

Cambridge University Press

978-1-107-02799-2 - The WTO Dispute Settlement Procedures: World Trade Organization:
Third Edition

Frontmatter

[More information](#)

THE WTO DISPUTE SETTLEMENT PROCEDURES

The third edition of *The WTO Dispute Settlement Procedures* collects together the treaty texts, decisions and agreed practices relating to the procedures that apply in the settlement of WTO disputes. It affords ready answers to technical questions relating to matters such as: how disputes are initiated and conducted, including at the appellate stage; what deadlines apply and how to calculate them; what rules of conduct bind individuals involved in WTO dispute settlement; and what rules of procedure apply to meetings of the Dispute Settlement Body. This highly practical work, which includes cross-references and a subject index, will prove invaluable to anyone working in WTO dispute settlement, including lawyers, civil servants working in the field of trade, economists, academics and students. This edition has been fully updated to take account of revised rules and procedures.

Cambridge University Press

978-1-107-02799-2 - The WTO Dispute Settlement Procedures: World Trade Organization:
Third Edition

Frontmatter

[More information](#)

Cambridge University Press

978-1-107-02799-2 - The WTO Dispute Settlement Procedures: World Trade Organization:

Third Edition

Frontmatter

[More information](#)

THE WTO DISPUTE SETTLEMENT PROCEDURES

World Trade Organization

THIRD EDITION

A Collection of the Relevant Legal Texts



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
978-1-107-02799-2 - The WTO Dispute Settlement Procedures: World Trade Organization:
Third Edition
Frontmatter
[More information](#)

CAMBRIDGE UNIVERSITY PRESS
Cambridge, New York, Melbourne, Madrid, Cape Town,
Singapore, São Paulo, Delhi, Mexico City
Cambridge University Press
The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org
Information on this title: www.cambridge.org/9781107027992

© World Trade Organization 2012

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 by the World Trade Organization 1996
Second edition published by Cambridge University Press 2001
Third edition Cambridge University Press 2012

Printed in the United Kingdom at the University Press, Cambridge

A catalogue record for this publication is available from the British Library

Library of Congress Cataloging-in-Publication Data

The WTO dispute settlement procedures : a collection of the relevant legal texts. – 3rd ed.
p. cm.
First published by the World Trade Organization 1996.
Includes bibliographical references and index.
ISBN 978-1-107-02799-2 (Hardback : alk. paper) – ISBN 978-1-107-68415-7 (pbk. : alk. paper)
1. World Trade Organization–Rules and practice. 2. Foreign trade regulation.
3. Arbitration (International law) I. World Trade Organization.
K4610.5.A42 2012
382'.92–dc23
2012018854

ISBN 978-1-107-02799-2 Hardback
ISBN 978-1-107-68415-7 Paperback

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

Preface ix
List of abbreviations x

I. Understanding on Rules and Procedures Governing the
Settlement of Disputes (DSU) 1

Article 1: Coverage and Application 1
Article 2: Administration 2
Article 3: General Provisions 3
Article 4: Consultations 5
Article 5: Good Offices, Conciliation and Mediation 8
Article 6: Establishment of Panels 8
Article 7: Terms of Reference of Panels 9
Article 8: Composition of Panels 9
Article 9: Procedures for Multiple Complainants 11
Article 10: Third Parties 12
Article 11: Function of Panels 13
Article 12: Panel Procedures 13
Article 13: Right to Seek Information 15
Article 14: Confidentiality 16
Article 15: Interim Review Stage 16
Article 16: Adoption of Panel Reports 16
Article 17: Appellate Review 17
Article 18: Communications with the Panel or Appellate Body 20
Article 19: Panel and Appellate Body Recommendations 20
Article 20: Time-frame for DSB Decisions 21
Article 21: Surveillance of Implementation of Recommendations
and Rulings 21
Article 22: Compensation and the Suspension of Concessions 23
Article 23: Strengthening of the Multilateral System 27
Article 24: Special Procedures Involving Least-Developed Country
Members 28

Article 25: Arbitration	28
Article 26:	29
1. Non-Violation Complaints of the Type Described in Paragraph 1(b) of Article XXIII of GATT 1994	29
2. Complaints of the Type Described in Paragraph 1(c) of Article XXIII of GATT 1994	30
Article 27: Responsibilities of the Secretariat	31
Appendices	32
1. Agreements Covered by the Understanding	32
2. Special or Additional Rules and Procedures Contained in the Covered Agreements	33
3. Working Procedures	34
4. Expert Review Groups	36
II. Dispute Settlement Rules and Procedures in the Multilateral Trade Agreements	38
A. The GATT 1994 and Other Covered Agreements	38
1. General interpretative note to Annex 1A	38
2. The General Agreement on Tariffs and Trade 1994	38
3. Multilateral Agreements on Trade in Goods	40
i. Agreement on Agriculture	40
ii. Agreement on the Application of Sanitary and Phytosanitary Measures	40
iii. Agreement on Technical Barriers to Trade	40
iv. Agreement on Trade-Related Investment Measures	42
v. Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994	42
vi. Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994	44
vii. Agreement on Preshipment Inspection	46
viii. Agreement on Rules of Origin	46
ix. Agreement on Import Licensing Procedures	46
x. Agreement on Subsidies and Countervailing Measures	47
xi. Agreement on Safeguards	54
B. General Agreement on Trade in Services (GATS)	55
C. Agreement on Trade-Related Aspects of Intellectual Property Rights	57
III. Dispute Settlement Decisions of the Contracting Parties to the GATT 1947 Referred to in the DSU	58
A. Decision of 12 April 1989 on Improvements to the GATT Dispute Settlement Rules and Procedures (BISD 36S/61)	58

B. Decision of 5 April 1966 on procedures under Article XXIII (BISD 14S/18)	59
IV. Dispute Settlement Rules and Procedures in the Plurilateral Trade Agreements	62
A. Provisions Regarding the Agreement on Government Procurement	62
1. Agreement on Government Procurement	62
2. Notification Under Appendix 1 of the Dispute Settlement Understanding	64
B. Agreement On Trade In Civil Aircraft	64
V. Rules of Procedure for Meetings of the Dispute Settlement Body	66
A. Rules of Procedure for Meetings of the Dispute Settlement Body	66
B. Rules of Procedure for Sessions of the Ministerial Conference and Meetings of the General Council	67
VI. Rules of Conduct for the Understanding on the Rules and Procedures Governing the Settlement of Disputes	77
VII. Rules and Procedures Relating to Appellate Review	87
A. <i>Working Procedures for Appellate Review</i>	87
Annex I: Timetable for Appeals	104
Annex II: Rules of Conduct for the Understanding on Rules and Procedures Governing the Settlement of Disputes	105
Annex III: Table of Consolidated and Revised Versions of the <i>Working Procedures for Appellate Review</i>	105
B. Additional Procedures for Consultations between the Chairperson of the DSB and WTO Members in relation to Amendments to the <i>Working Procedures for Appellate Review</i>	106
C. Establishment of the Appellate Body	106
VIII. DSU Practices	112
A. Working practices concerning dispute settlement procedures “Date of circulation” in the DSU and its additional and special rules	112
Communications under the DSU	112
Time-periods under the DSU and other covered agreements	113
Notifications of requests for consultations	114
B. Article 4.11 of the DSU – Replies to requests to be joined in consultations	114

viii	CONTENTS
	C. Statement by the Chair of the GATT Council concerning time-periods for third-party notifications 114
IX.	Other Decisions 115
	A. Declaration on Dispute Settlement Pursuant to the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 or Part V of the Agreement on Subsidies and Countervailing Measures 115
	B. Procedures for the Circulation and Derestriction of WTO Documents 115
	C. Procedures for Arbitration under Article 8.5 of the Agreement on Subsidies and Countervailing Measures 121
	D. Decision on Certain Dispute Settlement Procedures for the General Agreement on Trade in Services 129
	<i>Index</i> 131

Cambridge University Press

978-1-107-02799-2 - The WTO Dispute Settlement Procedures: World Trade Organization:
Third Edition

Frontmatter

[More information](#)

PREFACE

This volume contains a collection of the legal texts related to the settlement of disputes under the Agreement Establishing the World Trade Organization (WTO). To facilitate their use, the texts have been grouped by subject matter, and cross-references and a subject index have been added by the WTO Secretariat. These additions do not form part of the legal texts and therefore should not be used as sources of interpretation.

A guide to the WTO Agreements as clarified by the WTO Appellate Body, WTO dispute settlement panels and other WTO bodies is available in the *Analytical Index: Guide to WTO Law and Practice*, ISBN 978-1-107-02525-7 (an updated third edition was published in 2012). A compilation of Appellate Body jurisprudence is available in *WTO Appellate Body Repertory of Reports and Awards, 1995–2010*, Fourth Edition, ISBN 978-1-107-00820-5.

Furthermore, a repertoire of the dispute settlement practice under the GATT 1947 can be found in the *Guide to GATT Law and Practice*, Updated Sixth Edition published by the WTO Secretariat, ISBN 92-870-1143-5.

ABBREVIATIONS

In this publication the following abbreviations have been used:

ADP	Agreement on Implementation of Article VI of GATT 1994
Aircraft	Tokyo Round Agreement on Trade in Civil Aircraft
BISD	Basic Instruments and Selected Documents (published by GATT)
CPs	Contracting Parties
CTG	Council for Trade in Goods
CTS	Council for Trade in Services
Customs Valuation	Agreement on Implementation of Article VII of GATT 1994
Dairy	International Dairy Agreement
DSB	Dispute Settlement Body
DSU	Dispute Settlement Understanding
GATS	General Agreement on Trade in Services
GPA	Agreement on Government Procurement
Montreal Decision	Decision of 12 April 1989 on Dispute Settlement (BISD 36S/61) adopted by the CPs following the Mid-Term Review of the Uruguay Round Negotiations
PGE	Permanent Group of Experts
SCM	Agreement on Subsidies and Countervailing Measures
SPS	Agreement on the Application of Sanitary and Phytosanitary Measures
TBT	Agreement on Technical Barriers to Trade
1966 Decision	Decision on 5 April 1966 on Procedures under (GATT) Article XXIII (BISD 14S/18)