

Statements by the United States at the Meeting of the WTO Dispute Settlement Body

Geneva, October 27, 2026

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB
 1. UNITED STATES – ANTI-DUMPING MEASURES ON CERTAIN HOT-ROLLED STEEL PRODUCTS FROM JAPAN: STATUS REPORT BY THE UNITED STATES (WT/DS184/15/ADD.274)
 - The United States provided a status report in this dispute on October 15, 2026, in accordance with Article 21.6 of the DSU.
 - The United States has addressed the DSB’s recommendations and rulings with respect to the calculation of anti-dumping margins in the hot-rolled steel anti-dumping duty investigation at issue.
 - With respect to the recommendations of the DSB that have yet to be addressed, the U.S. Administration will confer with the U.S. Congress with respect to the appropriate statutory measures that would resolve this matter.

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB
2. UNITED STATES – SECTION 110(5) OF THE US COPYRIGHT ACT:
STATUS REPORT BY THE UNITED STATES (WT/DS160/24/ADD.249)
 - The United States provided a status report in this dispute on October 15, 2026, in accordance with Article 21.6 of the DSU.
 - The U.S. Administration will continue to confer with the European Union, and with the U.S. Congress, in order to reach a mutually satisfactory resolution of this matter.

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

3. EUROPEAN COMMUNITIES - MEASURES AFFECTING THE APPROVAL AND MARKETING OF BIOTECH PRODUCTS: STATUS REPORT BY THE EUROPEAN UNION (WT/DS291/37/ADD.212)

- The United States thanks the European Union (“EU”) for its status report and its statement today.
- We continue to engage with the EU on these issues, and we continue to provide recommendations as to how the EU can address the undue delays in its approval procedures.
- The United States has described these problems in detail and noted our concerns with the EU’s biotech approval procedures monthly in the DSB and during the semiannual US-EU biotech consultations. The United States will do so again during the upcoming consultation in November.
- We note that the European Commission has reauthorized thirteen products this year, and we appreciate these trade-facilitating regulatory actions.
- We again request that the EU move to issue final approvals for all products that have completed science-based risk assessments at the EFSA, including those products that are with the Standing Committee and Appeals Committee.

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB
 4. UNITED STATES – ANTI-DUMPING AND COUNTERVAILING MEASURES ON LARGE RESIDENTIAL WASHERS FROM KOREA: STATUS REPORT BY THE UNITED STATES (WT/DS464/17/ADD.96)
 - The United States provided a status report in this dispute on October 15, 2026, in accordance with Article 21.6 of the DSU.
 - On May 6, 2019, the U.S. Department of Commerce published a notice in the U.S. Federal Register announcing the revocation of the antidumping and countervailing duty orders on imports of large residential washers from Korea (84 Fed. Reg. 19,763 (May 6, 2019)). With this action, the United States has completed implementation of the DSB recommendations concerning those antidumping and countervailing duty orders.
 - The United States will consult with interested parties on options to address the recommendations of the DSB relating to other measures challenged in this dispute.

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB
 5. UNITED STATES – CERTAIN METHODOLOGIES AND THEIR APPLICATION TO ANTI DUMPING PROCEEDINGS INVOLVING CHINA: STATUS REPORT BY THE UNITED STATES (WT/DS471/17/ADD.88)
 - The United States provided a status report in this dispute on October 15, 2026, in accordance with Article 21.6 of the DSU.
 - As explained in that report, the United States will consult with interested parties on options to address the recommendations of the DSB.

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB
 6. INDONESIA – IMPORTATION OF HORTICULTURAL PRODUCTS, ANIMALS AND ANIMAL PRODUCTS: STATUS REPORT BY INDONESIA (WT/DS477/21 – WT/DS478/22/ADD.83)
 - The United States continues to have concerns with Indonesia’s compliance with the DSB’s recommendations.
 - However, we look forward to Indonesia implementing the commitments contained in the Agreement on Reciprocal Trade signed February 19, 2026, through which Indonesia has committed to address U.S. concerns with its import licensing regimes, including commodity balance requirements.

2. INDIA – TARIFF TREATMENT ON CERTAIN GOODS IN THE INFORMATION AND COMMUNICATIONS TECHNOLOGY SECTOR

2.1 JOINT REQUEST BY THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU AND INDIA FOR A DECISION BY THE DSB (WT/DS588/21)

- The United States welcomes the efforts of Chinese Taipei and India to continue their engagement in this dispute. The United States supports efforts to continue dialogue with the aim of achieving a mutually agreed solution.
- The United States takes note of the draft decision circulated in document WT/DS588/21.
- We understand that the parties seek to preserve their existing rights with respect to the panel report under the DSU to enable time for further consultation.
- The DSB through the operative language in the draft decision would agree to consider the panel report, if proposed by a party for adoption in the future, under the negative consensus decision rule, unless either party were to appeal the panel report first.
- On this basis, the United States can support the parties' efforts and join a consensus to adopt the draft decision.

3. TURKIYE – MEASURES CONCERNING ELECTRIC VEHICLES AND OTHER TYPES OF VEHICLES FROM CHINA

3.1 JOINT REQUEST BY CHINA AND TURKIYE FOR A DECISION BY THE DSB (WT/DS29/6)

- The United States welcomes the efforts of Türkiye and China to continue their engagement in this dispute. The United States supports efforts to continue dialogue with the aim of achieving a mutually agreed solution.
- The United States takes note of the draft decision circulated in document WT/DS629/6.
- We understand that the parties seek to preserve their existing rights with respect to the panel report under the DSU to enable time for further consultation.
- The DSB through the operative language in the draft decision would agree to consider the panel report, if proposed by a party for adoption in the future, under the negative consensus decision rule, unless either party were to appeal the panel report first.
- On this basis, the United States can support the parties' efforts and join a consensus to adopt the draft decision.

5. APPELLATE BODY APPOINTMENTS: PROPOSAL BY SOME WTO MEMBERS (WT/DSB/W/609/REV.26)

- The United States does not support the proposed decision.
- Resurrecting the Appellate Body as proposed is not a step toward a well-functioning dispute settlement system. Rather, it is a guarantee that a well-functioning dispute settlement system will not happen.
- To recall, while the Appellate Body operated, the United States for years and across multiple U.S. administrations voiced concerns that, in fundamental ways, WTO dispute settlement was not working as designed under the DSU.
- For example, between 2000 and 2005, the United States identified in interventions before the DSB at least 15 separate instances in which the Appellate Body flouted the plain text of the DSU rules.¹ Likewise, the United States identified in numerous DSB meetings at least 11 examples of Appellate Body rule-breaking between 2006 and 2010,² 17 between

¹ *Argentina – Footwear (EC)* (DS121): Statement by the United States at the Meeting of the DSB on January 12, 2000 (WT/DSB/M/73). *US – FSC* (DS108): Statement by the United States at the Meeting of the DSB on March 20, 2000 (WT/DSB/M/77). *Korea – Various Measures on Beef (United States, Australia)* (DS161, DS169): Statement by the United States at the Meeting of the DSB on January 10, 2001 (WT/DSB/M/96). *EC – Bed Linen (India)* (DS141): Statement by the United States at the Meeting of the DSB on March 12, 2001 (WT/DSB/M/101). *US – Lamb* (DS177, DS178): Statement by the United States at the Meeting of the DSB on May 16, 2001 (WT/DSB/M/105). *US – Hot-Rolled Steel* (DS184): Statement by the United States at the Meeting of the DSB on August 23, 2001 (WT/DSB/M/108). *Canada – Dairy (Article 21.5 – New Zealand, United States)* (DS103, DS113): Statement by the United States at the Meeting of the DSB on December 18, 2001 (WT/DSB/M/116). *US – Section 211 Appropriations Act* (DS176): Statement by the United States at the Meeting of the DSB on February 1, 2002 (WT/DSB/M/119). *US – Line Pipe* (DS202): Statement by the United States at the Meeting of the DSB on March 8, 2002 (WT/DSB/M/121). *US – Countervailing Measures on Certain EC Products* (DS212): Statement by the United States at the Meeting of the DSB on January 8, 2003 (WT/DSB/M/140). *US – Offset Act (Byrd Amendment)* (DS217, DS234): Statement by the United States at the Meeting of the DSB on January 27, 2003 (WT/DSB/M/142). *US – Steel Safeguards* (DS248, DS249, DS251, DS252, DS253, DS254, DS258, DS259): Statement by the United States at the Meeting of the DSB on December 10, 2003 (WT/DSB/M/160). *EC – Tariff Preferences (India)* (DS246): Statement by the United States at the Meeting of the DSB on April 20, 2004 (WT/DSB/M/167). *US – Softwood Lumber V* (DS264): Statement by the United States at the Meeting of the DSB on August 31, 2004 (WT/DSB/M/175). *EC – Chicken Cuts (Brazil, Thailand)* (DS269, DS296): Statement by the United States at the Meeting of the DSB on September 27, 2005 (WT/DSB/M/198).

² *US – Zeroing* (DS294): Statement by the United States at the Meeting of the DSB on May 9, 2006 (WT/DSB/M/211). *US – Softwood Lumber V (Article 21.5)* (DS264): Statement by the United States at the Meeting of the DSB on September 1, 2006 (WT/DSB/M/219). *US – Zeroing* (DS322): Statement by the United States at the Meeting of the DSB on January 23, 2007 (WT/DSB/M/225). *US – Stainless Steel* (DS344): Statement by the United States at the Meeting of the DSB on May 20, 2008 (WT/DSB/250). *US – Upland Cotton (Article 21.5)* (DS267): Statement by the United States at the Meeting of the DSB on June 20, 2008 (WT/DSB/M/252). *US – Continued Suspension* (DS320) and *Canada – Continued Suspension (EC)* (DS321): Statement by the United States at the

2011 and 2015,³ and 13 between 2016 and 2019.⁴ To be clear, the decrease in the final period does not show the Appellate Body broke the rules less; it is just a shorter time period.

Meeting of the DSB on November 14, 2008 (WT/DSB/M/258). *China – Auto Parts (United States, EC, Canada)* (DS339, DS340, DS342): Statement by the United States at the Meeting of the DSB on January 12, 2009 (WT/DSB/M/262). *US – Continued Zeroing* (DS350): Statement by the United States at the Meeting of the DSB on February 19, 2009 (WT/DSB/M/265). *US – Zeroing (Article 21.5)* (DS294): Statement by the United States at the Meeting of the DSB on June 11, 2009 (WT/DSB/M/269). *China – Publications and Audiovisual Products (United States)* (DS363): Statement by the United States at the Meeting of the DSB on January 19, 2010 (WT/DSB/M/278).

³ *US – Anti-Dumping and Countervailing Duties* (DS379): Statement by the United States at the Meeting of the DSB on March 25, 2011 (WT/DSB/M/294). *Thailand – Cigarettes (Philippines)* (DS371): Statement by the United States at the Meeting of the DSB on July 15, 2011 (WT/DSB/M/299). *EC – Fasteners (China)* (DS397): Statement by the United States at the Meeting of the DSB on July 28, 2011 (WT/DSB/M/301). *US – Tyres* (DS399): Statement by the United States at the Meeting of the DSB on October 5, 2011 (WT/DSB/M/304). *China – Raw Materials (United States, EC, Mexico)* (DS394, DS395, DS398): Statement by the United States at the Meeting of the DSB on February 22, 2012 (WT/DSB/M/312). *US – Large Civil Aircraft* (DS353): Statement by the United States at the Meeting of the DSB on March 23, 2012 (WT/DSB/M/313). *US – Tuna II* (DS381): Statement by the United States at the Meeting of the DSB on June 13, 2012 (WT/DSB/M/317). *US – COOL* (DS384, DS386): Statement by the United States at the Meeting of the DSB on July 23, 2012 (WT/DSB/M/320). *Canada – Renewable Energy (EU, Japan)* (DS412, DS426): Statement by the United States at the Meeting of the DSB on May 24, 2013 (WT/DSB/M/322). *EC – Seal Products (Canada, Norway)* (DS400, DS401): Statement by the United States at the Meeting of the DSB on June 18, 2014 (WT/DSB/M/346). *US – Countervailing and Antidumping Measures* (DS449): Statement by the United States at the Meeting of the DSB on July 22, 2014 (WT/DSB/M/348). *US – Carbon Steel* (DS436): Statement by the United States at the Meeting of the DSB on December 19, 2014 (WT/DSB/M/354). *US – Countervailing Duty Measures* (DS437): Statement by the United States at the Meeting of the DSB on January 16, 2015 (WT/DSB/M/355). *Argentina – Import Measures* (DS438, DS444, DS445): Statement by the United States at the Meeting of the DSB on January 26, 2015 (WT/DSB/M/356). *US – COOL (Article 21.5)* (DS384, DS386): Statement by the United States at the Meeting of the DSB on May 29, 2015 (WT/DSB/M/362). *India – Agricultural Products (United States)* (DS430): Statement by the United States at the Meeting of the DSB on June 19, 2015 (WT/DSB/M/364). *US – Tuna II (Article 21.5)* (DS381): Statement by the United States at the Meeting of the DSB on December 3, 2015 (WT/DSB/M/371).

⁴ *Argentina – Financial Services (Panama)* (DS453): Statement by the United States at the Meeting of the DSB on May 9, 2016 (WT/DSB/M/378). *US – Washing Machines* (DS464): Statement by the United States at the Meeting of the DSB on September 26, 2016 (WT/DSB/M/385). *India – Solar Cells (DS456)*: Statement by the United States at the Meeting of the DSB on October 14, 2016 (WT/DSB/M/386). *EU – Biodiesel (Argentina)* (DS473): Statement by the United States at the Meeting of the DSB on October 26, 2016 (WT/DSB/M/387). *EU – Fatty Alcohol (Indonesia)* (DS442): Statement by the United States at the Meeting of the DSB on September 29, 2017 (WT/DSB/M/402). *Indonesia – Import Licensing Regime (United States, New Zealand)* (DS477/DS478): Statement by the United States at the Meeting of the DSB on November 22, 2017 (WT/DSB/M/404). *EU – PET (Pakistan)* (DS486): Statement by the United States at the Meeting of the DSB on May 28, 2018 (WT/DSB/M/413). *EC – Large Civil Aircraft (Article 21.5– US)* (DS316): Statement by the United States at the Meeting of the DSB on May 28, 2018 (WT/DSB/M/413). *US – Tuna II (Article 21.5 – US)* (DS381): Statement by the United States at the Meeting of the DSB on January 11, 2019 (WT/DSB/M/417). *Korea – Radionuclides (Japan)* (DS495): Statement by the United States at the Meeting of the DSB on May 28, 2019 (WT/DSB/M/429). *US – Countervailing Measures (Article 21.5)* (DS437): Statement by the United States at the Meeting of the DSB on August 15, 2019 (WT/DSB/M/433). *Ukraine – Ammonium Nitrate (Russia)* (DS493): Statement by the United States at the Meeting of the DSB on September 30, 2019 (WT/DSB/M/434). *Korea – Pneumatic Valves (Japan)* (DS504): Statement by the United States at the Meeting of the DSB on September 30, 2019 (WT/DSB/M/434).

- The failure to respect the rules was not trivial. The Appellate Body created new rights and obligations, contrary to Article 3.2 of the DSU, that seriously harmed the interests of the United States and other Members.
- In ongoing WTO reform discussions concerning leveling the playing field, for example, other Members have cited the Appellate Body’s erroneous interpretation of the term “public body” as limiting the ability of Members to discipline interventions that harm our workers and businesses.⁵ In this way, the repeated failures by the Appellate Body to respect WTO rules contributed to current problems that, according to some Members, necessitate serious WTO reform.
- And yet, during these decades, fundamental U.S. concerns, and even the many modest U.S. reform proposals intended to address these concerns before they become systemic, were ignored.
- For example, as early as 2002, Chile and the United States proposed modest steps to address issues with the Appellate Body’s interpretive approach that could benefit from additional Member review and guidance, such as restricting reasoning and findings to what is necessary to resolve the dispute, providing additional guidance on the nature and scope of adjudicators’ review and rules of interpretation, ensuring adjudicators have appropriate expertise and understand the task before them, and allowing parties to comment to strengthen the final report.⁶
- The United States followed over the years with elaboration and analysis for consideration by Members through DSB Special Sessions, including draft text to implement the proposed modest reforms.⁷
- Nothing came of these proposals then or in the ensuing years, even as the fundamental problems raised by the United States became systemic.
- It was not until after the Appellate Body ceased to operate that the reform discussions described in last month’s information session occurred.

⁵ WTO Reforms to Level the Playing Field, Communication from Australia, WT/GC/REFORM/W/16, 1 October 2026, p. 3.

⁶ Contribution by Chile and the United States, DSB Special Session, 23 December 2002, TN/DS/W/28.

⁷ See, e.g., Textual Contribution by Chile and the United States, DSB Special Session, 14 March 2003, TN/DS/W/52; Contribution by the United States, DSB Special Session, 15 March 2005, TN/DS/W/74; Further Contribution of the United States on Improving Flexibility and Member Control in WTO Dispute Settlement, 24 October 2005, TN/DS/W/82; Further Contribution of the United States on Improving Flexibility and Member Control in WTO Dispute Settlement, DSB Special Session, 24 October 2005, TN/DS/W/82; and Further Contribution of the United States on Improving Flexibility and Member Control in WTO Dispute Settlement, DSB Special Session, 17 March 2006, TN/DS/W/82/Add.2.

- For that reason, we question assertions that “conversations about reform of the dispute settlement system should not prevent the Appellate Body from continuing to operate fully.” History shows that acquiescing to the continuation of the Appellate Body precludes fundamental reform of the dispute settlement system.
- Furthermore, the repetition of this agenda item underlines that, although the United States and other Members invested considerable effort in recent years to identify appropriate reforms, Members hold vastly different perspectives on the reforms that are needed.

7. UPDATE BY THE DSB CHAIR REGARDING DS REFORM CONSULTATIONS

- We thank the Chair for his summary of the most recent informal DSB meeting. While such summaries can be useful, we recall that the sessions are informal and without written record. We would caution against any report in the future that seeks to summarize Member views.
- We thank the Secretariat and the presenting delegates for the perspectives shared during the session. We have two observations from the presentation on the past dispute settlement reform processes.
- First, the presentation makes clear that these processes required an extraordinary investment of time and energy from all delegations. In the formal DS reform process – which met *less* regularly than the previous informal process – an average of nearly three meetings per week were held during the working period. And of course, this tally does not include the many informal meetings and consultations that took place in parallel.
- To put this number in perspective, the current WTO reform process has averaged little more than one meeting per week – and that pace of meetings has raised concerns with some Members.
- Dispute settlement reform discussions have been an enormous undertaking – and it cannot be said that Members did not engage meaningfully to find solutions.
- Second, despite the extraordinary amount of time and energy invested, Members were unable to bridge the fundamental differences that exist on key aspects of reform. We do not see a basis to believe that the conditions for resolving those differences are any easier today than two years ago when Members last engaged intensively on dispute settlement reform.
- Indeed, the familiar refrains under the Appellate Body appointment item underscores that those conditions have not changed, and the perspectives of Members remain the same – that is, far apart.
- We reiterate our thanks to the presenters for their thorough factual presentations.