Executive Summary

The OIE is responsible for the development of standards for animal health, including zoonoses, and animal welfare. Since the formation of the World Trade Organization (WTO) in 1995, the vast majority of international trade takes place under the WTO Rules-based Framework, which is composed of a series of agreements. For the purposes of this paper, the most relevant WTO agreements are the General Agreement on Tariffs and Trade 1994 (GATT), the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and the Agreement on Technical Barriers to Trade (TBT Agreement). Three international standard setting organisations (including the OIE, for measures relating to animal health) are recognised in the SPS Agreement but none are recognised in the TBT Agreement. Animal health measures are covered in the SPS Agreement and animal welfare-related measures are covered in the GATT and the TBT Agreement.

The adjudication of disagreements between Members is an important role of the WTO and the findings of WTO Dispute Settlement Panels and the Appellate Body (AB) are key sources of interpretation of the WTO agreements. WTO Panels have addressed several disputes about the application of the SPS Agreement to sanitary measures. However, until recently, there has been little guidance on the WTO legitimacy of animal welfare measures. This situation changed with the WTO ruling on disputes WT/DS/400 and WT/DS/401 European Communities – Measures Prohibiting the Importation and Marketing of Seal Products. The dispute concerns the European Union (EU) 'Seal Regime', a regulation that bans, with certain exceptions, the importation of seal products into the EU, based on animal welfare-related concerns. The Panel and the AB found that certain aspects of the EU Seal Regime violated the GATT rules. Following the WTO ruling and in consultation with the complainants, the EU agreed to bring its measures into compliance within a reasonable time frame.

Perhaps the most important finding in this case is the decision of the Panel, supported by the AB, that a WTO Member may be justified in imposing animal welfare-related trade restrictions with the objective of protecting public morals, under the GATT Article XX(a). This outcome should be particularly welcomed by countries that have made a strong commitment to animal welfare.

These cases also provide insight into the type of evidence needed to justify the necessity for animal welfare-related measures in relation to public morality. Article XX(a) does not give governments *carte blanche* to restrict trade on animal welfare-related grounds. In the event of a WTO dispute, it is necessary to satisfy the tests and evidentiary requirements of the WTO, notably with respect to the chapeau of Article XX. In this case, the EU community had clearly and consistently expressed concern about animal welfare in the context of seal hunting.

In considering the availability of alternate measures which could satisfy the GATT principle for the application of the 'least trade restrictive' measure, the Panel and AB pointed to difficulties arising from the absence of agreed standards on seal hunting and the lack of general agreement on what might constitute an appropriate standard.

The findings on the EU Seal Regime highlight the relevance of international standards when justifying animal welfare measures in the WTO context. The role of the OIE in setting global standards for animal welfare is crucial. The OIE should maintain its focus on animal welfare and its related standard setting work should be strongly supported by governments, partners and donor organisations.

The outcome of the WTO disputes on the EU Seal Regime are analysed from the perspective of the OIE as the unique international organisation setting global animal welfare standards.

Introduction

The OIE is one of three international standard setting organisations (the 'Three Sisters') recognised in the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement). The SPS Agreement establishes specific requirements for the application of the sanitary and phytosanitary (SPS) provisions of the General Agreement on Trade and Tariffs 1994 (GATT). In the SPS context, the OIE standards on animal diseases and zoonoses are the benchmarks for sanitary measures i.e. measures that aim to safeguard animal and human health or life. The application of the OIE standards helps Member Countries to facilitate safe trade and to avoid the imposition of unnecessary trade barriers, consistent with the objectives of the WTO.

In 2001, Member Countries mandated the OIE to develop global standards and guidelines on animal welfare practices, reaffirming that animal health is a key component of animal welfare. In the period 2004-2014, the OIE adopted guiding principles for animal welfare and a series of standards and guidelines that address not only the welfare of livestock but also topics relevant to the welfare of companion animals and animals used in research and education. The OIE has not to date developed animal welfare standards for fur seals or other wild animals.

In contrast to animal health measures, the relationship between animal welfare measures and the WTO Rules-based framework is not well established. Perhaps this has contributed to the growth of the animal welfare specifications imposed by the private sector ('private standards') with which exporters of animal products may be obliged to comply.

The rulings of WTO Dispute Settlement Panels and the Appellate Body (AB) are key sources of interpretation of the WTO agreements. Until recently, there had been little definitive guidance regarding the WTO-consistency of animal welfare measures but this situation changed in 2014. Beginning in 2009, Canada, followed by Norway raised concerns with the EU about their loss of access to the EU market for seal products resulting from the adoption of Regulation (EC) 1007/2009 on Trade in Seal Products and Related Measures (the 'EU Seal Regime'). These regulations were introduced following several years in which the EU public expressed concern about animal welfare in the context of seal hunting and trade in seal products.

The reports of the Panel and the AB on the WTO disputes [WT/DS/400 (Canada) and WT/DS/401 (Norway)] provide an official assessment of the WTO-legitimacy of the EU Seal Regime and a source of jurisprudence to guide the analysis of animal welfare-related measures under the WTO Rules-based framework. This paper analyses the findings from the perspective of the OIE, as the unique international organisation setting global animal welfare standards.

Procedural aspects of WT/DS/400 and WT/DS/401 are briefly summarised in Annex 1.

Section 1: The WTO Rules-based framework for trade and animal welfare

The World Trade Organization (WTO) Rules-based framework is grounded on two key principles, i.e. 'most favoured nation' (MFN) and 'national treatment' (NT). Non-compliance with these principles may be justified on the basis of 'exceptions'. Also, there are additional requirements in specific agreements; for the purpose of this paper, the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) and the Agreement on Technical Barriers to Trade (TBT Agreement). These two agreements are mutually exclusive. In general, the coverage of measures by the various agreements and the interaction between requirements in the agreements reflect the purpose of the measure at issue.

The framework for trade that preceded the WTO was the General Agreement on Tariffs and Trade (GATT). The GATT 1947 established the MFN principle (Article 1) and the NT principle (Article III), which provide for equal opportunity amongst signatory countries and prohibit discrimination between `like products`.

The WTO entered into force on 1 January 1995. Annex 1A of the Marrakech Agreement establishing the WTO contains the GATT 1994, which incorporates with some adjustments the provisions of the GATT 1947. The WTO Rules-based framework sets out more detailed and specific tests for assessing the legitimacy of trade measures than the GATT. However, the WTO and GATT frameworks are still linked and the AB has confirmed that the SPS Agreement and the TBT Agreement should be interpreted in a manner that is coherent and consistent with the GATT.

The application of measures that discriminate between ´like products´ may be justified under GATT Article XX, which provides exceptions on various grounds, including ´the protection of public morals` [Article XX(a)] and `the protection of human, animal or plant life or health` [Article XX(b)]. The SPS Agreement establishes specific provisions relating to the GATT Article XX(b). Under the SPS Agreement, SPS measures may be imposed only to the extent necessary to protect life and health and Members are encouraged to harmonise their SPS measures with the standards of the 'Three Sisters': the OIE for animal health, the Codex Alimentarius Commission for food safety, and the International Plant Protection Convention for plant health.

In 'Questions and Answers on the SPS Agreement' the WTO Secretariat advises: ´

> 'Measures for … the welfare of animals are not covered by the SPS Agreement (but) are addressed by other WTO agreements (i.e. the TBT Agreement or Article XX of GATT 1994) ´
> (See http://www.wto.org/english/tratop_e/sps_e/spsund_e.htm#Q&A)

The TBT Agreement aims to avoid trade barriers arising from technical regulations, standards, testing and certification procedures. It does not apply to SPS measures as defined in Annex A of the SPS Agreement.

The TBT Agreement provides for the implementation of measures to achieve ´legitimate policy objectives´, such as the protection of human health or safety, animal or plant life or health, or the environment, or the prevention of deceptive practices. It covers measures that relate to product characteristics and to related processing and production methods (PPM). In assessing the risks to be mitigated, governments should consider *inter alia*: available scientific and technical information, related processing technology or intended end-uses of products. The non-use or incomplete use of international standards may be justified if the standards would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives of the measure (Article 2.4).

The GATT, the SPS Agreement and the TBT Agreement contain some common elements and some significant differences.

Section 2: The Findings of the Panel and the Appellate Body on the EU Seal Regime

This section discusses the findings in the disputes WT/DS/400 (Canada—EU) and WT/DS/401 (Norway—EU) with a focus on aspects relevant to the OIE.

The procedures followed in the disputes are summarised in Annex 1.

2.1 What did the disputes cover?

The disputes covered processed and unprocessed products deriving or obtained from seals, including meat, oil, blubber, organs, raw or tanned fur skins and articles made from skins and oil.

The measure at issue comprised Regulation (EC) 1007/2009 of the European Parliament and of the Council of 16.9.2009 on trade in seal products (Basic Regulation); and Commission Regulation (EU) 737/2010 of 10.8.2010 laying down detailed rules for the implementation of EC 1007/2009 (Implementing Regulation). The Panel referred to these texts jointly as the "EU Seal Regime".

The EU Seal Regime prohibited the placing of seal products on the EU market unless they met the requirements set out in the following exceptions:

- obtained from seals hunted by Inuit or other indigenous communities (**IC exception**);
- obtained from seals hunted for purposes of marine resource management (**MRM exception**);
- brought by travellers into the EU in limited circumstances (**Travellers exception**).

Canada and Norway (the complainants) alleged that the EU Seal Regime violated the principle of non-discrimination in the GATT and the TBT Agreement. They also claimed that the IC and MRM exceptions gave Canadian and Norwegian seal products less favourable treatment than that accorded to ´like´ seal products of EU origin (and of some other countries) and that the EU Seal Regime created an unnecessary obstacle to trade. The complainants did not disagree that animal welfare was an important issue but they disputed the EU's claim that public concern about seal hunting was a moral issue.

The EU argued that the protection of animal welfare is a moral and ethical imperative for EU citizens and that its Seal Regime could be justified under the GATT Article XX(a) Protection of public morality. In justification of its position the EU quoted *inter alia* the OIE Terrestrial Animal Health Code Chapter 7.1 Guiding Principles for Animal Welfare, as evidence of the ethical and moral attitudes of society at large in relation to animal welfare.

2.2 Extract of findings in the Panel report

The Panel considered that the discrimination resulting from the EU Seal Regime was clear:

> ´virtually all´ Greenlandic seal products are eligible for the IC exception, but the majority of like products produced by Canada do not conform ..´. (Panel Report paragraph 7.164)

With respect to the TBT Agreement:

- the EU Seal Regime is a "technical regulation" as defined in Annex 1.1 of the TBT Agreement;
- with respect to Canada's claim, the IC exception and MRM exception under the EU Seal Regime are inconsistent with Article 2.1 because the detrimental impact caused by these exceptions does not stem exclusively from legitimate regulatory distinctions; consequently, the exceptions accord imported seal products treatment less favourable than that accorded to like domestic and other foreign seal products;
- the EU Seal Regime is not inconsistent with Article 2.2 because it fulfils the objective of addressing EU public moral concerns regarding seal welfare to a certain extent, and no alternative measure has been demonstrated to make an equivalent or greater contribution to the fulfilment of the objective of the EU Seal Regime;

With respect to the GATT:

- the IC exception under the EU Seal Regime is inconsistent with Article I:1 because an advantage granted by the EU to seal products originating in Greenland is not accorded ´immediately and unconditionally´ to like seal products originating in Canada and Norway;

- the MRM exception under the EU Seal Regime is inconsistent with Article III:4 because it accords imported seal products ´treatment less favourable´ than that accorded to ´like´ domestic seal products;

- the IC exception and the MRM exception under the EU Seal Regime are not justified under Article XX(a) because they fail to meet the requirements under the chapeau of Article XX;

- the IC exception and the MRM exception under the EU Seal Regime are not justified under Article XX(b) because the EU failed to make a *prima facie* case for its claim.

Consistent with these findings, the Panel concluded that the EU had nullified or impaired benefits accruing to Canada and Norway under the relevant Agreements.

2.3 Extract of findings in the Appellate Body report

With respect to the TBT Agreement:

The AB disagreed with the Panel´s conclusion that the EU Seal Regime was covered by the TBT Agreement and consequently overturned all the Panel's findings in relation to that Agreement. Contrary to the Panel´s finding, the AB considered that the EU Seal Regime does not lay down ´product characteristics´ as defined in Annex 1.1 of the TBT Agreement. The ´exceptions' under which seal products can be imported into or placed on the EU market depend on factors such as the identity of the hunter (IC exception) or the purpose of the hunt (MRM exception). The AB did not agree that these could be considered as characteristics of the product.

Neither the Panel nor the AB pronounced on whether the EU Seal Regime prescribes ´related processes or production methods´ for seal products. Such a ruling would have provided grounds to qualify the Seal Regime as a technical regulation under the TBT Agreement.

With respect to the GATT:

The AB upheld the Panel's legal interpretation in relation to Article I.1 (MFN) and Article III.4 (NT) and agreed with the Panel´s conclusions on the IC exception based on that legal interpretation. (The Panel's findings on the MRM exception were not appealed by the Parties.) The AB agreed with the Panel's analysis of the relationship between animal welfare and public ethical and moral concerns in the EU and its finding that the objective of the Seal Regime was provisionally justifiable under GATT Article XX(a).

The justification of measures under Article XX also depends on compliance with the provisions in the 'chapeau' of this article.

The AB ruled that the EU Seal Regime does not meet the requirements of the chapeau because the exceptions operate in a way that amounts to ´arbitrary or unjustifiable discrimination´. With respect to this decision, the AB noted certain inconsistencies, ambiguities and the lack of effort by the EU to facilitate access of Canadian Inuit to the IC exception.

Section 3: Discussion of the findings

According to Howse and Langille (2011) this is the first time that the WTO dispute settlement procedure has been used to adjudicate on public moral concerns as a basis for justifying animal welfare-related measures. Previous WTO consideration of such measures focused on objectives relating to the protection of the environment or the protection of human life and health.

This case did not resolve uncertainty about the scope of the TBT Agreement in relation to animal welfare. However, there were some significant findings, as discussed in this section.

3. 1. Animal welfare: the moral dimension

The most significant finding in these disputes was that the EU Seal regime was potentially justifiable under GATT Article XX(a) because the measures were found to be necessary for the protection of public morals in the EU. With this finding, the WTO recognised that

(1) animal welfare is an issue of ethical responsibility for society in general (a finding that was not disputed by the complainants) and

(2) animal welfare is an issue of moral or ethical nature in the EU.

Consistent with the Panel's analysis, the AB considered that the protection of public morals with regard to animal welfare was 'an important value or interest'.

The primary defence presented by the EU was the need to protect public morals in light of community concern about inhumane killing of fur seals and the community's unwillingness to be complicit in this matter by using seal products. In addition, the EU presented arguments directly related to seal welfare under Article XX(b). The Panel's analysis of the public morals objective took into account the measure's capacity to reduce seal hunting and related impacts on the welfare of seals. It is clear that the prevention of inhumane killing is not identical with the promotion of animal welfare; the legal and policy frameworks established by governments in addressing these distinct objectives are different. In this light, there is limited scope to extrapolate from the findings on the EU Seal Regime to make conclusions about measures to promote animal welfare in general. The reports of the Panel and the AB should be analysed very carefully.

The WTO decision showed that GATT Article XX(a) potentially provides for WTO Members to establish a need for animal welfare-related measures on moral grounds. Some may consider that this means of justification is open to abuse, especially as the AB has consistently advised that the definition and application of ´public morals´ may vary from country to country.

Measures that are provisionally justified under Article XX must also comply with provisions in the chapeau, which has been described as acting to prevent abuse of the exceptions.

Measures may be justified:

> 'subject to the requirement that (they) are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries … or a disguised restriction on international trade'

The AB has identified various 'tests' for evaluating this aspect.

A country seeking to justify the application of animal welfare-related measures under GATT Article XX(a) must present sufficient supporting evidence to demonstrate the moral nature of the measures, as shown in the analysis by the Panel and the AB of the Seal Regime.

The EU argued that the legislative and drafting history of the Seal Regime show that the overall purpose of the measure relates to animal welfare. The premise of Regulation (EC) 1007/2009 is that seals are "sentient beings that can experience pain, distress, fear and other forms of suffering" and therefore need protection from inhumane treatment. The preamble to the regulation explains that while it may be possible to kill seals in a way that minimizes their suffering, it is not possible to verify if seals have been killed humanely, as supported by a report of the European Food Safety Authority (EFSA). The EU claimed to have adopted a full ban after considering the alternatives, including labelling, and deeming them insufficient, because they were insufficient to prevent the sale in the EU of products from seals that had been killed inhumanely.

3.2. Scientific evidence and international standards

Based on scientific and technical evidence presented by the parties, the Panel concluded and the AB upheld the finding that there was a risk of poor animal welfare outcomes in any given seal hunt and noted the absence of agreed standards in this context.

In relation to the issue of trade restrictiveness, the AB concluded that it was difficult to identify alternative measures:

> ´based on the differing views ... and absent a clearly articulated standard from the complainants´ (Appellate Body report, paragraph 5.269)

The availability of internationally agreed standards is therefore of direct relevance to Panels and the AB when considering the GATT-consistency of animal welfare-related measures. Simply put, when there is no (internationally) agreed standard, it may be simpler to make a case for the necessity of a measure that restricts or prohibits trade.

The SPS Agreement encourages WTO Members to harmonise their measures with the standards of the Three Sisters and sets out obligations in relation to the application of more restrictive measures where a relevant standard exists. The GATT and the TBT Agreement do not approach the issue of harmonisation of measures with international standards in the same way. In contrast to the SPS Agreement, the TBT Agreement does not make specific reference to the OIE or to the Three Sisters. Nonetheless, adopted OIE standards that are relevant to a trade dispute would have weight because the OIE is the unique intergovernmental organisation with the mandate to set global standards on animal health and welfare. The scientific and ethical basis of the OIE standards and the democratic procedures for adoption of standards are directly relevant to the concept of standards in the TBT Agreement and to the analysis made by WTO Panels.

3.3. The definition of ´like products´

The interpretation and assessment of what constitutes 'like products' have been at the heart of numerous dispute settlement reports because this concept supports the central principle of non-discrimination. According to the Appellate Body in WT/DS/406 US - Clove Cigarettes:

> ´the determination of ´likeness´ under Article 2.1 of the TBT Agreement and Article III:4 of the GATT is a determination about the nature and extent of a competitive relationship between and among the products at issue. To the extent that they are relevant to the examination of certain ´likeness´ criteria and are reflected in the products´ competitive relationship, regulatory concerns underlying technical regulations may play a role in the determination of likeness´.

In WT/DS/135 EC – Asbestos the AB defined criteria for assessing the likeness of products as follows:

(i) The properties, nature and quality of the products;

(ii) The end-uses of the products;

(iii) Consumers' tastes and habits; and

(iv) The tariff classification of the products.

With respect to the EU Seal Regime, the ´likeness´ of seal products originating from the various types of hunt was confirmed by the Panel and was not argued by the Parties or discussed by the AB. This was a necessary precursor to the finding that there was unjustifiable discrimination (between ´like´ products) in a manner that violated the GATT rules.

In any future dispute on the consistency of animal welfare-related measures with the GATT and/or the TBT Agreement, it will again be necessary to establish that the products subject to the disputed measures are 'like products'.

3.4. Justification of animal welfare measures under GATT Article XX(b)

In its case to the Panel, the EU proposed that if the Panel did not consider that the Seal Regime was justified under GATT Article XX(a), it could still be justified under Article XX(b), i.e. that by reducing the number of seals killed, the Seal Regime contributes to the protection of animal health. In light of the finding that Article XX(a) was applicable and in accordance with the principle of judicial economy, arguments relating to Article XX(b) were not analysed.

The contribution of animal health to animal welfare is established scientifically and generally accepted but the evidence supporting the contribution of animal welfare to animal health or public health is less clear. For example, some 'animal welfare friendly' production systems may pose a higher risk of exposure to infectious disease (risk to animal health) and environmental contaminants (risk to food safety). Nonetheless, at this time the possibility of justifying animal welfare measures with respect to GATT Article XX(b) cannot be ruled out.

3.5 The application of the TBT Agreement to animal welfare measures

The AB did not agree with the Panel finding that the EU Seal Products Regime was a 'technical regulation' as defined in the TBT Agreement and therefore overturned the Panel findings in relation to this Agreement. In Annex 1:I of the Agreement, technical regulations are defined as laying down:

> ´… product characteristics or their related processes and production methods (PPM), including the applicable administrative provisions, with which compliance is mandatory.´

In making its assessment the AB referred to a 'three-tier test' (Appellate Body Report paragraph 5.1). According to this test, a measure may qualify as a technical regulation if:

i) it applies to an identifiable product or group of products;

ii) it prescribes intrinsic or related characteristics for those products; and

iii) compliance with the product characteristics is mandatory.

The AB did not accept that the EU Seal Products Regime was a technical regulation as defined in Annex I.1 because the requirements (set out in the IC and MRM exceptions) for the placement of seal products on the EU market did not qualify as ´product characteristics´. Rather, they related to the identity of the hunter (the IC exception) or the purpose of the hunt (the MRM exception).

Neither the Panel nor the AB commented on the characterisation of animal welfare requirements as 'processes and production methods'.

If in future a Panel were to decide that animal welfare measures do qualify as technical regulations, the consistency of such measures with the obligations in the TBT Agreement could be tested.

Section 4: Conclusions

Although animal welfare is arguably of lower priority than food security and food safety, the humane treatment of food producing animals is an established and growing area of consumer interest, especially in countries where primary concerns about food security have been addressed. There is a significant amount of WTO 'case law' on measures relating to animal health and food safety but information is lacking on the interpretation and application of the WTO rules in relation to animal welfare measures. The disputes on the EU Seal Regime established that it may be possible to justify animal welfare-related restrictions on trade with reference to GATT Article XX(a). This finding could encourage WTO Members to introduce new animal welfare-related measures, especially those countries that have strict domestic laws on animal welfare (which presumably reflect societal interest and concern). However, GATT Article XX(a) does not give 'carte blanche' for WTO Members to restrict trade on the basis of vague or ill-defined moral grounds. In the event of a WTO dispute, governments must satisfy the various tests and evidentiary requirements of the WTO. Evidence supporting the proposition that there is a relationship between animal welfare and public morals may include expressions of community concern about the ethical treatment of animals and relevant standards applied to 'like' domestic products.

Information on the interpretation and application of the TBT Agreement to animal welfare measures is still needed and this can only be provided by a WTO Dispute Settlement Panel.

The findings on the EU Seal Regime will be welcomed by countries in which there is a high level of societal interest in animal welfare and domestic laws promoting humane treatment of animals. Perhaps these findings will encourage WTO Members to introduce new animal welfare-related measures in international trade. Whether this is the case or not, it is likely that animal welfare will continue to be addressed in bilateral agreements and private specifications, reflecting established commercial realities.

The best way to address unjustified restrictions on trade is for trading partners to use the OIE standards as the basis for trade in animal products – not only for animal health but also for animal welfare. The findings on the EU Seal Regime highlight the importance of international standards when justifying animal welfare measures in the WTO context. The role of the OIE in setting global standards for animal welfare is crucial. The OIE should maintain its focus on animal welfare and its related standard setting work should be strongly supported by governments, partners and donor organisations.

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Annex 1

Summary of the procedural steps and key dates

On 5 November 2009, Norway requested consultations with the European Communities (EC) concerning Regulation (EC) 1007/2009 of the European Parliament and of the EC Council of 16 September 2009 on trade in seal products, and subsequent related measures (the "EU Seal Regime"). Norway claimed that the EU Seal Regime prohibits the importation and sale of processed and unprocessed seal products, while containing exceptions that give privileged access to the EU market to seal products originating in the EU and some third countries, but not Norway.

Iceland and Canada subsequently joined the consultations.

On 19 October 2010, Norway renewed its consultation request with respect to the EU Seal Regime, which, in addition to EC 1007/2009, includes Commission Regulation (EU) 737/2010 (laying down rules for the implementation of EC 1007/2009); omissions to adopt adequate procedures for establishing that seal products conforming to the relevant conditions in the EU seal regime may be placed on the EU market; and any other related implementing measures.

On 14 March 2011, Norway requested the establishment of a panel.

At its meeting on 21 April 2011, the DSB established a panel. As provided for in Article 9.1 of the DSU with regard to multiple complainants, the DSB agreed that the panel established to examine the complaint by Canada (DS401), would also examine Norway's complaint (DS400). Argentina, Canada, China, Colombia, Ecuador, Iceland, Japan, Mexico, Namibia, the Russian Federation and the United States reserved third party rights.

The Panel circulated its report to WTO Members in November 2013.

In February 2014 all three Parties filed appeals against the Panel´s findings.

The hearing of verbal arguments, to which the public had access, was held in March 2014.

The report of the Appellate Body (AB) was issued in May 2014.

At its meeting on 18 June 2014, the DSB adopted the AB report and the Panel report, as modified by the AB report. At the DSB meeting on 10 July 2014, the EU advised that it would implement the DSB recommendations and rulings in a manner that respected its WTO obligations. On 5 September 2014, Canada and the EU informed the DSB that the agreed implementation period would conclude on 18 October 2015.

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