United Arab Emirates – Measures Relating To Trade In Goods And Services, And Trade-Related Aspects Of Intellectual Property Rights
(DS526)

Responses of the United States of America to Questions
From the Panel to Third Parties

September 18, 2019

TERMS OF REFERENCE

Question 1. To all third parties: Please comment on the UAE's argument, in paragraph 391 of its first written submission, that a complainant must include in its panel request references to a legal instrument, where it could have been identified, to adequately identify the specific measure at issue pursuant to Article 6.2 of the DSU.

1. The United States responds to Questions 1 to 10 together. The Panel need not address these questions because the UAE has invoked its essential security interests in relation to the measures challenged in this dispute. In these circumstances, the Panel should limit the findings in its report to a recognition that the UAE has invoked its essential security interests.

Question 2. To all third parties: Please comment on Qatar's argument that, in assessing the sufficiency of a panel request under Article 6.2 of the DSU, the panel should have regard to the failure by the respondent to engage in consultations under Article 4 of the DSU. Please also comment on the weight, if any, to be given to this circumstance (namely, the failure by the respondent to engage in consultations) when assessing the panel request.

2. Please see response to Question 1.

GATT 1994

Question 3. To all third parties: Please comment on the analysis of Article V:2 of the GATT 1994 by the panel in *Russia – Traffic in Transit* and its implications for this dispute.

3. Please see response to Question 1.

Question 4. To all third parties: Please elaborate upon your understanding of the phrase "routes most convenient in international transit" as used in the first sentence of Article V:2 of the GATT 1994. In your response, please consider the following:

- **a. which factors are to be considered in determining what constitutes a "route" for international transit?**
- **b. which factors are to be considered in determining "routes most convenient" for international transit?**
- **c. for whom must the routes be "most convenient"?**
- **d. whether the ability to have "trans-shipment, warehousing, breaking bulk, or change in the mode of transport" as mentioned in Article V:1 is part of the freedom of transit obligation under Article V:2.**

4. Please see response to Question 1.

Question 5. To all third parties: Please comment on the UAE's argument, in paragraphs

817 and 822 of its first written submission, that in order to qualify as prohibitions or restrictions "on importation or exportation" under Article XI:1 of the GATT 1994, measures must: (a) have a sufficient nexus to the actual process of importing and exporting, and (b) themselves limit the importation or exportation of goods.

5. Please see response to Question 1.

GATS

Question 6. To all third parties: Please comment on the European Union's statement in paragraph 4 of its oral statement that "when the centre of gravity of a measure is to regulate trade in services falling within the scope of the GATS, it should be assessed under the GATS, even if there may be some effects on goods".

6. Please see response to Question 1.

Question 7. To all third parties: With respect to paragraph 4 of the Annex on Movement of Natural Persons, please comment on the nature of this provision under the GATS (i.e. an exception, an exemption, or something else?). What in your view are the criteria for determining whether a measure is applied in a manner that "nullifies or impairs" the benefits under the terms of a specific commitment?

7. Please see response to Question 1.

Question 8. To all third parties: With respect to the footnote to paragraph 4 of the Annex on Movement of Natural Persons Supplying Services, in your understanding, in what circumstances could visa requirements nullify or impair benefits under the terms of a Member's specific commitments?

8. Please see response to Question 1.

Question 9. To all third parties: With respect to the Annex on Air Transport Services, please elaborate on the following:

a. What are the "services directly related to the exercise of traffic rights" referred to in paragraph 2(b) of the Annex?

b. Are there air transport services that are not listed in paragraph 3 of the Annex to which the GATS would apply?

c. Would the GATS apply to a measure that falls under one of the three categories of air transport services explicitly covered by paragraph 3 of the Annex, but at the same time also affects traffic rights or services directly related to the exercise of traffic rights?

d. What are the "relevant bilateral and other multilateral agreements or

arrangements" referred to in paragraph 4 of the Annex?

9. Please see response to Question 1.

Question 10. To all third parties: Please comment on Qatar's argument, in paragraphs 465-468 of its first written submission, that the suspension of Article II for international shipping services, auxiliary services and access to and use of port facilities under the Annex for Negotiations on Maritime Transport Services no longer applies. In your response please comment on the legal value in WTO dispute settlement of the 1996 Decision on Maritime Transport Services by the Council for Trade in Services (S/L/24).

10. Please see response to Question 1.

Question 11. To all third parties: Please comment on whether a measure can be justified under both Article XIV(a) of the GATS and Article XIVbis of the GATS, and what impact this should have, if any, on the panel's analysis under either provision.

11. It is for the UAE, as the responding Member in this dispute, to define what measures it has taken for the protection of its essential security interests under GATS Article XIV*bis*. As discussed further below in response to the Panel's Question 14, the Panel should begin by addressing the UAE's invocation of its essential security interests. If the Panel determines that the UAE has invoked its essential security interests as to a particular measure, the Panel should limit the findings in its report concerning that measure to a recognition that the UAE has invoked its essential security interests. The Panel should not continue its analysis to address the claims raised by Qatar in its submissions or to determine whether challenged measure(s) may be justified under GATS Article XIV(a).

SECURITY EXCEPTIONS

Question 12. To Bahrain, Saudi Arabia and the United States: In the light of your statements during the third party session held on 22 August 2019, could the Kingdom of Bahrain, the Kingdom of Saudi Arabia, and the United States please elaborate on whether they consider that there is any reviewable objective element in sub-paragraph (iii) of Article XXI(b)?

12. The United States is of the view that there are no reviewable objective elements in sub-paragraph (iii) of Article XXI(b).

Question 13. To all third parties: Please comment on the European Union's statement, in paragraph 25 of its oral statement, that "what the party invoking the security exceptions has to demonstrate is not a consideration of whether there is a connection between the severance of diplomatic relations as a whole and the security interests or emergency at issue, but rather whether it is a connection between each measure and each possible violation of the GATT 1994, GATS, and the TRIPS Agreement and UAE's essential security interests."

13. This statement by the EU appears to assume that a responding Member must make a particular showing or meet a particular burden of proof when invoking GATT 1994 Article XXI(b), GATS Article XIV*bis*(b), or TRIPS Article 73(b). The United States respectfully disagrees with this assertion. If the UAE has invoked its essential security interests in relation to a measure challenged in this dispute, there is no need, nor would it be appropriate, for the Panel to inquire further into any "connection between each measure and each possible violation of the GATT 1994, GATS, and the TRIPS Agreement and UAE's essential security interests."

14. Under the ordinary meaning of the terms in GATT 1994 Article XXI(b), GATS Article XIV*bis*(b), and TRIPS Article 73(b), the UAE's reasons for invoking its essential security interests are not reviewable by this Panel for consistency with the UAE's WTO obligations. Nor can the UAE, consistent with GATT 1994 Article XXI(a), GATS Article XIV*bis*(a), and TRIPS Article 73(a), be asked to furnish information it considers contrary to those interests.[1] Accordingly, if a Panel finds that the UAE has invoked its essential security interests as to the measures challenged in this dispute, the Panel should limit its findings to a recognition of such invocation.

Question 14. To all third parties: With reference to Canada's statement in paragraph 7 of its oral statement and the European Union's statement in paragraph 25 of its oral statement, please elaborate on whether there is any legal requirement to conduct an assessment of the consistency of the measures with the provisions allegedly infringed prior to examining their consistency with Article XXI of GATT and the equivalent provisions under the GATS and the TRIPS Agreement.

15. There is no legal requirement that the Panel conduct an assessment of the consistency of the measures with the provisions allegedly infringed prior to examining their consistency with Article XXI of the GATT 1994 and the equivalent provisions under the GATS and TRIPS. In fact, rather than beginning with an assessment of the consistency of the challenged measures with the covered agreements, the Panel should begin by addressing the UAE's invocation of GATT 1994 Article XXI(b), GATS Article XIV*bis*(b), and TRIPS Article 73(b).

16. This order of analysis is consistent with the Panel's terms of reference and the function of panels as set forth in the DSU. Under DSU Article 7.1, the standard terms of reference, the Panel has two functions: (1) to "examine" the matter – that is, to "[i]nvestigate the nature, condition or qualities of (something) by close inspection or tests"[2]; and (2) to "make such findings as will assist the DSB in making the recommendations or in giving the rulings provided for" in the covered agreement. DSU Article 11 confirms this dual function of panels.

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[1] *See* U.S. First Written Submission, *United States – Certain Measures on Steel and Aluminum Products (India)* (DS547), paras. 138 to 139 (Exhibit USA-1 to Third-Party Oral Statement of the United States of America, *United Arab Emirates – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights* (DS526) (discussing analogous provision at GATT 1994 Article XXI(a)).

[2] *The New Shorter Oxford English Dictionary*, 4th edn, L. Brown (ed.) (Clarendon Press, 1993), at 870.

17. Article 19.1 provides that these "recommendations" are issued "[w]here a panel or the Appellate Body concludes that a measure is inconsistent with a covered agreement" and are recommendations "that the Member concerned bring the measure into conformity with the agreement." DSU Article 19.2 clarifies that "in their findings and recommendations, the panel and Appellate Body cannot add to or diminish the rights and obligations provided in the covered agreement."

18. The text of GATT 1994 Article XXI(b), however, establishes that it is for a responding Member to determine whether the actions it has taken are necessary for the protection of its own essential security interests. Consistent with the text of Article XXI(b), a panel may not second-guess a Member's determination.

19. Accordingly, when a respondent has invoked its essential security interests as to a challenged measure, a panel may make no findings that will assist the DSB in making recommendations or giving rulings as to a complaining Member's claims within the meaning of DSU Articles 7.1 and 11.

20. This result is consistent with DSU Article 19 because an essential security action cannot be found by a panel or the Appellate Body to be inconsistent with a covered agreement, and because it would diminish a Member's "right" to take action it considers necessary for the protection of its essential security interests if a panel or the Appellate Body purported to find such action inconsistent with a covered agreement.

21. Under these circumstances, if the Panel finds that the UAE has invoked GATT 1994 Article XXI(b) and similar GATS and TRIPS provisions as to the measures challenged, the Panel should limit the findings in its report to a recognition that the UAE has invoked its essential security interests, and should refrain from continuing its analysis to address the claims raised by Qatar in its submissions.

NON-VIOLATION CLAIMS

Question 15. To all third parties: What are, in your view, the implications of Article 26.1 of the DSU for the interpretation of Article XXIII:1(b) of the GATT 1994? In your response, please address the meaning of the terms "that does not conflict with the provisions of a covered agreement" in Article 26 of the DSU.

22. The Panel's question refers to the second sentence of DSU Article 26.1. Article 26.1 provides in full:

> Where the provisions of paragraph 1(b) of Article XXIII of GATT 1994 are applicable to a covered agreement, a panel or the Appellate Body may only make rulings or recommendations where a party to the dispute considers that any benefit accruing to it directly or indirectly under the relevant covered agreement is being nullified or impaired or the attainment of any objective of that Agreement is being impeded as a result of the application by a Member of any measure, whether or not it conflicts with the provisions of that Agreement. Where and to

> the extent that such party considers and a panel or the Appellate Body determines that a case concerns a measure that does not conflict with the provisions of a covered agreement to which the provisions of paragraph 1(b) of Article XXIII of GATT 1994 are applicable, the procedures in this Understanding shall apply, subject to the following:
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> > (a) the complaining party shall present a detailed justification in support of any complaint relating to a measure which does not conflict with the relevant covered agreement;
> >
> > (b) where a measure has been found to nullify or impair benefits under, or impede the attainment of objectives, of the relevant covered agreement without violation thereof, there is no obligation to withdraw the measure. However, in such cases, the panel or the Appellate Body shall recommend that the Member concerned make a mutually satisfactory adjustment;
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> > (c) notwithstanding the provisions of Article 21, the arbitration provided for in paragraph 3 of Article 21, upon request of either party, may include a determination of the level of benefits which have been nullified or impaired, and may also suggest ways and means of reaching a mutually satisfactory adjustment; such suggestions shall not be binding upon the parties to the dispute;
> >
> > (d) notwithstanding the provisions of paragraph 1 of Article 22, compensation may be part of a mutually satisfactory adjustment as final settlement of the dispute.

23. As indicated by its opening clause, the four provisos at (a) to (d) of Article 26.1, second sentence, apply to only a certain situation in which claims under GATT 1994 Article XXIII(1)(b) may be asserted, namely, "[w]here and to the extent that such party considers and a panel or the Appellate Body determines that a case concerns a measure that does not conflict with the provisions of a covered agreement." The first sentence, by contrast, does not contain such language and applies "whether or not [a challenged measure] conflicts" with a covered agreement. This context provided by the first sentence of Article 26.1 indicates that, under the second sentence of that provision, when a complaining Member has asserted both breach and non-violation claims, a panel or the Appellate Body could reach the non-violation claims only if the breach claims fail, and consideration of any such non-violation claims would be subject to the provisos at subparagraphs (a) to (d).

24. This understanding of the second sentence of DSU Article 26.1 is consistent with GATT's understanding of Article XXIII(1)(b). Specifically, under GATT's customary practice "[i]f a contracting party bringing an Article XXIII case claims that measures which do not conflict with the provisions of the General Agreement have nullified or impaired benefits accruing to it under the General Agreement, it would be called upon to provide a detailed

justification."[3] This GATT customary practice is similar to the proviso at part (a) of DSU Article 26.1, second sentence, which requires a detailed justification in support of non-violation complaints not in conflict with a covered agreement. Article 26.1(a), however, also includes an added condition that this proviso applies only where "such party considers *and a panel or the Appellate Body determines* that a case brought under Article XXIII:1(b) concerns a measure which does not conflict with the General Agreement."[4]

25. The negotiating history of DSU Article 26.1 also supports this understanding of the second sentence of this provision. Some negotiators opined in late 1989 and early 1990 that non-violation cases were "fundamentally different" from violation cases and should be subject to different procedures.[5] Others disagreed and suggested that "all complaints should be treated on an equal basis."[6]

26. After discussions were deferred,[7] draft text was presented in December 1990 that, among other things, (1) provided options for the application of certain "general dispute settlement procedures" to specified non-violation claims concerning measures that were "not in conflict with the General Agreement," and (2) required a "detailed justification" for such claims.[8] This

[3] Annex: Agreed Description of the Customary Practice of the GATT in the Field of Dispute Settlement, L/4907, para. 5.

[4] DSU Art. 26.1, second sentence (emphasis added).

[5] Negotiating Group on Dispute Settlement, Meeting of 28 September 1989, Note by the Secretariat, MTN.GNG/NG13/16 (Nov. 13, 1989), para. 16 ("A representative of a number of contracting parties commented that the cases of non-violation are fundamentally different from violation cases in the GATT and that this whole area is an extremely complex one requiring further reflection."); Negotiating Group on Dispute Settlement, Meeting of 5 April 1990, Note by the Secretariat, MTN.GNG/NG13/19 (May 28, 1990), para. 7 ("The specific options being considered by the European Communities were as follows: . . . . In non-violation complaints, there would be no appeal possible unless both parties to the dispute agreed on such a procedure. However, panel decisions in such cases could be submitted to binding arbitration or conciliation.").

[6] Negotiating Group on Dispute Settlement, Meeting of 5 April 1990, Note by the Secretariat, MTN.GNG/NG13/19 (May 28, 1990), para. 8 ("The U.S. delegation questioned the need to set up a separate system for the adoption of panel reports in non-violation disputes."); *id.* para. 16 ("On the issue of non-violation complaints, several delegations were concerned that the European Communities was proposing a different procedure from that envisioned for violation complaints. For implementation in non-violation cases, one delegation spoke in favour of conciliation and against binding arbitration."); Negotiating Group on Dispute Settlement, Profile on the Status of the Work in the Group, Report by the Chairman, MTN.GNG/NG13/W/43 (July 18, 1990), para. 12 ("Some delegations consider that the new procedures should not be applicable in the context of non-violation complaints. For these delegations, this issue will require further discussion. However, many delegations consider that all complaints should be treated on an equal basis, and that the procedural rights and safeguards afforded to parties in violation cases should be equally available in non-violation cases.").

[7] Negotiating Group on Dispute Settlement, Draft Text on Dispute Settlement, MTN.GNG.NG13/W/45 (Sep. 21, 1990) (stating with respect to non-violation complaints that "[a] specific proposal will be made shortly.").

[8] Draft Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, MTN.TNC/W/35/Rev.1 (Dec. 3, 1990), at 302 (presenting under the heading "non-violation complaints" two options in paragraph 1 for the presentation of non-violation complaints regarding measures "not in conflict with the General Agreement," and providing in paragraph 2 that "[t]he complaining contracting party shall present a detailed justification in support of any complaint made pursuant to the procedures of paragraph 1 above").

December 1990 draft text also included an option that, if the parties to a dispute disagreed as to whether the dispute was a non-violation dispute, would allow recourse to the normal panel and appellate procedures.[9] As an alternative, this December 1990 draft would permit either party to request a ruling on the value of benefits which had been nullified or impaired and on possible ways and means of achieving a mutually satisfactory solution, similar to the text that would later become Article 26.1(c).[10]

27. In November 1991, procedures governing non-violation complaints were among the "[c]ontroversial issues still outstanding in the dispute settlement area."[11] The following month, new draft text emerged that was very similar in relevant part to the final text of Article 26.1.[12] This December 1991 text, like the final text of Article 26.1, second sentence, set out four provisos that were applicable "[w]here and to the extent that such party considers and a panel or the Appellate Body determines that a case brought under Article XXIII:1(b) concerns a measure which does not conflict with the General Agreement."[13]

28. Accordingly, this negotiating history indicates that the drafters of DSU Article 26.1 sought to set out certain provisos governing non-violation complaints, as reflected in parts (a) to (d) of DSU Article 26.1. The negotiating history also indicates that the drafters of this text felt these provisos should apply only in certain situations in which non-violation complaints may be raised, specifically, "[w]here and to the extent that such party considers and a panel or the Appellate Body determines that a case concerns a measure that does not conflict with the provisions of a covered agreement."

29. DSU Article 26.1 and the reference in its second sentence to "a measure that does not conflict with the provisions of a covered agreement" does not change the meaning of Article XXIII:1(b) of the GATT 1994, which provides a means of recourse "whether or not [a measure] conflicts with the provisions of this Agreement." Instead, the second sentence of DSU Article 26.1 sets out four provisos that apply only "[w]here and to the extent that such party considers and a panel or the Appellate Body determines that a case concerns a measure that does not conflict with the provisions of a covered agreement."

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[9] Draft Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, MTN.TNC/W/35/Rev.1 (Dec. 3, 1990), at 302.

[10] Draft Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, MTN.TNC/W/35/Rev.1 (Dec. 3, 1990), at 302.

[11] Progress of Work in Negotiating Groups: Stock-Taking, MTN.TNC/W/89/Add.1 (Nov. 7, 1991), at 9.

[12] Draft Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, MTN.TNC/W/FA (Dec. 20, 1991), at S.19—20 ("Where and to the extent that such party considers and a panel or the Appellate Body determines that a case brought under Article XXIII:l(b) concerns a measure which does not conflict with the General Agreement, the procedures in this Understanding shall apply, subject to the following provisions: [setting forth provisos very similar to the final text of Article 26.1(a) to (d)]").

[13] Draft Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, MTN.TNC/W/FA (Dec. 20, 1991), at S.19—20.

30. DSU Article 26.1 likewise does not affect the ordinary meaning of Article XXI(b), which establishes that actions a Member considers necessary for the protection of its essential security interests are not reviewable for their consistency with a covered agreement. Nor does Article 26.1 alter the fact that negotiators of the provision that became GATT 1994 Article XXI(b), GATS Article XIV*bis*(b), and TRIPS Article 73(b) considered that the appropriate means of redress for a Member affected by essential security actions of another Member was to bring a non-violation, nullification or impairment claim.[14]

Question 16. To all third parties: Please comment on Singapore's statement, in paragraph 19 of its oral statement, that "if a Member is permitted to rely on the security exceptions to justify what would have been violations of the GATT 1994 or the GATS, it would not appear to be logical or coherent that such Member is nevertheless potentially liable in respect of a measure which does not even amount to a violation of the GATT 1994 or the GATS in the first place".

31. The United States respectfully disagrees with Singapore's statement. There are significant differences between non-violation, nullification or impairment claims under GATT 1994 Article XXIII(1)(b) and breach claims under Article XXIII(1)(a). In a non-violation, nullification or impairment claim, the complaining Member seeks redress for a responding Member's measure "whether or not it conflicts with" relevant obligations.[15] In a breach claim, however, a complaining Member alleges that a responding Member has "fail[ed] . . . to carry out its obligations" under the relevant covered agreement.[16]

32. As the United States has highlighted in its submissions,[17] negotiators of the provision that became GATT 1994 XXI(b), GATS Article XIV*bis*(b), and TRIPS Article 73(b) explicitly discussed that essential security actions would not be reviewable for consistency with the agreement, and that the appropriate means of redress for a Member affected by such actions would be to bring a non-violation, nullification or impairment claim.

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[14] Third-Party Oral Statement of the United States of America, *United Arab Emirates – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights* (DS526), paras. 15 to 16; U.S. Third Party Submission, *United Arab Emirates – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights* (DS526), para. 25; U.S. First Written Submission, *United States – Certain Measures on Steel and Aluminum Products* (India) (DS547), paras. 67 to 78 (Exhibit USA-1 to Third-Party Oral Statement of the United States of America, *United Arab Emirates – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights* (DS526)).

[15] GATT 1994, Article XXIII(1)(b).

[16] GATT 1994, Article XXIII(1)(a).

[17] Third-Party Oral Statement of the United States of America, *United Arab Emirates – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights* (DS526), paras. 15 to 16; U.S. Third Party Submission, *United Arab Emirates – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights* (DS526), para. 25; U.S. First Written Submission, *United States – Certain Measures on Steel and Aluminum Products* (India) (DS547), paras. 67 to 78 (Exhibit USA-1 to Third-Party Oral Statement of the United States of America, *United Arab Emirates – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights* (DS526)).

Question 17. To all third parties: Please comment on Bahrain's statement, in paragraph 19 of its oral statement, that "the self-balancing character [of Article XXI] implies that introducing objective panel review does not really change the position of the complaining WTO Member. At the end of a successful dispute settlement proceeding, the complaining WTO Member will only get the right to retaliate. But it already has this right under Article XXI because of its self-balancing character."

33. The United States responds to Questions 17 and 18 together. The United States agrees with Bahrain that matters of national security should not be addressed through the dispute settlement system. Bahrain has suggested that GATT 1994 Article XXI(b)(iii) is "self-balancing" because "[e]very invocation of Article XXI(b)(iii) implies permission for the affected WTO Member to respond with counter-sanctions of its own."[18] Bahrain further states that when a Member has invoked its essential security interests regarding measures challenged in dispute settlement, panel review "does not really change" the position of the complaining Member because "[a]t the end of a successful dispute settlement proceeding, the complaining WTO Member will only get the right to retaliate," a right that this Member already has under Article XXI "because of its self-balancing character."[19]

34. As the United States has highlighted in its submissions,[20] negotiators of the provision that became GATT 1994 XXI(b), GATS Article XIV*bis*(b), and TRIPS Article 73(b) explicitly discussed that essential security actions would not be reviewable for consistency with the agreement, and that the appropriate means of redress for a Member affected by such actions would be to bring a non-violation, nullification or impairment claim.

Question 18. To all third parties: Please comment on the United States' statement, in paragraph 22 of its oral statement in relation to the invocation of Article XXI, that "the appropriate redress was considered by the negotiators to be a non-violation, nullification or impairment claim, not a claim that a Member has breached its trade obligations."

35. Please see response to Question 17.

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[18] Third-Party Oral Statement of Bahrain, *United Arab Emirates – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights* (DS526), para. 18.

[19] Third-Party Oral Statement of Bahrain, *United Arab Emirates – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights* (DS526), para. 19.

[20] Third-Party Oral Statement of the United States of America, *United Arab Emirates – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights* (DS526), paras. 15 to 16; U.S. Third Party Submission, *United Arab Emirates – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights* (DS526), para. 25; U.S. First Written Submission, *United States – Certain Measures on Steel and Aluminum Products* (India) (DS547), paras. 67 to 78 (Exhibit USA-1 to Third-Party Oral Statement of the United States of America, *United Arab Emirates – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights* (DS526)).