

**RUSSIA – MEASURES AFFECTING THE IMPORTATION
OF RAILWAY EQUIPMENT AND PARTS THEREOF**

Report of the Appellate Body
WT/DS499/AB/R and Add.1*

*Adopted by the Dispute Settlement Body
on 5 March 2020*

Ukraine, *Appellant/Appellee*
Russian Federation, *Other
Appellant/Appellee*
Canada, *Third Participant*
China, *Third Participant*
European Union, *Third Participant*
India, *Third Participant*
Indonesia, *Third Participant*
Japan, *Third Participant*
Singapore, *Third Participant*
United States, *Third Participant*

Appellate Body Division:

Graham, Presiding Member
Servansing, Member
Zhao, Member

TABLE OF CONTENTS

	Page
1. INTRODUCTION	534
2. ARGUMENTS OF THE PARTICIPANTS	539
3. ARGUMENTS OF THE THIRD PARTICIPANTS	540

* The Notices of Appeal and Other Appeal and the executive summaries of written submissions contained in this Addendum are attached as they were received from the participants and third participants. The content has not been revised or edited by the Appellate Body, except that paragraph and footnote numbers that did not start at 1 in the original may have been renumbered to do so, and the text may have been formatted in order to adhere to WTO style. The executive summaries do not serve as substitutes for the submissions of the participants and third participants in the Appellate Body's examination of the appeal.

Report of the Appellate Body

4.	ISSUES RAISED	540
5.	ANALYSIS OF THE APPELLATE BODY	541
5.1	Russia's Claims Relating to the Panel's Preliminary Ruling	541
5.1.1	The Panel's findings	541
5.1.2	Claims and arguments on appeal	544
5.1.3	Whether the Panel erred in finding in its preliminary ruling that Russia had failed to establish that Ukraine's panel request was inconsistent with Article 6.2 of the DSU	548
5.1.3.1	Linkages between measures and legal basis of the complaint	550
5.1.3.2	Identification of the third measure	553
5.1.4	Conclusion	557
5.2	Russia's Claims Concerning the Panel's Findings Relating to the Third Measure	557
5.2.1	The Panel's findings	557
5.2.2	Russia's claim that the Panel erred in finding the existence of the third measure	562
5.2.2.1	Arguments on appeal	562
5.2.2.2	Analysis	564
5.2.2.3	Conclusion	568
5.2.3	Russia's claim that the Panel erred by relieving Ukraine from the necessity of establishing a <i>prima facie</i> case that the third measure exists as a single measure	568
5.2.3.1	Arguments on appeal	568
5.2.3.2	Analysis	569
5.2.3.3	Conclusion	571
5.2.4	Russia's claim that the Panel erred in finding that the third measure was within its terms of reference	571
5.2.4.1	Arguments on appeal	571
5.2.4.2	Analysis	574
5.2.4.3	Conclusion	575
5.2.5	Russia's claim that the Panel erred by making findings with respect to the alleged registration condition	576
5.2.5.1	Arguments on appeal	576
5.2.5.2	Analysis	576
5.2.5.3	Conclusion	582

		Russia - Railway Equipment
5.3	Ukraine's Claim under Article 5.1.1 of the TBT Agreement.....	582
5.3.1	The Panel's findings	582
5.3.2	Claims and arguments on appeal	586
5.3.3	The Panel's interpretation of Article 5.1.1 of the TBT Agreement.....	587
5.3.4	The Panel's application of Article 5.1.1 of the TBT Agreement.....	596
5.3.5	Completion of the legal analysis	603
5.3.6	Whether the Panel failed to make an objective assessment of the matter under Article 11 of the DSU	604
5.3.7	Conclusion.....	604
5.4	Ukraine's Claim under Article 5.1.2 of the TBT Agreement.....	605
5.4.1	The Panel's findings	605
5.4.2	Claims and arguments on appeal	610
5.4.3	Whether the Panel failed to make an objective assessment of the matter under Article 11 of the DSU with respect to the fourth alternative measure.....	613
5.4.4	Completion of the legal analysis	626
5.4.5	Whether the Panel failed to make an objective assessment of the matter under Article 11 of the DSU with respect to the other alternative measures.....	627
5.4.6	Conclusion.....	629
5.5	Ukraine's Claim Concerning the Existence of Systematic Import Prevention.....	630
5.5.1	The Panel's findings	630
5.5.2	Claims and arguments on appeal	633
5.5.3	Whether the Panel failed to make an objective assessment of the matter under Article 11 of the DSU	637
5.5.4	Conclusion.....	649

Report of the Appellate Body

6.	FINDINGS AND CONCLUSIONS.....	649
6.1	The Panel's Preliminary Ruling.....	649
6.2	The Third Measure as a "general" Non-Recognition Requirement	650
6.3	The Third Measure as a Single Measure	650
6.4	The Third Measure and the Panel's Terms of Reference.....	650
6.5	The Third Measure and the Local Registration Condition	650
6.6	Article 5.1.1 of the TBT Agreement	651
6.7	Article 5.1.2 of the TBT Agreement	652
6.8	Systematic Prevention of Imports	652
6.9	Recommendation.....	652

ABBREVIATIONS USED IN THIS REPORT

Abbreviation	Description
ART	Russian Federal Agency for Railway Transport
Association Agreement	Association Agreement by Ukraine with the European Union
BCI	business confidential information
CU	Eurasian Economic Union as established in accordance with the Treaty on Eurasian Economic Union of 29 May 2014 (former Customs Union of the Republic of Belarus, the Republic of Kazakhstan, and the Russian Federation)
DSB	Dispute Settlement Body
DSU	Understanding on Rules and Procedures Governing the Settlement of Disputes
EAEU Treaty	Treaty on the Eurasian Economic Union
FBO	Federal Budgetary Organization
FIRA	final import risk analysis report for apples from New Zealand of November 2006
GATS	General Agreement on Trade in Services
GATT 1994	General Agreement on Tariffs and Trade 1994
MOT	Ministry of Transport of the Russian Federation
OHCHR	Office of the United Nations High Commissioner for Human Rights
Panel Report	Panel Report, <i>Russia – Measures Affecting the Importation of Railway Equipment and Parts Thereof</i>
SPS Agreement	Agreement on the Application of Sanitary and Phytosanitary Measures
TBT Agreement	Agreement on Technical Barriers to Trade
TRRs	trade-related requirements
Ukraine's panel request	Request for the Establishment of a Panel by Ukraine, WT/DS499/2
Working Procedures	Working Procedures for Appellate Review
WTO	World Trade Organization

Report of the Appellate Body

PANEL EXHIBITS CITED IN THIS REPORT ¹

Exhibit Number	Description
RUS-23	Organization Standard CTO PC-FZT 08-2013 "Procedure of organization and implementation of inspection control of certified products"
RUS-62 (BCI)	Documents of the FBO providing for the inconsistencies of the certified products of PJSC [BCI]
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RUS-66 (BCI)	Documents of the FBO providing for the inconsistencies of the certified products of PJSC [BCI]
RUS-67 (BCI)	Letter dated 23 May 2016 from [BCI] to the FBO
RUS-68 (BCI)	Letter dated 13 June 2013 from [BCI] to the Deputy Minister of the MOT
RUS-69 (BCI)	Letter dated 3 December 2015 from [BCI] to the FBO
RUS-70 (BCI)	Letter dated 17 February 2013 from [BCI] to the FBO
UKR-3 (Corr.)	Rules of the Certification System for Federal Railway Transport. Procedure for organizing and conducting an inspection control. (CS FRT 12-2003)
UKR-18 (BCI) (Corr.)	Letter [BCI] from PJSC [BCI] to FBO
UKR-48 (BCI)	Letter from the Federal Agency for Railway Transport of the MOT to JSC [BCI] accompanied to Protocol No. A 4-3 of 20 January 2015 of the MOT regarding issuance by the certification authority of the CU of the certificates of conformity for products manufactured by third countries
UKR-49 (BCI) (Corr.)	Letter dated 4 February 2016 from the Federal Agency for Railway Transport to [BCI] on validity of certificates
UKR-141 (BCI)	Letter dated 10 August 2016 from the Federal Agency for Railway Transport to JSC [BCI] on validity of certificates
UKR-151 (BCI)	Act of inspection dated 23 January 2014 of certified products produced by PJSC [BCI]
UKR-152 (BCI)	Act of inspection dated 24 January 2014 of certified products produced by PJSC [BCI]

¹ BCI redacted, as indicated [BCI]. See also para. 1.13.

CASES CITED IN THIS REPORT

Short Title	Full Case Title and Citation
<i>Argentina – Import Measures</i>	Appellate Body Reports, <i>Argentina – Measures Affecting the Importation of Goods</i> , WT/DS438/AB/R / WT/DS444/AB/R / WT/DS445/AB/R, adopted 26 January 2015, DSR 2015:II, p. 579
<i>Argentina – Import Measures</i>	Panel Reports, <i>Argentina – Measures Affecting the Importation of Goods</i> , WT/DS438/R and Add.1 / WT/DS444/R and Add.1 / WT/DS445/R and Add.1, adopted 26 January 2015, as modified (WT/DS438/R) and upheld (WT/DS444/R / WT/DS445/R) by Appellate Body Reports WT/DS438/AB/R / WT/DS444/AB/R / WT/DS445/AB/R, DSR 2015:II, p. 783
<i>Australia – Apples</i>	Appellate Body Report, <i>Australia – Measures Affecting the Importation of Apples from New Zealand</i> , WT/DS367/AB/R, adopted 17 December 2010, DSR 2010:V, p. 2175
<i>Australia – Apples</i>	Panel Report, <i>Australia – Measures Affecting the Importation of Apples from New Zealand</i> , WT/DS367/R, adopted 17 December 2010, as modified by Appellate Body Report WT/DS367/AB/R, DSR 2010:VI, p. 2371
<i>Australia – Salmon</i>	Appellate Body Report, <i>Australia – Measures Affecting Importation of Salmon</i> , WT/DS18/AB/R, adopted 6 November 1998, DSR 1998:VIII, p. 3327
<i>Brazil – Desiccated Coconut</i>	Appellate Body Report, <i>Brazil – Measures Affecting Desiccated Coconut</i> , WT/DS22/AB/R, adopted 20 March 1997, DSR 1997:I, p. 167
<i>Brazil – Retreaded Tyres</i>	Appellate Body Report, <i>Brazil – Measures Affecting Imports of Retreaded Tyres</i> , WT/DS332/AB/R, adopted 17 December 2007, DSR 2007:IV, p. 1527
<i>Canada – Dairy (Article 21.5 – New Zealand and US II)</i>	Appellate Body Report, <i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Second Recourse to Article 21.5 of the DSU by New Zealand and the United States</i> , WT/DS103/AB/RW2, WT/DS113/AB/RW2, adopted 17 January 2003, DSR 2003:I, p. 213
<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
<i>Canada – Wheat Exports and Grain Imports</i>	Appellate Body Report, <i>Canada – Measures Relating to Exports of Wheat and Treatment of Imported Grain</i> , WT/DS276/AB/R, adopted 27 September 2004, DSR 2004:VI, p. 2739
<i>Chile – Price Band System (Article 21.5 – Argentina)</i>	Appellate Body Report, <i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products – Recourse to Article 21.5 of the DSU by Argentina</i> , WT/DS207/AB/RW, adopted 22 May 2007, DSR 2007:II, p. 513

Report of the Appellate Body

Short Title	Full Case Title and Citation
<i>China – Auto Parts</i>	Appellate Body Reports, <i>China – Measures Affecting Imports of Automobile Parts</i> , WT/DS339/AB/R / WT/DS340/AB/R / WT/DS342/AB/R, adopted 12 January 2009, DSR 2009:I, p. 3
<i>China – HP-SSST (Japan) / China – HP-SSST (EU)</i>	Appellate Body Reports, <i>China – Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes ("HP-SSST") from Japan / China – Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes ("HP-SSST") from the European Union</i> , WT/DS454/AB/R and Add.1 / WT/DS460/AB/R and Add.1, adopted 28 October 2015, DSR 2015:IX, p. 4573
<i>China – Publications and Audiovisual Products</i>	Appellate Body Report, <i>China – Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products</i> , WT/DS363/AB/R, adopted 19 January 2010, DSR 2010:I, p. 3
<i>China – Rare Earths</i>	Appellate Body Reports, <i>China – Measures Related to the Exportation of Rare Earths, Tungsten, and Molybdenum</i> , WT/DS431/AB/R / WT/DS432/AB/R / WT/DS433/AB/R, adopted 29 August 2014, DSR 2014:III, p. 805
<i>China – Raw Materials</i>	Appellate Body Reports, <i>China – Measures Related to the Exportation of Various Raw Materials</i> , WT/DS394/AB/R / WT/DS395/AB/R / WT/DS398/AB/R, adopted 22 February 2012, DSR 2012:VII, p. 3295
<i>Colombia – Textiles</i>	Appellate Body Report, <i>Colombia – Measures Relating to the Importation of Textiles, Apparel and Footwear</i> , WT/DS461/AB/R and Add.1, adopted 22 June 2016, DSR 2016:III, p. 1131
<i>Dominican Republic – Import and Sale of Cigarettes</i>	Appellate Body Report, <i>Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes</i> , WT/DS302/AB/R, adopted 19 May 2005, DSR 2005:XV, p. 7367
<i>EC – Bananas III</i>	Appellate Body Report, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas</i> , WT/DS27/AB/R, adopted 25 September 1997, DSR 1997:II, p. 591
<i>EC – Chicken Cuts</i>	Appellate Body Report, <i>European Communities – Customs Classification of Frozen Boneless Chicken Cuts</i> , WT/DS269/AB/R, WT/DS286/AB/R, adopted 27 September 2005, and Corr.1, DSR 2005:XIX, p. 9157
<i>EC – Fasteners (China)</i>	Appellate Body Report, <i>European Communities – Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China</i> , WT/DS397/AB/R, adopted 28 July 2011, DSR 2011:VII, p. 3995
<i>EC – Hormones</i>	Appellate Body Report, <i>European Communities – Measures Concerning Meat and Meat Products (Hormones)</i> , WT/DS26/AB/R, WT/DS48/AB/R, adopted 13 February 1998, DSR 1998:I, p. 135

Russia - Railway Equipment

Short Title	Full Case Title and Citation
<i>EC – Sardines</i>	Appellate Body Report, <i>European Communities – Trade Description of Sardines</i> , WT/DS231/AB/R, adopted 23 October 2002, DSR 2002:VIII, p. 3359
<i>EC – Seal Products</i>	Appellate Body Reports, <i>European Communities – Measures Prohibiting the Importation and Marketing of Seal Products</i> , WT/DS400/AB/R / WT/DS401/AB/R, adopted 18 June 2014, DSR 2014:I, p. 7
<i>EC – Selected Customs Matters</i>	Appellate Body Report, <i>European Communities – Selected Customs Matters</i> , WT/DS315/AB/R, adopted 11 December 2006, DSR 2006:IX, p. 3791
<i>EC and certain member States – Large Civil Aircraft</i>	Appellate Body Report, <i>European Communities and Certain Member States – Measures Affecting Trade in Large Civil Aircraft</i> , WT/DS316/AB/R, adopted 1 June 2011, DSR 2011:I, p. 7
<i>EC and certain member States – Large Civil Aircraft (Article 21.5 – US)</i>	Appellate Body Report, <i>European Communities and Certain Member States – Measures Affecting Trade in Large Civil Aircraft – Recourse to Article 21.5 of the DSU by the United States</i> , WT/DS316/AB/RW and Add.1, adopted 28 May 2018
<i>EU – Biodiesel (Argentina)</i>	Appellate Body Report, <i>European Union – Anti-Dumping Measures on Biodiesel from Argentina</i> , WT/DS473/AB/R and Add.1, adopted 26 October 2016, DSR 2016:VI, p. 2871
<i>Guatemala – Cement I</i>	Appellate Body Report, <i>Guatemala – Anti-Dumping Investigation Regarding Portland Cement from Mexico</i> , WT/DS60/AB/R, adopted 25 November 1998, DSR 1998:IX, p. 3767
<i>Indonesia – Chicken</i>	Panel Report, <i>Indonesia – Measures Concerning the Importation of Chicken Meat and Chicken Products</i> , WT/DS484/R and Add.1, adopted 22 November 2017, DSR 2017:VIII, p. 3769
<i>Indonesia – Iron or Steel Products</i>	Appellate Body Report, <i>Indonesia – Safeguard on Certain Iron or Steel Products</i> , WT/DS490/AB/R, WT/DS496/AB/R, and Add.1, adopted 27 August 2018
<i>Japan – Agricultural Products II</i>	Appellate Body Report, <i>Japan – Measures Affecting Agricultural Products</i> , WT/DS76/AB/R, adopted 19 March 1999, DSR 1999:I, p. 277
<i>Japan – DRAMS (Korea)</i>	Appellate Body Report, <i>Japan – Countervailing Duties on Dynamic Random Access Memories from Korea</i> , WT/DS336/AB/R and Corr.1, adopted 17 December 2007, DSR 2007:VII, p. 2703
<i>Korea – Dairy</i>	Appellate Body Report, <i>Korea – Definitive Safeguard Measure on Imports of Certain Dairy Products</i> , WT/DS98/AB/R, adopted 12 January 2000, DSR 2000:I, p. 3
<i>Korea – Pneumatic Valves (Japan)</i>	Appellate Body Report, <i>Korea – Anti-Dumping Duties on Pneumatic Valves from Japan</i> , WT/DS504/AB/R and Add.1, adopted 30 September 2019
<i>Korea – Radionuclides</i>	Appellate Body Report, <i>Korea – Import Bans, and Testing and Certification Requirements for Radionuclides</i> , WT/DS495/AB/R and Add.1, adopted 26 April 2019

Report of the Appellate Body

Short Title	Full Case Title and Citation
<i>Korea – Various Measures on Beef</i>	Appellate Body Report, <i>Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef</i> , WT/DS161/AB/R, WT/DS169/AB/R, adopted 10 January 2001, DSR 2001:I, p. 5
<i>Russia – Commercial Vehicles</i>	Appellate Body Report, <i>Russia – Anti-Dumping Duties on Light Commercial Vehicles from Germany and Italy</i> , WT/DS479/AB/R and Add.1, adopted 9 April 2018
<i>Russia – Pigs (EU)</i>	Appellate Body Report, <i>Russian Federation – Measures on the Importation of Live Pigs, Pork and Other Pig Products from the European Union</i> , WT/DS475/AB/R and Add.1, adopted 21 March 2017, DSR 2017:I, p. 207
<i>Russia – Railway Equipment</i>	Panel Report, <i>Russia – Measures Affecting the Importation of Railway Equipment and Parts Thereof</i> , WT/DS499/R and Add.1, circulated to WTO Members 30 July 2018
<i>Russia – Tariff Treatment</i>	Panel Report, <i>Russia – Tariff Treatment of Certain Agricultural and Manufacturing Products</i> , WT/DS485/R, Add.1, Corr.1, and Corr.2, adopted 26 September 2016, DSR 2016:IV, p. 1547
<i>Thailand – H-Beams</i>	Appellate Body Report, <i>Thailand – Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams from Poland</i> , WT/DS122/AB/R, adopted 5 April 2001, DSR 2001:VII, p. 2701
<i>US – Anti-Dumping and Countervailing Duties (China)</i>	Appellate Body Report, <i>United States – Definitive Anti-Dumping and Countervailing Duties on Certain Products from China</i> , WT/DS379/AB/R, adopted 25 March 2011, DSR 2011:V, p. 2869
<i>US – Anti-Dumping Methodologies (China)</i>	Appellate Body Report, <i>United States – Certain Methodologies and Their Application to Anti-Dumping Proceedings Involving China</i> , WT/DS471/AB/R and Add.1, adopted 22 May 2017, DSR 2017:III, p. 1423
<i>US – Carbon Steel</i>	Appellate Body Report, <i>United States – Countervailing Duties on Certain Corrosion-Resistant Carbon Steel Flat Products from Germany</i> , WT/DS213/AB/R and Corr.1, adopted 19 December 2002, DSR 2002:IX, p. 3779
<i>US – Clove Cigarettes</i>	Appellate Body Report, <i>United States – Measures Affecting the Production and Sale of Clove Cigarettes</i> , WT/DS406/AB/R, adopted 24 April 2012, DSR 2012:XI, p. 5751
<i>US – Continued Zeroing</i>	Appellate Body Report, <i>United States – Continued Existence and Application of Zeroing Methodology</i> , WT/DS350/AB/R, adopted 19 February 2009, DSR 2009:III, p. 1291
<i>US – COOL</i>	Panel Reports, <i>United States – Certain Country of Origin Labelling (COOL) Requirements</i> , WT/DS384/R / WT/DS386/R, adopted 23 July 2012, as modified by Appellate Body Reports WT/DS384/AB/R / WT/DS386/AB/R, DSR 2012:VI, p. 2745