

# Global Trade Protection Disputes 2006

*WTO disputes involving anti-dumping,  
countervailing duty and safeguards:  
who is challenging who?*

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**[www.antidumpingpublishing.com](http://www.antidumpingpublishing.com)**

**17 November 2006**

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## CONTENTS

<b>1</b>	<b>OVERVIEW .....</b>	<b>2</b>
<b>2</b>	<b>ANTI-DUMPING DISPUTES.....</b>	<b>5</b>
2.1	RESPONDENTS .....	5
2.2	COMPLAINANTS.....	6
<b>3</b>	<b>SAFEGUARD DISPUTES .....</b>	<b>7</b>
3.1	RESPONDENTS .....	7
3.2	COMPLAINANTS.....	8
<b>4</b>	<b>COUNTERVAILING DUTY DISPUTES.....</b>	<b>9</b>
4.1	RESPONDENTS .....	9
4.2	COMPLAINANTS.....	10

## 1 Overview

- Between 1995 and 17 November 2006, there were 111 WTO disputes concerning trade protection measures (anti-dumping (AD), countervailing duty CVD) & safeguards (SG)).

	Number of Disputes <sup>1</sup>	Number of Panels	WTO Violation
Anti-Dumping	63	25	24
Safeguards	25	9	9
Countervailing Duty	23	8	8
<b>TOTAL</b>	<b>111</b>	<b>42</b>	<b>41</b>

- During this period, a total of 351 WTO disputes were initiated under the WTO Dispute Settlement Understanding (DSU), covering alleged violations of one or more of the WTO agreements. Thus, cases involving one of the three trade protection measures accounted for around one third of all WTO disputes during this period.
- Of the 111 disputes, 42 of them went to the stage of a panel. Of the 42 Panel rulings (as confirmed by the Appellate Body when relevant), an incredible 41 of them found at least one WTO violation.
- The principal respondents whose measures were subject to challenge are indicated in the following table. The US was by far the biggest target of challenge for all three types of trade protection measure.

### *Principal respondents in trade protection disputes 1995-2006*

<sup>1</sup> Where formal consultations were requested under the WTO Dispute Settlement Understanding (DSU).

	<b>AD</b>	<b>SG</b>	<b>CVD</b>	<b>TOTAL</b>
US	29	9	14	52
Argentina	3	3	2	8
EC	5	2	1	8
Mexico	6		1	7
Chile		6		6
India	3			3
Ecuador	2	1		3
Brazil	1		2	3
<b>All respondents</b>	<b>63</b>	<b>25</b>	<b>23</b>	<b>111</b>

- For the 42 cases that went to the panel stage, the US was also by far the main target in all categories, as indicated in the following table showing respondents in panels concerning the three trade protection instruments.

*Principal respondents in trade protection panels 1995-2006*

	<b>AD</b>	<b>SG</b>	<b>CVD</b>	<b>TOTAL</b>
US	15	5	7	27
Argentina	2	2		4
EC	2		1	3
Korea	1	1		2
Mexico	2			2
Thailand	1			1
Chile		1		1
Egypt	1			1
Guatemala	1			1
<b>TOTAL</b>	<b>25</b>	<b>9</b>	<b>8</b>	<b>42</b>

- As to who made the complaints, the following table shows the principal complainants in the above-mentioned trade protection disputes. The number of complainants is greater than the number of respondents, due to the fact that a small number of cases had more than one complainant.

***Principal complainants in trade protection disputes 1995-2006***

	<b>AD</b>	<b>SG</b>	<b>CVD</b>	<b>TOTAL</b>
EC	10	5	7	22
India	8	2	1	11
Mexico	10		1	11
Canada	5		5	10
Korea	5	2	3	10
Brazil	6	1	2	9
US	5	1	1	7
Argentina	3	4		7
Japan	5	1		6
Costa Rica	2	3		5
Chile	1	3	1	5
<b>All complainants</b>	73	33	23	129

- The principal complainants for those disputes that went onto a panel ruling are shown below.

***Principal respondents in trade protection panels 1995-2006***

	<b>AD</b>	<b>SG</b>	<b>CVD</b>	<b>TOTAL</b>
EC	4	4	3	11
Canada	4		3	7
Korea	3	2	2	7
Japan	5	1		6
Brazil	3	1		4
India	3	1		4
Mexico	3			3
Argentina	1	1		2
Australia	1	1		2
Chile	1	1		2
Indonesia	2			2
New Zealand		2		2
US	2			2
<b>All complainants</b>	35	17	8	60

## 2 Anti-Dumping Disputes

### 2.1 Respondents

In total, there have been 63 disputes<sup>2</sup> concerning anti-dumping since 1995<sup>3</sup>.

The following table shows a breakdown of the countries whose measures were challenged:.

#### *Respondents in AD disputes*

<b>Respondent</b>	<b>Number</b>	<b>Respondent</b>	<b>Number</b>
US	29	Brazil	1
Mexico	6	Canada	1
EC	5	Egypt	1
Argentina	3	Korea	1
India	3	Peru	1
Ecuador	2	Philippines	1
South Africa	2	Thailand	1
Trinidad&Tobago	2	Turkey	1
Guatemala	1	Venezuela	1
Australia	1	<b>TOTAL</b>	<b>63</b>

It can be noted that 41 countries have actively used anti-dumping, of which 38 adopted measures during this period. 19 separate countries have had measures challenged, meaning that 50% of countries adopting measures have faced at least one challenge at the WTO.

Of the 63 disputes involving anti-dumping, 25 (40%) of them have resulted in a panel ruling on the WTO consistency of the measure in question<sup>4</sup>. The respondents in these cases are shown below.

<sup>2</sup> The formal commencement of a dispute occurs when a WTO Member requests consultations under the Dispute Settlement Understanding. Each new set of consultations requested has been counted as one in the statistics calculated in this report. Although not all consultations result in the setting up of a panel, it is the first formal stage of WTO dispute and thus provides a useful indicator of the level of AD dispute activity. Of course, it is also interesting to look at how many cases went to the panel stage and, amongst those, how many violations of the WTO agreement were found. This is presented below.

<sup>3</sup> The data is based on disputes started between 1 January 1995 and 17 November 2006.

<sup>4</sup> Where there has been no panel ruling, this means that the countries concerned have mutually resolved the dispute or the country challenging has decided not to take the case further. There is a slight time inconsistency between the data on consultations and panel rulings. It is possible that some of the cases where consultations have been requested may yet go to a panel in the future but at the time of writing this has not happened. Thus, the proportion of the 63 consultations going through to a panel finding may be slightly under-recorded in the above statistics. However, this will not make a significant difference to the trends illustrated by this report.

**Respondents in AD Panels**

<b>Respondent</b>	<b>Number</b>	<b>WTO Violation</b>
US	15	14
EC	2	2
Mexico	2	2
Argentina	2	2
Egypt	1	1
Guatemala	1	1
Korea	1	1
Thailand	1	1
<b>TOTAL</b>	<b>25</b>	<b>24</b>

Of these 25 panels, violations were found in 24 of them (this takes into account findings of the Appellate Body where relevant). In other words, only one of the 25 measures challenged was given a 'clean bill of health' by a panel (this was a case involving the US as a respondent).

**2.2 Complainants**

The following table shows the breakdown of complainants for the 63 cases involving anti-dumping<sup>5</sup>.

**Complainants in AD Disputes**

<b>Complainant</b>	<b>Number</b>	<b>Complainant</b>	<b>Number</b>
EC	10	Thailand	2
Mexico	10	Turkey	2
India	8	Australia,	1
Brazil	6	Bangladesh	1
Canada	5	Chile	1
Japan	5	Guatemala	1
Korea	5	Norway	1
US	5	Poland	1
Argentina	3	Switzerland	1
Costa Rica	2	Taiwan	1
Indonesia	2	<b>TOTAL</b>	<b>73</b>

21 countries started WTO disputes proceedings in cases involving anti-dumping. The EC and Mexico requested the most such cases, with India not far behind.

The countries that went to the next stage by requesting panels are identified in the table below:

<sup>5</sup> The total of complainants is higher than the number of respondents because some cases have more than one complainant.

*Complainants in AD panels*

<b>Complainant</b>	<b>Number</b>	<b>Complainant</b>	<b>Number</b>
Japan	5	US	2
Canada	4	Argentina	1
EC	4	Australia	1
Brazil	3	Poland	1
India	3	Turkey	1
Korea	3	Chile	1
Mexico	3	Thailand	1
Indonesia	2	<b>TOTAL</b>	<b>35</b>

Japan comes out top because it requested panels in all 5 of the cases in which it started consultations. Although the EC, Mexico and India all requested consultations in more cases, they each requested a panel in less than half of these cases.

As mentioned in the previous section, all but one anti-dumping Panel/Appellate Body report found at least one violation of the WTO anti-dumping agreement. Japan made the complaint in the one panel that found no WTO violation.

### 3 Safeguard Disputes

#### 3.1 Respondents

Consultations were started in 25 cases involving safeguards.

*Respondents in SG Disputes*

<b>Respondent</b>	<b>Number</b>
US	9
Chile	6
Argentina	3
EC	2
Colombia	1
Ecuador	1
Hungary	1
Korea	1
Slovakia	1
<b>TOTAL</b>	<b>25</b>

US safeguards had the most challenges, followed by Chile.

Of these 25 disputes, 9 of them went to the panel stage, as indicated in the table below:

*Respondents in SG Panels*

<b>Respondent</b>	<b>Number</b>	<b>Violation</b>
US	5	5
Argentina	2	2
Chile	1	1
Korea	1	1
<b>TOTAL</b>	<b>9</b>	<b>9</b>

In all 9 panel reports (as amended by the Appellate Body where relevant), at least one WTO violation was found. That is, no safeguard measures analysed by a panel were given a ‘clean bill of health’.

### 3.2 **Complainants**

The following countries made the complaints in the 25 cases involving safeguards:

*Complainants in SG Disputes*

<b>Complainant</b>	<b>Number</b>
EC	5
Argentina	4
Chile	3
Colombia	3
India	2
New Zealand	2
US	1
Australia	1
Brazil	1
Czech Republic	1
Indonesia	1

<b>Complainant</b>	<b>Number</b>
Korea	1
Poland	1
Taiwan	1
Thailand	1
China	1
EC	1
Japan	1
Korea	1
Norway	1
Switzerland	1
<b>TOTAL</b>	<b>33</b>

Of these cases, the 9 that went to panels had the following complainants:

*Complainants in SG Panels*

<b>Complainant</b>	<b>Number</b>
EC	4
New Zealand	2
Korea	2
Switzerland	1
Norway	1
Japan	1
India	1
China	1
Chile	1
Brazil	1
Australia	1
Argentina	1
<b>TOTAL</b>	<b>17</b>

As mentioned above, all these safeguard panels found at least one WTO violation and therefore complainants had a 100% record in challenging safeguard measures at the panel stage.

## 4 Countervailing Duty Disputes

### 4.1 Respondents

Between 1995 and 2006 (as at 17 November 2006), 23 WTO disputes had involved countervailing measures. The following countries were the subject of such challenges:

*Respondents in CVD Disputes*

<b>Respondent</b>	<b>Number</b>
US	14
Argentina	2
Brazil	2
Canada	1
EC	1
Japan	1
Mexico	1
Peru	1
<b>TOTAL</b>	<b>23</b>

Of the 23 disputes involving CVD, 8 of them went to the panel stage. The US was the respondent in 7 of these cases, with the EC the respondent in 1.

In all 8 cases, at least one WTO violation was found. None of the measures considered by panels was found to be consistent with the WTO anti-dumping agreement.

## 4.2 Complainants

The complainants in WTO disputes involving CVD are listed in the table below:

### *Complainants in CVD Disputes*

<b>Complainants</b>	<b>Number</b>
EC	7
Canada	5
Korea	3
Brazil	2
Chile	1
India	1
Mexico	1
Philippines	1
Sri Lanka	1
US	1
<b>TOTAL</b>	<b>23</b>

Of these complaints, 8 of them went to a panel, all of which were successful for the following complainants:

### *Complainants in CVD Panels*

<b>Complainants</b>	<b>Number</b>
Canada	3
EC	3
Korea	2

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