

## THE LAW AND POLICY OF THE

### World Trade Organization

#### Text, Cases, and Materials

##### *Fifth Edition*

Since the publication of its first edition, this textbook has been the prime choice of teachers and students alike, due to its clear and detailed explanation of the basic principles of the multilateral trading system and the law of the World Trade Organization (WTO). The fifth edition continues to explore the institutional and substantive law of the WTO. It has been updated to incorporate all new developments in the WTO's ever-growing body of case law. Moreover, each chapter now includes a 'Further Reading' section to encourage and facilitate research and discussion on the topics addressed. As in previous editions, each chapter also features a summary to reinforce learning. Questions, assignments, and exercises on WTO law and policy are contained in an online supplement, updated regularly and available on the website of Cambridge University Press ([www.cambridge.org/vandenbossche5](http://www.cambridge.org/vandenbossche5)). The questions and assignments allow students to assess their understanding while the exercises, reflecting real-life trade problems, challenge students (as well as practitioners) and enable them to hone their analytical skills. This textbook is an essential tool for all WTO law students and will also serve as a practitioner's introductory guide to the WTO.

**Peter Van den Bossche** was a member of the Appellate Body of the WTO from 2009 to 2019, and served as its Chair in 2015. He is currently Director of Studies and Professor of International Economic Law at the World Trade Institute of the University of Bern, Switzerland. He serves as President of the Society of International Economic Law (SIEL) and is Editor of the *World Trade Review*. He is a visiting professor at the College of Europe, Bruges, Belgium; Maastricht University, the Netherlands; the LUISS Guido Carli University, Rome, Italy; and the Universidad San Francisco de Quito, Ecuador. From 1997 to 2001, he was Counsellor at the Appellate Body Secretariat, and in 2001, served as Acting Director of the Secretariat. In the early 1990s, he worked as a *référéndaire* at the European Court of Justice. Peter Van den Bossche is the author (with Denise Prévost) of *Essentials of WTO Law*, 2nd edition (2021).

**Werner Zdouc** was Director of the WTO Appellate Body Secretariat from 2006 to 2020. He is currently Director of the Knowledge and Information Management, Academic Outreach, and WTO Chairs Programme Division of the WTO. Dr Zdouc joined the WTO Legal Affairs Division in 1995 and the Appellate Body Secretariat in 2001. In 2008 to 2009, he chaired the WTO Joint Advisory Committee to the Director-General. He has been a lecturer and visiting professor at Vienna Economic University; the Universities of St Gallen, Zurich, Barcelona, and Yokohama; at Seoul National University; Fudan University Shanghai; the European Inter-University Centre for Human Rights and Democratization in Venice; and the Geneva Graduate Institute. He is a member of the International Law Association. From 1987 to 1989, he worked for governmental and nongovernmental development aid organisations in Austria and Latin America.

THE LAW AND POLICY OF THE

# World Trade Organization

**Text, Cases, and Materials**

*Fifth Edition*

Peter Van den Bossche

Werner Zdouc



**CAMBRIDGE**  
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom  
One Liberty Plaza, 20th Floor, New York, NY 10006, USA  
477 Williamstown Road, Port Melbourne, VIC 3207, Australia  
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India  
103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of the University of Cambridge.  
It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

[www.cambridge.org](http://www.cambridge.org)  
Information on this title: [www.cambridge.org/9781108478205](http://www.cambridge.org/9781108478205)  
DOI: 10.1017/9781108784542

First edition © Peter Van den Bossche 2005  
Second edition © Peter Van den Bossche 2008  
Third edition © Peter Van den Bossche and Werner Zdouc 2013  
Fourth edition © Peter Van den Bossche and Werner Zdouc 2017  
Fifth edition © Peter Van den Bossche and Werner Zdouc 2022

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2005  
Second edition 2008  
Third edition 2013  
Fourth edition 2017  
4th printing 2019  
Fifth edition 2022

Printed in the United Kingdom by TJ Books Limited, Padstow, Cornwall 2022  
*A catalogue record for this publication is available from the British Library.*

*Library of Congress Cataloging-in-Publication Data*

Names: Bossche, Peter Van den, author. | Zdouc, Werner, author.  
Title: The Law and Policy of the World Trade Organization : Text, Cases, and Materials / Peter Van den Bossche, Werner Zdouc.  
Description: Fifth edition. | Cambridge, United Kingdom : New York, NY : Cambridge University Press, 2021. | Includes bibliographical references and index.  
Identifiers: LCCN 2021012001 (print) | LCCN 2021012002 (ebook) | ISBN 9781108478205 (hardback) | ISBN 9781108784542 (ebook)  
Subjects: LCSH: World Trade Organization. | Foreign trade regulation. | Tariff – Law and legislation. | BISAC: LAW / Commercial / International Trade | LAW / Commercial / International Trade  
Classification: LCC K4610 .B67 2021 (print) | LCC K4610 (ebook) | DDC 343.08/70261–dc23  
LC record available at <https://lccn.loc.gov/2021012001>  
LC ebook record available at <https://lccn.loc.gov/2021012002>

ISBN 978-1-108-47820-5 Hardback  
ISBN 978-1-108-74710-3 Paperback

Additional resources for this publication at [www.cambridge.org/vandenbossche5](http://www.cambridge.org/vandenbossche5)

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

## CONTENTS

*List of Figures* xiv  
*Preface* xv  
*Table of WTO Cases* xvii  
*Table of GATT Cases* xliii  
*List of Abbreviations* xlvii

**1 International Trade and the Law of the WTO** 1

1 Introduction 1

2 Economic Globalisation, International Trade, and Sustainable Development 5

2.1 Emergence of the Global Economy 5

2.2 A Blessing or a Curse? 17

2.3 Free Trade versus Restricted Trade 23

2.4 International Trade to the Benefit of All? 33

3 The Law of the WTO 35

3.1 Need for International Rules on Trade 36

3.2 International Economic Law, International Trade Law, and WTO Law 39

3.3 Basic Rules of WTO Law 40

4 Sources of WTO Law 45

4.1 The Marrakesh Agreement Establishing the World Trade Organization 45

4.2 Other Sources of WTO Law 57

5 WTO Law in Context 68

5.1 WTO Law and International Law 68

5.2 WTO Law and National Law 71

6 Summary 81

Further Reading 82

**2 The World Trade Organization** 84

1 Introduction 84

2 The Origins of the WTO 86

2.1 The General Agreement on Tariffs and Trade of 1947 87

2.2 Uruguay Round of Multilateral Trade Negotiations 90

## vi Contents

- 3 Mandate of the WTO 93
  - 3.1 Objectives of the WTO 93
  - 3.2 Functions of the WTO 95
- 4 Membership and Institutional Structure 120
  - 4.1 Membership of the WTO 120
  - 4.2 Institutional Structure of the WTO 137
- 5 Decision-Making in the WTO 155
  - 5.1 WTO Decision-Making in Theory 155
  - 5.2 WTO Decision-Making in Practice 160
  - 5.3 Participation in WTO Decision-Making 162
- 6 Other Issues 166
  - 6.1 Legal Status of the WTO 166
  - 6.2 WTO Budget 166
- 7 Summary 168
  - Further Reading 171
  
- 3 WTO Dispute Settlement 173**
  - 1 Introduction 173
  - 2 Jurisdiction of the WTO Dispute Settlement System 177
    - 2.1 Nature of the Jurisdiction 177
    - 2.2 Scope of the Jurisdiction 178
  - 3 Access to the WTO Dispute Settlement System 189
    - 3.1 Right of Recourse to WTO Dispute Settlement 189
    - 3.2 Access of Members Other than the Parties 193
    - 3.3 Indirect Access to the WTO Dispute Settlement System 194
  - 4 Key Features of WTO Dispute Settlement 195
    - 4.1 Single, Comprehensive, and Integrated System 196
    - 4.2 Different Methods of Dispute Settlement 197
    - 4.3 Multilateral Dispute Settlement 198
    - 4.4 Preference for Mutually Acceptable Solutions 200
    - 4.5 Mandate to Clarify WTO Provisions 200
    - 4.6 Remedies for Breach 210
  - 5 Institutions of WTO Dispute Settlement 224
    - 5.1 Dispute Settlement Body 224
    - 5.2 Panels 226
    - 5.3 The Appellate Body 251
    - 5.4 Other Entities Involved in WTO Dispute Settlement 264
  - 6 Process of WTO Dispute Settlement 264
    - 6.1 General Observations on the WTO Dispute Settlement Process 265
    - 6.2 Consultations 285
    - 6.3 Panel Proceedings 290
    - 6.4 Appellate Body Proceedings 298
    - 6.5 Implementation and Enforcement 303
  - 7 Developing-Country Members and WTO Dispute Settlement 312

## vii Contents

- 7.1 Special Rules for Developing-Country Members 313
- 7.2 Legal Assistance for Developing-Country Members 314
- 8 Success, Challenges, and Decline of the WTO Dispute Settlement System 315
  - 8.1 Early Reform Discussions and a Looming Crisis 316
  - 8.2 From a Looming to an Acute Crisis 318
  - 8.3 Attempts to Address the Crisis 320
  - 8.4 The Multi-Party Interim Appeal Arbitration Arrangement 324
- 9 Summary 327
  - Further Reading 336
- 4 Most-Favoured-Nation Treatment 337**
  - 1 Introduction 337
  - 2 Most-Favoured-Nation Treatment under the GATT 1994 338
    - 2.1 Nature of the MFN Treatment Obligation of Article I:1 of the GATT 1994 339
    - 2.2 MFN Treatment Test of Article I:1 of the GATT 1994 343
    - 2.3 Most-Favoured-Nation Treatment Obligation and the Enabling Clause of the GATT 1994 353
  - 3 Most-Favoured-Nation Treatment under the GATS 359
    - 3.1 Nature of the MFN Treatment Obligation of Article II:1 of the GATS 359
    - 3.2 MFN Treatment Test of Article II:1 of the GATS 361
    - 3.3 Deviations from the Most-Favoured-Nation Treatment Obligation under the GATS 372
  - 4 Summary 374
    - Further Reading 375
- 5 National Treatment 377**
  - 1 Introduction 377
  - 2 National Treatment under the GATT 1994 378
    - 2.1 Nature of the National Treatment Obligation of Article III of the GATT 1994 379
    - 2.2 National Treatment Test for Internal Taxation on Like Products 388
    - 2.3 National Treatment Test for Internal Taxation on Directly Competitive or Substitutable Products 403
    - 2.4 National Treatment Test for Internal Regulation 414
  - 3 National Treatment under the GATS 437
    - 3.1 Nature of the National Treatment Obligation of Article XVII:1 of the GATS 437
    - 3.2 National Treatment Test of Article XVII:1 of the GATS 442
  - 4 Summary 453
    - Further Reading 454

- 6 Tariff Barriers** 456
  - 1 Introduction 456
  - 2 Customs Duties on Imports 458
    - 2.1 Definition and Types 458
    - 2.2 Purpose of Customs Duties on Imports 463
    - 2.3 Customs Duties as a Lawful Instrument of Protection 464
    - 2.4 Negotiations on the Reduction of Customs Duties 465
    - 2.5 Tariff Concessions and Schedules of Concessions 477
    - 2.6 Protection of Tariff Concessions 483
    - 2.7 Modification or Withdrawal of Tariff Concessions 488
    - 2.8 Imposition of Customs Duties on Imports 493
  - 3 Other Duties and Charges on Imports 506
    - 3.1 Definition and Types 506
    - 3.2 Rules Regarding Other Duties or Charges on Imports 508
    - 3.3 Measures Exempted from the Rule 511
  - 4 Customs Duties and Other Duties and Charges on Exports 513
    - 4.1 Definition and Purpose 513
    - 4.2 Rules Applicable on Export Duties 515
  - 5 Summary 518
    - Further Reading 520
- 7 Non-Tariff Barriers** 522
  - 1 Introduction 522
  - 2 Quantitative Restrictions on Trade in Goods 523
    - 2.1 Definition and Types 523
    - 2.2 Rules on Quantitative Restrictions 525
    - 2.3 Administration of Quantitative Restrictions 537
    - 2.4 Special and Differential Treatment 543
  - 3 Other Non-Tariff Barriers on Trade in Goods 543
    - 3.1 Lack of Transparency 544
    - 3.2 Unfair and Arbitrary Application of Trade Measures 549
    - 3.3 Customs Formalities and Procedures 555
    - 3.4 Government Procurement Laws and Practices 557
    - 3.5 Other Measures and Actions 559
  - 4 Market Access Barriers to Trade in Services 562
    - 4.1 Definition and Types of Market Access Barriers 564
    - 4.2 Rules on Market Access Barriers 566
    - 4.3 Negotiations on Market Access for Services 567
    - 4.4 Schedules of Specific Commitments 570
    - 4.5 Modification or Withdrawal of Commitments 578
  - 5 Other Barriers to Trade in Services 580
    - 5.1 Lack of Transparency 580
    - 5.2 Unfair and Arbitrary Application of Trade Measures 581
    - 5.3 Licensing and Qualification Requirements and Technical Standards 582

## ix Contents

- 5.4 Government Procurement Laws and Practices 584
- 5.5 Other Measures and Actions 584
- 6 Summary 586
  - Further Reading 590
- 8 General and Security Exceptions 591**
  - 1 Introduction 591
  - 2 General Exceptions under the GATT 1994 592
    - 2.1 Key Features of Article XX of the GATT 1994 593
    - 2.2 Two-Tier Test under Article XX of the GATT 1994 601
    - 2.3 Specific Exceptions under Article XX of the GATT 1994 604
    - 2.4 Chapeau of Article XX of the GATT 1994 646
    - 2.5 Policy Space for Members to Protect Other Societal Values and Interests 656
  - 3 General Exceptions under the GATS 657
    - 3.1 Two-Tier Test under Article XIV of the GATS 658
    - 3.2 Specific Exceptions under Article XIV of the GATS 659
    - 3.3 Chapeau of Article XIV of the GATS 668
    - 3.4 The Prudential Exception under the GATS Annex on Financial Services 670
  - 4 Security Exceptions under the GATT 1994 and the GATS 671
    - 4.1 Article XXI of the GATT 1994 671
    - 4.2 Article XIV<sup>bis</sup> of the GATS 681
  - 5 Summary 682
    - Further Reading 686
- 9 Economic Emergency Exceptions 689**
  - 1 Introduction 689
  - 2 Safeguard Measures under the GATT 1994 and the Agreement on Safeguards 689
    - 2.1 Constituent Features of a ‘Safeguard Measure’ 693
    - 2.2 Requirements for the Use of Safeguard Measures 695
    - 2.3 Domestic Procedures and Notification and Consultation Requirements 706
    - 2.4 Requirements Regarding the Form, Extent, and Duration of the Application of Safeguard Measures 708
  - 3 Safeguard Measures under Other WTO Agreements 716
    - 3.1 Safeguard Measures under the Agreement on Agriculture 716
    - 3.2 Safeguard Measures under China’s Accession Protocol 719
    - 3.3 Safeguard Measures under the GATS 719
  - 4 Balance-of-Payments Measures under the GATT 1994 and the GATS 720
    - 4.1 Balance-of-Payments Measures under the GATT 1994 720
    - 4.2 Balance-of-Payments Measures under the GATS 726
  - 5 Summary 727
    - Further Reading 729



- 10 Regional Trade Exceptions** 730
- 1 Introduction 730
  - 2 Proliferation of Regional Trade Agreements 731
  - 3 Regional Trade Exceptions under the GATT 1994 737
    - 3.1 Exceptions Relating to Customs Unions 738
    - 3.2 Exceptions Relating to Free-Trade Areas 743
    - 3.3 Interim Agreements 745
    - 3.4 Special and Differential Treatment of Developing-Country Members 745
  - 4 Regional Trade Exceptions under the GATS 747
    - 4.1 Requirements for Economic Integration Agreements 747
    - 4.2 Labour Markets Integration Agreements 750
    - 4.3 Special and Differential Treatment of Developing-Country Members 750
  - 5 Institutional and Procedural Matters 751
  - 6 Summary 752
    - Further Reading 753
- 11 Dumping** 754
- 1 Introduction 754
  - 2 Basic Elements of WTO Law on Dumping 755
    - 2.1 History of the Law on Dumping 755
    - 2.2 The Concept of ‘Dumping’ and Its Treatment in WTO Law 757
    - 2.3 Current Use of Anti-Dumping Measures 759
  - 3 Determination of Dumping 761
    - 3.1 ‘Normal Value’ 762
    - 3.2 ‘Export Price’ 770
    - 3.3 Comparison of the ‘Export Price’ with the ‘Normal Value’ 772
  - 4 Determination of Injury to the Domestic Industry 783
    - 4.1 ‘Domestic Industry’ 783
    - 4.2 ‘Injury’ 787
  - 5 Demonstration of a Causal Link 800
    - 5.1 Relevant Causation Factors and Non-Attribution 800
    - 5.2 Cumulation 803
  - 6 Anti-Dumping Investigation 805
    - 6.1 Initiation of an Investigation 805
    - 6.2 Conduct of the Investigation 807
    - 6.3 Public Notice and Judicial Review 815
  - 7 Anti-Dumping Measures 819
    - 7.1 Imposition of Provisional Anti-Dumping Measures 819
    - 7.2 Price Undertakings 819
    - 7.3 Imposition and Collection of Anti-Dumping Duties 820
    - 7.4 Duration, Termination, and Review of Anti-Dumping Duties 824
    - 7.5 Problem of Circumvention of Anti-Dumping Duties 827

## xi Contents

- 8 Institutional and Procedural Provisions of the Anti-Dumping Agreement 828
  - 8.1 The Committee on Anti-Dumping Practices 828
  - 8.2 Dispute Settlement 830
- 9 Special and Differential Treatment for Developing-Country Members 834
- 10 Summary 836
  - Further Reading 838
- 12 Subsidies 840**
  - 1 Introduction 840
  - 2 Basic Elements of WTO Law on Subsidies and Subsidised Trade 841
    - 2.1 History of the Law on Subsidies and Subsidised Trade 841
    - 2.2 The WTO Concept of ‘Subsidies’ and Their Treatment under WTO Law 843
    - 2.3 Current Use of Subsidies and Countervailing Measures 844
  - 3 Subsidies Covered by the SCM Agreement 845
    - 3.1 Financial Contribution 846
    - 3.2 Financial Contribution by a Government or a Public Body 855
    - 3.3 Financial Contribution Conferring a Benefit 860
    - 3.4 Requirement of ‘Specificity’ of the Subsidy 870
  - 4 Prohibited Subsidies 879
    - 4.1 Export Subsidies 880
    - 4.2 Import Substitution Subsidies 884
    - 4.3 Multilateral Remedies for Prohibited Subsidies 888
  - 5 Actionable Subsidies 891
    - 5.1 Subsidies Causing Injury 891
    - 5.2 Subsidies Causing Nullification or Impairment 899
    - 5.3 Subsidies Causing Serious Prejudice 899
    - 5.4 Multilateral Remedies for Actionable Subsidies 924
    - 5.5 Non-Actionable Subsidies 927
  - 6 Countervailing Measures 928
    - 6.1 Conditions for the Imposition of Countervailing Duties 928
    - 6.2 Conduct of Countervailing Duty Investigations 929
    - 6.3 Application of Countervailing Measures 938
    - 6.4 Countervailing Duties or Countermeasures 946
  - 7 Institutional and Procedural Provisions 947
    - 7.1 Transparency and Notification Requirements 947
    - 7.2 Subsidies Committee 948
    - 7.3 Dispute Settlement 949
  - 8 Special and Differential Treatment for Developing-Country Members 950
  - 9 Agricultural Subsidies under the Agreement on Agriculture 951
    - 9.1 Agricultural Export Subsidies 952
    - 9.2 Domestic Agricultural Support Measures 956
  - 10 Summary 959
    - Further Reading 962

xii Contents

- 13 Technical Barriers to Trade** 964
- 1 Introduction 964
  - 2 Scope of Application of the TBT Agreement 965
    - 2.1 Measures to Which the TBT Agreement Applies 966
    - 2.2 Entities Covered by the TBT Agreement 975
    - 2.3 Relationship with Other WTO Agreements 976
  - 3 Substantive Provisions of the TBT Agreement 978
    - 3.1 MFN Treatment and National Treatment Obligations 978
    - 3.2 Obligation to Refrain from Creating Unnecessary Obstacles to International Trade 992
    - 3.3 Obligation to Base Technical Barriers to Trade on International Standards 1007
    - 3.4 Other Substantive Provisions 1011
  - 4 Institutional and Procedural Provisions of the TBT Agreement 1015
    - 4.1 TBT Committee 1015
    - 4.2 Dispute Settlement 1016
    - 4.3 Technical Assistance 1017
  - 5 Summary 1018  
Further Reading 1019
- 14 Sanitary and Phytosanitary Measures** 1021
- 1 Introduction 1021
  - 2 Scope of Application of the SPS Agreement 1022
    - 2.1 Measures to Which the SPS Agreement Applies 1022
    - 2.2 Entities Covered by the SPS Agreement 1026
    - 2.3 Relationship with Other WTO Agreements 1027
  - 3 Substantive Provisions of the SPS Agreement 1029
    - 3.1 Basic Principles 1029
    - 3.2 Goal of Harmonisation 1036
    - 3.3 Obligations Relating to Risk Assessment 1040
    - 3.4 Obligations Relating to Risk Management 1046
    - 3.5 Provisional Measures and the Precautionary Principle 1053
    - 3.6 Other Substantive Provisions 1059
  - 4 Institutional and Procedural Provisions of the SPS Agreement 1072
    - 4.1 SPS Committee 1072
    - 4.2 Dispute Settlement 1073
    - 4.3 Technical Assistance 1078
  - 5 Summary 1079  
Further Reading 1080
- 15 Intellectual Property Rights** 1082
- 1 Introduction 1082
  - 2 The Origins and Objectives of the TRIPS Agreement 1082

xiii Contents

- 2.1 Origins of the TRIPS Agreement 1083
- 2.2 Objectives and Principles of the TRIPS Agreement 1084
- 3 Scope of Application of the TRIPS Agreement 1086
  - 3.1 Substantive Scope of Application 1086
  - 3.2 Temporal Scope of Application 1089
- 4 General Provisions and Basic Principles of the TRIPS Agreement 1089
  - 4.1 Relationship between the TRIPS Agreement and WIPO Conventions 1090
  - 4.2 The National Treatment Obligation 1092
  - 4.3 The Most-Favoured-Nation Treatment Obligation 1098
  - 4.4 Exhaustion of Intellectual Property Rights 1099
- 5 Substantive Protection of Intellectual Property Rights 1101
  - 5.1 Copyright and Related Rights 1101
  - 5.2 Trademarks 1108
  - 5.3 Geographical Indications 1122
  - 5.4 Patents 1127
- 6 Enforcement of Intellectual Property Rights 1135
  - 6.1 General Obligations 1136
  - 6.2 Civil and Administrative Procedures and Remedies 1136
  - 6.3 Provisional Measures and Border Measures 1139
  - 6.4 Criminal Procedures 1139
  - 6.5 Acquisition and Maintenance of Intellectual Property Rights 1140
- 7 Institutional and Procedural Provisions of the TRIPS Agreement 1141
  - 7.1 Council for TRIPS 1141
  - 7.2 Transparency 1142
  - 7.3 Dispute Settlement 1142
  - 7.4 Security Exceptions 1144
- 8 Special and Differential Treatment of Developing-Country Members 1146
  - 8.1 Transitional Periods 1146
  - 8.2 Technical Assistance and Transfer of Technology 1147
- 9 Summary 1148
  - Further Reading 1151
  - Index* 1152

## FIGURES

- 1.1 Ratio of global trade in merchandise and commercial services to global GDP (1990–2018) 10
- 1.2 Ratio of trade in merchandise and commercial services to GDP for selected countries (1990–2018) 11
- 1.3 GCV manufacture and assembly of a Boeing 787 Dreamliner 15
- 2.1 WTO organisation chart 138
- 2.2 Programme of WTO meetings in the week of 27 July 2020 139
- 2.3 Proposed agenda for the meeting of the General Council of 3–4 March 2020 143
- 2.4 WTO Secretariat organisation chart 154
- 3.1 Agenda of the DSB meeting of 28 August 2020 227
- 3.2 Flowchart of the WTO dispute settlement process 266
- 5.1 Excerpt from the Services Schedule of the European Union and its Member States 439
- 6.1 Excerpt from the customs tariff of India, 2019–20 462
- 6.2 Sixty years of GATT/WTO tariff reductions 466
- 6.3 Excerpt from the EU Goods Schedule 479
- 6.4 Tariff rates: bound and applied 489
- 7.1 Excerpt from the Schedule of Specific Commitments of Brazil 574
- 9.1 ‘Increased imports’ requirement: Example 1 698
- 9.2 ‘Increased imports’ requirement: Example 2 698

## PREFACE

Three years have passed since the publication of the fourth edition of this book. During this time, the world of international trade law and policy has changed beyond recognition. In these times of populist anti-globalism, economic nationalism, a global health crisis, and superpower geopolitical confrontation, the multilateral trading system and its principal institution, the WTO, are in crisis. The fifth edition of this book has been updated and revised to reflect the developments in WTO law and policy up to 1 October 2020, with an occasional reference to later developments. This edition is, as the previous edition, accompanied by an online supplement, containing questions, assignments, and exercises, which will be regularly updated and may assist students (and practitioners) to further their understanding of WTO law and policy.

This book reflects the current state of WTO law. It is not our ambition in this book to express an opinion on how issues not yet adjudicated should be decided or, more broadly, how WTO law should develop in the future. Where we quote or refer to various, and often divergent, statements of negotiators, academics, or other eminent experts, we do so in order to give the reader a full picture of open debates. It is evident that the description of the current state of WTO law contained in this book is to be attributed to the authors in their private capacity and does not represent the views of the organisations to which they belong.

As was the case with the previous editions, this fifth edition benefited from the advice, comments, and suggestions of many. Werner and I would like to thank, in particular, Parika Ganeriwal, Yuliia Kucheriava, Carla Ochoa Oliden, Iryna Polovets, and Denise Prévost for their invaluable work on this edition. We also owe thanks to Iveta Alexovicová, Sarah Akpofure, Svetlana Chobanova, Nithya Grace Fenn, Camille Flechet, Kimani Goddard, Seok-Ha Khang, Tamal Mandal, Victoriia Mykuliak, Hugo Cahueñas Muñoz, Gabrielle Marceau, Jesse Nicol, Nikhita Pais, Fernando Pierola, Rodrigo Polanco, Ricardo Ramirez, Esha Sandhu, Roy Santana, Andreas Sennekamp, Kelly Shang, Swati Sharma, Maarten Smeets, Sophia Thompson, Jhanvi Trivedi, Marisol Gonzálcz

xvi Preface

Vallej, Hannu Wager, Mishael Wambua, Rhian Wood, Chunlei Zhao, and Xiaolu Zhu. Of course, those mentioned above bear no responsibility for any error or omission in this book. Any such error or omission remains the responsibility of the authors. Werner and I are grateful to Caitlin Lisle, Commissioning Editor, Higher Education Law, at Cambridge University Press and her colleagues, in particular Nicola Chapman and Benjamin Johnson, for their unfailing and well-organised assistance in matters large and small. We are also grateful to Finola O’Sullivan, Executive Publisher, Law, at Cambridge University Press for her continued support.

The royalties from previous editions of this book were used to provide financial assistance to students and scholars from developing countries. The royalties from the fifth edition will be used for the same purpose.

This edition is dedicated to the memory of Patricia Murillo Montesdeoca, who always remained sceptical of the benefits of free trade.

PETER VAN DEN BOSSCHE AND WERNER ZDOUC

## TABLE OF WTO CASES

The year in brackets following the short name of the case refers to the year in which the panel or Appellate Body report in that case was adopted by the DSB. The year in brackets following the short name of cases in which there was a mutually agreed solution refers to the year in which such solution was reached. The short name of cases in which the panel report is currently pending before the paralysed Appellate Body is followed by (-) to indicate that these panel reports have not been adopted by the DSB. Where awards or decisions by arbitrators under Articles 21.3(c), 22.6, or 25 of the DSU are concerned, the year in brackets refers to the year in which these awards or decisions were circulated.

Short title	Full case title
<i>Argentina – Ceramic Tiles (2001)</i>	<i>Argentina – Definitive Anti-Dumping Measures on Imports of Ceramic Floor Tiles from Italy</i> , WT/DS189, 63, 767
<i>Argentina – Financial Services (2016)</i>	<i>Argentina – Measures Relating to Trade in Goods and Services</i> , WT/DS453, 175, 237, 312, 313, 344, 351, 360, 362, 367, 368, 371, 400, 442, 445, 446, 447, 448, 450, 452, 526, 565, 582, 603, 616, 617, 618, 623, 634, 635, 639, 640, 659, 664, 665, 666, 669, 670
<i>Argentina – Footwear (EC) (2000)</i>	<i>Argentina – Safeguard Measures on Imports of Footwear</i> , WT/DS121, 46, 51, 249, 690, 691, 692, 693, 696, 699, 702, 706, 710, 711, 737, 739
<i>Argentina – Hides and Leather (2001)</i>	<i>Argentina – Measures Affecting the Export of Bovine Hides and Import of Finished Leather</i> , WT/DS155, 383, 389, 391, 400, 401, 402, 527, 531, 550, 552, 553, 603, 651
<i>Argentina – Import Measures (2015)</i>	<i>Argentina – Measures Affecting the Importation of Goods</i> , WT/DS438, 63, 185, 187, 243, 286, 400, 415, 416, 419, 428, 526, 528, 530, 531, 556



## xviii Table of WTO Cases

Short title	Full case title
<i>Argentina – Poultry Anti-Dumping Duties (2003)</i>	<i>Argentina – Definitive Anti-Dumping Duties on Poultry from Brazil</i> , WT/DS241, 269, 283, 785
<i>Argentina – Preserved Peaches (2003)</i>	<i>Argentina – Definitive Safeguard Measure on Imports of Preserved Peaches</i> , WT/DS238, 693, 699, 700, 702, 703
<i>Argentina – Textiles and Apparel (1998)</i>	<i>Argentina – Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items</i> , WT/DS56, 245, 293, 294, 484, 487, 488, 508, 509, 510, 512
<i>Australia – Anti-Dumping Measures on A4 Copy Paper (2020)</i>	<i>Australia – Anti-Dumping Measures on A4 Copy Paper</i> , WT/DS529, 319, 762
<i>Australia – Apples (2010)</i>	<i>Australia – Measures Affecting the Importation of Apples from New Zealand</i> , WT/DS367, 246, 247, 274, 1022, 1023, 1024, 1030, 1032, 1042, 1043, 1044, 1047, 1048, 1050, 1051, 1064, 1075, 1076, 1077
<i>Australia – Automotive Leather II (1999)</i>	<i>Australia – Subsidies Provided to Producers and Exporters of Automotive Leather</i> , WT/DS126, 880, 882, 884, 888
<i>Australia – Automotive Leather II (Article 21.5 – US) (2000)</i>	<i>Australia – Subsidies Provided to Producers and Exporters of Automotive Leather – Recourse to Article 21.5 of the DSU by the United States</i> , WT/DS126, 223, 245, 889
<i>Australia – Salmon (1998)</i>	<i>Australia – Measures Affecting Importation of Salmon</i> , WT/DS18, 63, 243, 258, 263, 294, 1022, 1030, 1032, 1042, 1043, 1047, 1048, 1050, 1051, 1053
<i>Australia – Salmon (Article 21.5 – Canada) (2000)</i>	<i>Australia – Measures Affecting Importation of Salmon – Recourse to Article 21.5 of the DSU by Canada</i> , WT/DS18, 1026, 1034, 1050, 1053
<i>Australia – Tobacco Plain Packaging (2020)</i>	<i>Australia – Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging</i> , WT/DS435, WT/DS441, 176, 232, 246, 248, 250, 251, 254, 267, 268, 282, 292, 298, 301, 319, 965, 993, 994, 995, 996, 998, 1002, 1003, 1005, 1085, 1086, 1087, 1091, 1108, 1110, 1111, 1112, 1116, 1120, 1123, 1126, 1143

## xix Table of WTO Cases

Short title	Full case title
<i>Brazil – Aircraft (1999)</i>	<i>Brazil – Export Financing Programme for Aircraft</i> , WT/DS46, 220, 270, 286, 848, 884
<i>Brazil – Aircraft (Article 21.5 – Canada) (2000)</i>	<i>Brazil – Export Financing Programme for Aircraft – Recourse by Canada to Article 21.5 of the DSU</i> , WT/DS46, 72, 889, 890, 926
<i>Brazil – Aircraft (Article 22.6 – Brazil) (2000)</i>	<i>Brazil – Export Financing Programme for Aircraft – Recourse to Arbitration by Brazil under Article 22.6 of the DSU and Article 4.11 of the SCM Agreement</i> , WT/DS46, 63, 218
<i>Brazil – Desiccated Coconut (1997)</i>	<i>Brazil – Measures Affecting Desiccated Coconut</i> , WT/DS22, 46, 63, 237, 843
<i>Brazil – Retreaded Tyres (2007)</i>	<i>Brazil – Measures Affecting Imports of Retreaded Tyres</i> , WT/DS332, 73, 174, 272, 297, 415, 417, 530, 531, 601, 602, 603, 605, 606, 608, 609, 610, 612, 621, 622, 623, 637, 638, 639, 647, 648, 649, 650, 652, 654, 669, 737, 1000
<i>Brazil – Retreaded Tyres (Article 21.3(c)) (2008)</i>	<i>Brazil – Measures Affecting Imports of Retreaded Tyres – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS332, 214
<i>Brazil – Taxation (2019)</i>	<i>Brazil – Certain Measures Concerning Taxation and Charges</i> , WT/DS472, 175, 254, 343, 344, 347, 351, 354, 355, 381, 384, 386, 387, 389, 391, 400, 401, 402, 403, 415, 419, 420, 430, 562, 603, 605, 606, 607, 627, 628, 632, 633, 635, 638, 640, 746, 849, 884, 886, 890
<i>Canada – Aircraft (1999)</i>	<i>Canada – Measures Affecting the Export of Civilian Aircraft</i> , WT/DS70, 204, 239, 261, 270, 293, 294, 348, 860, 880, 881, 882, 887, 888
<i>Canada – Aircraft (Article 21.5 – Brazil) (2000)</i>	<i>Canada – Measures Affecting the Export of Civilian Aircraft – Recourse by Brazil to Article 21.5 of the DSU</i> , WT/DS70, 268, 307, 882, 885, 889
<i>Canada – Aircraft Credits and Guarantees (2002)</i>	<i>Canada – Export Credits and Loan Guarantees for Regional Aircraft</i> , WT/DS222, 220, 293
<i>Canada – Autos (2000)</i>	<i>Canada – Certain Measures Affecting the Automotive Industry</i> , WT/DS139, 212, 243, 339, 340, 342, 343, 346, 351, 361, 362, 368, 415, 418, 419, 442, 444, 452, 737, 747, 748, 749, 850, 881, 886

## xx Table of WTO Cases

Short title	Full case title
<i>Canada – Autos (Article 21.3(c)) (2000)</i>	<i>Canada – Certain Measures Affecting the Automotive Industry – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS139, WT/DS142, 212
<i>Canada – Continued Suspension (2008)</i>	<i>Canada – Continued Suspension of Obligations in the EC – Hormones Dispute</i> , WT/DS321, 199, 246, 248, 267, 272, 273, 274, 284, 311, 1022, 1032, 1036, 1039, 1040, 1041, 1042, 1043, 1044, 1046, 1047, 1051, 1054, 1056, 1057, 1058, 1075, 1076, 1077
<i>Canada – Dairy (1999)</i>	<i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products</i> , WT/DS103, WT/DS113, 63, 205, 209, 210, 485, 856
<i>Canada – Dairy (Article 21.5 – New Zealand and US) (2001)</i>	<i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Recourse to Article 21.5 of the DSU by New Zealand and the United States</i> , WT/DS103, WT/DS113, 262, 953, 956
<i>Canada – Feed-in Tariff/Renewable Energy (2013)</i>	<i>Canada – Measures Relating to the Feed-in Tariff Program</i> , WT/DS412, 175
<i>Canada – Patent Term (2000)</i>	<i>Canada – Term of Patent Protection</i> , WT/DS170, 63, 206, 1089, 1090, 1134, 1143
<i>Canada – Periodicals (1997)</i>	<i>Canada – Certain Measures Concerning Periodicals</i> , WT/DS31, 181, 209, 257, 263, 380, 387, 388, 389, 394, 396, 400, 403, 404, 405, 411, 414, 415, 419, 421, 531
<i>Canada – Pharmaceutical Patents (2000)</i>	<i>Canada – Patent Protection of Pharmaceutical Products</i> , WT/DS114, 212, 341, 1085, 1117, 1118, 1127, 1128, 1143
<i>Canada – Pharmaceutical Patents (Article 21.3(c)) (2000)</i>	<i>Canada – Patent Protection of Pharmaceutical Products – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS114/13, 212, 213
<i>Canada – Renewable Energy/Canada – Feed-in Tariff Program (2013)</i>	<i>Canada – Certain Measures Affecting the Renewable Energy Generation Sector/Canada – Measures Relating to the Feed-in Tariff Program</i> , WT/DS412/WT/DS426, 245, 264, 278, 383, 385, 388, 846, 861, 887
<i>Canada – Wheat Exports and Grain Imports (2004)</i>	<i>Canada – Measures Relating to Exports of Wheat and Treatment of Imported Grain</i> , WT/DS276, 230, 233, 243, 276, 284, 415, 417, 427, 431, 561, 603, 613, 614, 620, 623

## xxi Table of WTO Cases

Short title	Full case title
<i>Chile – Alcoholic Beverages (2000)</i>	<i>Chile – Taxes on Alcoholic Beverages</i> , WT/DS87, WT/DS110, 181, 201, 404, 405, 413, 414
<i>Chile – Alcoholic Beverages (Article 21.3(c)) (2000)</i>	<i>Chile – Taxes on Alcoholic Beverages – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS87/15, WT/DS110/14, 213
<i>Chile – Price Band System (2002)</i>	<i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products</i> , WT/DS207, 63, 66, 206, 213, 230, 238, 239, 244, 261, 284, 312, 313, 506, 507, 510, 692, 693, 703, 706, 710, 713, 718, 952
<i>Chile – Price Band System (Article 21.3(c)) (2003)</i>	<i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS207/13, 213
<i>Chile – Price Band System (Article 21.5 – Argentina) (2007)</i>	<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, 249, 299, 309, 692, 716, 718
<i>China – Auto Parts (2008)</i>	<i>China – Measures Affecting Imports of Automobile Parts</i> , WT/DS342, 74
<i>China – Auto Parts (2009)</i>	<i>China – Measures Affecting Imports of Automobile Parts</i> , WT/DS339/WT/DS340/WT/DS342, 246, 383, 388, 389, 401, 415, 416, 418, 419, 459, 483, 487, 496, 506, 603
<i>China – Electronic Payment Services (2012)</i>	<i>China – Certain Measures Affecting Electronic Payment Services</i> , WT/DS413, 215, 368, 442, 446, 447, 449, 566, 572, 574, 586, 659
<i>China – GOES (2012)</i>	<i>China – Countervailing and Anti-Dumping Duties on Grain Oriented Flat-Rolled Electrical Steel from the United States</i> , WT/DS414, 215, 260, 787, 788, 790, 792, 795, 802, 815, 816, 818, 855, 894, 930, 935, 937
<i>China – GOES (Article 21.3(c)) (2013)</i>	<i>China – Countervailing and Anti-Dumping Duties on Grain Oriented Flat-Rolled Electrical Steel from the United States – Arbitration under Article 21.3(c) of the Understanding on Rules and Procedures Governing the Settlement of Disputes</i> , WT/DS414, 212, 213, 214

## xxii Table of WTO Cases

Short title	Full case title
<i>China – HP-SSST (EU) (2015)</i>	<i>China – Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes ('HP-SSST') from the European Union, WT/DS460, 232, 791, 795, 802, 810, 811, 815, 816, 831</i>
<i>China – HP-SSST (Japan) (2015)</i>	<i>China – Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes ('HP-SSST') from Japan, WT/DS454, 232, 791, 795, 802, 810, 811, 815, 816, 831</i>
<i>China – Intellectual Property Rights (2009)</i>	<i>China – Measures Affecting the Protection and Enforcement of Intellectual Property Rights, WT/DS362, 1102, 1135, 1139, 1143</i>
<i>China – Publications and Audiovisual Products (2010)</i>	<i>China – Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products, WT/DS363, 64, 74, 202, 203, 204, 209, 242, 400, 415, 417, 419, 428, 432, 442, 443, 445, 448, 449, 450, 564, 566, 574, 576, 595, 597, 603, 629, 631, 632, 636, 637, 659, 1000</i>
<i>China – Rare Earths (2014)</i>	<i>China – Measures Related to the Exportation of Rare Earths, Tungsten, and Molybdenum, WT/DS431/WT/DS432/WT/DS433, 56, 60, 94, 175, 194, 240, 242, 294, 295, 299, 516, 531, 598, 603, 624, 626, 628, 656</i>
<i>China – Raw Materials (2012)</i>	<i>China – Measures Related to the Exportation of Various Raw Materials, WT/DS394/WT/DS395/WT/DS398, 44, 127, 129, 181, 228, 230, 278, 516, 525, 526, 527, 528, 530, 531, 546, 551, 552, 597, 603, 605, 606, 624, 626, 628</i>
<i>Colombia – Ports of Entry (2009)</i>	<i>Colombia – Indicative Prices and Restrictions on Ports of Entry, WT/DS366, 343, 346, 347, 351, 383, 389, 394, 400, 401, 500, 501, 526, 528, 531, 560, 603, 616, 618, 621, 623</i>
<i>Colombia – Ports of Entry (Article 21.3(c)) (2009)</i>	<i>Colombia – Indicative Prices and Restrictions on Ports of Entry – Arbitration under Article 21.3(c) of the DSU, WT/DS366/13, 214</i>
<i>Colombia – Textiles (2016)</i>	<i>Colombia – Measures Relating to the Importation of Textiles, Apparel and Footwear, WT/DS461, 175, 238, 313, 459, 460, 485, 487, 500, 508, 511, 601, 603, 605, 607, 614, 616, 618, 619, 620, 621, 622, 623, 629, 631, 632, 633, 634, 635, 638, 639, 640, 641, 654, 656</i>

## xxiii Table of WTO Cases

Short title	Full case title
<i>Colombia – Textiles (Article 21.3(c)) (2016)</i>	<i>Colombia – Measures Relating to the Importation of Textiles, Apparel and Footwear – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS461, 212, 213, 214
<i>Colombia – Textiles (Article 21.5 – Colombia and Panama) (–)</i>	<i>Colombia – Measures Relating to the Importation of Textiles, Apparel and Footwear – Recourse to Article 21.5 of the DSU by Colombia and Panama</i> , WT/DS461/RW (appeal pending), 313, 551
<i>Dominican Republic – Bag and Fabric Safeguards (2012)</i>	<i>Dominican Republic – Safeguard Measures on Imports of Polypropylene Bags and Tubular Fabric</i> , WT/DS415, WT/DS416, WT/DS417, WT/DS418, 211
<i>Dominican Republic – Import and Sale of Cigarettes (2005)</i>	<i>Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes</i> , WT/DS302, 211, 239, 244, 246, 389, 397, 415, 417, 431, 434, 435, 506, 508, 509, 510, 552, 603
<i>Dominican Republic – Safeguard Measures (2012)</i>	<i>Dominican Republic – Safeguard Measures on Imports of Polypropylene Bags and Tubular Fabric</i> , WT/DS415, WT/DS416, WT/DS417, WT/DS418, 312, 313, 506, 507, 508, 693, 709, 712
<i>EC – Approval and Marketing of Biotech Products (2006)</i>	<i>European Communities – Measures Affecting the Approval and Marketing of Biotech Products</i> , WT/DS291, 175, 186, 205, 206, 207, 215, 246, 250, 251, 267, 275, 277, 280, 294, 296, 415, 434, 976, 1015, 1022, 1023, 1025, 1026, 1028, 1041, 1044, 1046, 1054, 1058, 1064, 1065, 1069
<i>EC – Asbestos (2001)</i>	<i>European Communities – Measures Affecting Asbestos and Asbestos-Containing Products</i> , WT/DS135, 190, 191, 204, 246, 251, 262, 263, 268, 281, 298, 348, 350, 351, 380, 388, 393, 394, 415, 421, 422, 424, 425, 428, 430, 431, 448, 603, 609, 610, 612, 620, 633, 636, 641, 656, 965, 966, 969, 974, 977, 978, 1002, 1017
<i>EC – Bananas III (1997)</i>	<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas</i> , WT/DS27, 53, 61, 63, 135, 137, 175, 191, 192, 215, 220, 221, 228, 231, 250, 278, 279, 289, 292, 295, 311, 312, 340, 343, 346, 353, 360, 365, 368, 370, 415, 417, 429, 442, 478, 524, 537, 540, 550, 554, 952, 977
<i>EC – Bananas III (Article 21.3(c)) (1998)</i>	<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS27/15, 212

## xxiv Table of WTO Cases

Short title	Full case title
<i>EC – Bananas III (Article 21.5 – EC) (1999)</i>	<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Article 21.5 of the DSU by the European Communities, WT/DS27, 178</i>
<i>EC – Bananas III (Article 21.5 – Ecuador) (1999)</i>	<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Article 21.5 of the DSU by Ecuador, WT/DS27, 225, 250, 343, 361, 370, 441, 442, 450</i>
<i>EC – Bananas III (Article 21.5 – Ecuador II) (2008)</i>	<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Second Recourse to Article 21.5 of the DSU by Ecuador, WT/DS27, 193, 208, 222, 233, 284, 343, 537</i>
<i>EC – Bananas III (Article 21.5 – US) (2008)</i>	<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Second Recourse to Article 21.5 of the DSU by United States, WT/DS27, 193, 222, 233, 250, 272, 284, 343, 487, 524, 537</i>
<i>EC – Bananas III (Guatemala and Honduras) (1997)</i>	<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas, Complaint by Guatemala and Honduras, WT/DS27, 346</i>
<i>EC – Bananas III (Mexico) (1997)</i>	<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas, Complaint by Mexico, WT/DS27, 353</i>
<i>EC – Bananas III (US) (Article 22.6 – EC) (1999)</i>	<i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Arbitration by the European Communities under Article 22.6 of the DSU, 217, 361, 441, 442, 450</i>
<i>EC – Bed Linen (2001)</i>	<i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India, WT/DS141, 280, 769, 778, 834, 835</i>
<i>EC – Bed Linen (Article 21.5 – India) (2003)</i>	<i>European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India – Recourse to Article 21.5 of the DSU by India, WT/DS141, 293, 297, 306, 308, 790, 804</i>
<i>EC – Butter (1999)</i>	<i>European Communities – Measures Affecting Butter Products, WT/DS72, 292</i>

Short title	Full case title
<i>EC – Chicken Cuts (2005)</i>	<i>European Communities – Customs Classification of Frozen Boneless Chicken Cuts</i> , WT/DS269, WT/DS286, 67, 204, 205, 208, 228, 229, 246, 483, 486, 487, 493, 496
<i>EC – Commercial Vessels (2005)</i>	<i>European Communities – Measures Affecting Trade in Commercial Vessels</i> , WT/DS301, 178, 199, 345, 940
<i>EC – Computer Equipment (1998)</i>	<i>European Communities – Customs Classification of Certain Computer Equipment</i> , WT/DS62, WT/DS67, WT/DS68, 204, 207, 209, 210, 482, 483, 486, 493, 575
<i>EC – Countervailing Measures on DRAM Chips (2005)</i>	<i>European Communities – Countervailing Measures on Dynamic Random Access Memory Chips from Korea</i> , WT/DS299, 877
<i>EC – Export Subsidies on Sugar (2005)</i>	<i>European Communities – Export Subsidies on Sugar</i> , WT/DS265, WT/DS266, WT/DS283, 191, 233, 243, 250, 261, 264, 268, 280, 283, 295, 297, 840
<i>EC – Export Subsidies on Sugar (Article 21.3(c)) (2005)</i>	<i>European Communities – Export Subsidies on Sugar – Arbitration under Article 21.3(c) of the DSU</i> , WT/DS265/33, WT/DS266/33, WT/DS283/14, 212, 213, 214
<i>EC – Fasteners (China) (2011)</i>	<i>European Communities – Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China</i> , WT/DS397, 244, 259, 344, 767, 768, 774, 775, 784, 810, 813, 820, 822, 893
<i>EC – Fasteners (China) (Article 21.5 – China) (2016)</i>	<i>European Communities – Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China – Recourse to Article 21.5 of the DSU by China</i> , WT/DS397, 237, 240, 308, 767, 768, 786, 810
<i>EC – Hormones (1998)</i>	<i>EC Measures Concerning Meat and Meat Products (Hormones)</i> , WT/DS26, WT/DS48, 64, 174, 181, 202, 205, 215, 216, 220, 222, 233, 239, 245, 246, 247, 256, 258, 259, 268, 276, 290, 295, 311, 976, 982, 1010, 1022, 1031, 1032, 1037, 1038, 1039, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1054, 1058
<i>EC – Hormones (Canada) (1998)</i>	<i>EC Measures Concerning Meat and Meat Products (Hormones), Complaint by Canada</i> , WT/DS48, 233, 295, 977, 1022, 1037



## xxvi Table of WTO Cases

Short title	Full case title
<i>EC – Hormones (US) (1998)</i>	<i>EC Measures Concerning Meat and Meat Products (Hormones), Complaint by the United States, WT/DS26, 233, 295, 977, 1022, 1042</i>
<i>EC – IT Products (2010)</i>	<i>European Communities and its member States – Tariff Treatment of Certain Information Technology Products, WT/DS375/WT/DS376/WT/DS377, 238, 487, 544, 546</i>
<i>EC – Poultry (1998)</i>	<i>European Communities – Measures Affecting the Importation of Certain Poultry Products, WT/DS69, 210, 244, 415, 459, 481, 537, 542, 545, 550, 692, 717</i>
<i>EC – Salmon (Norway) (2008)</i>	<i>European Communities – Anti-Dumping Measure on Farmed Salmon from Norway, WT/DS337, 762, 763, 766, 813, 822</i>
<i>EC – Sardines (2002)</i>	<i>European Communities – Trade Description of Sardines, WT/DS231, 281, 282, 283, 299, 965, 972, 977, 1007, 1009, 1010, 1011</i>
<i>EC – Seal Products (2014)</i>	<i>European Communities – Measures Prohibiting the Importation and Marketing of Seal Products, WT/DS400/WT/DS401, 175, 191, 250, 257, 263, 274, 299, 340, 342, 343, 347, 350, 351, 352, 353, 380, 415, 435, 600, 601, 602, 603, 604, 605, 607, 610, 611, 620, 622, 623, 629, 631, 632, 633, 636, 637, 638, 639, 640, 641, 647, 648, 649, 652, 654, 655, 965, 967, 968, 970, 973, 974, 980, 993</i>
<i>EC – Selected Customs Matters (2006)</i>	<i>European Communities – Selected Customs Matters, WT/DS315, 72, 231, 293, 294, 550, 554</i>
<i>EC – Tariff Preferences (2004)</i>	<i>European Communities – Conditions for the Granting of Tariff Preferences to Developing Countries, WT/DS246, 250, 275, 277, 279, 295, 339, 343, 352, 354, 357, 600, 603, 605, 649</i>
<i>EC – Trademarks and Geographical Indications (Australia) (2005)</i>	<i>European Communities – Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs, Complaint by Australia, WT/DS290, 603, 617, 969, 1085, 1086, 1094, 1115, 1117, 1118, 1126, 1143</i>
<i>EC – Trademarks and Geographical Indications (US) (2005)</i>	<i>European Communities – Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs, Complaint by the United States, WT/DS174, 246, 603, 617, 1085, 1086, 1092, 1094, 1115, 1117, 1118, 1126, 1143</i>