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R95 **Russian Economy in 2019. Trends and outlooks. (Issue 41)** / [V. Mau et al; scientific editing by Kudrin A.L., Doctor of sciences (economics), Radygin A.D., Doctor of sciences (economics), Sinelnikov-Murylev S.G., Doctor of sciences (economics)]; Gaidar Institute. – Moscow: Gaidar Institute Publishers, 2020. – 596 pp.: illust.

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The review "Russian Economy. Trends and Outlooks" has been published by the Gaidar Institute since 1991. This is the 41th issue. This publication provides a detailed analysis of main trends in Russian economy, global trends in social and economic development. The paper contains 6 big sections that highlight different aspects of Russia's economic development, which allow to monitor all angles of ongoing events over a prolonged period: global economic and political challenges and national responses, economic growth and economic crisis; the monetary and budget spheres; financial markets and institutions; the real sector; social sphere; institutional changes. The paper employs a huge mass of statistical data that forms the basis of original computation and numerous charts confirming the conclusions.

By contrast to the previous publications the present issue includes also a short analysis of the first three months of 2020 from the perspective of the COVID-19 pandemic impact on the Russian economy development.

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4.10. Russia's participation in the WTO disputes[1]

The trade dispute settlement mechanism is applied by the WTO under the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU).[2] Russia, as a member of the WTO, enjoys the right to protect her trade interests by means of this instrument. The dispute settlement procedure applied by the WTO consists of five main successive stages:

- *bilateral consultations* (within 60 days from the moment of filing a request for consultations);
- *establishment of a panel* at the request of any of the parties to a dispute and appointment of panel experts to examine the facts of the case (within 45 days of the request to establish a panel);
- *panel examination* (within 6–9 months after its establishment), presentation of its report to the Dispute Settlement Body (DSB), and issuance of recommendations by the DSB (approximately 60 days from the moment of report presentation by the panel);
- *case examination by the Appellate Body (AB)*, if one of the parties chooses to appeal against the panel report (60–90 days from the moment of filing an appeal), adoption of the report by the Appellate Body of the DSB, and issuance by the DSB of its recommendation to the parties (30 days from the moment of presentation of the Appellate Body's report);
- *control, by the DSB*, of the implementation of its recommendations (not later than 15–18 months after the adoption by the DSB of a report presented by a panel or the Appellate Body).

Russia has been actively participating in the dispute settlement system handled by the WTO. As of the year-end of 2019, Russia had been involved in a total of 96 disputes: in 8 disputes as a complainant, in 9 disputes as a respondent, and in 79 disputes as a third party. In 2019, Russia became a party to 13 new trade disputes in the framework of the WTO: in one as a complainant, and in 12 – in the role of a third party. In 2019, two disputes that Russia was a main party to (DS493 (complainant), DS512 (respondent)) underwent their key stages – Russia won both these disputes over Ukraine (see *Table A-1 in the Annex*).

In the majority of cases Russia is either a complainant or respondent in the WTO disputes with the EU, Ukraine, and the USA. As a complainant, Russia is concerned in the main with anti-dumping investigations and anti-dumping measures, in particular in metallurgy and the chemical industry. Complaints against Russia in the framework of the WTO are filed by its members with respect to the following issues: technical barriers to trade; sanitary and phytosanitary measures; anti-dumping measures; investment measures influencing trade; tariffs; transit restrictions.

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[1] This section was written by: *Baeva M.A.*, researcher at the RANEPA Center for International Trade Research, and *Knobel A.Yu.*, Candidate of science (Economics), Director of the RANEPA Center for International Trade Research, Director of the Institute for International Economics and Finance of the RFTA.

[2] URL: https://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm.

As a third party, Russia usually joins the disputes that focus on the products of metallurgy, agriculture, the food industry, the automotive and aircraft industries, as well as renewable energy sources, and lumber and wood products. Special focus is made on those disputes that address anti-dumping investigations and the resulting anti-dumping measures, and also subsidies and countervailing measures. Russia's participation as a third party is usually motivated not only by a strong trade-related interest, but also by the need to gain practical experience of participating in disputes addressing specific themes (in particular, anti-dumping, countervailing and safeguard measures, and underlying investigations), a systemic interest in the procedures governed by the norms and rules of the WTO, and sometimes Russia sides with the respondent (as a rule, with respect to issues of human and animal health protection).

We believe that special emphasis should be put on the crisis of the multilateral trade system (MTS), primarily the WTO, which has been apparent for years. The mechanism for resolving trade disputes by the WTO is still plagued by serious problems. These problems are as follows: first, the extremely slow pace of the dispute settlement process; failure to comply with the time limit recommended for the completion of one or other stage of dispute settlement; second, the member selection crisis of the WTO Appellate Body, whose resolution has been repeatedly blocked by the USA, which has led to an effective paralysis of the WTO Appellate Body. As of the end of 2019, the WTO Appellate Body had had 10 appeals submitted thereto. By then, the second terms for two of the remaining three members had expired (in 2018 and 2019), and thus, in late 2019, the WTO Appellate body was reduced to just one member (from China), whose term will expire on 30 November 2020. The USA has long been blocking the replacement of any of the members of the WTO Appellate Body and rejected numerous proposals to launch the selection process to fill the remaining vacancies (thus putting the WTO dispute settlement system in a complicated situation where the WTO Appellate Body had to effectively suspend its activities), on the pretext that the WTO dispute settlement system, including the WTO Appellate Body, is in dire need of a cardinal reform. According to the USA, the WTO Appellate Body has persistently overreached and failed to comply with the WTO rules, 'has altered WTO Members' rights and obligations through erroneous interpretations of WTO agreements', and failed to comply with the established timeframe for considering an appeal.[1] As a result of the suspension of the WTO Appellate Body's activities, the WTO dispute settlement mechanism has been put at risk of losing its ability to assess the activities of panels, while parties to disputes will become unable to appeal against their decisions. This state of affairs could give rise to a situation where WTO members will be increasingly resorting to trade protection and refraining from complying with the DSB's decisions, while their opponents, in their turn, will undertake retaliatory measures. Many WTO members are in agreement on the need to reform the WTO. Russia not only opposes any violation of WTO rules and regulations, but also proclaims her devotion to the multilateral system and adherence to the principle of its strengthening and reforming.

Some countries are engaged in trade negotiations or have already concluded bilateral agreements that will enable them to efficiently operate within the framework of the WTO. Thus, such negotiations are currently taking place between Russia and the EU.[2]

The WTO dispute settlement mechanism remains an important instrument for combating protectionist measures. So far, slightly more than half of all disputes have been settled in one

[1] For more details on the crisis of the WTO Appellate Body, see Monitoring of Relevant Events in International Trade. 2019. No 43 (February). URL: https://www.vavt-imef.ru/wp-content/uploads/2020/02/Monitoring_43.pdf.
[2] URL: https://tass.ru/ekonomika/7073958.

or other way, but they by no means always result in the measures at issue being abolished. Sometimes, the outcome of a dispute is such that no further action is required from the respondent, or a complainant requests that retaliatory measures should be imposed if the respondent fails to comply with the DSB's recommendations.

As a rule, a dispute handled by the WTO centers around certain claims, some of which can be upheld by the DSB, while others be denied. The measures may be either specific (e.g., an anti-dumping measure imposed on a certain product) or systemic (e.g., a specific practice of enforcing anti-dumping measures). And this should be taken into consideration when assessing the victory or defeat of parties in a dispute.

There have already been some occasions when Russia had to make her measures consistent with WTO norms and rules – for example, in the dispute, initiated by the EU concerning the tariff treatment of certain agricultural and manufacturing products, when Russia applied ad valorem duty rates in excess of the bound rates set at the time of her accession to the WTO (DS485).

There still remain some serious problems that have to do with the WTO trade dispute settlement mechanism (lengthy procedure, absence of any compensation mechanism that could be applied during the period preceding the issuance of a panel ruling, the crisis currently being experienced by the WTO Appellate Body, etc.). Some members (including Russia and the EU) are negotiating or already actually signing bilateral dispute settlement agreements in the framework of the WTO. Besides, some alternative methods of settling trade disputes are being discussed.

The cases when the decisions and recommendations of the DSB are not complied with by complainants (particularly the USA) are becoming increasingly frequent, and so the number of requests filed by complainants to the effect that concessions and other obligations to a respondent should be suspended has also been increasing.

4.10.1. The progress, in 2019, of the trade disputes handled by the WTO where Russia has acted as complainant

In 2019, Russia filed one new complaint with the DSB – against the USA concerning anti-dumping measures on carbon-quality steel from Russia (DS586).[1]

DS493: Ukraine – Anti-dumping measures on ammonium nitrate (Russia)

On May 7, 2015, Russia filed with the WTO a request for consultations with Ukraine in respect of the Ukrainian anti-dumping measures on ammonium nitrate imports from Russia.[2] In summer 2018, the panel presented its report whereby it was established that Ukraine had conducted anti-dumping investigations in violation of WTO norms and rules: Ukraine rejected the information of producers on electric energy prices in Russia, using instead price information from third countries (i.e., resorted to 'energy cost adjustments'). The fact that the panel's decision in that dispute was in favor of Russia has created an important precedent for the other similar disputes between Russia and the EU concerning 'energy cost adjustments' (DS474, DS494 and DS521).

On 23 August 23, 2018, Ukraine appealed to the WTO Appellate Body certain issues of law and legal interpretations in the panel report, and on September 12, 2019 the Appellate Body report, where the panel findings were upheld, was circulated to Members. On September 30,

[1] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds586_e.htm.
[2] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds493_e.htm.

2019, the DSB adopted the Appellate Body report and panel report, issuing recommendations that Ukraine's measures should be made consistent with the norms and rules of the WTO. On October 28, 2019, Ukraine informed the DSB that it intended to implement the DSB's recommendations and rulings in that dispute, and that it would need a reasonable period of time to do so. On November 21, 2019, Russia requested the reasonable period of time to be determined through binding arbitration pursuant to Article 21.3(c) of the DSU (Surveillance of Implementation of Recommendations and Rulings).

DS521: EU – Anti-dumping measures on certain cold-rolled flat steel products from Russia (Russia)

On January 27, 2017, Russia requested consultations with the EU concerning anti-dumping measures imposed by the EU on Russian imports of certain cold-rolled flat steel products.[1] This is an example of Russia disputing the practice of 'energy cost adjustments' in the course of anti-dumping investigations when the information of Russian producers is replaced by price information from third countries, in spite of the fact that the EU has recognized Russia's status as a market economy.

On March 13, 2019, Russia requested the establishment of a panel, and on April 26, 2019 such a panel was set up. China, India, Japan, the Republic of Korea, Saudi Arabia, Ukraine and the USA joined the dispute as third parties, some of them siding with the complainant, while the others (e.g., Ukraine, which had had a similar dispute with Russia concerning 'energy cost adjustments' (DS493), which Russia won in late September 2019) – with the respondent. As of late 2019, the dispute undergoes the stage of panel expert appointment.

DS554: USA – Certain measures on steel and aluminum products (Russia)

On June 29, 2018, Russia filed with the DSB a request for consultations with the USA concerning the protective measures on steel and aluminum products imposed in spring 2018.[2] Russia claimed that the USA acted contrary to the WTO's principle of the MFN, introduced restrictions other than duties, taxes or other charges, made effective through quotas, on the importation of products, failed to produce reasoned conclusions and properly substantiate safeguard measures, failed to give notice in writing to the WTO in advance, and failed to afford an opportunity for consultations; besides, the USA acted inconsistently with the Agreement on Safeguards, because the measures were introduced without a preliminary investigation and a published reports on its results and conclusions.[3] The USA claimed that the disputed measures are not safeguards, citing the national security exceptions in Article XXI of the GATT 1994.

In 2017, 13% of Russian steel and aluminum exports went to the USA, while Russia's share in US imports was 32%.[4] Disputes on similar issues were initiated against the USA by China (DS544), India (DS547), the EU (DS548), Canada (DS550), Mexico (DS551), Norway (DS552), Switzerland (DS556), and Turkey (DS564), and Russia joined most of them as a third party (more on this will be said later).

On November 21, 2018, a panel was established, which began the examination process in late January 2019. The panel expects to issue its final report no earlier than autumn 2020.

[1] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds521_e.htm.
[2] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds554_e.htm.
[3] For further details, see Monitoring of Relevant Events in International Trade. 2018. No 15 (July). URL: http://www.vavt.ru/materials/site/ff38dff389dbda77432582db00452f9e/$file/Monitoring_15.pdf.
[4] UN COMTRADE database. URL: http://comtrade.un.org/.

DS586: USA – Anti-dumping measures on carbon-quality steel from Russia (Russia)

On July 5, 2019, Russia filed with the DSB a request for consultations with the USA regarding the anti-dumping measures imposed by the USA on Russian hot-rolled flat-rolled carbon-quality steel products. Russia claimed that the US measures were inconsistent with the Anti-Dumping Agreement because the USA:[1]

- failed to determine an individual dumping margin for each known exporter or producer concerned of the product under investigation and instead relied on 'all others' rate;
- failed to calculate the costs of production of the product under consideration;
- failed to properly review the need for continued imposition of the anti-dumping duties and to terminate the duties that were not necessary to offset dumping;
- extended the measures at issue relying on flawed dumping margins and on erroneous likelihood of recurrence or continuation of dumping determinations;
- refused to rely on information provided by Russian exporters, whereas the conditions to resort to facts available were not met.

The measure at issue had been imposed from July 12, 1999. After adjustment, over the period from September 16, 2016 through September 15, 2021, an anti-dumping duty rate of 73.59% should have been applied to PAO Severstal, and 184.56% to the other Russian exporters; however, from January 5, 2017 the same anti-dumping duty rate of 184.56% has been established for all Russian companies.[2]

4.10.2. The progress, in 2019, of the trade disputes handled by the WTO where Russia has acted as respondent

No new complaints against Russia were filed with the DSB in 2019.

DS512: Russia – Measures concerning traffic in transit (Ukraine)

On September 14, 2016, Ukraine filed with the DSB a request for consultations with Russia regarding alleged multiple restrictions on traffic in transit from Ukraine through RF territory to third countries (countries in Central/Eastern Asia and the Caucasus).[3] In summer 2016, Russia introduced requirements that all international cargo transit by road and rail from the territory of Ukraine destined for the Republic of Kazakhstan or the Kyrgyz Republic, through the territory of the Russian Federation, be carried out exclusively from the Belarus-Russia border, and comply with a number of additional conditions related to identification seals and registration cards at specific border control points, the application of special identification means (seals), including those functioning on the basis of the technology of global satellite navigation system GLONASS, and the use of certain registration cards for drivers when entering and leaving the RF territory. Additionally, Russia imposed a ban on all road and rail transit of goods which were subject to non-zero import duties according to the Common Customs Tariff of the EEU, as well as of goods falling under the import ban.[4]

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[1] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds586_e.htm.

[2] Monitoring of Relevant Events in International Trade. 2019. No 35 (September). URL: https://www.vavt-imef.ru/wp-content/uploads/2019/09/Monitoring_35.pdf.

[3] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds512_e.htm.

[4] Executive Order of the President of the Russian Federation No. 1 dated January 1, 2016 'On measures to ensure economic security and national interests of the Russian Federation in international cargo transit from the territory of Ukraine to the territory of the Republic of Kazakhstan through the territory of the Russian Federation', with corresponding amendments.

Ukraine claimed that the measures at issue were introduced by Russia since the application of the EU – Ukraine Deep and Comprehensive Free Trade Area (from January 1,2016); those measures were inconsistent with the WTO provisions on freedom of transit because, by imposing a ban on transit of certain goods, Russia denied freedom of transit through its territory via the routes most convenient for international transit, for traffic in transit from the territory of Ukraine, and because it made distinctions based on the place of origin, departure, entry, exit or destination. Russia failed to accord to traffic in transit from the territory of Ukraine treatment no less favorable than the treatment accorded to traffic in transit from any third country. Ukraine complained that the relevant normative legal acts concerning the measures at issue had not been published promptly in such a manner as to enable the Ukrainian Government and traders to become acquainted with them. Ukraine believed that those measures were inconsistent with the WTO provisions on general elimination of quantitative restrictions, as well as the Protocol on the Accession of the Russian Federation to the WTO. According to Ukraine, after the measures that restricted traffic in transit had been introduced, the volume of trade between Ukraine and countries in Central/Eastern Asia and the Caucasus over the period of January – June 2016 shank by 35.1% relative to the corresponding period of 2015.

On February 9, 2017, Ukraine requested the establishment of a panel. At its meeting on March 21, 2017, the DSB set up such a panel. The panel examination started from November17, 2017, and on April 5, 2019, the panel report was circulated, where the panel upheld Russia's position.[1] Russia asserted that the measures were among those that it considered necessary for the protection of its essential security interests, which it took in response to the emergency in international relations that occurred in 2014, and which presented threats to Russia's essential security interests. Russia therefore invoked the provisions of Article XXI(b)(iii) ('Security Exceptions') of the GATT 1994.

The panel found that WTO panels have jurisdiction to review aspects of a Member's invocation of Article XXI(b)(iii), and that Russia had met the requirements for invoking Article XXI(b)(iii) in relation to the measures at issue. Based on the particular circumstances affecting relations between Russia and Ukraine, the panel determined from the evidence before it that the situation between Ukraine and Russia since 2014 was an 'emergency in international relations'. The panel also determined that the challenged transit bans and restrictions were taken in 2014 and 2016, and therefore were 'taken in time of" this 2014 emergency.

The panel found that 'essential security interests' could be generally understood as referring to those interests relating to the quintessential functions of the state. The panel observed that the specific interests at issue will depend on the particular situation and perceptions of the state in question and can be expected to vary with changing circumstances. For these reasons, the panel held that it is left in general to every Member to define what it considers to be its essential security interests, and that it was for a Member itself to decide on the 'necessity' of its actions for the protection of its essential security interests.

The panel considered that the 2014 emergency said to threaten Russia's essential security interests was very close to the 'hard core' of war or armed conflict. In these circumstances, the panel was satisfied of the veracity of Russia's designation of its essential security interests, upheld Russia's right for exception from the rules of the WTO, and did not consider it necessary to address Ukraine's claims of violation. An appeal against the panel ruling was not filed. Over the course of the dispute settlement procedure, Russia was extending the period of restrictions

[1] Monitoring of Relevant Events in International Trade. 2019. No 27 (April) URL: http://www.vavt.ru/materials/site/658fe4e4867c8bb7432583d90027106f/$file/Monitoring_27.pdf.

by means of repeatedly issued executive orders of the President. From July 1, 2019, Executive Orders No 1 of the President, dated January 1, 2016 was no longer in force,[1] and traffic in transit from Ukraine through Russian territory was permitted on condition that goods be shipped by automobile or railway transport with special identification means (seals) functioning on the basis of the technology of global satellite navigation system GLONASS.[2] So, the WTO does not consider national security issues. However, a panel may assess, on receiving a corresponding request, the lawfulness of a member of the WTO invoking a security exception. The panel ruling has established a precedent for interpreting Article XXI ('Security Exceptions') of the GATT 1994, which does not prevent members of the WTO from taking any action 'for the protection of its essential security interests… in time of war or other emergency in international relations'; previously, no such interpretation had ever been referred to.

According to Maxim Oreshkin, Russia's then Minister for Economic Development, the panel ruling in the dispute initiated by Ukraine against Russia is very important, among other things, from the point of view of settling Russia's trade disputes with the USA, the latter having raised the duties on steel and aluminum products, citing the provisions of Article XXI of the GATT. In June 2018, several countries, Russia including (DS554), filed their requests for consultations with the DSB. The Minister also noted that Russia's victory in this dispute is of high systemic importance for the future reform of the WTO.[3]

DS566: Russia – Additional duties on certain products from the United States (USA)

On August 27, 2018, the USA filed with the DSB a request for consultations with Russia concerning the introduction of import tariffs on some types of products manufactured in the USA.[4] The USA argued that these measures were inconsistent with WTO norms and rules, because Russia did not impose the additional duties measure on like products originating in the territory of any other WTO member, and also granted the USA a less favorable regime than that set out in Russia's schedule of concession. In accordance with RF Government Decree No. 788 dated July 6, 2018, from August 2018 onwards Russia raised the rates of import customs duties on forklift trucks and other trucks equipped with lifting or loading-unloading devices, graders, tamping machines, tools for cutting optical fiber, etc. The new customs duty rates amount to 25, 30 and 40 percent of customs value, depending on product type. According to the RF Ministry of Economic Development, Russia was acting in the framework of the Agreement on Safeguards, having introduced those measures by way of compensating for the injury resulting from the US safeguard measures against the importation of steel and aluminum products from other countries, Russia including. The USA noted that these were not safeguard measures, and so did not fell within the scope of the Agreement on Safeguards. Similar requests were filed by the USA against Canada (DS557), China (DS558), the EU (DS559), Mexico (DS560), Turkey (DS561), and India (DS585), and Russia joined those disputes as a third party. The said countries raised their customs tariffs on certain US products in response to the safeguard measures introduced by the USA against steel and aluminum imports. Previously, these measures imposed by the USA had already been disputed with the WTO by some countries,

[1] URL: http://docs.cntd.ru/document/420327325.
[2] URL: http://docs.cntd.ru/document/564085014.
[3] Monitoring of Relevant Events in International Trade. 2019. No 27 (April). URL: http://www.vavt.ru/materials/site/658fe4e4867c8bb7432583d90027106f/$file/Monitoring_27.pdf.
[4] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds566_e.htm.

Russia including (DS554) (see the section on the trade disputes here Russia has acted as complainant).[1]

On November 22, 2018, the USA filed a request for the establishment of a panel, which was set up accordingly on December 18, 2018. From late January 2019, the panel examination was launched, and the panel expects to issue its final report in H2 2020.

4.10.3. The progress, in 2019, of the trade disputes handled by the WTO where Russia has acted as third party

From the moment of its accession to the WTO, Russia has already participated in 79 disputes as a third party. About 30% of these disputes have already been settled; in 35% of disputes, the main dispute settlement procedures have been completed; and in 4% of disputes, the DSB ruled in favor of the respondent (DS458, DS467, DS487). The classification of the main themes of disputes where Russia claimed its status of a third party is presented in the Annex (*Table A-2)*. The following themes are singled out: a ban or restrictions on imports; safeguard investigations and measures (anti-dumping or countervailing measures and safeguards); restrictions on exports; intellectual property rights; subsidies (including those related to tax exemptions and other preferential treatments); tariffs and tariff-rate quotas; and economic sanctions. Overall, Russia has joined the following trade disputes initiated by the USA (15 out of 79 disputes), China (9 disputes), the EU (8 disputes), and Japan (7 disputes). EC (6 disputes), as well as Canada and the Republic of Korea (4 disputes each); and those initiated against the USA (25 disputes), China (11 disputes), the EU (8 disputes), Australia and Canada (4 disputes each). Russia's role as a third party is usually motivated not only by a significant trade-related interest, but also by practical considerations related to certain specific issues and by systemic considerations that have to do with the implementation of certain norms and rules of the WTO. It sometimes so happens that formally different disputes that have been initiated by different complainants focus on one and the same measure imposed by the respondent (later, we are going to discuss some 'unique cases' – these are 56 out of 79 disputes). As far as the products at issue are concerned, Russia has joined, most frequently, the disputes that have to do with measures addressing agriculture and the food industry (13 out of the 56 'unique cases'), metallurgy (11), machine-building (6), and the chemical industry and renewable energy sources (4 cases each).

As far as the agreements covering the disputes where Russia acted as a third party are concerned (one dispute is usually covered by several agreements), their by-theme distribution is shown in *Fig. 54* (only 'unique' disputes were selected – that is, the duplication of those measures that gave rise to several disputes was removed). The majority of these disputes have to do with the GATT, the Anti-Dumping Agreement, and the Agreement on Subsidies and Countervailing Measures (ASCM). Besides, Russia's concerns also targeted inconsistencies with the Agreement Establishing the WTO and the Agreement on Safeguards.

[1] Monitoring of Relevant Events in International Trade No 16 (September) 2018. URL: http://www.vavt.ru/materials/site/e8f1eec062f6adde43258306004d0d6f/$file/Monitoring_16.pdf.

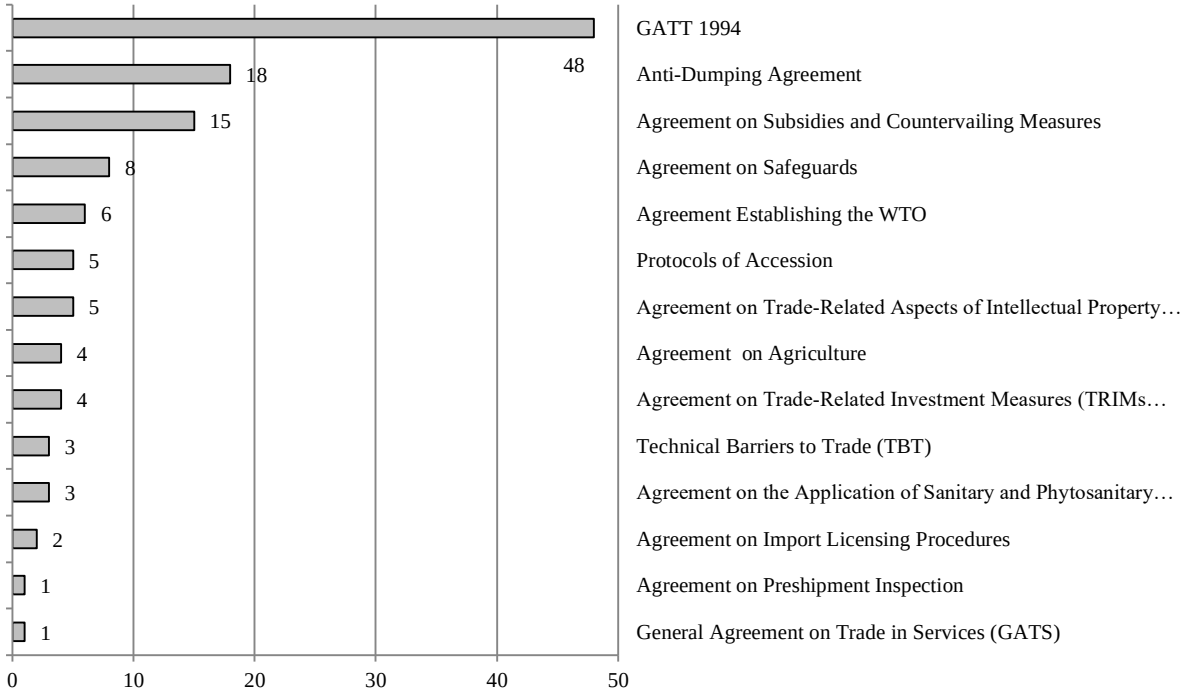

Fig. 54. The themes of WTO disputes where Russia acted as a third party

Source: own compilation based on data published on the WTO's official website: URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds462_e.htm.

First of all, let us review the changes that occurred over the past year in the 22 unique disputes that Russia had joined as a third party prior to 2019.

DS437: United States – Countervailing duty measures on certain products from China

In late May 2012,[1] China initiated a dispute against the USA regarding the countervailing measures that affected Chinese products. China claimed that it encountered various difficulties when trying to access the results of investigations by USA that had served as the grounds for US countervailing measures against China. China cited approximately 20 such investigations conducted by the USA and targeting in the main the products of metallurgy and the steel industry (for example, tubes and pipes, steel wheels, steel wire, etc.). China believed that the USA acted on an incorrect allegation that state-owned enterprises were 'public bodies' that were conferring countervailable subsidies through their sales of inputs to downstream producers. Besides, China pointed out that the US Department of Commerce (USDOC) initiated its investigation based on erroneous findings, in particular it failed to provide sufficient evidence that the subsidy would be specific for a given enterprise or industry. Also, the USDOC improperly calculated the alleged amount of benefit based on the prevailing market conditions in China. China won the dispute – it was recommended that the measures at issue should be made properly consistent by April 1, 2016. From late July 2016, the panel examined the implementation, by the respondent, of the DSB's recommendations, and issued its report in late March 2018. The USA and China both appealed against the panel ruling. On July 16, 2019 the WTO Appellate Body circulated its report, where it generally upheld the panel findings. The

[1] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds437_e.htm.

Appellate Body found that the panel correctly assessed the scope of the measures falling within its terms of reference in these proceedings. The Appellate Body **upheld** the panel's conclusions that Article 1.1(a)(1) (Definition of a Subsidy) of the Agreement on Subsidies and Countervailing Measures (SCM Agreement) does not prescribe a connection of a particular degree or nature that must necessarily be established between an identified government function and the particular financial contribution at issue. The Appellate Body also upheld the panel's finding that the USDOC's public body determinations at issue were not based on an improper legal standard.

The Appellate Body upheld the panel's finding that Article 14(d) (Calculation of the Amount of a Subsidy in Terms of the Benefit to the Recipient) of the SCM Agreement does not limit the possibility of resorting to out-of-country prices to the situation in which the government effectively determines the price at which the good is sold.

The Appellate Body found that there may be different ways of demonstrating that prices were actually distorted, including a quantitative assessment, price comparison methodology, a counterfactual, or a qualitative analysis. While evidence of direct impact of government intervention on prices may make a finding of price distortion likely, evidence of indirect impact may also be relevant. At the same time, establishing a nexus between such indirect impact of government intervention and price distortion may require more detailed analysis and explanation. Independently of the method chosen by the investigating authority, it had to adequately take into account the arguments and evidence supplied by the petitioners and respondents, together with all other information on the record, so that its determination of how prices in the specific markets at issue were in fact distorted as a result of government intervention be based on positive evidence. The WTO Appellate Body considered that the panel's reasoning was consonant with its interpretation of Article 14(d).

The Appellate Body found that the United States had not established that the panel erred in its interpretation and application of Article 14(d) of the SCM Agreement in finding that the USDOC had failed to explain, in the OCTG, Solar Panels, Pressure Pipe, and Line Pipe Section 129 proceedings, how government intervention in the market resulted in domestic prices for the inputs at issue deviating from a market-determined price.

The WTO Appellate Body ruled that, in its reasoning, the panel rightly contrasted the USDOC's failure to explain 'systematic activity … regarding the existence of an unwritten subsidy program' with information before the USDOC merely indicating 'repeated transactions'. The Appellate Body upheld the panel's finding that the United States acted inconsistently with Article 2.1(c) of the SCM Agreement in 11 proceedings at issue in this dispute. In mid-August 2019, the DSB adopted the Appellate Body report and the panel report, as upheld by the Appellate Body.

On October 17, 2019 China requested the authorization of the DSB to suspend concessions or other obligations pursuant to Article 22.2 of the DSU on the grounds that the USA had failed to comply with the DSB's recommendations and rulings within the reasonable period of time provided in agreed procedures under Articles 21 (Surveillance of Implementation of Recommendations and Rulings) and 22 (Compensation and the Suspension of Concessions) of the DSU (sequencing agreement). On October 25, 2019, the USA informed the DSB that it objected to China's proposed level of suspension of concessions. At the DSB meeting on October 28, 2019, the matter was referred to arbitration pursuant to Article 22.6 of the DSU.

Russia's concerns associated with this dispute can be explained not only by the significant commercial interests (trade in the products of metallurgy and steelmaking), but also the need to

gain practical experience of participating in disputed regarding subsidies and countervailing measures (including during the stages of panel examination and control, by the DSB, of compliance with its recommendations) and to study the legal enforcement practices of the WTO with regard to subsidies (in particular, *prohibited subsidies*); this matter interests Russia from the point of view of supporting domestic producers in compliance with the norms and rules of the WTO. Also of interest are the WTO Appellate Body's conclusions concerning the USDOC's public body determinations and the USDOC's failure to explain 'systematic activity … regarding the existence of an unwritten subsidy program' when determining the specificity of *subsidies*.

DS471: USA – Certain methodologies and their application to anti-dumping proceedings involving China (China)

In late 2013, China filed with DSB a request for consultations with the USA regarding the 'zeroing' methodology[1] that the USA used in its anti-dumping investigations (as a basis for its request, China included a total of 25 different products from China).[2] China claimed that the methodology was inconsistent with the Anti-Dumping Agreement in that it incorrectly determined the fact and evidence of dumping and led to incorrect calculation and levying of anti-dumping duties. The panel upheld nearly all of the claims presented by China. In May 2017, the DSB, having adopted the Appellate Body's report, recommended that the USA should make its measures properly consistent by August 22, 2018.

On 9 September 2018, China requested DSB authorization to suspend concessions or other obligations to the United States with respect to trade in goods in the amount of USD 7.043 billion, arguing that this was equivalent to the level of nullification or impairment caused by the USA' failure to implement the DSB recommendations and rulings. The USA informed the DSB that it objected to China's proposed level of suspension of concessions. In late September 2018, the matter raised by the USA was referred to arbitration; the arbitrator was composed by the original panel members. In early November 2019, the decision by the arbitrator was circulated to Members. It was determined that the level of nullification or impairment was USD 3.579 billion. The arbitrator concluded that, in accordance with Article 22.4 of the DSU (Compensation and the Suspension of Concessions), China may request authorization from the DSB to suspend concessions or other obligations at a level not exceeding USD 3.579 billion annually.[3]

Anti-dumping investigations and anti-dumping measures are at issue in the majority of disputes initiated by Russia, thus underlining Russia's systemic interest in such matters. In April 2017, the USA initiated an anti-dumping investigation against imports of hot-rolled bars originating in Russia. Therefore, the anti-dumping investigation methodologies applied by the USA are causing concern for Russia – thus, in July 2019 Russia filed with the DSB a complaint against the anti-dumping measures imposed by the USA on the hot-rolled flat-rolled carbon-quality steel products supplied by Russian companies (DS586).

[1] A weighted average export price that was above or equal to a weighted average normal value was treated as zero, thus being disregarded when determining a margin of dumping for the product as a whole, and so the margin was inflated.

[2] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds471_e.htm.

[3] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds471_e.htm.

DS472, DS497: Brazil – Certain measures concerning taxation and charges (EU, Japan)

In 2013, the EU,[1] and in 2015, Japan[2] filed with the DSB a request for consultations with Brazil regarding the provision of government subsidies. According to the complainants, by means of establishing certain government programs in the automotive and electronics sectors, Brazil provided preferences and support to domestic producers and exporters (in particular, tax advantages conditioned to the use of domestic intermediate goods and export contingent subsidies), which was inconsistent with one of the core principles maintained by the WTO – that of 'national treatment'. Overall, the panel upheld the complainants' claims to Brazil and recognized the measures at issue to be inconsistent with the WTO norms. The panel determined that the discriminatory aspects of the government programs could indeed conduce to the establishment of competitive and sustainable domestic industry capable of supplying the domestic market. However, Brazil did not demonstrate that such measures were indeed necessary for capacity-building of suppliers, because imports were not taken into consideration. The panel concluded that the alternative approaches (such as non-discriminatory subsidies or lowered trade barriers for imports of digital television transmitters) suggested by the complainant were not inconsistent with the WTO norms and were more compatible with the declared goals.

In autumn 2017, Brazil and the EU appealed against the panel ruling. On December 13, 2018, the AB presented its report. The WTO Appellate Body agreed with the panel's conclusions that the government tax incentive programs for the automotive and electronics sectors were discriminatory in some of their aspects and inconsistent with the GATT 1994 and the TRIMs Agreement. The Appellate Body concluded that none of the measures at issue in the dispute could be justified within the meaning of Article III:8 (b) of the GATT 1994 (National Treatment on Internal Taxation and Regulation). The Appellate Body reversed the panel's findings that the tax suspensions granted to registered or accredited companies under the government programs constituted financial contributions in the form of export subsidies. As for the import substituting subsidies, the Appellate Body upheld the panel findings for some programs, while reversing the findings for other programs. The Appellate Body reversed the panel's conclusions that Brazil withdrew the prohibited subsidies found to exist within 90 days because the underlying reasoning was not related to the specific circumstances of this case.

At its meeting in early January 2019, the DSB adopted the Appellate Body report and the panel reports, as modified by the Appellate Body report. On February 20, 2019, the EU and Brazil informed the DSB that they were conducting consultations with respect to the reasonable period of time within which Brazil should comply with the DSB's recommendations and rulings. On May 10, 2019, the EU and Brazil informed the DSB that they had agreed that the reasonable period of time for Brazil to implement the DSB's recommendations and rulings would be 11 months and 20 days, set to expire on 31 December 2019. In their communication, the EU and Brazil noted that with regard to the subsidies that were found to be prohibited, they had agreed that the time-period within which such measures must be withdrawn would be five months and 10 days. This time-period expired on 21 June 2019.

This dispute is of interest to Russia from the point of view of taxation practices and the settlement of disputes arising in this connection. The participation in this dispute is also important for Russia in the context of providing support to domestic producers and granting

[1] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds472_e.htm.
[2] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds497_e.htm.

subsidies in compliance with the norms and rules of the WTO, with correct understanding of the issue of prohibited subsidies.

DS484: Indonesia – Measures concerning the importation of chicken meat and chicken products (Brazil)

In October 2014, Brazil filed with the DSB a request for consultations with Indonesia concerning the restrictive administrative procedures and measures on the importation of chicken meat and chicken products to the Indonesian poultry market.[1] Brazil complained of the non-approval, by Indonesia, of the provided health certificate; of the imposition of a non-automatic import licensing regime to Brazilian imports; of the requirement of a prior recommendation from the Indonesian Ministry of Agriculture for the product imports at issue, the imposition of transit restrictions, etc. On November 17, 2017, the DSB adopted the panel report and issued recommendations that Indonesia should bring its measures into conformity with its WTO obligations. In June 2019, Brazil requested the establishment of a compliance panel. The DSB agreed to refer the matter to the original panel. Australia, Canada, China, the EU, India, Japan, Korea, New Zealand, Norway, Russia, Saudi Arabia, and the USA reserved their third-party rights.

Russia does not export chicken meat and chicken product to Indonesia, probably because of the restrictions on imports imposed by Indonesia, and so their removal or adjustment can result in new contracts for supplies of the products at issue. Russia's participation in this dispute was motivated by an interest in SPS and TBT measures implemented in proper conformity with the norms and rules of the WTO and the practices of settling such disputes.

DS488: USA – Anti-dumping measures on certain oil country tubular goods from Korea (Republic of Korea)

In late 2014, the Republic of Korea filed a request with the DSB for consultations with the USA regarding anti-dumping measures. The Republic of Korea claimed that the anti-dumping measures on oil country tubular goods and the underlying investigation by the USA were inconsistent with the WTO norms. In November 2017, the panel presented its report, where it rejected 7 out of 8 Korea's claims, and agreed that the USA had indeed failed to use actual data of the Korean respondents to determine their constructed value (CV) profit rate. The panel rejected the requests with respect to consistency with the norms and provisions of the WTO of US laws on normal value and export price calculation, procedural acts, and public notification procedures. On January 12, 2018, the DSB adopted the panel report. On February 9, 2018, the USA informed the DSB of its intention to implement the DSB's recommendations and rulings and that it would need a reasonable period of time to do so. The reasonable period of time was set to expire on January 12, 2019, and then was extended until July 12, 2019.

On July 29, 2019, the Republic of Korea requested the authorization of the DSB to suspend concessions or other obligations pursuant to Article 22.2 of the DSU (Compensation and the Suspension of Concessions) on the grounds that the USA had failed to comply with the DSB's recommendations and rulings within the reasonable period of time. On August 8, 2019, the USA objected to Korea's proposed level of suspension of concessions pursuant to Article 22.6 of the DSU (Compensation and the Suspension of Concessions). On August 9, 2019, the matter was referred to arbitration pursuant to Article 22.2 of the DSU (Compensation and the Suspension of Concessions) .

[1] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds484_e.htm.

The dispute has to do with the issues of anti-dumping investigation methodologies, and so it is of systemic importance for Russia. The relative share of products at issue in Russia's exports to the USA is 35 percent, and in total imports into the USA – 4 percent.[1]

DS490, DS496: Indonesia – Safeguards on certain iron or steel products (Chinese Taipei, Viet Nam)

In 2015, Chinese Taipei[2] and Viet Nam[3] filed a request with the DSB for consultations with Indonesia concerning the safeguard measures on imports of certain flat-rolled product of iron or non-alloy steel that the complainants claimed were inconsistent with the WTO norms. Indonesia provided no reasoned and adequate explanation concerning investigated imports and failed to properly demonstrate how increased imports could cause or threaten to cause serious injury to the domestic industry, and also failed to provide an opportunity for consultations. The measures imposed by Indonesia were inconsistent with the general principle of MFN, because they were applied only to products originating in certain countries, and Indonesia excluded from the said measures 120 developing countries, Russia including. On August 18, 2017, the panel presented its report, whereby it ruled that the measures at issue did not qualify as safeguards, and recommended that they should be made consistent with the MFN. In autumn 2017, each of the parties filed an appellee's submission. The WTO Appellate Body in its report, presented in mid-August 2018, agreed with the panel findings. The parties agreed that Indonesia would bring its measures into conformity with its obligations by March 27, 2019. On April 15, 2019 Indonesia informed the DSB that it had adopted a regulation, removing the safeguard measure challenged in this dispute, which it considered ensured full implementation of the DSB recommendations and rulings in this dispute.

For Russia, the relevant aspects of the dispute were the practices of settling matters related to safeguards and conducting an investigation thereof. Russia's interest in such a dispute could be indirectly stirred by the anti-dumping measures introduced by Indonesia over the period from December 27, 2013 through December 26, 2018 against imports of hot-rolled flat products of steel originating in Russia (the import duties for some companies were as high as 20 percent). In March 2019, the period for introducing the anti-dumping measures on certain flat-rolled product of iron or non-alloy steel originating in Russia was extended for 5 more years – from April 2, 2019 through April 1, 2024.

DS492: EU – Measures affecting tariff concessions on certain poultry meat products (China)

In April 2015, China filed a request with the DSB for consultations with the EU, because the EU undertook tariff modification negotiations with Thailand and Brazil concerning certain poultry meat products, in which these two countries have a significant vested interest, while China was denied an opportunity for such negotiations. The tariff rate quotas were almost entirely reserved for Brazil and/or Thailand, and out-of-quota bound rates were significantly in excess of the pre-modification bound rates. In March 2017, the panel presented its report, where the complainant's claims were upheld only with regard to 2 out of 10 tariff quotas at issue. The panel found that the EU's allocation of TRQ shares among the supplying countries was inconsistent with the requirements of the GATT 1994, and upheld China's claim that its

[1] UN COMTRADE database, URL: http://comtrade.un.org/
[2] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds490_e.htm.
[3] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds496_e.htm.

increased ability to export poultry products to the EU following the relaxation of the SPS measures in July 2008 was a 'special factor' that had to be taken into account by the EU when determining which countries had a 'substantial interest' in supplying the products concerned, or when determining the TRQ shares to be allocated to the category of 'all other' countries that were not recognized as substantial suppliers (including China). All the other claims presented by China were rejected. The DSB recommended the EU to bring its measures into conformity with the WTO norms within a reasonable period of time.

On May 30, 2019, the EU and China informed the DSB that they had reached a mutually agreed solution, which was that the EU should grant market access to three poultry meat products supplied by China, in the form of tariff quotas.

The dispute is interesting from the point of view of changes in the list of bound rates of tariffs, understanding of the negotiating procedure, etc. The EU has also introduced a tariff rate quota for Russia, but it is quite low (about 30,000 t of poultry meat products).[1]

DS495: Republic of Korea – Import bans, and testing and certification requirements for radionuclides (Japan)

In May 2015, Japan filed with the DSB a request for consultations with the Republic of Korea regarding the measures adopted by the latter subsequent to the accident at the Fukushima Daiichi nuclear power plant: import bans on certain food products; additional testing and certification requirements regarding the presence of certain radionuclides; and a number of alleged omissions concerning transparency obligations. On February 22, 2018, the panel presented its report, where the claims of neither of the parties were upheld in full. It was found that the Korean measures were generally consistent with the WTO norms, but that they were more trade-restrictive than required; besides, it was found that Korea failed to comply with its transparency obligations with respect to the publication of all the measures.

In April 2018, the parties appealed and cross-appealed the panel decisions, and a year later the WTO Appellate Body issued its report whereby it concluded that the panel had overstepped its powers, and thus reversed some of its findings. In particular, the panel concluded that the Korean measures were inconsistent with Article 5.6 of the SPS Agreement (Assessment of Risk and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection) because they were 'more trade-restrictive than required'. The WTO Appellate Body concluded that, having identified all elements of Korea's appropriate level of protection (ALOP), the panel erred by not accounting for all of these elements in its assessment, and its analysis of the alternative measure proposed by Japan effectively focused only on the quantitative element.

The Appellate Body found that the panel erred in its interpretation of Article 2.3 of the SPS Agreement (Basic Rights and Obligations) by considering that relevant 'conditions' under this provision may be exclusively limited to 'the risk present in products', to the exclusion of other conditions, including territorial conditions that may not yet have manifested in products but are relevant in light of the regulatory objective and specific SPS risks at issue. The Appellate Body thus reversed the panel findings under Article 2.3. In light of the reversal, the Appellate Body did not consider it necessary to address Korea's additional claims of error regarding arbitrary or unjustifiable discrimination, and whether Korea's measures constitute disguised restrictions on international trade.

[1] Overview of existing restrictions on access of Russian products to foreign markets. URL: http://www.ved.gov.ru/rus_export/partners_search/torg_exp/

The Appellate Body noted that, before the panel, Japan had not made a claim of inconsistency under Article 5.7 (Assessment of Risk and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection), and that Korea did not invoke Article 5.7 as a defense, so the AB considered that, by making these findings under Article 5.7, the panel exceeded its mandate, and for this reason, the Appellate Body declared the panel's findings under Article 5.7 moot and of no legal effect.

The Appellate Body modified the panel's finding concerning publication obligations, and found instead that whether a publication under Annex B(1) of the SPS Agreement (Transparency Of Sanitary And Phytosanitary Regulations) needs to include the "specific principles and methods" may only be determined with reference to the specific circumstances of each case, such as the nature of the SPS regulation at issue, the products covered, and the nature of the SPS risks involved. The Appellate Body agreed with the panel that the press release at issue did not include the full product coverage of the measure. The Appellate Body reversed the panel findings, pointing out that the panel erred in its interpretation and application of Annex B(3) (Enquiry Points) in finding that Korea acted inconsistently with this provision because its SPS enquiry point provided an incomplete response to one request for information by Japan and failed to respond to another. The Appellate Body considered that a single failure of an enquiry point to respond would not automatically result in an inconsistency with Annex B(3).

In general upholding the panel findings at issue, the Appellate Body found that the panel did not err in declining to presume that Japanese products and Korean domestic products are "like", is spite of some questions as to whether a procedure under Annex C(1)(a) of the SPS Agreement (Control, Inspection and Approval Procedures) is at all capable of distinguishing between products based exclusively on their origin.

At its meeting on April 26, 2019, the DSB adopted the Appellate Body report and the panel report, as modified by the Appellate Body report. In early June 2019, Korea informed the DSB that it had completed the implementation of the recommendations and rulings of the DSB in this dispute as of May 30, 2019 by way of re-publishing the details of the relevant measures.

Russia, in addition to the interest in the procedural aspects of the dispute settlement practices concerning the introduction of measures in the sanitary and phytosanitary field in accordance with WTO norms and rules, has also a direct interest in such matters. The reason for this interest is that, after the accident at the Fukushima Daiichi nuclear power plant in 2011, Russia also imposed a ban on fish imports from Japan, which was lifted by the Federal Service for Veterinary and Phytosanitary Surveillance of Russia only as late as summer 2015.

DS510: USA – Certain measures relating to the renewable energy sector (India)

In 2016, India filed with the DSB a request for consultations with the USA regarding certain measures of the USA relating to domestic content requirements and subsidies instituted by the governments of several US states by way of providing performance-based incentives for the use of domestic components in the renewable energy sector (in particular, a renewable energy cost recovery incentive for customers of light and power businesses for generating electricity from renewable sources, self-generation and hydropower systems, solar photovoltaic (PV) systems), and also tax incentive for ethanol production and tax credit for biodiesel blending and storage, etc.

On June 27, 2019, the panel presented its report, where it was found that all of the measures at issue were inconsistent with Article III:4 of the GATT 1994 because they provided an

advantage for the use of domestic products, which amounted to less favorable treatment for like imported products. In mid-August 2019, the USA and India appealed and cross-appealed to the WTO Appellate Body. On October 14, 2019, the Chair of the Appellate Body informed the DSB that it would not be able to circulate a report in this case within the required 90 days, as there was a queue of appeals pending as a result of a crisis in the Appellate Body caused by the persistent blockage, by the USA, of the rotation of its members.[1]

The outcome of the dispute, as well as of the similar dispute between the USA and India (DS456),[2] also joined by Russia, will be relevant for Russia because they offer a potential for increasing the volume of exports of the products at issue to these countries. The relative share of Russian exports of the products at issue to India in Russia's total exports shrank from approximately 8 percent in 2013 to 5 percent in 2016.[3] Besides, due to the high importance of the goal of developing alternative energy sources for Russia, it is necessary to give consideration to the use of domestic content in the production process, and also to subsidize production in such a way that would not be inconsistent with the norms and rules of the WTO, because Russia has some similar programs of production localization.

DS511: China – Domestic support for agricultural producers (USA)

In September 2016, the USA requested consultations with China regarding certain measures through which China appeared to provide domestic support in favor of agricultural producers.[4] The USA disputes several normative legal acts adopted by China in 2011–2016 and addressing innovations in agricultural science and technology, the potential for increasing guaranteed supplies of agricultural products, development of agricultural regions, and advancing reform in the grain distribution system. This dispute concerns China's provision of domestic support in the form of market price support (MPS). The central element of this dispute was the calculation of the value of China's market price support (MPS) provided to producers of wheat, rice and corn, etc. According to the USA, China was not in compliance with its obligations under the WTO rules, because the level of domestic support of agricultural producers exceeded the level of obligations assumed by China in the course of its accession to the WTO.

From June 27, 2017, the panel examination was underway, and on February 28, 2019, the panel report was circulated to members. The central element of this dispute was the calculation of the value of China's market price support (MPS) provided to producers of wheat, rice and corn. Under Annex 3 (Domestic support – Calculation of Aggregate Measurement of Support) of the Agreement on Agriculture (AoA), MPS is calculated using a mathematical formula composed of three variables: the applied administered price (AAP), the fixed external reference price (FERP) and the quantity of production eligible to receive the AAP (QEP). The budgetary funding covering the difference between the two prices (shipment and storage costs) are not included in AAP. The panel found that, in China's case, the FERP should be based on years 1996-1998, drawn from Part IV of China's Schedule, rather than the years 1986-1988, set out in paragraph 9 of Annex 3 of the AoA (Domestic support – Calculation of Aggregate Measurement of Support).

For the purposes of the present case, the resulting value of MPS is compared against China's 8.5% *de minimis* commitment. To allow for this comparison, the MPS is expressed as a

[1] For more details on the crisis in the WTO Appellate Body, see Monitoring of Relevant Events in International Trade. 2019. No 43 (February). URL: https://www.vavt-imef.ru/wp-content/uploads/2020/02/Monitoring_43.pdf.
[2] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds456_e.htm.
[3] UN COMTRADE database, URL: http://comtrade.un.org/.
[4] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds511_e.htm.

percentage of the total value of production of the commodity at issue. In the present dispute, if such percentage is greater than China's 8.5% *de minimis* commitment, then China would not be in compliance with its obligations under Articles 6.3 and 3.2 of the AoA. The panel performed the calculation and found that in each of the years 2012-2015, China exceeded its 8.5% *de minimis* level of support for each of these products. The panel then found that because China's level of support exceeded the *de minimis l*evel, it was also in excess of China's commitment level of 'nil' specified in Section I of Part IV of China's Schedule CLII. On that basis, the panel concluded that China acted inconsistently with its obligations under Articles 3.2 (Incorporation of Concessions and Commitments) and 6.3 (Domestic Support Commitments) of the AoA.

At its meeting on April 26, 2019, the DSB adopted the panel report and recommended that China should make its measures consistent with its WTO obligations. On June 10, 2019, the United States and China informed the DSB that they had agreed that the reasonable period of time for China to implement the DSB's recommendations and rulings would be 11 months and 5 days, set to expire on March 31, 2020.

Russia is interested in this dispute because over the period during which the Chinese normative legal acts designed to support domestic agricultural producers (disputed by the USA) were introduced, the share of products at issue exported from Russia to China in the total volume of Russian exports of these products shrank from 7 percent in 2012 to 0.2 percent in 2016, and the share of rice shrank from 16 to 0.7 percent.[1]

DS517: China – Tariff rate quotas for certain agricultural products (USA)

In late 2016, the USA requested consultations with China concerning China's administration of its tariff rate quotas, including those for wheat, some types of rice, and corn.[2] The USA claimed that China acted contrary to its obligations assumed under the Protocol of Accession to the WTO, because its tariff-rate quotas (TRQ) for wheat, rice and corn were not transparent and predictable. The USA believed that China acted inconsistently with some provisions of the GATT 1994 by introducing prohibitions and restrictions on imports other than duties, taxes or other types of levies and failing to provide public notice of quantities permitted to be imported under each TRQ and of changes to these quantities. On February 12, 2018, a panel was established, and on 18 April 18, 2019 it presented its report.

The panel found that China's administration of tariff rate quotas was inconsistent with the obligations to administer them on a transparent, predictable, and fair basis, using clearly specified requirements, and in a manner that would not inhibit the filling of each tariff rate quota.

The Panel rejected some of the USA' claims, in particular with respect to the claim under Article XIII:3(b) of the GATT 1994 (Non-discriminatory Administration of Quantitative Restrictions) because it found that this provision required public notice of the total amounts of tariff rate quotas available for allocation and any changes thereto, not public notice of the total amounts of tariff rate quotas actually allocated and any changes thereto.

In late May 2019, the DSB adopted the panel report and recommended that China should make its measures consistent with its WTO obligations. On July 9, 2019, the USA and China informed the DSB that they had agreed that the reasonable period of time for China to implement the DSB's recommendations and rulings was set to expire on December 31, 2019.

[1] UN COMTRADE database. URL: // http://comtrade.un.org/.
[2] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds517_e.htm.

For Russia, the progress of this dispute is of great interest, because the relative share of the products at issue exported from Russia to China in Russia's total exports of these products shrank from 7 percent in 2012 to 0.2 percent in 2016, and that of rice – from 16 to 0.7 percent[1].

DS523: USA – Countervailing measures on certain pipe and tube products (Turkey)

In March 2017, Turkey filed with the DSB a request for consultations with the USA concerning the countervailing measures imposed by the USA on certain types of pipe and tube products from Turkey.[2] Turkey essentially claimed that the measures introduced by the USA appeared to be inconsistent with the Agreement on Subsidies and Countervailing Measures ('SCM Agreement') and the GATT 1994, in particular the USA's determination that certain entities were 'public bodies', and the determination regarding the specificity of a subsidy (a failure to substantiate it on the basis of positive evidence).

On December 18, 2018, the panel report was presented; the panel rejected Turkey's claims concerning public body determinations, and the claims in relation to benefit determination and likelihood-of-injury determinations, but upheld the claims concerning 'specificity determinations' and 'resort to the use of facts available' by the USA.

On January 25, 2019, the USA appealed, and on January 30, 2019, Turkey cross-appealed to the WTO Appellate Body certain issues of law and legal interpretations in the panel report. On March 25, 2019, the Appellate Body informed the DSB that it would not be able to circulate its report in this appeal by the end of the 60-day period, nor within the 90-day time-frame.

In addition to the practices of imposing countervailing measures and conducting underlying investigation, and the practices of disputing such measures when they are inconsistent with WTO norms, Russia is also interested in the outcome of the dispute from a practical point of view. In 2016, Russian exports of the products at issue to the USA lost almost 60 percent relative to 2015, while the relative share of exports to the USA in Russia's exports shrank from 14 percent in 2015 to 6 percent in 2016.[3]

DS524: Costa Rica – Measures concerning the importation of fresh avocados from Mexico (Mexico)

In early March 2017, Mexico filed with the WTO a request for consultations with Costa Rica with respect to certain measures allegedly restricting or prohibiting the importation of fresh avocados for consumption from Mexico.[4] The process of appointing panel experts took six months, most probably because of the complexity and specificity of the disputed issue. On May 16, 2019, the panel was composed; it expected to issue its final report to the parties by the second half of 2020. Canada, China, the European Union, El Salvador, Honduras, India, Panama, Russia and the USA reserved their third-party rights.

Russia's interest in this dispute was motivated mostly by the practical aspects of participating in disputes focused on SPS measures and the need to systematically study the relevant provisions. Russia is a respondent in a similar dispute initiated by the EU with respect to imports of pork and live pigs (DS475).

[1] UN COMTRADE database, URL: http://comtrade.un.org/.
[2] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds523_e.htm.
[3] UN COMTRADE database, URL: http://comtrade.un.org/.
[4] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds524_e.htm.

DS529: Australia – Anti-dumping measures on a4 copy paper (Indonesia)

In September 2017, Indonesia requested consultations with Australia with respect to its refusal to use the Indonesian exporters' home market price as the normal value of raw material (lumber) and the imposition of an anti-dumping order on A4 copy paper, because it found that a particular market situation existed, and the Government of Indonesia had been implementing policies that increased the supply of timber, which allegedly resulted in lower paper prices due to lower timber prices.[1] On July 12, 2018, the panel was composed, and in early December 2019, its report was issued. One of Indonesia's claims in this dispute concerned the second clause of Article 2.2 of the Anti-Dumping Agreement (Determination of Dumping), which provides for the discarding of domestic sales as the basis for normal value when 'because of a particular market situation, … such sales do not permit a proper comparison.' Australia found a 'particular market situation' to exist in Indonesia's A4 copy paper market because certain alleged government-induced distortions affected Indonesia's pulp and paper industries, and the price of Indonesia's A4 copy paper was lower than regional benchmarks. Indonesia contested Australia's determination of the 'particular market situation' because, in its view, the proper interpretation of that expression necessarily excludes:

- situations where input costs of the product are allegedly distorted;
- situations that affect both domestic market sales and export sales of the product;
- situations arising from government action.

The panel found that none of these situations were necessarily excluded from constituting a 'particular market situation' and, on that basis, concluded that Indonesia did not demonstrate that Australia had acted inconsistently with Article 2.2 when establishing that a 'particular market situation' existed in the Indonesian domestic market for A4 copy paper. In respect of the requirement to examine whether the domestic sales affected by the 'particular market situation' 'permit a proper comparison', the panel concluded that Australia had acted inconsistently with Article 2.2 because it did not conduct the required analysis and disregarded domestic sales of A4 copy paper without properly determining that such sales did 'not permit a proper comparison'. The panel found that Australia was not permitted to disregard the exporter's records of pulp costs because it had not established that the prerequisite express conditions in Article 2.2.1.1 of the Anti-Dumping Agreement were satisfied. The panel also found that a reasoned and adequate explanation was lacking as to why, with regard to the integrated producer's cost of producing pulp internally, the investigating authority did not utilize substitute woodchips costs in conjunction with the other recorded costs of producing pulp internally which were not affected by the particular market situation instead of utilizing substituted pulp costs.

The panel recommended that Australia bring its measure into conformity with its obligations under the Anti-Dumping Agreement but denied Indonesia's request to suggest ways in which Australia could implement the Panel's recommendations.

This complaint by Indonesia resembles Russia's claims to the EU (DS474, DS494 and DS521) and Ukraine (DS493), and this was the reason for Russia to join the dispute as a third party.

[1] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds529_e.htm.

DS534: USA – Anti-dumping measures applying differential pricing methodology to softwood lumber from Canada (Canada)

In late November 2018, Canada filed a request for consultations with the USA with respect to the US anti-dumping measures applying the differential pricing methodology to softwood lumber products from Canada.[1] Canada claimed that, in applying the weighted-average-to-transaction (W-T) calculation methodology, the USA improperly aggregated random and unrelated price variations and therefore failed to identify a pattern of export prices, and applied zeroing in its W-T calculation methodology, while zeroing in the W-T methodology did not account for all of the purported pattern transactions in calculating the margin of dumping, and so did not lead to a fair comparison of export prices.

The panel began its examination procedure in late May 2018, and on April 9, 2019 circulated its report to the parties.

With respect to the USDOC's use of zeroing under the challenged W-T methodology, Canada considered such type of zeroing to be inconsistent with Article 2.4.2 (Determination of Dumping), as interpreted in past cases. For its part, the United States considered such type of zeroing to be permissible under the second sentence. The panel agreed with the United States that such type of zeroing is permissible under the second sentence of Article 2.4.2: 'A normal value established on a weighted average basis may be compared to prices of individual export transactions if the authorities find a pattern of export prices which differ significantly among different purchasers, regions or time periods, and if an explanation is provided as to why such differences cannot be taken into account appropriately by the use of a weighted average-to-weighted average or transaction-to-transaction comparison', and thus rejected Canada's claim. In making its finding, the panel noted that the second sentence of Article 2.4.2 would become inutile if zeroing was prohibited under the W-T methodology, as this methodology, which is designed to unmask targeted dumping, would not be able to do so. Taking into account this finding, the panel also rejected Canada's claim under Article 2.4 of the Anti-Dumping Agreement (Determination of Dumping) challenging the use of zeroing under the W-T methodology.

On June 4, 2019, Canada appealed to the WTO Appellate Body certain issues in the panel report. On August 2, 2019, the Chair of the Appellate Body informed the DSB that it would not be able to circulate a report in this case within the required 90 days because it had suspended its activities.

Similarly to the dispute between Canada and the USA concerning countervailing measures with respect to softwood lumber products (DS533), Russia's participation in this dispute was determined not only by an interest in the practical aspects of a dispute concerning countervailing measures, but also by significant trade-related interests. The relative share of the USA in Russia's exports of softwood lumber products (FEACN 440910) in 2017 amounted to 7 percent, and their share in US imports was less than 1 percent.[2]

DS538: Pakistan – Anti-dumping measures on biaxially oriented polypropylene film from the United Arab Emirates (UAE)

In late January 2018, the UAE filed a request for consultations with Pakistan concerning Pakistan's anti-dumping measures on imports of biaxially oriented polypropylene film from the

[1] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds534_e.htm.
[2] UN COMTRADE database. URL: // http://comtrade.un.org/.

UAE (BOPP film).[1] The UAE claimed that the anti-dumping investigation and the following anti-dumping measures were inconsistent with the GATT 1994 and the Anti-Dumping Agreement. For example, there was insufficient accurate and adequate evidence to justify the initiation of the anti-dumping investigation, and the application filed by Pakistan should therefore have been rejected.

From early May 2019, the panel examination was launched, and on October 23, 2019, the panel announced that its final report would be presented not earlier than H2 2020.

Anti-dumping investigations were also initiated by Pakistan against certain Russian companies, but the corresponding measures were not imposed on Russian imports of hot-rolled steel sheets (proceedings started in early April 2009 and ended in late February 2011) and p*hthalic anhydride* (proceedings started in mid-February 2016 and ended in mid-December 2017).[2]

DS541: India – Export related measures (USA)

In March 2018, the USA filed a request for consultations with India concerning certain alleged export subsidy measures that the USA believed to be inconsistent with Articles 3.1(a) and 3.2 (Prohibition) of the Agreement on Subsidies and Countervailing Measures (SCM Agreement). The USA claimed that India provided export subsidies through its Export Oriented Units Scheme and sector specific schemes, including electronics hardware technology parks scheme, the merchandise exports from India scheme, the export promotion capital goods scheme, special economic zones, and a duty-free import for exporters program.

In July 2018, the panel began to examine the case, and presented its report in late October 2019. India argued before the panel that the special and differential treatment provisions of Article 27 of the SCM Agreement (Special and Differential Treatment of Developing Country Members) still excluded it from the application of the prohibition on export subsidies. However, the parties did not dispute that India had graduated from the special and differential treatment provision that it originally fell under, and the panel found that no further transition period under Article 27.2(b) was available to India after graduation: Article 27 therefore no longer excluded India from the application of the prohibition on export subsidies and from the corresponding dispute settlement procedures, laid out in Articles 3 (Prohibition) and 4 (Remedies) of the SCM Agreement, respectively.

India also argued that all the schemes at issue (except for the SEZ Scheme) fell within footnote 1 of the SCM Agreement, which carves out from the definition of a subsidy, under certain conditions, the exemption from or remission of duties or taxes on an exported product. On these grounds, the panel rejected the USA's claims regarding certain challenged customs duty exemptions under DFIS, and regarding the challenged exemption from excise duties under the Export Oriented Units (EOU) /Electronic Hardware Technology Parks (EHTP) /Bio-Technology Parks (BTP) Schemes. However, the panel found that the remaining measures under the four schemes did not meet the conditions of footnote 1, read together with the relevant paragraphs of Annex I (Illustrative List of Export Subsidies) of the SCM Agreement, in particular because of the nature of the goods for which the customs duty exemptions were available and, in the case of exports from India (MEIS), because of the entire design, structure and operation of the measure.

[1] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds538_e.htm.
[2] URL: http://i-tip.wto.org/goods/

For these measures, and for the exemptions and deductions under the SEZ Scheme, for which footnote 1 was not invoked, the panel then found that the USA had established the existence of a financial contribution (in the form of revenue foregone, in the case of the exemptions and deductions from duties and other taxes, and in the form of a direct transfer of funds, for the provision of scrips under MEIS) through which a benefit was conferred on the recipient. Further, the panel also found that the USA had established that each of those measures was contingent in law upon export performance. The panel therefore concluded that the USA had demonstrated the existence of prohibited export subsidies, inconsistent with Articles 3.1(a) and 3.2 (Prohibition) of the SCM Agreement.

The panel recommended that India withdraw the prohibited subsidies under DFIS within 90 days from adoption of the report; that it withdraw the prohibited subsidies under the EOU/EHTP/BTP Schemes, EPCG Scheme, and MEIS, within 120 days from adoption of the report; and that it withdraw the prohibited subsidies under the SEZ Scheme within 180 days from adoption of the report. On November 19, 2019, India appealed to the Appellate Body certain issues in the panel report.

Probably, Russia joined this dispute not so much because of its trade-related interests (Russia's total exports to India in 2017 amounted to approximately 2 percent of Russia's total exports), as its interest in the practical aspects of various export promotion schemes and their potential *disputability* in the framework of the WTO dispute settlement mechanism.

DS542: China – Certain measures concerning the protection of intellectual property rights (USA)

On March 23, 2018, the USA filed with the DSB a request for consultations with China concerning certain Chinese measures pertaining to the protection of intellectual property rights. The essence of the USA's claims is that China denied foreign patent holders the ability to enforce their patent rights against a Chinese joint-venture party after a technology transfer contract ended. China also imposed mandatory adverse contract terms that discriminated against and were less favorable for imported foreign technology. Therefore, China deprived foreign intellectual property rights holders of the ability to protect their intellectual property rights in China, as well as to freely negotiate market-based terms in licensing and other technology-related contracts.

From mid-January 2019, the panel examination was launched, but then in early June 2019 the USA filed a request to the panel that the examination should be suspended until December 31, 2019, and China agreed to that request. The panel informed the DSB of its decision to satisfy the request filed by the USA and to suspend the examination procedure. In its communication the panel noted that pursuant to Article 12.12 (Panel Procedures) of the DSU, the authority of the panel should lapse after 12 months of the suspension of its work. On December 23, 2019, the USA requested the panel to further suspend its work until February 29, 2020, and the panel accepted that request.

Russia's participation in this dispute can be explained not only by an interest in analyzing the outcome of the trade war between the USA and China, where Russia has also taken some part (with respect to steel and aluminum), but also by Russia's significant interest in contracts with China that have to do with technologies and the protection of intellectual property rights of Russian suppliers.

DS544, DS547, DS548, DS550, DS551, DS552, DS556, DS564: United States – Certain measures on steel and aluminum products (China, India, EU, Canada, Mexico, Norway, Switzerland, Turkey)

On April 5, 2018, China; on May 18, 2018, India; on June 1, 2018, the EU and Canada; on June 5, 2018, Mexico; on June 12, 2018, Norway; and on August 15, 2018, Turkey filed their requests for consultations with the USA concerning certain measures on steel and aluminum products imposed by the USA. In autumn 2018, the complainants filed a request for the establishment of a panel for examining the disputed issues, and on January 25, 2019 the panel examination was launched; its report is expected to be presented not earlier than autumn 2020.

In late June 2018, Russia also filed a similar complaint with the DSB against the USA concerning the measures at issue (DS554) (see earlier).

DS546: United States – Safeguard measures on imports of large residential washers (Republic of Korea)

In mid-May 2018, the Republic of Korea filed with the DSB a request for consultations with the USA concerning definitive safeguard measures imposed by the United States on imports of large residential washers, which Korea believed to be inconsistent with certain provisions of the Agreement on Safeguards and the GATT 1994, because the USA failed to make a determination regarding the existence of unforeseen developments resulting in increased imports, and the effect of the obligations incurred under the GATT 1994.

In mid-August 2018, Korea filed a request for the establishment of a panel, and it was established on September 26, 2018. On July 1, 2019, the panel examination was launched.

Russia joined this dispute as a third party, because safeguard measures imply protection against all countries, Russia including. Besides, Russia wants to gain some experience in handling disputes with the USA with respect to safeguards, because Russia itself has initiated a similar dispute (DS554).

DS553: Republic of Korea – Sunset review of anti-dumping duties on stainless steel bars (Japan)

On June 18, 2018, Japan filed with the DSB request for consultations with the Republic of Korea concerning the latter's determination to continue the imposition of anti-dumping duties on stainless steel bars (SSB) from Japan as a conclusion in the third sunset review. Japan believed that the measures at issue were inconsistent with Korea's obligations under certain provisions of the Anti-Dumping Agreement and the GATT 1994 because, in particular but not limited to, Korea failed to properly determine, as the basis to continue the imposition of anti-dumping duties on the imports from Japan, that the expiry of the duties would be likely to lead to continuation or recurrence of injury. Korea failed to demonstrate the nexus between the expiry of the duties and a continuation or recurrence of injury, and to comply with the fundamental requirement that such determination should rest on a sufficient factual basis and reasoned and adequate conclusions.

In late October 2018, a panel was established, but then in late November 2019 its chairperson noted that the panel examination was postponed for shortage of secretariat staff properly qualified to conduct the dispute in question, and so the panel planned to issue its final report in mid-2020

Over the period from October 27, 2008 to April 9, 2015 Korea imposed anti-dumping duties on kraft paper imports by certain Russian companies. Russia's interest in this dispute can be

explained by the need to gain practical experience in measures designed to protect the domestic market.

DS557: Canada, DS558: China, DS559: EU, DS560: Mexico, DS561: Turkey, DS585: India, – Additional duties on certain products from the United States (USA)

On July 16, 2018, the USA filed with the DSB requests for consultations with Canada, China, the EU, Mexico, and Turkey, and on July 3, 2019 – with India concerning the imposition of additional duties (that is, increased duties with respect to certain products originating in the USA in response to the imposition, by the USA, of safeguard measures with respect to steel and aluminum products). In late 2018 (in the dispute with India, in September 2019) the USA requested that a panel be composed. At its meeting on January 25, 2019, the DSB established a panel for the disputes against Canada, China, the EU, and Mexico, and on February 28, 2019 - for the dispute against Turkey. The panel reports are expected to be issued in H2 2020. As of the year-end of 2019, the panel appointment process in the dispute against India had not yet been completed. The USA reached mutually agreed solutions with its NAFTA and USMCA partners (the revised version of the latter having not entered into force as of the year-end of 2019) in the framework of its disputes with Canada (DS557) and Mexico (DS560), which consisted on the elimination of their surtaxes on imports of certain products from the USA. In late May 2019, the parties jointly wrote to the panel advising it of their mutually agreed solution.

Besides, the USA also filed a complaint concerning similar measures against Russia (DS566) (see earlier). As of the year-end 2019, the dispute undergoes the panel examination stage, and the panel expects to issue its final report in H2 2020.

DS567: Saudi Arabia – Measures concerning the protection of intellectual property rights (Qatar)

In early October 2018, Qatar filed with the DSB a request for consultations with Saudi Arabia concerning Saudi Arabia's alleged failure to provide adequate protection of intellectual property rights held by or applied for legal entities based in Qatar.

In June 2017, Saudi Arabia imposed a scheme of diplomatic, political, and economic measures against Qatar. Such measures impacted, inter alia, the ability of Qatari nationals to protect intellectual property rights in Saudi Arabia. The multiple Qatari companies severely impacted by these measures included beIN Media Group LLC and affiliates ('beIN'). Saudi Arabia prohibited beIN from broadcasting its content in Saudi Arabia. A circular issued by Saudi Arabia stated that distribution of beIN media content and charging of related fees in Saudi Arabia 'shall result in the imposition of penalties and fines and the loss of the legal right to protect any related intellectual property rights ....'. Soon thereafter, in early August 2017, a sophisticated broadcast pirate named 'beoutQ' emerged, taking beIN's copyrighted media content (along with beIN's trademarks) without authorization, and making it accessible on beoutQ platforms, via the Internet and satellite broadcasting. BeoutQ's unauthorized satellite broadcasts were transmitted via satellites of the Saudi-based Arab Satellite Communications Organization ('Arabsat') to beoutQ's subscribers. To enable receipt of the satellite broadcasts, beoutQ (an entity based in Saudi Arabia) was selling set-top decoder boxes throughout Saudi Arabia. As a result, beoutQ's unauthorized Internet and satellite broadcasting of beIN's content became available on a commercial scale. Despite extensive evidence of involvement of Saudi nationals, entities and facilities in the distribution of beoutQ throughout Saudi Arabia (and beyond), the Saudi authorities refused to take any effective action against beoutQ. Instead, the Government of Saudi Arabia (including both the central and municipal governments) supported

beoutQ, including by denouncing beIN's requests to investigate and prevent the pirate's unauthorized broadcasts, and by promoting public gatherings with screenings of beoutQ's unauthorized broadcasts. The Saudi authorities' support of beoutQ was also provided in the form of restrictions on, or other acts or omission that frustrated beIN's ability to pursue civil actions before the Saudi courts.

Qatar considered that the measures at issue taken by Saudi Arabia were inconsistent, in particular, with Saudi Arabia's obligations under the WTO covered TRIPS agreements:

- Article 3.1 (National Treatment) and Article 4 (Most-Favored-Nation Treatment), because Saudi Arabia created obstacles for Qatari nationals, which were not faced by Saudi nationals or the nationals of other countries, that hindered or blocked their ability to protect their intellectual property rights (including copyrights, broadcasting rights, trademarks and other forms of intellectual property) in the territory of Saudi Arabia;
- Article 9 (Relation to the Berne Convention), because Saudi Arabia failed to provide authors of works (including pre-recorded and live programming) with the exclusive rights of authorizing, inter alia, the reproduction, broadcasting, rebroadcasting, public performances or public recitation of their works, as required by the Berne Convention for the Protection of Literary and Artistic Works (1971), as incorporated into the TRIPS Agreement;[1]
- Article 14.3 (Protection of Performers, Producers of Phonograms (Sound Recordings) and Broadcasting Organizations), because Saudi Arabia failed to provide broadcasting organizations (and the owners of copyright in the subject matter of the broadcasts) with the right to prohibit unauthorized fixation, reproduction of fixation, and rebroadcasting by wireless means of broadcasts;
- Article 16.1 (Rights Conferred), because Saudi Arabia failed to provide the owners of registered trademarks (including, in particular, Qatari owners) with the exclusive right to prevent all third parties not having the owner's consent from using identical or similar signs for goods or services which are identical or similar to those in respect of which the trademark is registered;
- Article 41.1 (General Obligations), because by restricting intellectual property right holders (including Qatari rights holders) from pursuing civil actions before Saudi courts (or otherwise frustrating their ability to do so), Saudi Arabia failed to ensure that enforcement procedures against infringement of their intellectual property were available so as to permit effective action against such acts of infringement;
- Article 42 (Fair and Equitable Procedures), because, by preventing intellectual property right holders (including Qatari rights holders) from bringing enforcement procedures against infringement of their intellectual property, Saudi Arabia failed to make available to right holders civil judicial procedures concerning the enforcement of intellectual property rights;
- Article 61 (Criminal Procedures), because Saudi Arabia failed to provide for criminal procedures and penalties to be applied in cases of willful trademark counterfeiting or copyright piracy on a commercial scale.

On October 12, 2018 Russia requested to join the consultations. From February 18, 2019, the panel examination has been underway, and the panel expects to issue its final report in Q1 2020.

[1] Berne Convention for the Protection of Literary and Artistic Works (1971). URL: https://rupto.ru/ru/documents/bernskaya-konvenciya-ob-ohrane-literaturnyh-i-hudozhestvennyh-proizvedeniy.

In the request to join the consultations in the framework of that dispute, Russia noted its systemic interest therein. Russia is also interested in developing its TV broadcasting network in the region. So, the measures at issue significantly affect Russia's commercial interests. Besides, Russia has also faced some problems that had to do with restrictions imposed on its national TV channel (Russia Today) by some states. Previously, Russia had already joined the dispute initiated by Qatar against the UAE, including with regard to the issue of property rights protection (DS526).

Below we discuss the disputes that were joined by Russia as a third party only in 2019 (two of them have already been described earlier: the USA vs Turkey (DS561) and the USA vs India (DS585) concerning additional duties on certain products).

DS543: USA – Tariff measures on certain goods from China

In April 2018, China filed with the DSB a request for consultations with the USA as a result of the expansion of the extraordinary tariffs (10 or 25 percent additional tariffs, depending on particular products) being imposed on imports of Chinese goods, including machines and electronics (DS543). China claimed that the measures at issue were inconsistent with one of the central principles of the WTO – most-favored-nation treatment (MFN), and with Article 23 (Strengthening of the Multilateral System) of the DSU. In January 2019, a panel was established, on June 3, 2019 it started the examination procedure, and in late September, further to a request from China, a new panelist was appointed.

Beside Russia, their third-party rights in this dispute were reserved by Australia, Brazil, Canada, the European Union, India, Indonesia, Japan, Kazakhstan, the Republic of Korea, New Zealand, Norway, Singapore, Chinese Taipei, and Ukraine. Some of these countries, as well as Russia and China, initiated disputes with the USA concerning US measures on steel and aluminum products, which the latter claimed were not safeguards and instead explained that their introduction had been motivated solely by national security concerns. It can be assumed that Russia's interest in this dispute has to do with the said claims: in the dispute between China and the USA it sided with the complainant. The dispute initiated by the USA against Turkey concerning the imposition of additional duties by the latter certain products originating in the USA in response to the imposition, by the USA, of safeguard measures with respect to steel and aluminum products (DS561) is similar to the dispute initiated by the USA against Russia concerning the same issue (DS566), and this is the reason why Russia also participates in this one as third party.[1]

DS562: USA – Safeguard measure on imports of crystalline silicon photovoltaic products (China)

On August 14, 2018 China filed with the DSB a request for consultations with the USA concerning the definitive safeguard measure (tariff-rate quota for a period of 4 years) imposed by the United States on imports of certain crystalline silicon photovoltaic products, whether or not partially or fully assembled into other products (including, but not limited to, modules, laminates, panels, and building-integrated materials) ('CSPV products'), of which the USA notified the WTO in late January 2018.[2] Subsequently, on 18 February 2018, USTR established additional procedures for interested parties to request that certain products be excluded from the safeguard measure on CSPV products. As of 8 July 2019, 53 individual exclusion requests

[1] Monitoring of Relevant Events in International Trade. 2019. No 35 (September). URL: https://www.vavt-imef.ru/wp-content/uploads/2019/09/Monitoring_35.pdf.

[2] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds562_e.htm.

were submitted to the United States Trade Representative (USTR); 11 of those requests had been granted, while all other requests were denied.

China considered that the safeguard measure was inconsistent with the GATT 1994 and the Agreement on Safeguards, because the USA:

- failed to establish that the increases in imports were the result of 'unforeseen developments' and were the 'effect of obligations incurred' under the GATT 1994 by the USA;
- failed to establish the required 'causal link' between the increased imports and the serious injury found to exist ;
- failed to ensure that injury caused by other factors was not attributed to increased imports;
- did not provide the interested parties with sufficient opportunities to participate in the investigation.

On July 11, 2019, China filed with the DSB a request for the establishment of a panel. In mid-August 2019 that panel was composed, and the panel examination was launched on October 24, 2019.

Russia's interest in this dispute is motivated primarily by the fact that the measures at issue also affect imports from Russia. Besides, Russia is participating as a main party in two disputes with the USA concerning safeguard measures with respect to steel and aluminum products (DS554 and DS566).

DS573: Additional duties on imports of air conditioning machines from Thailand (Thailand)

In early December 2018, Thailand filed with the DSB a request for consultations with Turkey concerning the additional duty imposed by Turkey on imports of air-conditioning machines from Thailand in early September 2017 at a rate of 9.27% for 3 years.[1] In imposing this measure, Turkey acted in response to the extension of a safeguard measure adopted by Thailand on imports of non-alloy hot rolled steel flat products in coils and not in coils, which was to be applied for three years, from June 2017 through June 2020. Thailand claimed that Turkey was not an 'affected exporting Member' with a 'substantial interest' in the safeguard measure, and was thus not entitled to suspend the application of concessions or other obligations under the GATT 1994, while the additional duty in any event exceeded what constituted 'substantially equivalent' concessions. Besides, Turkey acted inconsistently with the MFN principle by imposing the additional duty only on air-conditioning machines from Thailand. In mid-February 2019, Thailand filed with the DSB a request for the establishment of a panel, and on April 11, 2019 it was established. The panel examination has been underway since June 28, 2019; the panel report is expected in H1 2020.

Russia's interest in this dispute evidently has to do with other disputes with the USA concerning safeguards and additional duties (DS554 and DS566).

DS576: Qatar – Certain measures concerning goods from the United Arab Emirates (UAE)

On January 28 2019, the UAE filed with the DSB a request for consultations with Qatar concerning measures maintained by Qatar that prohibited sales outlets in Qatar (including distributors, agents, retailers, and pharmacies) from importing, stocking, distributing, marketing or selling goods, medicines, and other products originating in or exported from the UAE. 2 The UAE claimed that the measures at issue were inconsistent with some of the central principles

[1] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds573_e.htm.
[2] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds576_e.htm.

of the WTO – the MFN treatment and the national treatment; besides, the measures were designed to introduce or maintain restrictions other than duties, taxes, or other levies on products imported from the UAE. The measures had not been published promptly in such manner as to enable governments and traders to become acquainted with them. There was also a violation of Article 23 (Strengthening of the Multilateral System) of the DSU, because through the measures Qatar was seeking the redress of an alleged violation of obligations without having recourse to, and abide by, the rules and procedures of the DSU. On April 11, 2019, the UAE filed with the DSB a request for the establishment of a panel, and it was established in late May 2019. On a communication dated August 8, 2019, the UAE requested the Chair of the DSB to circulate a communication where it indicated that it no longer considered it necessary to pursue its complaint in DS576, due to Qatar's public withdrawal of the measures in question, and so there was no need to compose the panel, and the matter was concluded.

Russia's interest in this dispute, beside the intention to strengthen the multilateral trade system, is probably motivated by the launch of a dispute against Ukraine concerning restrictions in respect of trade in Russian goods and services (DS525), which was initiated by Russia on May 19, 2017 and is undergoing the stage of consultations.

DS577: USA – Anti-dumping and countervailing duties on ripe olives from Spain (EU)

Russia also joined the dispute against the USA concerning the imposition of countervailing and anti-dumping duties on ripe olives from Spain initiated by the EU in late January 2019.[1] The main claims presented by the EU are as follows: the USA did not prove that the subsidy measures that is was countervailing were in fact specific; the countervailing duties imposed by the USA were in excess of the amount of any subsidy found to exist with respect to ripe olives; the USA did not demonstrate the required causal relationship between subsidized imports and injury to the domestic industry (the same was true for the anti-dumping measures); the calculation of the final subsidy rate for the producer company was erroneous, and so the amount of the countervailing duties imposed was erroneous, inappropriate and excessive; the interested party was not given notice of the information required or ample opportunity to present evidence considered relevant, and the US authorities did not properly satisfy themselves as to the accuracy of the relevant information.

On May 16, 2019, the EU filed with the DSB a request for the establishment of a panel, it was established on June 24, in mid-October the panel experts were appointed, and the panel examination was launched.

Russia's interest in this dispute is motivated primarily by the initiation of another dispute with the USA (described earlier) concerning anti-dumping measures (DS586). Besides, Russia frequently asserts third-party rights in disputes concerning countervailing measures and subsidies.

DS578: Morocco – Definitive anti-dumping measures on school exercise books from Tunisia (Tunisia)

On February 21, 2019, Tunisia filed with the DSB a request for consultations with Morocco concerning definitive anti-dumping duties imposed by Morocco on imports of school exercise books.[2] This is the second consultations request submitted by Tunisia against Morocco on a

[1] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds577_e.htm.
[2] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds578_e.htm.

similar matter (see DS555, concerning provisional anti-dumping duties imposed by Morocco on imports of school exercise books from Tunisia). On September 19, 2019, Tunisia filed with the DSB a request for the establishment of a panel, which was established on October 28.

The anti-dumping measures were introduced from January 4, 2019. The rates of anti-dumping duties for companies from Tunisia were as follows:

- for SOTEFI – 27.71%;
- for SITPEC – 15.69%;
- for other Tunisian exporters – 27.71%.

Tunisia claimed that, firstly, the application for the conduct of anti-dumping investigations did not contain sufficient evidence of dumping, injury or a causal link, and secondly, the investigating authority did not conduct a satisfactory examination of the accuracy and adequacy of the evidence of provided in the application, and committed errors leading to the calculation of an artificially high normal value and the resulting duties, which was inconsistent with WTO norms and rules.

Russia's interest in this dispute is motivated primarily by the fact that the bulk of WTO disputes that Russia has been party to have to do with anti-dumping and countervailing measures, and so regards the practical experience of imposing such measures in compliance with the norms and rules of the WTO to be important.

DS579: Brazil, DS580: Australia, DS581: Guatemala – measures concerning sugar and sugarcane (India)

On February 27 2019, Brazil[1] and Australia,[2] and on March 15, 2019, Guatemala[3] filed with the DSB a request for consultations with India concerning domestic support measures allegedly maintained by India in favor of producers of sugarcane and sugar (domestic support measures), as well as all export subsidies that India allegedly provides for sugarcane and sugar (export subsidy measures). On July 11, 2019, Brazil, Australia and Guatemala filed with the DSB requests for the establishment of a panel, it was established in mid-August 2019, and the panel examination started in late October 2019. Australia, as complainant in the framework of these three disputes, presented the longest list of violations allegedly committed by India, and so we will consider in detail Australia's claims.

In the request for the establishment of a panel submitted by Australia, it was noted that India provided domestic support in favor of producers of sugarcane and sugar through a series of measures that included: a system of administered mandatory minimum prices for sugarcane and sugar which operate at the federal level through the 'Fair and Remunerative Price' (FRP) and 'Minimum Selling Price' (MSP) of sugar, and, in the case of certain Indian states, at the state level through the 'State Advised Price' (SAP), as well as through measures maintained at the federal and state levels for sugarcane and sugar which include production-based subsidies, soft loans, subsidies to maintain stocks of sugar, and tax rebates or exemptions. India also maintained export subsidies for sugarcane and sugar, which took the form of subsidies contingent on export through 'Minimum Indicative Export Quotas' (MIEQ) or other sugar export incentives.

Australia considered that India's domestic support was inconsistent with India's obligations under the Agreement on Agriculture, because it exceeded the de minimis level of 10 percent of

[1] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds579_e.htm.
[2] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds580_e.htm.
[3] URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds581_e.htm.

the value of production. India's export subsidies were inconsistent with the Agreement on Agriculture and were prohibited under the SCM Agreement. India failed to notify any of its annual domestic support for sugarcane and sugar subsequent to 1995-1996, had not submitted an export subsidy notification since 2009-2010, and thereby acted inconsistently with its obligations under the aforesaid Agreements and the GATT 1994.

For Russia, the participation in disputes concerning subsidies is very important, among other things, from the point of view of domestic support measures in compliance with WTO norms and rules.

DS583: Turkey – Certain measures concerning the production, importation and marketing of pharmaceutical products (EU)

On April 2, 2019, the EU filed with the DSB a request for consultations with Turkey regarding various measures concerning the production, importation and marketing of pharmaceutical products. The measures identified by the EU include the following alleged acts: a localization requirement, a technology transfer requirement, an import ban on localized products, and a prioritization measure. The EU claimed that:

1) The localization requirement and the prioritization measure appeared to be inconsistent with Article III:4 of the GATT 1994 ('National Treatment on Internal Taxation and Regulation');

2) The localization requirement, the technology transfer requirement, and the prioritization measure appear to be inconsistent with Articles X:1 and X:3(a) of the GATT 1994 ('Publication and Administration of Trade Regulations);

3) All four categories of challenged measures appear to be inconsistent with Article X:2 of the GATT 1994 ('Publication and Administration of Trade Regulations');

4) The import ban on localized products appears to be inconsistent with Article XI:1 of the GATT 1994 ('General Elimination of Quantitative Restrictions');

5) The localization requirement appears to be inconsistent with Article 2.1 ('National Treatment and Quantitative Restrictions') of the TRIMS Agreement and Article 3.1 (b) ('Prohibition') of the SCM Agreement;

6) The technology transfer requirement appears to be inconsistent with Article 3.1 ('National Treatment'), Article 27.1 ('Patentable Subject Matter'), Article 28.2 ('Rights Conferred'), Article 39.1 и 39.2 ('Protection of Undisclosed Information') of the TRIPS Agreement.

In early August 2019, the EU filed with the DSB a request for the establishment of a panel, which was established in late September. Brazil, Canada, China, India, Indonesia, Japan, Russia, Switzerland, Ukraine and the USA reserved their third-party rights.

Russia's interest in this dispute has probably been motivated both by the importance of the pharmaceuticals market and the need to gain practical experience of participating in disputes concerning localization requirements, which are also applied in Russia's other sectors (for example, in the automotive industry).

Annex

Table A-1

Trade disputes brought to the WTO that Russia has been a party to (complainant or respondent)

Dispute	Claim	Current stage (as of year end 2019)
1	2	3
As complainant		
DS474: EU – Cost Adjustment Methodologies and Certain Anti-Dumping Measures on Imports from Russia (23.12.2013[1])	The EU used 'cost adjustment' methodologies in its anti-dumping investigations and reviews for calculating dumping margins, and while doing so, rejected the cost and price information of Russian producers and exporters. The EU investigated the terms for anti-dumping measures without considering the effect of such rejection of cost and price data on the determination of dumping margins and injury caused by dumped imports.	Appointment of panel experts (22.07.2014)
DS476: EU – Certain Measures Relating to the Energy Sector (30.04.2014)	EU Third Energy Package: producers of natural gas are not allowed to own trunk lines situated in EU territory. The operators controlled by foreign persons must undergo special certification procedure.	Examination by Appellate Body (AB) (21.09.2018)
DS493: Ukraine – Anti-Dumping Measures on Ammonium Nitrate (07.05.2015)	While conducting anti-dumping investigations on imports of ammonium nitrate originating in Russia, Ukraine rejected the information of producers on electric energy prices in Russia, using instead price information from third countries (energy cost adjustments).	Russia's request that the reasonable period of time be determined through binding arbitration (21.11.2019)

Cont'd

1	2	3
DS494: EU – Cost Adjustment Methodologies and Certain Anti-dumping Measures on Imports from Russia (07.05.2015)	While conducting anti-dumping investigations on imports of certain welded and seamless tubes and pipes and ammonium nitrate originating in Russia for calculation of dumping margins, the EU rejects the cost and price information of producers and exporters, using instead price information from third countries (energy cost adjustments).	Panel examination (17.12.2018)
DS521: EU – Anti-Dumping Measures on Certain Cold-Rolled Flat Steel Products from Russia (27.01.2017)	While conducting anti-dumping investigations, the EU rejects the cost and price information of Russian producers, relying instead on unsubstantiated data and incorrect calculations.	Appointment of panel experts (26.04.2019)
DS525: Ukraine – Measures Relating to Trade in Goods and Services (19.05.2017)	Comprehensive complaint against Ukraine's restrictive measures in respect of trade in goods and services originating in Russia.	Consultations (19.05.2017)
DS554: USA – Certain Measures on Steel and Aluminum Products (29.06.2018)	Russia claims that the USA introduced these measures in spring 2018 in violation of provisions of the GATT 1994 and the Agreement on Safeguards. In particular, the USA acted contrary to the WTO's MFN principle by granting to some countries certain advantages and treatments that were denied other countries, introduced restrictions on imports other than duties, taxes or other charges made effective through quotas, failed to properly substantiate its emergency action on imports of particular products, failed to give notice in writing to the parties to the dispute that have a vested interest as exporters of relevant products, and failed to comply with the existing consultation obligations.	Panel examination (25.01.2019)
DS586: Russia – Anti-Dumping Measures on Carbon-Quality Steel from *Russia* (USA)	Russia claimed that the USA failed to determine an individual dumping margin for each known exporter or producer concerned of the product under investigation, failed to calculate the costs of its production, failed to properly review the need for continued imposition of the anti-dumping duties and to terminate the duties that were not necessary to offset dumping, extended the measures at issue relying on flawed dumping margins and on erroneous likelihood of recurrence or continuation of dumping determinations, and refused to rely on information provided by Russian exporters, whereas the conditions to resort to facts available were not met, and so the US measures were inconsistent with the Anti-Dumping Agreement of the WTO.	Consultations (05.07.2019)
As respondent		
DS462: Russia – Recycling Fee on Motor Vehicles (EU, 09.07.2013)	Russia imposed a charge ('recycling fee') on imported motor vehicles, while exempting domestic vehicles from that payment, under certain conditions. The 'recycling fee' steeply increases for certain categories of vehicles (new or second-hand ones).	Appointment of panel experts (25.11.2013)

[1] The date in brackets is the date on which the Request for Consultations was received.

DS463: Russia – Recycling Fee on Motor Vehicles (Japan, 24.07.2013)	Russia imposed additional charge ('recycling fee') on imported motor vehicles, while in actual practice exempting domestic vehicles from that payment, under certain conditions.	Consultations (24.07.2013)
DS475: Russia –f Live Pigs, Pork and Other Pig Products from the EU (EU, 08.04.2014)	The ban on imports of live pigs, pork and other pig products from the EU is a disproportional measure, introduced following several cases of ASF[1] in wild boar near the border with Belarus, which were promptly controlled. The EU disputes the way Russia treats the regionalization measures against the spread of ASF.	Request for measures, arbitration (03.01.2018). Control of the respondent's compliance with the DSB's recommendations (21.11.2018)
DS479: Russia – Anti-Dumping Duties on Light Commercial Vehicles from Germany and Italy (EU, 21.05.2014)	While conducting anti-dumping investigations on imports and calculating dumping margins on light commercial vehicles, Russia failed to comply with the WTO rules for the determination of the existence of dumping and injury determination, incorrectly defined the domestic industry, and failed to provide all relevant information and explanations.	Respondent complied with the DSB's recommendations (to bring measures in conformity) (20.06.2018)
DS485: Russia – Tariff Treatment of Certain Agricultural and Manufacturing Products - (EU, 31.10.2014)	For paper and paperboard, Russia applied ad valorem duty rates of 15 or 10 percent, thus exceeding the ad valorem bound rate of 5 percent. For certain other goods, in cases where the customs value is below a certain level, duties were levied in excess of the bound rates.	Respondent complied with the DSB's recommendations (08.06.2017)

Cont'd

1	2	3
DS499: Russia – Measures Affecting the Importation of Railway Equipment and Parts Thereof (Ukraine, 21.10.2015)	Russia suspended the conformity assessment certificates issued to producers of railway rolling stock, railroad switches, other railroad equipment, and parts thereof prior to entry into force of the new Technical Regulations, and rejected new applications for certificates pursuant to the new procedures.	Examination by the Appellate Body (27.08.2018)
DS512: Russia – Measures Concerning Traffic in Transit (Ukraine, 14.09.2016)	Russia adopted restrictions on international automobile and railway traffic in transit of Ukrainian exports to the Republic of Kazakhstan and the Kyrgyz Republic: the international road and railway transit of goods from Ukraine through the territory of Russia can be carried out only from the territory of the Republic of Belarus, on certain specific conditions. Additional measures include ban of transit of goods affected by the tariffs rates higher than zero, and ban of transit of goods which are under embargo.	Reports have been received, no further action is required (26.04.2019)
DS532: Russia – Measures Concerning the Importation and Transit of Certain Ukrainian Products (Ukraine, 13.10.2017)	Russia introduced measures affecting traffic in transit of Ukrainian juice products, beer, beer-based beverages and other alcoholic beverages, confectionery products, wallpaper and similar wall coverings to third countries. Exports of these products from Ukraine to Russia were significantly restricted, and some products were banned.	Consultations (13.10.2017)
DS566: Russia – Additional Duties on Certain Products from the United States (USA, 27.08.2017)	The USA claimed that these measures were inconsistent with Articles I:1 (General Most-Favored-Nation Treatment), II:1(a), and II:1(b) (Schedules of Concessions) of the GATT 1994, because Russia failed to extend to products of the USA the treatment granted by Russia with respect to customs duties and charges of any kind imposed on or in connection with the importation of products originating in the territory of other WTO members, and accorded less favorable treatment to products originating in the USA than that provided for in Russia's schedule of concessions. In accordance with RF Government Decree No. 788 dated July 6, 2018, from August 2018 Russia raised the rates of import customs duties on forklift trucks and other trucks equipped with lifting or loading-unloading devices, graders, tamping machines, tools for cutting optical fiber, etc. The new rates amount to 25, 30 and 40 percent of customs value, depending on product type.	Panel examination (25.01.2019)

Source: Own compilation based on data published on the WTO's official website. URL: https://www.wto.org/english/tratop_e/dispu_e/dispu_by_country_e.htm.

Table A-2

WTO disputes where Russia has been a third party

[1] ASF is African swine fever.

Theme	Disputes
1. Ban or restrictions on imports (environmental protection or other reasons).	DS400, DS401, DS469, DS484, DS495, DS524, DS531, DS537, DS576
2. Safeguard investigation and measures (antidumping or countervailing measures and safeguards).	DS414, DS437, DS449, DS454, DS468, DS471, DS473, DS480, DS488, DS490, DS496, DS513, DS516, DS518, DS523, DS529, DS533, DS534, DS536, DS538, DS539, DS544, DS545, DS546, DS547, DS548, DS550, DS551, DS552, DS553, DS556, DS562, DS564, DS573, DS577, DS578
3. Restrictions on exports.	DS431, DS432, DS433, DS508, DS509, DS541
4. Intellectual property rights.	DS441, DS458, DS467, DS542, DS567
5. Subsidies (including those related to tax exemptions and other preferential treatments).	DS456, DS472, DS487, DS497, DS489, DS502, DS510, DS511, DS522, DS579, DS580, DS581, DS583
6. Tariffs and tariff-rate quotas.	DS492, DS517, DS543, DS557, DS558, DS559, DS560, DS561, DS585
7. Economic sanctions.	DS526

Source: data derived from: *Baeva M. A.* Russian participation in the WTO trade disputes and dispute settlement // Russian Foreign Economic Journal. 2015. No 3. P. 75–90.