

INDEX

For a full list of acronyms used in this index, see page 533. Where an acronym is immediately followed by a number, this number refers to the relevant article in the agreement. To make for ease of identification, all entries in this index indicate precisely the element in a legal text to which they refer.

- accession (WTO XII)** 10
- administrative, selling and general costs and profits:** *see* determination of dumping (GATT VI/AD 2)
- "administrative decision" (TFA 4.1(a))** 325–6
- advance rulings (TFA 3)** 324–5
- adverse effects (SCM 5)** 267–9: *see also* "serious prejudice" (SCM 5(c) and SCM 6)
- adverse inferences from party's non-cooperation in gathering information, panel's right/obligation to draw (SCM Annex V, para. 7)** 309
- Aggregate Measurement of Support (AMS) (AG 1(a), (h)/Annex 3)** 106–7
 - equivalent measurement of support (AG 1(d) and Annex 4) 130;
 - domestic support commitments (AG 6 and 7); 112–13
- Agreement on Agriculture (AG)** 106–34: *see also* Aggregate Measurement of Support (AMS) (AG 1(a)/Annex 3); Committee on Agriculture (AG 5.7, 17 and 18); consultations and dispute settlement (AG 19); costs of marketing exports (AG 9.1(d)); domestic support commitments (AG 6); due restraint during implementation period (AG 13); export prohibitions and restrictions in accordance with GATT XI:2(a) (AG 12); "export subsidies" (AG 1(e)/AG 9.1); export subsidy, prohibited (AG 3.3); market access (AG 4); special safeguards (AG 5); sunset review (AD 11.3 and SCM 21.3)
 - GATT 1994 and (AG 21.1) 120
 - product coverage (AG 2/Annex 1) 108, 121
 - reform process, obligation to continue (AG 20) 119–20
 - review of implementation of commitments (AG 18) 118–19
- air transport services (GATS Annex on Air Transport Services)** 383
- amendments to covered agreements (WTO X)** 8–9
 - GATT XXX 61
 - GPA XXII.11 500
 - RO 6.2 247
 - TBT 15.4 165
 - TCA 9.5 470
 - TRIMS 9 174
 - TRIPS 71 428

annexes, as integral part of agreement

- AD 18.7 198
- AG 3.1 and 21.2 108, 120
- GATS XX.3 and XXIX 324, 374
- GATT II.7 and XXXIV 22, 62
- GPA XXII:15 501
- RO 9.4 250
- SCM 32.8 298
- SPS 1.3 136
- TBT 15.5 165
- TCA 9.8 471
- TFA 15, 16.5, 24.10 and 24.11 345, 348, 355
- VAL 14 209
- WTO II.2 2

anti-competitive practices (TRIPS)

- adverse trade effects/impediment to technology transfer (TRIPS 40.1) 415
- authorization of "unauthorized" use and (TRIPS 31(k)) 411
- measures to prevent or control (TRIPS 40) 397–8

anti-dumping action on behalf of third country (AD 14) 195**Anti-Dumping Agreement (AD) 176–201**

- scope of application (AD 18.3) 198

anti-dumping duties, duration and review (AD 11) 192–3**anti-dumping duties, imposition and collection (GATT VI/AD 9) 189–91**

- constructed export price (AD 2.3 and 9.3.3) 178, 190–1
- deemed date of existing measures (AD 18.3.1) 190
- evidentiary rules (AD 6) 177
- margin of dumping (AD 2) as ceiling 190

appeal or review (customs administrative decision) (TFA 4) 325–6**Appellate Body and appellate review (DSU 17) 446–7**

- time-limits on disputes concerning subsidies (SCM 4.9) 266

arbitration (SCM 8.5) 264**arbitration as alternative means of dispute settlement (DSU 25) 453****arbitration concerning the level of suspension of concessions (DSU 22.6) 451:**

- see also* suspension of concessions for non-implementation of DSB
- recommendations and rulings (DSU 22)

arbitration concerning the reasonable period of time to comply (DSU 21.3(c))

449

"arbitrator" (DSU 21.3(c), footnote 13, DSU 22.6, footnote 15 and DSU 22.7, footnote 16) 449, 451–2**authentic languages**

- GATT 2(c) 17
- Schedules of Concessions (MP 8) 105
- TCA 9.11 471
- WTO Agreement (WTO XVI:6) 12

automatic import licensing (LIC 2) 257–8

Index

- balance of payments, restrictions to safeguard (GATT XII) 64.69 and (GATS XII) 368**
- Balance of Payments, Understanding on GATT XII and XVIII:B and the provisions of the Declaration on Trade Measures taken for Balance of Payments Purposes (1979) (BOPU) 94**
- balance of payments difficulties, developing country Members' right to take import measures (GATT XVIII:B) 44**
- balance of payments restrictions, consultations (BOPU 5-13/GATT XII:4-5/GATT XVIII:12/GATS XXII:5) 43–6**
- Balance of Payments Restrictions Committee (WTO IV:7 and BOPU 5, 10 and 13) 4, 95–7**
- balance of rights and obligations as objective**
 - DSU 3.3 435
 - GATS Preamble/GATS XIX:1 359, 373
 - TRIPS 7 400
- benefit (SCM 1) 263**
- Berne Convention (1971) (TRIPS 9) 401**
- border agency cooperation (TFA 8) 334**
- border measures/suspension of release by customs authorities (TRIPS 51-60) 420–3: *see also* national treatment on internal taxation and regulation, general principle (GATT III:1)**
- budget and contributions (WTO VII) 5–6: *see also* Committee on Budget, Finance and Administration (BFA) (WTO IV:7)**
- business confidential information: *see* confidential business information (PSI 2.9-13 and SCM 8.3, footnote 34); confidential/undisclosed information, protection (TRIPS)**
- business practices (GATS IX) 367**
- calculation of subsidy: *see* subsidy, calculation in terms of benefit to recipient (SCM 14) 900.46**
- causation: *see* determination of injury, requirements (AD 3 and SCM 15); determination of serious injury or threat thereof, requirements (SG 4); quantitative restrictions, elimination (GATT XI) 32**
 - causation (SG 2.1 and 4.2(b)) 311, 312–13
- centrally planned economies**
 - TRIPS and (TRIPS 65.3) 425
- "certain enterprises" (SCM 2.1) 264**
- cinematograph film, screen quotas (GATT IV) 24**
 - as exception to national treatment requirement (GATT III:10) 24
- cinematographic works, copyright protection (TRIPS 11) 401**
- civil aircraft**
 - royalty-based financing and "serious prejudice" (SCM 6, footnotes 15 and 16) 267
- Civil Aircraft, Agreement on Trade in (TCA) 465–71**
- Codex Alimentarius Commission**
 - SPS 3.4 137

- SPS 12.3 141
 SPS Annex A.3(a) 143
 SPS Preamble 135
- Committee on Agriculture (AG 5.7, 17 and 18)** 111, 118–19
- Committee on Anti-Dumping Practices (AD 16, 18.5 and 18.6)** 196, 198
- Committee on Balance of Payments Restrictions (WTO IV:7)** 4: *see also* Balance of Payments Restrictions Committee (WTO IV:7)
- Committee on Budget, Finance and Administration (BFA) (WTO IV:7)** 4: *see also* budget and contributions (WTO VII)
- Committee on Customs Valuation (VAL 18.1 and 23)** 211, 213
- Committee on Government Procurement (GPA XXI)** 498: *see also* Government Procurement Agreement (GPA)
- Committee on Import Licensing (LIC 4 and 7)** 260–1
- Committee on Rules of Origin (RO 4.1 and 6.1-6.3)** 246: *see also* Rules of Origin, Technical Committee (RO 4.2 and Annex I)
- Committee on Safeguards (SG 13)** 318–19
- Committee on Sanitary and Phytosanitary Measures (SPS Committee)** (SPS 12, 5.5 and 10.3) 138, 140–1
- Committee on Subsidies and Countervailing Measures (SCM Committee)** (SCM 24) 291–2: *see also* Permanent Group of Experts (PGE) (SCM 24.3) notification formats, role in relation to (SCM 25.3, footnote 54) 281–3 reports (SCM 32.7) 298
- Committee on Technical Barriers to Trade (TBT 13)** 164
 review of implementation (TBT 15.4) 165
- Committee on Trade in Civil Aircraft (TCA 8)** 468–9
- Committee on Trade and Development (WTO IV:7)** 4
- Committee on Trade Facilitation (TFA 23)** 353
- Committee on TRIMs (Trade-Related Investment Measures) (TRIMs 7)** 174
 amendments to agreement, proposals for (TRIMs 9) 174–5
 notifications (TRIMs 5.1 and 5.2) 173
 review of operation of TRIMs Agreement (TRIMs 9) 174–5
- Common Declaration on Rules of Origin (RO Annex II)** 253–4
- compensation for non-compliance with covered agreement or DSB**
recommendations and rulings (DSU 22) 449: *see also* remedies (TRIPS); suspension of concessions for non-implementation of DSB recommendations and rulings (DSU 22)
 as last resort (DSU 3.7) 436
 least-developed country Members and (DSU 24.1) 453
- competition policy**
 TRIMs Agreement and (TRIMs 9) 174–5
- composition of panel:** *see* panel (composition) (DSU 8); panel (composition) (PSI 4(c))
- computer programs and data, copyright protection (TRIPS 10 and 11)** 401
- conciliation:** *see* good offices, conciliation and mediation (DSU 5)
- confidential business information (PSI 2.9-13)** 225–6

Index

- confidential business information (SCM 8.3, footnote 34)** 273–4
- confidential information (TFA 3.8)** 324
- confidential/undisclosed information, protection (TRIPS)**
 border measures and (TRIPS 57) 422
 dispute settlement and (TRIPS 63.4) 425
 enforcement proceedings and (TRIPS 42, 43.1 and 47) 417–18
 protection against unfair competition and (TRIPS 39) 414–15
 security exceptions (TRIPS 73(a)) 429
- confidentiality of proceedings (DSU 4.6/DSU 14/DSU 17.10/DSU 18.2/DSU Appendix 3)** 426, 438, 447, 458
 AD 17.7 197
 expert review groups (DSU, Appendix 4) 460
 good offices, conciliation and mediation (DSU 5) 439
 right to seek information (DSU 13.1) 444
- "conformity assessment procedure" (TBT Annex 1, para. 3 and 5)** 166–7
- consultations (balance of payments):** *see* balance of payments restrictions,
 consultations (BOPU 5-13/GATT XII:4-5/GATT XVIII:12/GATS XXII:5)
- consultations (DSU 4)** 437
- consultations (GATS IX:2) (elimination of restrictive business practices)**
 367
- consultations (GATT XXXVII:2(b)/GATT XXXVII:5)** 65–6
- consultations (SCM 4.1-4) (prohibited subsidies)** 265: *see also* request for
 establishment of panel, requirements
- consultations (SCM 7.1-4) (actionable subsidies)** 269–70: *see also* request for
 establishment of panel, requirements
- consultations (SCM 13) (countervailing measures investigations)** 281
- consultations (SCM 24.1)** 291–2
- consultations (SG 12):** *see also* safeguard measures (SG/GATT XIX), notification
 (SG 12)
 "adequate opportunity for" (SG 12.3) 317
 level of concessions (SG 8.1) and 315, 317
 assistance from Committee on Safeguards (SG 13.1(c)) 319
- consultations (SPS 4.2)** 137
- consultations (TFA 2.2)** 323
- consultations and dispute settlement (AD 17)** 196–7
- consultations and dispute settlement (AG 19)** 119
- consultations and dispute settlement (GATS XXII and XXIII)** 375–6
- consultations and dispute settlement (GATT XXII and GATT XXIII)** 51
- consultations and dispute settlement (GPA XX)** 497–8
- consultations and dispute settlement (LIC 6)** 261
- consultations and dispute settlement (PSI 4, 7 and 8)** 238–41
- consultations and dispute settlement (RO 7 and 8)** 247
- consultations and dispute settlement (SCM 30)** 297: *see also* consultations (SCM
 4.1-4) (prohibited subsidies); request for establishment of panel, requirements
- consultations and dispute settlement (SG 14)** 319

- consultations and dispute settlement (SPS 11)** 140–1: *see also* information or technical advice, panel's right to seek (SPS 11.2)
- consultations and dispute settlement (TBT 14 and Annex 2)** 164–5, 168: *see also* expert review groups, rules and procedures (DSU, Appendix 4)
- consultations and dispute settlement (TCA 8.5-8)** 469
- consultations and dispute settlement (TRIMs 8)** 174
- consultations and dispute settlement (TRIPS 64)** 425
- consultations and dispute settlement (VAL 19)** 212
- consultations in case of alleged breach of laws and regulations to prevent or control anti-competitive practices (TRIPS 40.3 and 40.4)** 415–16
- consumption of inputs in the production process, Guidelines (SCM Annex II)** 302–3
- contiguous frontier zones, MFN treatment of trade in services and (GATS II.3)** 360
- copyright and related rights protection (Berne Convention (1971) and TRIPS 9, 10, 11, 12, 13, 14, 70.2 and 70.5)** 401–2, 427–8: *see also* industrial design, protection (TRIPS)
- costs of marketing exports (AG 9.1(d))** 114
- costs/expenses, authority to order (TRIPS 45.2 and 48)** 417–18
- Council for Trade in Goods (WTO IV:2, IV:5, IV:7)** 4
- role and responsibility in relation to
 - anti-dumping action on behalf of third country (AD 14.4) 195
 - proposals for amendment of covered agreements (WTO X:1) 8
 - recognition of qualifications (GATS VII:4) 366
 - security exceptions (GATS XIV *bis*:2) 371
 - suspension of substantially equivalent concessions (SG 8.2) 315
 - transitional period, extensions (TRIMs 5.3) 173
 - withholding or withdrawal of concession (MP 4) 104
 - subsidiary bodies, right to establish (WTO IV:7) 4
- Council for Trade in Services (WTO IV::2, IV:5/GATS XXIV)** 4, 376
- role and responsibility in relation to
 - disciplines to avoid unnecessary barriers to trade (GATS VI:4) 364–5
 - economic integration agreements and (GATS V:7) 363
 - financial services, procedures for application of GATS Second Annex on financial services (GATS Annex on financial services, para. 3) 389
 - monopolies and exclusive service providers (GATS VIII) 366–7
 - proposals for amendment of covered agreements (WTO X:1) 8
 - review of GATS II (MFA) exemptions (GATS annex on Article II Exemptions, paras. 3 and 4) 381
 - technical assistance (GATS XXV:2) 377
- Council for TRIPS (WTO IV:2, IV:5/TRIPS 68)** 4, 426–7
- role and responsibilities in relation to
 - examination and recommendations for TRIPS dispute settlement (TRIPS 64.3) 425

Index

- Council for TRIPS (WTO IV:2, IV:5/TRIPS 68)** (*cont.*)
- extension of non-applicability of non-violation complaints (TRIPS 64.3) 425
 - least-developed country Members (TRIPS 66.1) 426
 - proposals for amendment of covered agreements (WTO X:1/TRIPS 71.2) 8, 429
 - rationalization of the burden of notifications to WIPO and WTO (TRIPS 63.2) 424
 - review of implementation of TRIPS Agreement (TRIPS 71.1) 428–9
 - TRIPS 31 *bis* waiver (TRIPS Annex 4 and 7) 432
 - wines and spirits, negotiations for system of notification and registration geographical indications (TRIPS 23.4 and TRIPS 24.2) 406
- counterclaims, in relation to distinct matter (DSU 3.10)** 436
- countermeasures in case of failure to comply with panel or AB report within specified time-period (SCM 4.10 and 4.11)** 266: *see also* suspension of concessions for non-implementation of DSB recommendations and rulings (DSU 22)
- countermeasures in case of failure to take measures to remove adverse effects of or withdraw subsidy (SCM 7.9 and 7.10)** 270–1
- countervailing duties, imposition and collection (GATT VI and SCM 10)** 26, 275
- countervailing measures, duration and review (SCM 21)** 289–90
- countervailing measures, imposition and collection (SCM 19)** 287–8
- countervailing measures, public notice and explanation of determinations (SCM 22):** *see* public notice of initiation of investigation (AD 12.1/SCM 22.1); public notice of preliminary or final determination (AD 12.2/SCM 22.3)
- "covered agreements" (DSU 1.1 and Appendix 1)** 434, 457
- currency practices**
- currency retention schemes as subsidy (SCM Illustrative List, item (b)) 299
 - fees and formalities and (GATT VIII:1, GATT VIII:4 and Ad Article) 29–30
 - multiple currency practices (GATT Ad Article VI:2 and 3) 75
- customs clearance procedures (TFA 7)** 328–33: *see also* importation, exportation and transit formalities (TFA 10); TFA
- border agency cooperation (TFA 8) 334
 - customs brokers (TFA 10.6) 336
 - guarantee requirement (TFA 7.3.2 and 7.3.4)
 - discharge (TFA 3.5) 329
 - limitation on (TFA 3.3) 329
 - for penalties and fines (TFA 7.3.4) 329
 - perishable goods (TFA 9) 333
- customs cooperation (TFA 12)** 339
- Customs Cooperation Council (CCC/WCO)**
- Technical Committee on Customs Valuation: *see* Customs Valuation, Technical Committee (VAL 18.2 and VAL Annex II)
 - Technical Committee on Rules of Origin and (RO 4.2) 246

- customs duties, conversion of measures to (AG 4.2 and footnote 7)** 109
- customs territory, separate (WTO XII:1/GATT XXIV:1-2)** 10, 52–5
- customs unions and free trade areas (GATT XXIV:4-10/ Understanding on the Interpretation of Article XXIV of the GATT 1994)** 53–5: *see also* regional trade areas (agreements) (GATT XXIV:5(b))
- customs valuation (GATT VII and Customs Valuation Agreement (VAL))** 27–9, 203–11: *see also* Committee on Customs Valuation (VAL 18.1)
- Customs Valuation, Technical Committee (VAL 18.2 and VAL Annex II)** 227–30
- damages (TRIPS 45)** 418: *see* remedies (TRIPS)
- de minimis* test**
- AD 2.2 176
 - AD 5.8 184
 - AD 9.3 190
- decision-making (WTO IX)** 6–8
- accessions (WTO XII:2) 10
 - consensus (WTO IX:1) 6–7
 - DSB (DSU 2.4) 6–7
 - GATT 1947 practice (WTO IX:1) 6–7
 - interpretation of covered agreements (WTO IX:2) 7
 - Plurilateral Trade Agreements (WTO IX:5) 8
- decisions, procedures and customary practices under GATT 1947 (WTO XVI:1 and GATT 1994, 1(b)(iv))** 4 11, 16
- denial of benefits (GATS XXVII)** 377
- derogation from user Member obligations (PSI 2.22)** 238
- determination of dumping (GATT VI/AD 2)** 25–6, 176–9
- determination of injury, requirements (AD 3 and SCM 15)** 179–81, 282–4
- determination of serious injury or threat thereof, requirements (SG 4, GATT XIX)** 48–50, 312–13
- developing country Members (AD 15)** 191
- developing country Members (AG):** *see also* special and differential treatment for developing country Members (AG 15)
- domestic support commitments (AG 6.2) 112
 - export prohibitions and restrictions, exemption from AG 12 requirements (AG 12.2) 116
 - export subsidy commitments (AG 9.4) 115
- developing country Members (dispute settlement)**
- applicability of Decision of 5 April 1966 (DSU 3.12) 437
 - composition of panel (DSU 8.10) 441
 - consultations (DSU 4.10 and 12.10) 438, 443–4
 - dispute settlement procedures (DSU 3.12) 437
 - implementation of DSB recommendations and rulings (DSU 21.2, 21.7 and 21.8) 448–9
 - legal advice and assistance (DSU 27.2) 455
 - panel reports, need for specific reference to form in which account has been taken of special needs (DSU 12.11) 444

Index

- developing country Members (GATS IV)** 361–2
 balance of payments restrictions (GATS XII:1) and 368
 economic integration agreements and (GATS V:3) 362–3
 multilateral disciplines (GATS XV:1) and 371
 negotiation of specific commitments (GATS IV:1 and XIX) 361, 373–4
 technical assistance (GATS XXV) 377: *see also* technical cooperation (para. 6);
 telecommunications (GATS Annex on telecommunications)
 telecommunications, right to impose conditions (Annex on telecommunications,
 para. 5(g)) 393
- developing country Members (GATT XXXVI):** *see* trade and development
 (GATT XXXVI–XXXVIII (Part IV))
- developing country Members (general)**
 balance of payments and: *see* balance of payments difficulties, developing country
 Members' right to take import measures (GATT XVIII:B)
 Enabling Clause: *see* Enabling Clause (Decision on Differential and More
 Favourable Treatment Reciprocity and Fuller Participation of Developing
 Countries) (28 November 1979)
 GPA Preamble/GPA V/GPA XXII:7 472, 478–80
 pre-1995 terminology and (GATT 1994, 2(a)) 17, 19
 special and differential development: *see* special and differential treatment
 (VAL 20/VAL Annex III); special and differential treatment for developing
 and least-developed country Members (SPS 10)
 TFA (Preamble) 321
 TPRM reporting obligations (TPRM D) 462–3
 WTO Agreement Preamble and 2
- developing country Members (LIC)**
 allocation of licences (LIC 3.5(j)) 259–60
 automatic import licensing, delay in application (LIC 2.2 and footnote 5) 257
 economic development purposes and (LIC 1.2) 255–6
 financial and trade needs (LIC 1.2) 255–6
- developing country Members (PSI Preamble)** 231
- developing country Members (SG 9)** 315–16
- developing country Members (SPS)**
 right to delay application (SPS 14) 142: *see also* special and differential treatment
 for developing and least-developed country Members (SPS 10)
 technical assistance (SPS 9) 140
- developing country Members (TBT):** *see also* special and differential treatment for
 developing country Members (TBT 12)
 adaptation requirements (TBT 2.12 and 5.9) 153, 157
 exceptions from obligations, relevant factors (TBT 12.8) 163–4
 notifications of interest to (TBT 10.6) 161
 technical assistance (TBT 11) 161–2
- developing country Members (TFA 13)** 344: *see* special and differential
 treatment for developing and least-developed country Members
 (TFA 13-22)

developing country Members (TRIMs)

- temporary deviation from TRIMs 2, right of (TRIMs 4) 173
- trade, development and financial needs (TRIMs Preamble and 5.3) 172–3
- transitional period, extensions (TRIMs 5.3) 173

developing country Members (TRIPS)

- right to delay application (TRIPS 65.2 and 65.4) 425–6
- technical cooperation (TRIPS 67) 426
- waiver of TRIPS 31(f) "predominantly domestic use" requirement (TRIPS 31 *bis* and Annex) 411–12, 430–3: *see also* patents (TRIPS)

directly competitive or substitutable products (GATT III:2) 21: *see*

- determination of serious injury or threat thereof, requirements (SG 4); national treatment, tax discrimination (GATT III:2)

Director-General (WTO VI) 16.5

- least-developed country Members and (DSU 24.2) 453
- role and responsibilities
 - appointment of DSU 22.6 arbitrator (DSU 22.6) 451
 - budget estimate and financial statement (WTO VII:1) 5
 - good offices, conciliation and mediation (DSU 5.6) 439

discrimination: *see* General Exceptions (GATT XX); MFN treatment (GATS II); MFN treatment (GATT I); MFN treatment (TRIPS 4); national treatment, regulatory discrimination (GATT III:4); national treatment, tax discrimination (GATT III: 2); non-discriminatory administration of quantitative restrictions (GATT XIII); SPS Agreement, appropriate level of protection (SPS 5.5-5.6); SPS Agreement, basic rights and obligations (SPS 2**dispute settlement system (WTO/general)**

- clarification of covered agreements (DSU 3.2) 435
- compensation as last resort (DSU 3.7) 436
- conciliation: *see* good offices, conciliation and mediation (DSU 5)
- consistency with covered agreements, need for (DSU 3.5) 435–6
- consultations: *see* consultations (DSU 4)
- developing country Members and: *see* developing country Members (dispute settlement)
- function of panels (DSU 11) 442
- good faith and (DSU 3.10) 436
- good offices: *see* good offices, conciliation and mediation (DSU 5)
- least-developed country Members and (DSU 24) 453
- mediation: *see* good offices, conciliation and mediation (DSU 5)
- mutually agreed solution to matters raised formally (DSU 3.6): *see* mutually agreed/acceptable solution to matters raised formally (DSU 3.6)
- non-contentious nature of requests for dispute settlement/conciliation (DSU 3.10) 436
- object and purpose (DSU 3) 435–7
- panel: *see* request for establishment of panel, requirements (DSU 6.2); terms of reference of panels (DSU 7)
- Secretariat assistance (DSU 27) 455
- strengthening of multilateral system (DSU 23 and TRIPS Preamble) 397, 452–3

Index

- Doha Declaration on the TRIPS Agreement and public health (2001)** 412, 430, 432
- domestic food aid:** *see* food aid (domestic)
- "domestic industry" (AD 4/SCM 16)** 181–2, 284–5
 separate identification of product (AD 3.6/SCM 15.6) 180, 284
- "domestic industry" (SG 4.1(c))** 312
- domestic regulation (GATS VI)** 364
- domestic support commitments (AG 6)** 112: *see also* Aggregate Measurement of Support (AMS) (AG 1(a)/Annex 3)
 direct payments (or revenue foregone/payments in kind), exemption (Annex 2, para. 5) 123–4
 due restraint (AG 13) 116–17
 inflation, influence on fulfilment of commitments (AG 18.4) 119
 measures exempt under AG Annex 2, obligation to maintain conformity (AG 7.1) 113
 measures not exempt under AG Annex 2, inclusion in calculation of Current Total AMS (AG 7.2(a)) 113
 notification requirements (AG 18.3) 119
 public stockholding for food security purposes (para. 3) 123
 total AMS/annual and final bound commitment levels: *see* Aggregate Measurement of Support (AMS) (AG 1(a)/Annex 3)
- double taxation agreements**
 consultation and (GATS XXII:3 and footnote 11) 376
 as General Exception (GATS XIV(e)) 370
- DSB (Dispute Settlement Body)**
 decision-taking procedures (DSU 2.4) 6–7
 decisions, time-frame for (DSU 20) 448
 establishment (DSU 2.1) 434–5
 functions (DSU 2.1)
 adoption of panel and AB reports 434–5
 authorization of suspension of concessions and other obligations under the covered agreements 434–5
 establishment of panels 434–5
 Plurilateral Trade Agreements and 434–5
 reports to WTO Councils and Committees on developments in disputes (DSU 2.2) 435
 surveillance of implementation of rulings and recommendations (DSU 2.1, 21.6 and 22.8) 434–5, 449, 452
 General Council as (WTO IV:1) 4, 6–7
 meetings, frequency (DSU 2.3) 435
 recommendations and rulings: *see* implementation of recommendations and rulings of the DSB (DSU 21)
- DSU (Dispute Settlement Understanding)** 3, 119, 140, 174, 247, 266, 425 *see also* dispute settlement system (WTO/general)
 "covered agreements" (DSU 1.1 and Appendix 1) 434, 457
 WTO responsibility for administration of (WTO III:3) 3

- due restraint during implementation period (AG 13)** 116–17
 domestic support measures conforming to Annex 2 117
- dumping, determination of:** *see* determination of dumping (GATT VI/AD 2)
- economic development, government assistance (GATT XVIII)** 42–8
- economic integration agreements (GATS) (GATS V)** 362
- electronic auctions (GPA XIV)** 491
- electronic means for procurement (GPA Preamble/GPA IV:3)** 472, 477
- electronic payment (TFA 7.2)** 329
- emergency action (GATT XIX):** *see* safeguard measures (SG/GATT XIX), conditions
- emergency safeguard measures (GATS X)** 367
- Enabling Clause (Decision on Differential and More Favourable Treatment Reciprocity and Fuller Participation of Developing Countries) (28 November 1979) (EC)** 88–90
- enforcement of intellectual property rights:** *see* intellectual property rights, enforcement procedures (TRIPS)
- enquiry points (TBT 10)** 159–61
- enquiry points (TFA 3)** 322–3
- environment:** *see also* General Exceptions (GATT XX), measures relating to, conservation of exhaustible natural resources (GATT XX(g))
 agricultural reform programme and (AG Preamble) 106
 patents and (TRIPS 27.2) 408–9
 protection as legitimate goal of national and international policy (TBT 2.2/Preamble) 151
 trade policies and - balance, need for (WTO Preamble) 2
- environmental programmes, exemption from domestic support commitments (AG Annex 2, para. 12)** 126
- equivalence:** *see* SPS Agreement, equivalence (SPS 4)
- European Union (formerly European Communities)**
 as "government" (LIC 1.4(a) and footnote 3) 256
 as "government body"/"regional body" (TBT 7/TBT 9 and TBT Annex I, para. 6) 167
 voting rights (WTO IX:1) 6–7
- exchange arrangements (IMF cooperation) (GATT XV)** 38–9
- exchange rates (multiple):** *see also* customs valuation (GATT VII and Customs Valuation Agreement (VAL)); conversion rates (GATT VII:4 and VAL 9); determination of dumping (GATT VI/AD 2); fees and formalities and (GATT Ad Article VIII)
 subsidies (GATT Ad Article XVI) 78–9
- exclusive suppliers:** *see* monopolies and exclusive service providers (GATS VIII)
- exemptions from MFA treatment:** *see* MFN treatment (GATS II), exemptions, Annex on (GATS II.2); MFN treatment (GATT I:1), exemptions (GATT I:2); MFN treatment (TRIPS 4), exemptions

Index

- "exhaustible natural resources" (GATT XX(g))** 50
- existing subject matter, applicability of TRIPS Agreement (TRIPS 70)** 427
- expert evidence:** *see also* information or technical advice, panel's right to seek (DSU 13); information or technical advice, panel's right to seek (SPS 11.2); Permanent Group of Experts (PGE) (SCM 24.3)
- expert participation in independent review of PDI disputes (PSI 4(b))** 239
- expert review groups, rules and procedures (DSU, Appendix 4)** 460: *see also* consultation and dispute settlement (TBT 14), technical expert group
- expertise, GATS panels on prudential issues and financial matters (GATS Annex on financial services, para. 4)** 385
- export competition commitments (AG 8 and AG 11)** 113, 116
- export prohibitions and restrictions in accordance with GATT XI:2(a) (AG 12)** 116
- "export restrictions" (GATT Ad Articles XI, XII, XIII, XIV and XVIII)** 76
- "export subsidies" (AG 1(e)/AG 9.1)** 107, 113–14
- export subsidy commitments (AG 9)** 113
- export subsidy commitments, prevention of circumvention (AG 10)** 115
- export subsidy, prohibited (AG 3.3)** 108: *see also* subsidy, prohibited (SCM, Part II)
- export subsidy, prohibited (SCM, 3 and 4(Part II))** 265–6: *see also* payments on export of agricultural product financed by virtue of governmental action (AG 9.1(c)) *see* Illustrative List of Export Subsidies (SCM Annex I)
- fair and equitable procedures (TRIPS):** *see* intellectual property rights, enforcement procedures (TRIPS), fair and equitable procedures (TRIPS 42)
- fair and market-oriented systems (AG Preamble/20(c))** 106, 119–20
- false representation/literal truth (geographical indications) (TRIPS 22.4)** 405
- fees, charges and penalties (TFA 6)** 327–8
- fees and formalities connected with importation and exportation (GATT VIII)** 29
- film:** *see* cinematographic works, copyright protection (TRIPS 11)
- financial services (GATS Annex on financial services and Second Annex on financial services)** 384, 388
- food aid (domestic), exemption from domestic support commitments (AG Annex 2, para. 4)** 123
- food aid (international)**
 - direct or indirect tying to commercial exports, exclusion (AG 10.4(a)) 115
 - FAO "Principles of Surplus Disposal and Consultative Obligations", applicability (AG 10.4(b)) 115–16
 - Food Aid Convention (1986), as benchmark (AG 10.4(c)) 116
- food security considerations**
 - domestic support commitments, exemption (AG Annex 2, para. 3) 123
 - export prohibitions and restrictions (AG 12.1(a)) 116
- force majeure**
 - definition (PSI 2.15 and footnote 3) 235
 - preshipment inspections, delays to and (PSI 2.15) 235
 - serious prejudice resulting from subsidies, shall not arise (SCM 6.7(c)) 269

- foreign vessel, use, sale or lease in national waters or Exclusive Economic Zone, exemption from GATT, Part II (GATT 1994, 3)** 17
- formalities (importation, exportation and transit) (TFA 10)** 334–7: *see* importation, exportation and transit formalities (TFA 10)
- free trade areas:** *see* regional trade areas (agreements) (GATT XXIV:5(b))
- freedom of transit (GATT V)** 25
- freedom of transit (TFA 11)** 337–9
- frontier traffic, applicability of GATT (GATT XXIV:3(a))** 53
- GATS, 357–95**
- GATS, applicability and definitions (GATS I:1 and XXVIII)** 359, 379: *see also* air transport services (GATS Annex); financial services (GATS Annex); telecommunications (GATS Annex on telecommunications)
- GATT 1947 (including amendments)** 19–15
- Annexes as integral part (GATT XXXIV) 62
- language/authentic texts (GATT XXVI:3) 56
- waiver of obligations by contracting parties (GATT XXV:5) 56
- withdrawal (GATT XVIII:12(e)) 46
- withdrawal (GATT XXX) 61
- withdrawal (GATT XXXI) 61
- GATT 1947/GATT 1994, legal distinction** 3
- GATT 1994, 16–18**
- constituent elements (GATT 1994, 1) 16
- General Council (WTO IV:2)** 4
- decision-taking procedures
- adoption of financial regulations and annual budget estimate (WTO VII:3) 6
- as DSB (WTO IX:1) 6–7
- as DSB (Dispute Settlement Body): *see* DSB (Dispute Settlement Body)
- functions
- approval of rules of procedure of Committees under WTO IV:7 4
- Balance of Payments consultations (BOPU 13) 97
- budget, approval/adoption (WTO VII:1/WTO VII:3) 5–6
- consultation and cooperation arrangements with NGOs (WTO V:2) 5
- cooperation agreements with intergovernmental organizations (WTO V:1) 5
- financial regulations (WTO VII:3) 6
- guidance of councils established under Art. IV:5 4
- interpretation of covered agreements (WTO IX:2) 7
- as TPRB: *see* Trade Policy Review Body (TPRB)
- General Exceptions (GATS XIV)** 369
- General Exceptions (GATT XX)** 50–1
- geographical indications (TRIPS 22, 23, 24)** 405–7: *see also* marks of origin (GATT IX); wines and spirits, protection against use of geographical indication other than true place of origin (TRIPS 23)
- good faith (DSU 3.10 and 5.6)** 436, 439
- good offices, conciliation and mediation (DSU 5)** 439

Index

- good offices, right of resort to (SPS 11.3)** 141
- government procurement (GATS XIII)** 369
- government procurement, as a derogation to national treatment requirements (GATT III:8)** 23–4
- Government Procurement Agreement (GPA)** 472–501: *see also* Committee on Government Procurement (GPA XXI)
- government service programmes, exemption from domestic support commitments (AG Annex 2, para. 2)** 122–3
- "governmental authority", service supplied in the exercise of (GATS I:3(c))** 360
- Harmonization of Non-preferential Rules Work Programme:** *see* rules of origin, harmonization (RO); Rules of Origin, Technical Committee (RO 4.2 and Annex I)
- harmonization of SPS measures (SPS 3)** 136
- headquarters agreement (WTO), right to conclude (WTO VIII:5)** 6
- human, animal or plant life or health, protection:** *see* General Exceptions (GATS XIV); General Exceptions (GATT XX); patents (TRIPS 27); SPS Agreement, basic rights and obligations (SPS 2)
- Illustrative List of Export Subsidies (SCM Annex I)** 299
- implementation of recommendations and rulings of the DSB (DSU 21)** 448: *see also* compensation for non-compliance with covered agreement or DSB recommendations and rulings (DSU 22); suspension of concessions for non-implementation of DSB recommendations and rulings (DSU 22)
- import licences or permits:** *see* Import Licensing Procedures, Agreement (LIC); non-discriminatory administration of quantitative restrictions (GATT XIII)
- "import licensing" (LIC 1.1)** 255
- Import Licensing Procedures, Agreement (LIC)** 255–62: *see also* Committee on Import Licensing (LIC 4)
- "import restrictions" (GATT Ad Articles XI, XII, XIII, XIV and XVIII)** 76
- importation, exportation and transit formalities (TFA 10)** 334–7
- income insurance and income safety-net programmes, exemption from domestic support commitments (AG Annex 2, para. 7)** 124
- independent review procedures (PSI):** *see* consultation and dispute settlement (PSI 4)
- indigenous technology and production methods, preservation (TBT 12.4)** 163
- industrial design, protection (TRIPS 25 and 26)** 407–8
- information concerning serious prejudice, panel's right to seek (SCM Annex V)** 307
- information points (PSI 2.7)** 234
- information on public telecommunications, right to (GATS Annex on telecommunications, para. 4)** 391
- information or technical advice, panel's right to seek (DSU 13)** 444
- information or technical advice, panel's right to seek (SPS 11.2)** 140–1
- injury:** *see* determination of injury, requirements (AD 3 and SCM 15); safeguard measures (SG/GATT XIX), conditions (SG 2)
- integrated circuits layout designs, protection (TRIPS 35-38)** 413–14

- intellectual property rights, enforcement procedures (TRIPS 41-61)** 416–23: *see also* remedies (TRIPS)
- intellectual property rights, procedures and formalities for acquisition and maintenance (TRIPS 62)** 423
- "interested parties" (AD 6.11/SCM 12.9)** 187, 280–1
- interim review (DSU 15)** 445
- "international body or system" (TBT Annex 1, para. 4)** 167
- international minimum standard (TRIPS 1.3)** 398
- International Office of Epizootics, WTO cooperation agreement with (SPS Preamble, 3.4 and 12.3)** 135, 137, 141
- International Plant Protection Convention (SPS Preamble, 3.4 and 12.3)** 135, 137, 141
- international transfers and payments, restrictions (GATS XI)** 367
- internet, use of (TFA 2)** 322
- interpretation of covered agreements (WTO IX:2)** 7
- investigation of conditions for safeguard measures, requirements (SG 3/SG 4.2 (c))** 311–13
- investigation of dumping (AD 5)/subsidy (SCM 11)** 182–4, 276–8
- investigation of dumping or countervailing measures, evidentiary rules (AD 6, Annex II/SCM 12)** 184–7, 200–1, 278–80
- ISONET: *see* standards, preparation, adoption and application of (TBT 4 and Annex 3 (Code))**
- joint action under GATT 1947 (GATT XXV, XXXVI:1(d) and XXXVIII)** 55, 63, 66–7
- judicial or other independent review of trade regulations (GATT X:3(b))** 31
- judicial review (AD 13/SCM 23)** 195, 291
- labour markets integration agreements (GATS V *bis*)** 364
- language requirements: *see also* authentic languages**
 Customs Valuation Technical Committee (VAL Annex II, para. 22) 230
 internet publication (TFA 2.2) 322
 SPS regulations (SPS Annex B) 146–7
 TBT standards (TBT 4) 161
 TFA publication of information (TFA 1.2 and TFA 2.2) 322
 TRIPS transparency requirement (TRIPS 63.1) 424
- layout designs: *see* integrated circuits layout designs, protection (TRIPS 35–38)**
- Least-Developed and Net Food-Importing Countries, Decision on Measures concerning the Possible Negative Effects of the Reform Programme, implementation (AG 16)** 118
- least-developed country Members: *see also* developing country Members; Enabling Clause (Decision on Differential and More Favourable Treatment Reciprocity and Fuller Participation of Developing Countries) (28 November 1979) (EC); Least-Developed and Net Food-Importing Countries, Decision on Measures concerning the Possible Negative Effects of the Reform Programme;**

Index

least-developed country Members (*cont.*)

patents (TRIPS), waiver of TRIPS 31(f) "predominantly domestic use" requirement (TRIPS 31 *bis* and Annex); special and differential treatment for developing country Members (AG 15); special and differential treatment for developing and least-developed country Members (SPS 10); special and differential treatment for developing country Members (SCM 27); special and differential treatment for developing country Members (TBT 12)

Assessment of Manufacturing Capacities in the Pharmaceutical Sector (Appendix to TRIPS Annex) 433

balance of payments measures, consultation procedures (BOPU 8) 95–6

commitments and concessions (WTO XI:2) 10

dispute settlement and (DSU 24) 453–4

GPA Preamble/GPA V/GDA XXII:7 472, 478–80, 499

Import Licensing Procedures, Agreement and (LIC 3.5(j)) 259–60

integration into multilateral trading system (WTO Preamble) 2

review of special provisions in MTAs, responsibility for (WTO IV:7) 4

technical assistance (TBT 11) 162–4

TFA (Preamble) 321

TPRM reporting obligations (TPRM C(ii) and D) 462–3

least-developed country Members (GATS Preamble, IV:3 and Annex on telecommunications, para. 6(d)) 359, 362, 393

least-developed country Members (SPS 14) 142

least-developed country Members (TBT 12.1, 12.7 and 12.8) 162–4

least-developed country Members (TFA 13): *see* special and differential treatment for developing and least-developed country Members (TFA 13-22)

least-developed country Members (TRIMs Preamble, 5.2 and 5.3) 172–3

least-developed country Members (TRIPS Preamble, 66 and 67) 397, 426

legitimate objectives (TBT Preamble and 2.2) 150–1

less favourable treatment: *see* MFN treatment (GATS II); national treatment, regulatory discrimination (GATT III:4), "less favourable treatment"

"levy" (AD 4.2, footnote 12 and SCM 19.2, footnote 51) 182, 287–8

"like or competitive products" (SG 2.1/4.1(c)) 311, 313

"like product" (AD 2.6) 179

"like product" (GATT I:1, III:2 and III:4) 20, 23

"like product" (SCM 15, footnote 46) 282

"like product" (TBT 2.1 and 5.1.1) 151, 154

loans or loan guarantees

loan as "benefit" (SCM 14(b)) 281–2

loan guarantee as "benefit" (SCM 14(c)) 282

as subsidy (SCM 1.1(a)(1)) 263

"local government body" (TBT Annex 1, para. 7) 167

maritime transport services

denial of benefit (GATS XXVII(b)) 377

MFN treatment (GATS II), exemption (Annex on maritime transport services) 389

market access (AG 1(g) and 4) 107, 109

- market access (GATS XVI)** 371–2
- Marketing Boards (GATT Ad Article XVII:1)** 80
- marketing costs:** *see* costs of marketing exports (AG 9.1(d))
- marks of origin (GATT IX)** 30
- Marrakesh Protocol (MP)** 104; *see also* Schedules of Concessions (GATT II)
- material injury:** *see* determination of injury, requirements (AD 3 and SCM 15)
- measure at issue, need to identify**
 consultations request (DSU 4.4) 437
 panel request (DSU 6.2) 439
- mediation:** *see* good offices, conciliation and mediation (DSU 5)
- mediation, right of resort to (SPS 11.3)** 141
- membership:** *see* WTO, original membership (WTO XI)
- MFN treatment (GATS II)** 360
- MFN treatment (GATT I:1)** 19–20
 allowable charges (GATT II:2) 21
 exemptions (GATT I:2) 20
 transit charges, regulations and formalities (GATT V:5) 25
- MFN treatment (TRIPS 4)** 399–400
 developing country Members' right to delay application (TRIPS 65.2), applicability 425
- Ministerial Conference (WTO IV:1)** 3
- modification of Schedules (GATS XXI)** 374; *see also* Schedules of Specific Commitments (GATS XX)
- modification of Schedules (GATT XVIII:A):** *see* economic development, government assistance (GATT XVIII)
- modification of Schedules (GATT XXVIII and Understanding the Interpretation of Article XXVIII of the GATT)** 57–8, 102–3
- monopolies (GATT II:4)** 21–2
 determination of dumping and (GATT Ad Article VI:1, para. 2) 75–6
- monopolies and exclusive service providers (GATS VIII)** 366–7
- movement of natural persons supplying services under GATS (GATS Annex on Movement of Natural Persons Supplying Services under GATS)** 381
 "natural person" (GATS XXVIII(j)) 379
- multiple complainants (DSU 9)** 441
- mutually agreed/acceptable solution to matters raised formally (DSU 3.6 and 3.7)** 436
- narcotic crops, diversification from (AG Preamble and 6.2)** 106, 112
- national treatment:** *see* national treatment on internal taxation and regulation, general principle (GATT III:1); national treatment on internal taxation and regulation, government procurement exceptions (GATT III:8); national treatment, regulatory discrimination (GATT III:4); national treatment, services and service suppliers (GATS XVII); national treatment, tax discrimination (GATT III:2); national treatment (TBT 2.1); national treatment (TRIPS 3)

Index

- national treatment on internal taxation and regulation, general principle (GATT III:1)** 22–4
- national treatment on internal taxation and regulation, government procurement exceptions (GATT III:8)** 23–4
- national treatment, quantitative regulation requiring supply of specified amount or proportion from domestic sources (GATT III:5)** 23
- national treatment, regulatory discrimination (GATT III:4)** 23
 - preshipment inspections, applicability to (PSI 2.2) 233
- national treatment, services and service suppliers (GATS XVII)** 372–3
- national treatment, tax discrimination (GATT III:2)** 23
- national treatment (TBT 2.1 and 5.1.1)** 151, 154
- national treatment (TRIPS 3)** 399
 - developing country Members' right to delay application (TRIPS 65.2), applicability 425
- natural disaster relief, exemption from domestic income support (AG Annex 2, para. 8)** 124–5
- natural persons:** *see* movement of natural persons supplying services under GATS (GATS Annex on Movement of Natural Persons Supplying Services under GATS)
- negotiations concerning multilateral trade relations, WTO as forum for (WTO III:2)** 3
- NGOs (non-governmental organizations), consultation and cooperation with (WTO V:2)** 5
- non-discrimination (GPA Preamble and GPA IV)** 472, 477
- "non-discriminatory" (GATS Annex on telecommunications, para. 5, footnote 15)** 391
- "non-discriminatory" (TFA 4.3)** 326
- non-discriminatory administration of quantitative restrictions (GATT XIII) 35–7:** *see also* quantitative restrictions, elimination (GATT XI)
- non-discriminatory administration of quantitative restrictions (GATT XIII), exceptions (GATT XIV)** 37–8
- "non-government body" (TBT Annex 1, para. 8)** 167
- non-tariff measures:** *see* quantitative restrictions, elimination (GATT XI)
- non-violation claims (GATT XXIII:1(b) and DSU 26.1)** 52, 454: *see also* nullification or impairment (GATT XXIII)
- notification obligations (TFA 4)** 323: *see also* special and differential treatment for developing and least-developed country Members (TFA 13-22)
- notification obligations and procedures**
 - AD Agreement: *see* investigation of dumping (AD 5)/subsidy (SCM 11)
 - notification to government of exporting Member (AD 5.5); investigation of dumping or countervailing measures, evidentiary rules (AD 6/SCM 12)
 - notification to all interested parties of essential facts under consideration (AD 6.9/SCM 12.8); subsidy, notification obligations (SCM 25)
 - balance of payments restrictions: *see* Balance of Payments, Understanding on GATT XII and XVIII:B and the provisions of the Declaration on Trade Measures taken for Balance of Payments Purposes (1979)

- notification obligation (BOPU 9) 96
- consultations, notification of request for (DSU 4.4) 437
- exemption in respect of use, sale or lease of foreign vessel (GATT 1994, 3(c)) 17
- notification obligations, import licensing (LIC 1.4 and 5) 256
- notification of, mutually agreed solution (DSU 3.6) 436
- notification of enquiry/contact points (GATS III:4/GATS IV:2) 361–2
- notification, requirements (PSI 5) 233
- Safeguards Agreement: *see* safeguard measures (SG/GATT XIX), notification (SG 12)
- SPS Agreement: *see* SPS regulations, transparency (SPS 7 and Annex B)
- State trading enterprises (GATT VII:4): *see* State trading enterprises (GATT XVII)
- subsidy, notification obligations (SCM 25) 292–3
- notification procedures in case of urgency (TBT 2.10); technical regulations and standards (TBT Agreement), conformity assessment (TBT 5-9) 152, 154–9
- TRIMs Agreement: *see* notification and transitional arrangements (TRIMs 5)
- TRIPS: *see* notification obligations and procedures (TRIPS)
- notification obligations and procedures (TRIPS)**
 - acceptance of application/determination (TRIPS 52) 421
 - authorization of "unauthorized" use (TRIPS 31(b)) 410
 - enquiry/contact points (TRIPS 69) 427
 - laws and regulations (TRIPS 63.2) 424
 - notice of suspension (TRIPS 54) 421
 - suspension ex officio (TRIPS 58(b)) 422–3
- notification and transitional arrangements (TRIMs 5 and 6)** 173–4
- nullification or impairment (DSU 3.8)** 436
- nullification or impairment (DSU 22.4):** *see* suspension of concessions for non-implementation of DSB recommendations and rulings (DSU 22)
- nullification or impairment (GATT XXIII)** 52
 - non-applicability of GATT XXIII:1(b) and (c) to TRIPS 31 *bis* measures (TRIPS 31 *bis* 4) 412
- Understanding on Waivers of Obligations under GATT 1994 and (WOU 3) 101
- on-the-spot verification:** *see* investigation of dumping or countervailing measures, evidentiary rules (AD 6/SCM 12)
- original membership (WTO XI):** *see* WTO, original membership (WTO XI)
- panel (composition) (DSU 8).** 441
- panel (composition) (PSI 4(c))** 239
- panel (PSI 4) 430.1:** *see also* consultation and dispute settlement (PSI)
- panel, request for establishment:** *see* request for establishment of panel, general considerations (DS 6); request for establishment of panel, requirements (DSU 6.2); request for and establishment of PSI independent review panel (PSI 4(c))
- panel procedures (DSU 12)** 442–4
- panel reports, adoption (DSU 16)** 445
 - circulation to Members on disputes concerning subsidies SCM 4.6 266

Index

- panel reports, adoption (DSU 16)** (*cont.*)
 SCM 7.5 270
 confidentiality considerations (DSU 14): *see* confidentiality of proceedings (DSU 4.6/DSU 14/DSU 17.10/DSU 18.2/DSU Appendix 3)
 time-limits on disputes concerning subsidies (SCM 4.8 and 7.6) 475.4 and 270
- Paris Convention (1967) (PC):** *see* trademarks (Paris Convention (1967) (PC))
- patents (TRIPS 27-34)** 408–13
- payments on export of agricultural product financed by virtue of governmental action (AG 9.1(c))** 114: *see also* determination of dumping (GATT VI/AD 2), subsidy, prohibited (SCM 3 and 4 (Part II))
- perishable goods (TFA 9)** 333
- Permanent Group of Experts (PGE) (SCM 24.3 and 23.4)** 292: *see also* Committee on Subsidies and Countervailing Measures (SCM Committee) (SCM 24)
- pharmaceutical and agricultural chemical products, patent protection (TRIPS 70.8)** 428
- "pharmaceutical product" (TRIPS Annex 1(a))** 430
- phonograms, performers and producers, copyright protection (TRIPS 14)** 402–3: *see* copyright and related rights protection (Berne Convention (1971) and TRIPS 9), phonograms, performers and producers (TRIPS 14)
- Plurilateral Trade Agreements:** *see also* Civil Aircraft, Agreement on Trade in (TCA); Government Procurement Agreement (GPA)
 acceptance provisions (WTO XIV:4) 3, 11
 accession to (WTO XII:3) 10
 additions (WTO X:9) 9
 amendments (WTO X:10) 9
 bodies established under (WTO IV:8) 4–5
 deletions (WTO X:9) 9
 DSB and (DSU 2.1) 434–5
 as integral part of WTO Agreement for those Members who have accepted them (WTO II:3) 3
 interpretation (WTO IX:5) 8
 non-application (WTO XIII:5) 10
 reservations (WTO XVI:5) 12
 waivers (WTO IX:5) 8
 withdrawal (WTO XV:2) 11
- "preferential rules of origin" (RO Annex II, para. 2)** 251
- Preshipment Inspection Agreement:** *see* PSI Agreement
- preshipment inspections (TFA 10.5)** 336
- price undertakings (AD 8)/undertakings (SCM 18)** 188–9, 286–7
- privileges and immunities (WTO VIII)** 6: *see also* headquarters agreement (WTO), right to conclude (WTO VIII:5)
- professional qualifications**
 developing country Members and (GATS IV:2(b)) 362
- progressive liberalization, negotiation of specific commitments (GATS XIX)** 373: *see also* developing country Members (GATS IV), negotiation of

- specific commitments (GATS IV:1 and XIX); Schedules of Specific Commitments (GATS XX)
- prompt and satisfactory resolution of disputes, Members' right to (DSU 3.3 and 3.4)** 435
- proportionality**
 balance of payments restrictions (GATS XII:2(d)) 368
 disclosure obligations (TRIPS 47) 418
 safeguard measures (SG 5.1) ("to the extent necessary") and 313
- provisional measures (AD 7/SCM 17)** 187–8, 285: *see also* provisional measures (SG 6)
- provisional measures (GPA VIII:VIII:2(a))** 495
- provisional measures (SG 6)** 314
- provisional measures (TRIPS 50) (protection of intellectual property rights)** 401–2
- PSI Agreement**, 232–41
- PSI Agreement, exporter Member obligations (PSI 3)** 238
- PSI Agreement, user Member obligations (PSI 2)** 233–8
- public authorities and officials, exemption from TRIPS enforcement procedures (TRIPS 48.2 and 58(c))** 419, 422–3
- public domain**
 existing subject matter, applicability of TRIPS Agreement and (TRIPS 70) 427–8
 pre-shipment inspections and (PSI 2.9) 234
- "public entity" (GATS Annex on financial services, para. 5(c))** 386–7
- public health**
 Doha Declaration on the TRIPS Agreement and public health (2001) 412, 430, 432
 TRIPS Agreement and (TRIPS 8.1) 400
- public interest**
 disclosure of confidential information and
 LIC 1.11 257
 TRIPS 63.4 425
 protection as TRIPS principle (TRIPS 8) 400
- public morals, protection**
 GATS XIV(a) 369
 GATT XX(a) 50
 GPA III:2(a) 476–7
- public notice of application for initiation, avoidance (AD 5.5/SCM 11.5)** 183–4, 277
- public notice of initiation of investigation (AD 12.1/SCM 22.1)** 193–5, 290
- public notice of preliminary or final determination (AD 12.2/SCM 22.3)** 194, 290
- public notice of provisional measures, requirements (AD 12.2.1/SCM 22.4)** 194, 290–1
- public notice of termination or suspension of investigation under AD 8 (price undertaking) (AD 12.2.3)** 195
- public notice of termination or suspension of investigation under SCM 18 (undertakings) (SCM 22.4, 22.5 and 22.6)** 290–1
- public order exception (GATS XIV(A))** 369

Index

- public stockholding for food security purposes, exemption from domestic support commitments (AG Annex 2, para. 3)** 123
- publication and administration of trade regulations (GATT X)** 30–1
- publication and availability of information (TFA 1, 2, 3, 4)** 321–3
- publication of measures such as laws, decrees or ordinances (SPS Agreement, Transparency of SPS Regulations (Annex B) (para. 1, footnote 5))** 145
- publication of rules and information (LIC 1.4(a), 3.3 and 3.5(b) and (d))** 256, 258–9
- qualifications, recognition:** *see* recognition of qualifications (GATS VII)
- quantitative restrictions, elimination (GATT XI)** 32: *see also* Balance of Payments, Understanding on GATT XII and XVIII:B and the provisions of the Declaration on Trade Measures taken for Balance of Payments Purposes (1979); balance of payments difficulties, developing country Members' right to take import measures (GATT XVIII:B); export prohibitions and restrictions in accordance with GATT XI:2(a) (AG 12); non-discriminatory administration of quantitative restrictions (GATT XIII)
 - Agriculture Agreement (AG 12) and 116
 - exceptions (GATT XI:2) 32
 - "prohibition or restriction" (GATT XI:1) 32
- quota modulation (SG 5.2(b))** 313–14
- recognition of prudential measures (GATS Annex on financial services):** *see* financial services (GATS Annex), recognition of prudential measures (para. 3)
- recognition of qualifications (GATS VII)** 365: *see also* domestic regulation (GATS VI) developing countries and (GATS IV:2(b)) 362
- regional assistance programmes, exemption from domestic support commitments (AG Annex 2, para. 13)** 126–7
- "regional body or system" (TBT Annex 1, para. 4)** 167
- regional development, assistance for (SCM 8.2(b))** 272–3
- regional trade areas (agreements) (GATT XXIV:5(b) and 8(b))** 53–5: *see also* customs unions and free trade areas (GATT XXIV:4–10/Understanding on the interpretation of Article XXIV of the GATT 1994); economic integration agreements (GATS) (GATS V)
 - customs cooperation (TFA 12) and (TFA 12.12) 343
- registration (WTO Agreement) (WTO XVI:6)** 12
- regulations (SPS):** *see* SPS regulations, transparency (SPS 7 and Annex B)
- relationships within and between agreements**
 - AD 10.6/AD 10.7: *see* retroactivity (provisional measures and anti-dumping duties) (AD 10)
 - AD 18/SCM: *see* specific action against dumping (AD 18.1) or subsidy (SCM 32.1)
 - AG 21.1 120
 - General Interpretative Note to Annex 1A, 16
 - SCM Parts II and III (SCM 10, footnote 35) 275

- remedies:** *see* compensation for non-compliance with covered agreement or DSB recommendations and rulings; countermeasures in case of failure to comply with panel or AB report within specified time-period (SCM 4.10); developing country Members (AD 15), "constructive remedy"; suspension of concessions for non-implementation of DSB recommendations and rulings (DSU 22); "withdrawal of subsidy without delay" (SCM 4.7)
- remedies (TRIPS):** *see also* costs/expenses, authority to order (TRIPS 45.2 and 48); intellectual property rights, enforcement procedures (TRIPS)
- damages for infringement (TRIPS 45) 418
 - imprisonment/fines (TRIPS 61) 423
 - injunction (TRIPS 44) 417–18
 - limitation in respect of acts prior to acceptance of WTO Agreement (TRIPS 70.4) 427
 - obligation to provide (TRIPS 41.1) 416
 - seizure, forfeiture, disposal or destruction (TRIPS 46, 59, 61) 418, 423
- rental rights, copyright protection and (TRIPS 11 and 14.4)** 401–2
- request for establishment of panel, general considerations (DS 6.1)** 439
- request for establishment of panel, requirements (AD 17.5)** 197
- request for establishment of panel, requirements (DSU 6.2)** 439
- request for establishment of panel, time-limits (SCM 4.4)** 265
- request for establishment of panel, time-limits (SCM 7.4)** 270
- request for and establishment of PSI independent review panel (PSI 4(c))** 239
- research activities, assistance for (SCM 8.2(a) and footnotes 25, 26, 28 and 29)** 271–2
- reservations, consent of other Members, need for**
- AD 18.2 198
 - LIC 8.1 261
 - SCM 32.2 298
 - TBT 15.1 165
 - TCA 9.2 470
 - TFA 24.9 355
 - TRIPS 72 429
 - VAL 21 213
- reservations, exclusion (GPA XXII:3)** 499
- reservations (WTO XVI:5)** 12
- retroactivity (countervailing measures) (SCM 20)** 288–9
- retroactivity (provisional measures and anti-dumping duties) (AD 10)** 191–2
- retroactivity (provisional measures in case of violation of price or subsidy undertaking) (AD 8.6/SCM 18.6)** 189, 287
- retroactivity (rules of origin) (RO 2(i), 3(g), Annex II, para. 3(e))** 244–5, 254
- retroactivity (TRIPS 70.1)** 427
- risk assessment:** *see* SPS Agreement, risk assessment, need for (SPS 5.1-5.3 and Annex A, para. 4); technical regulations (TBT 2), risk assessment, relevant factors (TBT 2.2)
- risk management (TFA 7.4)** 329–30

Index

- royalty-based financing (civil aircraft) and "serious prejudice" (SCM 6.1, footnotes 15 and 16)** 267
- rules of origin (GPA IV:5)** 478
- rules of origin, harmonization (RO 9)** 248–50
- Rules of Origin, Technical Committee (RO 4.2 and Annex I)** 246, 251–2
- Rules of Origin Agreement (RO)** 242–3: *see also* Committee on Rules of Origin (RO 4.1); Rules of Origin, Technical Committee (RO 4.2 and Annex I)
- rules of procedure**
- Council for Trade in Goods
 - responsibility for establishing (WTO IV:5)/approving (WTO IV:2) 4
 - Council for Trade in Services
 - responsibility for establishing (WTO IV:5)/approving (WTO IV:2) 4
 - Council for TRIPS
 - responsibility for establishing (WTO IV:5)/approving (WTO IV:2) 4
 - General Council
 - responsibility for establishing (WTO IV:2) 4
 - Trade Policy Review Body (TPRB)
 - responsibility for establishing 4
- safeguard measures (SG/GATT XIX), application of (SG 5)** 313
- safeguard measures (SG/GATT XIX), conditions (SG 2)** 311
- safeguard measures (SG/GATT XIX), determination of serious injury or threat thereof (SG 4)** 49–50, 312–13
- safeguard measures (SG/GATT XIX), duration and review (SG 7)** 314
- safeguard measures (SG/GATT XIX), level of concessions (SG 8)** 315
- safeguard measures (SG/GATT XIX), notification (GATT XIX:2 and SG 12)** 49, 317: *see also* consultations (SG 12)
- safeguard measures (SG/GATT XIX), pre-existing GATT XI measures, termination (SG 10)** 316
- safeguard measures (SG/GATT XIX), prohibition and elimination of certain measures (SG 11)** 316–17
- safeguard measures (SG/GATT XIX), review: *see* safeguard measures (SG/GATT XIX), duration and review (SG 7)**
- Safeguards Agreement (SG)** 311
- Schedules of Commitments (AG 6 and 7)** 112–13
- Schedules of Concessions (GATT II)** 21–2: *see also* Schedules of Specific Commitments (GATS XX)
- authentic languages (MP 8) 105
 - implementation, right of multilateral examination (MP 3) 104
 - schedules annexed to Marrakesh Protocol as (MP 1) 104
 - withdrawal of concessions: *see* withholding or withdrawal of concessions (GATT XXVII)
- Schedules of Specific Commitments (GATS XX)** 374: *see also* progressive liberalization, negotiation of specific commitments (GATS XIX); Schedules of Concessions (GATT II)
- additional commitments (GATS XVIII) 373

- modification or withdrawal of commitments: *see* modification of Schedules (GATS XXI)
- SCM Agreement**, 263–310
- Secretariat (WTO VI) 16.3**: *see also* Director-General (WTO VI)
- role and responsibilities
 - Balance of Payments Committee consultations (BOPU 12) 96–7
 - dispute settlement (DSU 27) 455
 - notifications concerning technical regulations and standards (TBT 2.10.1 and TBT 5.7.1) 152
 - Safeguards Agreement (SG), reports on operation (SG 13.2) 319
 - SPS regulations (SPS, Annex B, para. 5(b)) 146
 - support in preparation of documentation for Balance of Payments Committee (BOPU 12) 96–7
 - security exceptions (GATS XIV bis)** 370–1
 - security exceptions (GATT XXI)** 51
 - security exceptions (GPA III:1)** 476
 - security exceptions (TBT 2.2/Preamble)** 150–1
 - security exceptions (TRIPS 73)** 429
 - "serious prejudice" (SCM 5(c), 6 and 7.8)** 257–60
 - developing country Members, exclusion (SCM 27.9) 295
 - "serious prejudice" (SCM 27.8)** 295
 - burden of proof/"positive evidence" 295
 - ships**: *see* foreign vessel, use, sale or lease in national waters or Exclusive Economic Zone, exemption from GATT, Part II (GATT 1994, 3); freedom of transit (GATT V); maritime transport services
 - special and differential treatment (VAL 20/VAL Annex III)** 212, 231–2
 - special and differential treatment for developing and least-developed country Members (SPS 10 and 14)** 140, 142
 - special and differential treatment for developing and least-developed country Members (TFA 13-22)** 344–53
 - assistance and support for capacity building, information to be submitted to the Committee (TFA 22) 352–3
 - assistance and support for capacity building (TFA 21) 351–2
 - categories of provisions (TFA 14) 344–5
 - Category A commitments (TFA 15) 345
 - Category B and C, notification of definitive dates for implementation (TFA 16) 345–8
 - Category B and C provisions, implementation difficulties (TFA 17) 348
 - Category B and C provisions, inability to implement provision (TFA 18) 349–50
 - Category B and C provisions, shifting between (TFA 19) 350
 - DSU procedures, grace period (TFA 20) 350–1
 - general principles (TFA 13) 344
 - special and differential treatment for developing country Members (AG 15) 217.2**: *see also* developing country Members (AG), domestic support commitments (AG 6.2); Least-Developed and Net Food-Importing Countries, Decision on Measures concerning the Possible Negative Effects of the Reform Programme, implementation (AG 16)

Index

- special and differential treatment for developing country Members (SCM 27)** 294–6
- special and differential treatment for developing country Members (TBT 12)** 162: *see also* Enabling Clause (Decision on Differential and More Favourable Treatment Reciprocity and Fuller Participation of Developing Countries) (28 November 1979) (EC)
- special or additional rules and procedures for dispute settlement (DSU 1.2 and Appendix 2)** 434, 457
- special safeguards (AG 5)** 109–10
- special treatment with respect to AG 4.2 (AG Annex 5)** 131–4: *see* market access (AG 4), special treatment with respect to AG 4.2 (AG Annex 5)
- specific action against dumping (AD 18.1) or subsidy (SCM 32.1)** 198, 298
- specificity of subsidy:** *see* subsidy, specificity (SCM 2)
- SPS, technical assistance (SPS 9)** 134
- SPS Agreement, 135–49:** *see also* Committee on Sanitary and Phytosanitary Measures (SPS Committee)
- SPS Agreement, administration (SPS 12)** 141–2: *see* Committee on Sanitary and Phytosanitary Measures (SPS Committee)
- SPS Agreement, adaptation to regional conditions (SPS 6)** 139
- SPS Agreement, applicability (SPS 1 and Annex A)** 136, 143–4
- SPS Agreement, appropriate level of protection (SPS 5.5-5.6)** 138
 definition (SPS Annex A, para. 5) 144
- SPS Agreement, basic rights and obligations (SPS 2)** 136
- SPS Agreement, 140:** *see* consultation and dispute settlement (SPS 11)
- SPS Agreement, control, inspection and approval procedures (SPS 8/Annex C)** 139, 148–9
- SPS Agreement, equivalence (SPS 4)** 137
- SPS Agreement, harmonization of measures (SPS 3)** 136
- SPS Agreement, implementation (SPS 13)** 142
- SPS Agreement, risk assessment, need for (SPS 5.1-5.3 and Annex A, para. 4)** 137–8, 144
- SPS Agreement, special and differential treatment (SPS 10):** *see* special and differential treatment for developing and least-developed country Members (SPS 10)
- SPS regulations, transparency (SPS 7 and Annex B)** 139, 145–7
- standard/powers of review (AD 17.6)** 197
- Standards, Code of Good Practice for the Preparation, Adoption and Application (TBT Annex 3)** 169–71: *see* standards, preparation, adoption and application of (TBT 4 and Annex 3 (Code))
- standards, preparation, adoption and application of (TBT 4 and Annex 3 (Code))** 153–4: *see also* technical regulations (TBT 2); technical regulations (TBT 2.4)
- "start-up situation" (SCM Annex IV, footnote 65)** 306
- State trading enterprises (GATT XVII and Understanding on the Interpretation of Article XVII of the GATT)** 41–2

- balance of payments, restrictions to safeguard (GATS XII) and 368–9
 determination of dumping and (GATT Ad Article VI:1, para. 2) 75–6
 differential pricing (GATT Ad Article XVII:1) 80
structural adjustment assistance, exemption from domestic support
 commitments (AG Annex 2) 122–7
subsidies (GATS XV) 371
subsidies (GATT XVI and Ad Article) 77.1 and 78–9
subsidy, calculation in terms of benefit to recipient (SCM 14) 281
subsidy, definition (SCM 1) 263: *see also* export subsidy, prohibited (AG 3.3);
 payments on export of agricultural product financed by virtue of
 governmental action (AG 9.1(c)); subsidy, definition (SCM 1); subsidy,
 specificity (SCM 2)
subsidy, notification obligations (SCM 25) 292–3
subsidy, prohibited (SCM 3 and 4 (Part II)) 265–6
subsidy, specificity (SCM 2) 263–4
subsidy, surveillance (SCM 26) 283
substitution drawback systems as export subsidies, Guidelines in the
 determination of (SCM Annex III) 304
sunset review (AD 11.3) 193: *see also* anti-dumping duties, duration and review
 (AD 11)
sunset review (SCM 21.3) 289
Supplementary Provision to GATT VI, second (AD 2.7) 179
suspension of concessions for non-implementation of DSB recommendations
 and rulings (DSU 22), 450–2: *see also* arbitration (DSU 22.6);
 arbitration (DSU 25); countermeasures in case of failure to comply
 with panel or AB report within specified time-period (SCM 4.10);
 nullification or impairment (GATT XXIII), suspension of concessions
 (GATT XXIII:2)
sustainable development: *see* "exhaustible natural resources" (GATT XX(g))

tariff concessions (protocols and certifications under GATT 1947) (GATT 1994,
 1(b)(i)) 16
tariff quotas
 applicability of GATT XIII:2(a) 36
tariff reduction negotiations (GATT XXVIII bis and Ad Article) 59–60, 86
TBT Agreement, 150–71: *see also* Committee on Technical Barriers to Trade
 (TBT 13)
technical assistance in respect of (TBT 11) 161–2
technical cooperation (GATS XXV) 800.47: *see also* telecommunications (GATS
 Annex on telecommunications), technical cooperation (para. 6)
technical cooperation (TRIPS 67) 426
technical expert group: *see* consultation and dispute settlement (TBT 14), technical
 expert group; information or technical advice, panel's right to seek (SPS 11.2),
 advisory technical experts group, panel's right to establish
technical regulations (TBT 2 and 3) 151, 153

Index

- technical regulations, standards and conformity assessment procedures, information about (TBT 10)** 159–61
- technical regulations and standards (TBT Agreement), conformity assessment (TBT 5-9)** 154–9
- telecommunications (GATS Annex on Telecommunications and GATS Annex on Negotiations basic telecommunications)** 390–5
- termination of investigation:** *see* investigation of dumping (AD 5)/subsidy (SCM 11)
- terms of reference of panels (DSU 7)** 440
- TFA, Agreement on Trade Facilitation (TFA)** 321–55
- third party rights (DSU 4.11, 10, 17.4 and Appendix 3)** 438, 442, 446, 458
- threat of injury:** *see* determination of injury, requirements (AD 3 and SCM 15); safeguard measures (SG/GATT XIX), conditions (SG 2)
- time-limits:** *see* amendments to covered agreements (WTO X), time-limits for acceptance (WTO X:7); investigation of dumping or countervailing measures, evidentiary rules (AD 6/SCM 12); panel (PSI), decision, time-limits (PSI 4(g)); State trading enterprises (GATT XVII), notification requirements (GATT XVII:4(a)/Understanding on the Interpretation of Art. XVII); "withdrawal of subsidy without delay" (SCM 4.7); Working Procedures (panel) (DSU 12.1 and Appendix 3)
- timetable for panel process, establishment (DSU 12.3)** 443
- TPRM, *see* Trade Policy Review Mechanism (TPRM)**
- trade and development (GATT XXXVI – XXXVIII (Part IV))** 62–7
- Trade Facilitation Agreement (TFA): *see* TFA, Agreement on Trade Facilitation (TFA)**
- Trade Policy Review Body (TPRB) (WTO IV:4 and TPRM C(i))** 461
- Trade Policy Review Mechanism (TPRM)** 461–3
- trademarks (Paris Convention (1967) (PC))(TRIPS 2.1, 22.2(b), 62.3, 63.2)** 399, 405, 424
- trademarks (TRIPS 15-21)** 403–5
- transit:** *see* freedom of transit (GATT V); freedom of transit (TFA 11)
- transitional arrangements (SCM 28 and 29)** 296–7
- transitional arrangements (TRIPS 65 and 66.1)** 425–6
- transparency**
- AD Agreement and: *see* investigation of dumping or countervailing measures, evidentiary rules (AD 6/SCM 12)
 - balance of payments restrictions and (BOPU 4) 94–5
 - GATS III: *see* transparency (GATS III)
 - LIC 5, 260–1
 - PSI Agreement: *see* PSI Agreement, user Member obligations (PSI 2) and exporter Member obligations (PSI 3)
 - RO 5, 246–7
 - special safeguards and (AG 5.7) 111
 - SPS 7: *see* SPS regulations, transparency (SPS 7 and Annex B)
 - TBT 10 159–61
 - TFA 5, 16.1(c) and 16.2(c) 326–7, 345–6

- TPRM B 461
 TRIMs 6: *see* transparency (TRIMs 6)
 TRIPS 63 424–5
 Understanding on the Interpretation of Article II:1(b) of GATT 1994 91
 Understanding on the Interpretation of Article XVII of GATT 1994 92
transparency (GATS III) 360–1
transparency (TRIMs 6) 174
transparency (TRIPS 63) 424
TRIMs Agreement, 172–5
TRIPS Agreement, vii, 396–433
TRIPS Agreement, limitations and exceptions (TRIPS 13) 402
TRIPS Agreement, object, purpose, principles and scope (TRIPS Preamble and 69) 397, 427
TRIPS Agreement, objectives (TRIPS 7) 400
TRIPS Agreement, principles (TRIPS 8) 400
tropical products (AG Preamble) 106
- UN agencies, role**
 GATS 366, 377
 GATT XXXVI:7 64
- Understanding on the Balance of Payments provisions of GATT 1994:** *see*
 Balance of Payments, Understanding on GATT XII and XVIII:B and the
 provisions of the Declaration on Trade Measures taken for Balance of
 Payments Purposes (1979)
- Understanding in Respect of Waivers of Obligations under GATT 1994:** *see*
 waivers (WTO IX:3)
- Understanding on Rules and Procedures Governing the Settlement of Disputes
 (DSU):** *see* DSU (Dispute Settlement Understanding) and dispute settlement
 system (WTO/general)
- unforeseen developments:** *see* safeguard measures (SG/GATT XIX), conditions
 (SG 2)
 "as a result of unforeseen developments" (GATT XIX:1(a)) 49
 "such increased quantities" (SG 2.1) 311
- unilateral action by Member, prohibition (DSU 23.1)** 452
- valuation for customs purposes:** *see* customs valuation (GATT VII and Customs
 Valuation Agreement (VAL))
- visas, as possible source of nullification or impairment of benefits (GATS, Annex
 on Movement of Natural Persons, para. 4, footnote 13)** 382
- voting requirements:** *see* decision-making (WTO IX); Ministerial Conference (WTO
 IV:1), decision-making procedures (WTO IX:1)
- waivers (GATT XXV:5)** 56
**waivers (WTO IX:3 and IX:4 and Understanding in Respect of Waivers of
 Obligations under the GATT 1994)** 101

Index

- waivers under Plurilateral Trade Agreements (WTO IX:5)** 8
- WCO:** *see* Customs Cooperation Council (CCC/WCO)
- wines and spirits, protection against use of geographical indication other than true place of origin (TRIPS 23 and 24)** 405–7
- withdrawal**
- GATT XVIII:12(e) 46
 - GATT XXXI 61
 - GPA XXII:12 500
 - TCA 9.6 470
 - WTO X:3 8
 - WTO X:5 9
 - WTO XV:1 11
- "withdrawal of subsidy without delay" (SCM 4.7)** 266
- withholding or withdrawal of concessions (GATT XXVII)** 57
- Working Procedures (appellate review) (DSU 17.9)** 447
- Working Procedures (panel) (DSU 12.1 and Appendix 3)** 442, 458–9
- World Bank/WTO relationship, obligation to cooperate (WTO III:5)** 3
- World Customs Organization (WCO):** *see* Customs Cooperation Council (CCC/WCO)
- World Intellectual Property Organization (WIPO), relationship with TRIPS (TRIPS 5)** 400
- WTO**
- as common institutional framework (WTO II:1) 2
 - cooperation with NGOs (WTO V:2) 5
 - cooperation with other intergovernmental organizations (WTO V:1) 5
 - establishment (WTO I) 2
 - functions (WTO III) 3
 - legal capacity for exercise of functions, obligation to accord (WTO VIII:1) 6
 - legal personality (WTO VIII:1) 6
 - original membership (WTO XI) 9
 - privileges and immunities: *see* privileges and immunities (WTO VIII)
- WTO Agreement, 2–12**

ACRONYMS USED IN THE INDEX

ADP:	Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (Customs Valuation Agreement)
AG:	Agreement on Agriculture
AMS:	Aggregate Measurement of Support (in Agreement on Agriculture)
BOPU:	Balance of Payments Understanding
CCC:	Customs Co-operation Council ¹
DSB:	Dispute Settlement Body
DSU:	Dispute Settlement Understanding
FAO:	Food and Agriculture Organization of the United Nations
GATS:	General Agreement on Trade in Services
GATT:	General Agreement on Tariffs and Trade
GPA:	Agreement on Government Procurement as amended
LIC:	Agreement on Import Licensing Procedures
MFN:	Most favoured nation
MP:	Marrakesh Protocol
PGE:	Permanent Group of Experts (in Agreement on Subsidies and Countervailing Measures)
PSI:	Agreement on Preshipment Inspection
RO:	Agreement on Rules of Origin
SCM:	Agreement on Subsidies and Countervailing Measures
SG:	Agreement on Safeguards
SPS:	Agreement on the Application of Sanitary and Phytosanitary Measures
TBT:	Agreement on Technical Barriers to Trade
TCA:	Agreement on Trade in Civil Aircraft
TFA:	Agreement on Trade Facilitation
TPRB:	Trade Policy Review Body
TPRM:	Trade Policy Review Mechanism as amended
TRIMs:	Agreement on Trade-Related Investment Measures
TRIPS:	Agreement on Trade-Related Aspects of Intellectual Property Rights as amended

¹ In 1994, the Customs Cooperation Council (CCC) was renamed "World Customs Organization (WCO)".

Acronyms used in the Index

- VAL: Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (Customs Valuation Agreement)
- WCO: World Customs Organization
- WIPO: World Intellectual Property Organization
- WOU: Understanding on Waivers of Obligations