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THE WTO DISPUTE SETTLEMENT REPORTS

The *Dispute Settlement Reports* of the World Trade Organization (the "WTO") include panel and Appellate Body reports, as well as arbitration awards, in disputes concerning the rights and obligations of WTO Members under the provisions of the *Marrakesh Agreement Establishing the World Trade Organization*. The *Dispute Settlement Reports* are available in English. Volumes comprising one or more complete cases contain a cumulative list of published disputes. The cumulative list for cases that cover more than one volume is to be found in the first volume for that case.

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**EUROPEAN COMMUNITIES - MEASURES PROHIBITING
THE IMPORTATION AND MARKETING
OF SEAL PRODUCTS**

Reports of the Appellate Body
WT/DS400/AB/R, WT/DS401/AB/R

*Adopted by the Dispute Settlement Body
on 18 June 2014**

Canada, *Appellant/Appellee*
Norway, *Appellant/Appellee*
European Union¹, *Other Appellant/
Appellee*
Argentina, *Third Participant*
China, *Third Participant*
Colombia, *Third Participant*
Ecuador, *Third Participant*
Iceland, *Third Participant*
Japan, *Third Participant*
Mexico, *Third Participant*
Namibia, *Third Participant*²
Russian Federation, *Third Participant*
United States, *Third Participant*

Appellate Body Division:
Present,
Graham, Presiding Member
Chang, Member
Zhang, Member

* Note by the Secretariat:

The Appellate Body is issuing these Reports in the form of a single document constituting two separate Appellate Body Reports: WT/DS400/AB/R; and WT/ DS401/AB/R. The cover page, preliminary pages, sections 1 through 5 and the annexes are common to both Reports. The page header throughout the document bears the two document symbols WT/DS400/AB/R and WT/DS401/AB/R, with the following exceptions: section 6 on pages CAN-308 to CAN-310, which bears the document symbol for and contains the Appellate Body's conclusions and recommendation in the Appellate Body Report WT/DS400/AB/R; and section 6 on pages NOR-311 to NOR-312, which bears the document symbol for and contains the Appellate Body's conclusions and recommendation in the Appellate Body Report WT/DS401/AB/R.

¹ These disputes began before the Treaty of Lisbon entered into force in December 2009, which led to the replacement, for WTO purposes, of the "European Communities" with the "European Union". For this reason, the case title in these disputes is *EC – Seal Products*, rather than *EU – Seal*

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² In DS401 only.

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<i>Argentina – Hides and Leather</i>	Panel Report, <i>Argentina – Measures Affecting the Export of Bovine Hides and Import of Finished Leather</i> , WT/DS155/R and Corr.1, adopted 16 February 2001, DSR 2001:V, p. 1779
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<i>Canada – Autos</i>	Appellate Body Report, <i>Canada – Certain Measures Affecting the Automotive Industry</i> , WT/DS139/AB/R, WT/DS142/AB/R, adopted 19 June 2000, DSR 2000:VI, p. 2985
<i>Canada – Periodicals</i>	Appellate Body Report, <i>Canada – Certain Measures Concerning Periodicals</i> , WT/DS31/AB/R, adopted 30 July 1997, DSR 1997:I, p. 449

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<i>US – Superfund</i>	GATT Panel Report, <i>United States – Taxes on Petroleum and Certain Imported Substances</i> , L/6175, adopted 17 June 1987, BISD 34S, p. 136
<i>US – Tobacco</i>	GATT Panel Report, <i>United States – Measures Affecting the Importation, Internal Sale and Use of Tobacco</i> , DS44/R, adopted 4 October 1994, BISD 41S, p. 131

Short Title	Full Case Title and Citation
<i>US – Tuna II (Mexico)</i>	Appellate Body Report, <i>United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products</i> , WT/DS381/AB/R, adopted 13 June 2012
<i>US – Tuna II (Mexico)</i>	Panel Report, <i>United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products</i> , WT/DS381/R, adopted 13 June 2012, as modified by Appellate Body Report WT/DS381/AB/R
<i>US – Upland Cotton</i>	Appellate Body Report, <i>United States – Subsidies on Upland Cotton</i> , WT/DS267/AB/R, adopted 21 March 2005, DSR 2005:I, p. 3
<i>US – Upland Cotton (Article 21.5 – Brazil)</i>	Appellate Body Report, <i>United States – Subsidies on Upland Cotton – Recourse to Article 21.5 of the DSU by Brazil</i> , WT/DS267/AB/RW, adopted 20 June 2008, DSR 2008:III, p. 809
<i>US – Wheat Gluten</i>	Appellate Body Report, <i>United States – Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities</i> , WT/DS166/AB/R, adopted 19 January 2001, DSR 2001:II, p. 717

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Short Title	Full Case Title and Citation
CDA-12	Council Directive No. 83/129 of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom, <i>Official Journal of the European Communities</i> , L Series, No. 91 (9 April 1983), pp. 30-31
CDA-29	J.C. Talling and I.R. Inglis, "Improvements to trapping standards", DG ENV (2009) (a joint research report by Food and Environment Research Agency (UK), Federation of Associations for Hunting and Conservation of the EU, Julius Kühn-Institut (Germany), and Swedish Environmental Protection Agency)
CDA-34	P-Y. Daoust and C. Caraguel, "The Canadian harp seal hunt: observations on the effectiveness of procedures to avoid poor animal welfare outcomes", <i>Animal Welfare</i> (2012), Vol. 21, pp. 445-455
CDA-47	EFSA, "Opinion of the Scientific Panel on Animal and Welfare on a request from the Commission related to welfare aspects of the main systems of stunning and killing the main commercial species of animals", <i>The EFSA Journal</i> (2004), No. 45, pp. 1-29
CDA-98	R. Munro, "Report on the Deer Industry in Great Britain, 2002", prepared for DEFRA and the Food Standards Agency, available at: < http://www.dnr.illinois.gov/hunting/deer/Documents/IllinoisDeerHarvestReportFinal.2011.2012.pdf >
CDA-102	Nunavut Economy Fact Sheet
CDA-122	Deer Commission for Scotland/Scottish Natural Heritage webpage, Best Practice Guide, "Reaction & follow-up", available at: < http://www.bestpracticeguides.org.uk/culling/follow-up > (accessed 19 April 2013)
CDA-123	DEFRA, Current and Future Deer Management Options, Report on behalf of DEFRA European Wildlife Division, December 2003, pp. 14-15, available at: < http://www.naturalengland.org.uk/Images/managementoptions_tcm6-4637.pdf >

Short Title	Full Case Title and Citation
CDA-124	The British Deer Society webpage, "Learn about deer", available at: < http://www.bds.org.uk/learn_about_deer.html > (accessed 24 April 2013)
JE-1	Regulation (EC) No. 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products, <i>Official Journal of the European Union</i> , L Series, No. 286 (31 October 2009)
JE-2	Commission Regulation (EU) No. 737/2010 of 10 August 2010 laying down detailed rules for the implementation of Regulation (EC) No. 1007/2009 of the European Parliament and of the Council on trade in seal products, <i>Official Journal of the European Union</i> , L Series, No. 216 (17 August 2010), pp. 1-10
JE-4	Committee on the Internal Market and Consumer Protection, <i>Report on the proposal for a regulation of the European Parliament and of the Council concerning trade in seals products</i> (5 March 2009), A-0118/2009
JE-8	European Commission webpage, "Implementation of Humane Trapping Standard in the EU – 1991-2005", available at: < http://ec.europa.eu/environment/biodiversity/animal_welfare/hts/index_en.htm > (accessed 14 October 2012)
JE-9	European Commission, Proposal for a regulation of the European Parliament and the Council concerning trade in seal products (23 July 2008), COM(2008) 469 final
JE-16	European Commission, "Commission Staff Working Document accompanying document to the Proposal for a regulation of the European Parliament and of the council concerning trade in seal products – Impact Assessment on the potential impact of a ban of products derived from seal species" (23 July 2008), COM(2008) 469 final
JE-17	European Commission, Staff Working Paper, "Impact Assessment: accompanying the document, Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the European Union Strategy for the Protection and Welfare of Animals 2012-2015" (19 January 2012), COM(2012) 6 final

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Short Title	Full Case Title and Citation
JE-20	COWI, <i>Assessment of the potential impact of a ban of products derived from seal species</i> (April 2008)
JE-21	COWI, <i>Study on implementing measures for trade in seal products</i> , Final Report (January 2010)
JE-22	European Food Safety Authority, "Scientific Opinion of the Panel on Animal Health and Welfare on a request from the Commission on the Animal Welfare aspects of the killing and skinning of seals", <i>The EFSA Journal</i> (2007), No. 610, pp. 1-122
JE-24	North Atlantic Marine Mammal Commission, <i>Report of the NAMMCO Expert Group Meeting on Best Practices in the Hunting and Killing of Seals</i> (February 2009)
JE-26	Government of Greenland, Ministry of Fisheries, Hunting and Agriculture, <i>Management and Utilization of Seals in Greenland</i> (revised April 2012)
JE-27	Canadian Department of Fisheries and Oceans, <i>Canadian Commercial Seal Harvest Overview 2011</i> , Statistical and economic analysis series (October 2012)
JE-30	Nunavut Department of Environment, Fisheries and Sealing Division, <i>Report on the Impacts of the European Union Seal Ban, (EC) No. 1007/2009, in Nunavut</i> (2012)
JE-31	Norwegian Scientific Committee for Food Safety (VKM), Panel on Animal Health and Welfare, <i>Scientific Opinion on animal welfare aspects of the killing and skinning in the Norwegian seal hunt</i> (October 2007)
EU-48	Report of the Royal Commission, <i>Seals and Sealing in Canada</i> (1986), Vol. I, Chapter 11, "Public Opinion on Sealing"
EU-49	Public opinion survey by Orb for Respect for Animals, 16 December 2008 (United Kingdom)
EU-50	Public opinion survey by TNS Infratest for IFAW, February 2009 (Germany)
EU-51	Public opinion survey by TNO NIPP, July 2006 (The Netherlands)
EU-52	Public opinion survey by Ipsos-MORI for IFAW, 11 October 2007 (Portugal and Slovenia)
EU-53	Public opinion survey by Dedicated Research for IFAW, May 2006 (Belgium)

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Short Title	Full Case Title and Citation
EU-54	Public opinion survey by IPSOS for IFAW, 18 October 2007 (France)
EU-55	Public opinion survey by TNS Infratest for IFAW, August 2007 (Austria)
EU-56	Public opinion survey by IPSOS-Mori for IFAW, January 2008 (Sweden)
EU-57	Public opinion survey by TNS Aisa for IFAW, February 2008 (Czech Republic)
EU-58	A summary of the results of various public opinion surveys compiled by IFAW
EU-59	Public opinion survey by IPSO-Mori for IFAW and HSI, June 2011 (Belgium, France, Germany, United Kingdom, Italy, Lithuania, Netherlands, Poland, Romania, Spain and Sweden)
EU-145	"European Commission representative visits Iqaluit on good-will trip", <i>Nunatsiaq Online</i> , 23 April 2013

ABBREVIATIONS USED IN THESE REPORTS

Abbreviation	Description
AGRI	Committee on Agriculture and Rural Development of the European Parliament
Basic Regulation	Regulation (EC) No. 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products, <i>Official Journal of the European Union</i> , L Series, No. 286 (31 October 2009) (Panel Exhibit JE-1)
Canada Panel Report (DS400)	Panel Report, <i>European Communities – Measures Prohibiting the Importation and Marketing of Seal Products</i> (WT/DS400/R)
Canadian Seal Harvest Overview	Canadian Department of Fisheries and Oceans, <i>Canadian Commercial Seal Harvest Overview 2011</i> , Statistical and economic analysis series (October 2012) (Panel Exhibit JE-27)
Commission 2008 Impact Assessment	European Commission, "Commission Staff Working Document accompanying document to the Proposal for a regulation of the European Parliament and of the council concerning trade in seal products – Impact Assessment on the potential impact of a ban of products derived from seal species" (23 July 2008), COM(2008) 469 final (Panel Exhibit JE-16)
Commission Proposal	European Commission, Proposal for a regulation of the European Parliament and the Council concerning trade in seal products (23 July 2008), COM(2008) 469 final (Panel Exhibit JE-9)
Complainants	Canada and Norway
COWI	Danish-based international consulting group
COWI 2008 Report	COWI, <i>Assessment of the potential impact of a ban of products derived from seal species</i> (April 2008) (Panel Exhibit JE-20)
COWI 2010 Report	COWI, <i>Study on implementing measures for trade in seal products</i> , Final Report (January 2010) (Panel Exhibit JE-21)
CSA poll	Opinion poll conducted by the Canadian Sealers Association (Research Dimensions, 1985) (results printed in Royal Commission Report, pp. 151-152)

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Abbreviation	Description
DSB	Dispute Settlement Body
DSU	Understanding on Rules and Procedures Governing the Settlement of Disputes
EC Seal Pups Directive	Council Directive No. 83/129 of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom, <i>Official Journal of the European Communities</i> , L Series, No. 91 (9 April 1983), pp. 30-31 (Panel Exhibit CDA-12)
EFSA	European Food Safety Authority
EFSA Scientific Opinion	European Food Safety Authority, "Scientific Opinion of the Panel on Animal Health and Welfare on a request from the Commission on the Animal Welfare aspects of the killing and skinning of seals", <i>The EFSA Journal</i> (2007), No. 610, pp. 1-122 (Panel Exhibit JE-22)
ENVI	Committee on the Environment, Public Health and Food Safety of the European Parliament
EPA	United States Environmental Protection Agency
EU Seal Regime	The Basic Regulation and the Implementing Regulation combined together
GATS	General Agreement on Trade in Services
GATT 1994	General Agreement on Tariffs and Trade 1994
Greenland 2012 Seal Management Report	Government of Greenland, Ministry of Fisheries, Hunting and Agriculture, <i>Management and Utilization of Seals in Greenland</i> (revised April 2012) (Panel Exhibit JE-26)
IC	Inuit or other indigenous communities
IC exception	An exception under the EU Seal Regime for seal products obtained from seals hunted by Inuit or other indigenous communities
IC hunts	Hunts undertaken by Inuit or other indigenous communities
Implementing Regulation	Commission Regulation (EU) No. 737/2010 of 10 August 2010 laying down detailed rules for the implementation of Regulation (EC) No. 1007/2009 of the European Parliament and of the Council on trade in seal products, <i>Official Journal of the European Union</i> , L Series, No. 216 (17 August 2010), pp. 1-10 (Panel Exhibit JE-2)

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Abbreviation	Description
ISO/IEC Guide	International Organization for Standardization/International Electrotechnical Commission, <i>Guide 2:1991 – General terms and their definitions concerning standardization and related activities</i> , 6th edn
MFN	Most favoured nation
MRM	Marine resource management
MRM exception	An exception under the EU Seal Regime for seal products obtained from seals hunted for purposes of marine resource management
MRM hunts	Hunts conducted for marine resource management purposes
Norway Panel Report (DS401)	Panel Report, <i>European Communities – Measures Prohibiting the Importation and Marketing of Seal Products</i> (WT/DS401/R)
Nunavut 2012 Report	Nunavut Department of Environment, Fisheries and Sealing Division, <i>Report on the Impacts of the European Union Seal Ban, (EC) No. 1007/2009, in Nunavut</i> (2012) (Panel Exhibit JE-30)
Panel Reports	Panel Reports, <i>European Communities – Measures Prohibiting the Importation and Marketing of Seal Products</i> (WT/DS400/R / WT/DS401/R)
Parliament Report	Committee on the Internal Market and Consumer Protection, <i>Report on the proposal for a regulation of the European Parliament and of the Council concerning trade in seals products</i> (5 March 2009), A-0118/2009 (Panel Exhibit JE-4)
PPMs	Processes and production methods
RC poll	Opinion poll conducted by the Canadian Royal Commission (Canadian Gallup Poll Limited, 1986a, 1986b) (results printed in Royal Commission Report, pp. 150-151)
Royal Commission Report	Report of the Royal Commission, <i>Seals and Sealing in Canada</i> (1986), Vol. I, Chapter 11, "Public Opinion on Sealing" (Panel Exhibit EU-48)
SCM Agreement	Agreement on Subsidies and Countervailing Measures
SPS Agreement	Agreement on the Application of Sanitary and Phytosanitary Measures

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Abbreviation	Description
TBT Agreement	Agreement on Technical Barriers to Trade
Travellers exception	An exception under the EU Seal Regime for seal products brought by travellers into the European Union in limited circumstances
Working Procedures	Working Procedures for Appellate Review, WT/AB/WP/6, 16 August 2010
WTO	World Trade Organization
WTO Agreement	Marrakesh Agreement Establishing the World Trade Organization