Dispute Settlement Body

16 January 2014

*United States – Countervailing duty measures on certain products from China*

Appellate Body Report (WT/DS437/AB/R)

**STATEMENT BY AUSTRALIA**

Mr Chairman

Australia thanks the Appellate Body for its report with respect to *US – Countervailing Duty Measures on Certain Products from China*, and notes its adoption by the Dispute Settlement Body.

Australia participated in this dispute as a third party due to its systemic interest in the interpretation and application of the WTO Agreement on Subsidies and Countervailing Measures. We continue to review the report with interest.

At this stage, Australia will confine its comment to delays in completion of appeal proceedings and the need for transparency for all WTO Members on the reasons for such delays. Australia is fully aware of the current heavy workload of the Appellate Body and the ever-increasing complexity in some appeals under consideration. We therefore understand that it may not always be possible to adhere to the timeframes provided for in Article 17.5 of the DSU.

In Australia’s view, the accuracy and high quality of reports remains paramount in the WTO dispute settlement process. However, adherence to timeframes underpins the predictability of the system and is critical in government and commercial decision-making.

We would therefore encourage as few departures from normal appellate timeframes as possible, and consultation with the parties in the event that delay is likely. In Australia’s view, such an approach would ensure transparency and would be consistent with long-standing practice.
Thank you Mr Chairman.