

WORLD TRADE ORGANIZATION
A Handbook on the WTO Dispute Settlement System
SECOND EDITION

The WTO dispute settlement system has become one of the most dynamic, effective and successful international dispute settlement systems in the world over the past twenty years. This second edition of *A Handbook on the WTO Dispute Settlement System* has been compiled by the dispute settlement lawyers of the WTO Secretariat with a view to providing a practice-oriented account of the system. In addition to describing the existing rules and procedures, this accessibly written handbook explains how those rules and procedures have been interpreted by dispute settlement panels and the Appellate Body, and how they have evolved over time. The handbook provides practical information to help various audiences understand the day-to-day operation of the WTO dispute settlement system.

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SECOND EDITION

Prepared by the Legal Affairs Division and the Rules Division of
the WTO Secretariat, and the Appellate Body Secretariat



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FOREWORD

This Handbook explains the rules and procedures of the WTO dispute settlement system, explores the practices that have arisen in its operation since its entry into force on 1 January 1995 and provides a comprehensive account of the existing jurisprudence concerning dispute settlement procedures. It also includes useful information on the operation of the WTO dispute settlement system to date, including tips about notification procedures, templates of working procedures and timetables, timelines of actual disputes, statistical data, etc. The primary purpose of this Handbook is to explain the WTO dispute settlement system to an interested person who may not necessarily have a legal background. With its detailed content and practice-oriented focus, it may also serve as a useful reference tool to experienced practitioners of WTO law, including not only prospective panelists and private counsel but also government officials from WTO members.

In this respect, the term “WTO member” appears in lower case throughout this Handbook, contrary to the capitalization of the term “WTO Member” as a matter of consistent usage throughout the WTO Agreement, including the DSU, and all panel and Appellate Body reports. The lower case is used in this Handbook to be consistent with the editorial style adopted by Cambridge University Press for CUP/WTO co-publications. For correct legal usage in other contexts, including in official WTO dispute settlement practice, the term “WTO Member” should be capitalized.

This second edition of the Handbook has been updated by a team of dispute settlement lawyers from the WTO Secretariat, including Rambod Behboodi, Tania Parceró Herrera, Ruxton McClure and Matthew D’Orsi, under the direction of Maria J. Pereyra. Special thanks should be given to many other colleagues from the Legal Affairs Division, the Appellate Body Secretariat, the Rules Division and the Information and External Relations Division who have assisted in researching, drafting, editing, proofreading and designing this publication.

ABBREVIATIONS

AB	Appellate Body
ACWL	Advisory Centre for WTO Law
Anti-Dumping Agreement	Agreement on Implementation of Article VI of the GATT 1994
BCI	Business confidential information
Codex	Codex Alimentarius Commission
Customs Valuation Agreement	Agreement on Implementation of Article VII of the GATT 1994
DSB	Dispute Settlement Body
DS Registry	Dispute Settlement Registry
DSU	Understanding on Rules and Procedures Governing the Settlement of Disputes (also referred to as the Dispute Settlement Understanding)
ECJ	European Court of Justice
FAO	Food and Agriculture Organization
GATS	General Agreement on Trade in Services
GATT 1947	General Agreement on Tariffs and Trade of 1947
GATT 1994	General Agreement on Tariffs and Trade of 1994
IARC	International Agency for Research on Cancer
ICJ	International Court of Justice
IGO	Inter-governmental organization
IMF	International Monetary Fund
MFN	Most-favoured-nation
NAFTA	North American Free Trade Agreement
NGO	Non-governmental organization
OIE	World Organisation for Animal Health
RPT	Reasonable period of time
RTA	Regional trade agreement
SCI	Strictly confidential information
SCM Agreement	Agreement on Subsidies and Countervailing Measures

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ABBREVIATIONS

SPS Agreement	Agreement on the Application of Sanitary and Phytosanitary Measures
TBT Agreement	Agreement on Technical Barriers to Trade
TRIMs Agreement	Agreement on Trade-Related Investment Measures
TRIPS Agreement	Agreement on Trade-Related Aspects of Intellectual Property Rights
VCLT	Vienna Convention on the Law of Treaties
WCO	World Customs Organization
WIPO	World Intellectual Property Organization
WTO	World Trade Organization
WTO Agreement	Marrakesh Agreement Establishing the World Trade Organization

DISCLAIMER

The WTO Secretariat has prepared this publication to assist public understanding of the WTO dispute settlement system. It does not constitute an official or authoritative interpretation of the covered agreements, of the cited dispute settlement reports, awards and decisions, or of the legal significance of any of the other decisions, recommendations and other documents cited in this publication.