopted the Reports of the Panel and the Appellate Body in the dispute: "India – Certain Measures Relating to Solar Cells and Solar Modules (DS456)". In this dispute, the 30-day period of time described in Article 21.3 of the DSU had expired before the next regularly scheduled DSB meeting. In those circumstances, the United States had agreed with India that it was appropriate for India to inform the DSB of India's intentions by letter, rather than at a special meeting of the DSB.
- Accordingly, on 10 November 2016, India had informed the DSB by letter that it intended to implement the recommendations and rulings of the DSB in a manner that respected its WTO obligations. As India had noted in its letter, it would need a reasonable period of time in which to implement the DSB's recommendations and rulings. In accordance with Article 21.3(b) of the DSU, India would seek to reach agreement with the United States on the period of time for implementation.
- We look forward to working with the United States on reaching a mutually acceptable reasonable period of time.

#### 6. United States – Countervailing Measures on Certain Hot Rolled Carbon Steel Flat Products from India

- India is raising the issue of non-compliance and failure to submit a status report by the United States in this dispute in accordance with Article 21.6 of the DSU.
- India would like to reiterate the statements made in earlier DSB meetings on this issue.
- The US, inter alia, is bound to remove the inconsistency in its statute to ensure that USITC cannot cumulate the effects of subsidized imports with the effects of dumped, non-subsidized imports.
- We thus urge the United States to fully comply with the rulings and recommendations of the DSB in this dispute and until then file a status report in the dispute.



## **7. India – Measures Concerning the Importation of Certain Agricultural Products**

- In this dispute, the measure that was found to be inconsistent by the DSB is no longer in force. It has been superseded and a revised measures consisting of S.O.2337 (E) and S.O.2998 (E) as well as the guidelines and questionnaire are in force.
- In view of the above, India considers that it has brought itself into conformity with its WTO obligations.
- In view of the fact that India has brought itself into conformity with its WTO obligations, India would urge the United States to also terminate the Article 22.6 proceedings in this dispute.
- We note that United States statement on working on the issue bilaterally. We look forward to it.