

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials,  
Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

---

## The Law and Policy of the World Trade Organization

As the leading student text in the field, this title provides both a detailed examination of the law of the World Trade Organization and a clear introduction to the basic principles and underlying logic of the world trading system. It explores the institutional aspects of the WTO together with the substantive law. New to this edition are examinations of the WTO rules on the protection of intellectual property rights and the rules on technical barriers to trade and sanitary and phytosanitary measures. Assignments are integrated throughout to allow students to assess their understanding, while chapter summaries reinforce learning. In addition, exercises have been included to draw on primary sources and real-life trade scenarios, enabling students to hone their practical and analytical skills. The title is an essential tool for any student of the WTO, either at undergraduate or at postgraduate level. Practising lawyers and policy-makers who are looking for an introduction to WTO law will also find this title invaluable.

PETER VAN DEN BOSSCHE is Professor of International Economic Law, Head of the Department of International and European Law and Academic Director of the Institute for Globalisation and International Regulation at Maastricht University, the Netherlands. He studied law at the University of Antwerp (Lic. jur.), the University of Michigan (LLM) and the European University Institute, Florence (Dr jur.). From 1997 to 2001, Peter Van den Bossche was Counsellor to the Appellate Body of the WTO, Geneva. In 2001 he served as Acting Director of the Appellate Body Secretariat.

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials,  
Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

# The Law and Policy of the World Trade Organization

Text, Cases and Materials

Second Edition

Peter Van den Bossche

*Maastricht University*



Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials,  
Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo,  
Delhi, Dubai, Tokyo

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](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9780521727594](http://www.cambridge.org/9780521727594)

© Peter Van den Bossche 2008

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 2008

Third printing 2010

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 Cataloguing in Publication data*

ISBN 978-0-521-89890-4 hardback

ISBN 978-0-521-72759-4 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. Information regarding prices, travel timetables and other  
factual information given in this work are correct at the time of first printing but  
Cambridge University Press does not guarantee the accuracy of such  
information thereafter.

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials,  
Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

## Contents

*List of figures* xi  
*Preface to the first edition* xiii  
*Preface to the second edition* xvii  
*Table of cases* xix  
*Table of agreements* xl

### 1 ECONOMIC GLOBALISATION AND THE LAW OF THE WTO 1

---

1.1. Introduction 1  
1.2. Economic globalisation and international trade 3  
    1.2.1. The emergence of the global economy 3  
    1.2.2. Economic globalisation: a blessing or a curse? 9  
    1.2.3. Trade liberalisation versus protectionism 15  
    1.2.4. Globalisation and trade to the benefit of all? 25  
1.3. International trade and the law of the WTO 32  
    1.3.1. International rules for international trade 32  
    1.3.2. Basic rules and principles of WTO law 37  
1.4. Sources of WTO law 42  
    1.4.1. The Marrakesh Agreement Establishing the World Trade  
    Organization 42  
    1.4.2. Other sources of WTO law 53  
1.5. WTO law in context 59  
    1.5.1. WTO law and international law 59  
    1.5.2. WTO law and national law 63  
1.6. Summary 71  
1.7. Exercise: Globaphiles versus globaphobes 73

### 2 THE WORLD TRADE ORGANIZATION 75

---

2.1. Introduction 76  
2.2. The origins of the WTO 77  
    2.2.1. The General Agreement on Tariffs and Trade of 1947 78  
    2.2.2. Uruguay Round of Multilateral Trade Negotiations 82  
2.3. Mandate of the WTO 85

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials,  
Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

- 2.3.1. Objectives of the WTO 85
- 2.3.2. Functions of the WTO 87
- 2.4. Membership of the WTO 102
  - 2.4.1. Current membership 102
  - 2.4.2. Accession 108
  - 2.4.3. Obligations of membership 113
  - 2.4.4. Withdrawal and expulsion 116
- 2.5. Institutional structure of the WTO 117
  - 2.5.1. Basic structure 117
  - 2.5.2. Ministerial Conference 119
  - 2.5.3. General Council, DSB and TPRB 121
  - 2.5.4. Specialised councils, committees and working parties 124
  - 2.5.5. Trade Negotiations Committee 127
  - 2.5.6. Political bodies lacking in the WTO structure 128
  - 2.5.7. Quasi-judicial and other non-political bodies 130
  - 2.5.8. WTO Secretariat 132
- 2.6. Decision-making in the WTO 138
  - 2.6.1. Normal procedure 138
  - 2.6.2. Special procedures 141
  - 2.6.3. WTO decision-making in practice 145
  - 2.6.4. Participation of developing-country Members 148
  - 2.6.5. Involvement of NGOs 152
  - 2.6.6. Form and legal basis of WTO decisions 159
- 2.7. Other issues 161
  - 2.7.1. Status of the WTO 161
  - 2.7.2. The WTO budget 161
- 2.8. Summary 163
- 2.9. Exercise: To join or not to join? 167

### 3 WTO DISPUTE SETTLEMENT 168

---

- 3.1. Introduction 169
- 3.2. Principles of WTO dispute settlement 171
  - 3.2.1. Object and purpose of the WTO dispute settlement system 171
  - 3.2.2. Methods of WTO dispute settlement 176
  - 3.2.3. Jurisdiction of the WTO dispute settlement system 178
  - 3.2.4. Access to the WTO dispute settlement system 181
  - 3.2.5. The WTO dispute settlement process 198
  - 3.2.6. Rules of interpretation and burden of proof 201
  - 3.2.7. Confidentiality and Rules of Conduct 212
  - 3.2.8. Remedies for breach of WTO law 218
  - 3.2.9. Special rules and assistance for developing-country Members 231
- 3.3. Institutions of WTO dispute settlement 235
  - 3.3.1. The Dispute Settlement Body 235
  - 3.3.2. WTO dispute settlement panels 238

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials, Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

|        |   |            |
|--------|---|------------|
| 3.3.3. | The Appellate Body  | 257        |
| 3.3.4. | Other bodies and persons involved in WTO dispute settlement                                     | 268        |
| 3.4.   | WTO dispute settlement proceedings  | 269        |
| 3.4.1. | Consultations   | 269        |
| 3.4.2. | Panel proceedings   | 275        |
| 3.4.3. | Appellate review  | 288        |
| 3.4.4. | Implementation and enforcement  | 298        |
| 3.5.   | Main challenge to the WTO dispute settlement system   | 308        |
| 3.6.   | Summary   | 311        |
| 3.7.   | Exercise: Newland seeks justice   | 316        |
| <br>   |   |            |
| 4      | <b>PRINCIPLES OF NON-DISCRIMINATION</b>   | <b>320</b> |
| <hr/>  |   |            |
| 4.1.   | Introduction  | 321        |
| 4.2.   | Most-favoured-nation treatment under the GATT 1994  | 322        |
| 4.2.1. | Nature of the MFN treatment obligation of Article I:1 of the GATT 1994                          | 323        |
| 4.2.2. | MFN treatment test of Article I:1 of the GATT 1994  | 325        |
| 4.3.   | Most-favoured-nation treatment under the GATS   | 334        |
| 4.3.1. | Nature of the MFN treatment obligation of Article II:1 of the GATS                              | 334        |
| 4.3.2. | MFN treatment test of Article II:1 of the GATS  | 336        |
| 4.3.3. | Exemptions from the MFN treatment obligation under the GATS                                     | 342        |
| 4.4.   | National treatment under the GATT 1994  | 344        |
| 4.4.1. | Nature of the national treatment obligation of Article III of the GATT 1994                     | 345        |
| 4.4.2. | National treatment test for internal taxation on like products                                  | 348        |
| 4.4.3. | National treatment test for internal taxation on directly competitive or substitutable products | 358        |
| 4.4.4. | National treatment test for internal regulation   | 367        |
| 4.5.   | National treatment under the GATS   | 390        |
| 4.5.1. | Nature of the national treatment obligation of Article XVII of the GATS                         | 391        |
| 4.5.2. | National treatment test of Article XVII of the GATS   | 392        |
| 4.6.   | Summary   | 396        |
| 4.7.   | Exercise: Beer in Newland   | 398        |
| <br>   |   |            |
| 5      | <b>RULES ON MARKET ACCESS</b>   | <b>401</b> |
| <hr/>  |   |            |
| 5.1.   | Introduction  | 401        |
| 5.2.   | Tariff barriers to trade in goods   | 403        |

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials, Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

viii

Contents

- 5.2.1. Customs duties or tariffs 403
- 5.2.2. Negotiations on tariff reductions 407
- 5.2.3. Tariff concessions and Schedules of Concessions 417
- 5.2.4. Protection of tariff concessions 422
- 5.2.5. Modification or withdrawal of tariff concessions 426
- 5.2.6. Imposition of customs duties 428
- 5.2.7. Other duties and charges 438
- 5.3. Non-tariff barriers to trade in goods 444
  - 5.3.1. Quantitative restrictions 444
  - 5.3.2. Rules on quantitative restrictions 447
  - 5.3.3. Administration of quantitative restrictions 454
  - 5.3.4. Other non-tariff barriers 460
- 5.4. Barriers to trade in services 476
  - 5.4.1. Market access barriers to trade in services 477
  - 5.4.2. Other barriers to trade in services 493
- 5.5. Summary 499
- 5.6. Exercise: *Carlie*<sup>®</sup> goes to Europe 504

## 6 RULES ON UNFAIR TRADE 507

---

- 6.1. Introduction 507
- 6.2. Dumping and anti-dumping measures 508
  - 6.2.1. Basic elements of WTO law on dumping 511
  - 6.2.2. Determination of dumping 515
  - 6.2.3. Determination of injury 526
  - 6.2.4. Demonstration of a causal link 536
  - 6.2.5. Anti-dumping investigation 539
  - 6.2.6. Anti-dumping measures 546
  - 6.2.7. Special and differential treatment for developing-country Members 554
  - 6.2.8. Standard of review for WTO panels in anti-dumping disputes 556
- 6.3. Subsidies and countervailing measures 557
  - 6.3.1. Basic elements of WTO law on subsidies and subsidised trade 558
  - 6.3.2. Determination of subsidisation 562
  - 6.3.3. Prohibited subsidies 571
  - 6.3.4. Actionable subsidies 577
  - 6.3.5. Countervailing measures 585
  - 6.3.6. Agricultural subsidies 600
  - 6.3.7. Special and differential treatment for developing-country Members 604
- 6.4. Summary 605
- 6.5. Exercise: Dirty play, but by whom? 612

## 7 TRADE LIBERALISATION VERSUS OTHER SOCIETAL VALUES AND INTERESTS 614

---

- 7.1. Introduction 615
- 7.2. General exceptions under the GATT 1994 616
  - 7.2.1. The nature and function of Article XX of the GATT 1994 617
  - 7.2.2. The two-tier test under Article XX of the GATT 1994 620
  - 7.2.3. Specific exceptions under Article XX of the GATT 1994 621
  - 7.2.4. The chapeau of Article XX of the GATT 1994 641
  - 7.2.5. Scope for Members to protect other societal values 651
- 7.3. General exceptions under the GATS 652
  - 7.3.1. The two-tier test under Article XIV of the GATS 653
  - 7.3.2. Specific exceptions under Article XIV of the GATS 654
  - 7.3.3. The chapeau of Article XIV of the GATS 662
- 7.4. Security exceptions 664
  - 7.4.1. Article XXI of the GATT 1994 664
  - 7.4.2. Article XIV *bis* of the GATS 669
- 7.5. Economic emergency exceptions 670
  - 7.5.1. Article XIX of the GATT 1994 and the Agreement on Safeguards 672
  - 7.5.2. Requirements for the use of safeguard measures 674
  - 7.5.3. Domestic procedures and notification and consultation obligations 683
  - 7.5.4. Characteristics of safeguard measures 685
  - 7.5.5. Other safeguard measures 693
- 7.6. Regional integration exceptions 695
  - 7.6.1. Article XXIV of the GATT 1994 699
  - 7.6.2. Article V of the GATS 709
- 7.7. Balance-of-payments exceptions 714
  - 7.7.1. Articles XII and XVIII:B of the GATT 1994 715
  - 7.7.2. Article XII of the GATS 722
- 7.8. Economic development exceptions 723
  - 7.8.1. Infant-industry-protection exception 725
  - 7.8.2. Generalised System of Preferences exception 726
- 7.9. Summary 731
- 7.10. Exercise: Tetra-pack containers and glass producers in dire straits 738

## 8 TOWARDS HARMONISATION OF NATIONAL REGULATION 740

---

- 8.1. Introduction 741
- 8.2. The *TRIPS Agreement* 742
  - 8.2.1. The origins and objectives of the *TRIPS Agreement* 742
  - 8.2.2. Scope of application of the *TRIPS Agreement* 746



Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials,  
Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

|        |  |     |
|--------|--|-----|
| 8.2.3. | General provisions and basic principles of the<br><i>TRIPS Agreement</i> | 750 |
| 8.2.4. | Substantive protection of intellectual property rights                   | 762 |
| 8.2.5. | Enforcement of intellectual property rights                              | 793 |
| 8.2.6. | Acquisition and maintenance of intellectual property<br>rights           | 798 |
| 8.2.7. | Institutional and procedural provisions of the<br><i>TRIPS Agreement</i> | 798 |
| 8.2.8. | Special provisions for developing-country Members                        | 802 |
| 8.3.   | The <i>TBT Agreement</i>   | 805 |
| 8.3.1. | Scope of application of the <i>TBT Agreement</i>                         | 806 |
| 8.3.2. | Relationship with other WTO agreements                                   | 815 |
| 8.3.3. | Basic substantive provisions of the <i>TBT Agreement</i>                 | 817 |
| 8.3.4. | Other substantive provisions   | 823 |
| 8.3.5. | Institutional and procedural provisions of the<br><i>TBT Agreement</i>   | 828 |
| 8.3.6. | Special provisions for developing-country Members                        | 830 |
| 8.4.   | The <i>SPS Agreement</i>   | 832 |
| 8.4.1. | Scope of application of the <i>SPS Agreement</i>                         | 834 |
| 8.4.2. | Relationship with other WTO agreements                                   | 839 |
| 8.4.3. | Basic principles of the <i>SPS Agreement</i>                             | 841 |
| 8.4.4. | Risk analysis obligations  | 852 |
| 8.4.5. | Other substantive provisions   | 870 |
| 8.4.6. | Institutional and procedural provisions of the<br><i>SPS Agreement</i>   | 878 |
| 8.4.7. | Special provisions for developing-country Members                        | 880 |
| 8.5.   | Summary  | 884 |
| 8.6.   | Exercise: Tutti Frutti's exports to Utopia                               | 890 |
|        | <i>Epilogue</i>  | 892 |
|        | <i>Index</i>   | 894 |

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials,  
Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

## Figures

|     |  |     |
|-----|--|-----|
| 2.1 | WTO organisation chart   | 118 |
| 2.2 | Programme of meetings in November 2007   | 119 |
| 2.3 | Excerpt from the minutes of the meeting of the General Council of 9 May 2007                                       | 123 |
| 2.4 | WTO Secretariat organisation chart   | 137 |
| 2.5 | Trend in NGO representation at Ministerial Conference sessions   | 157 |
| 3.1 | Flowchart of the WTO dispute settlement process  | 199 |
| 3.2 | Agenda of the DSB meeting of 24 July 2007  | 237 |
| 4.1 | Excerpt from the Schedule of Specific Commitments of the European Communities and its Member States                | 392 |
| 5.1 | Excerpt from India's First Schedule to the Customs Tariff Act  | 406 |
| 5.2 | Fifty years of tariff reduction negotiations   | 409 |
| 5.3 | Simple average MFN applied tariffs for some non-agricultural products (non-Ag) and some agricultural products (Ag) | 410 |
| 5.4 | Excerpt from Chapter 18 of the Schedule of Concessions of China (cocoa and cocoa preparations)                     | 419 |
| 5.5 | Excerpt from the Schedule of Specific Commitments of Brazil (engineering services)                                 | 487 |
| 6.1 | Advertisement of the National Association of Italian Shoe Factories (ANCI)   | 510 |
| 7.1 | 'Increased imports' requirement: example 1   | 676 |
| 7.2 | 'Increased imports' requirement: example 2   | 676 |

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials,  
Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

## Preface to the first edition

Since the entry into force of the *WTO Agreement* in January 1995, international trade law has developed from a technical backwater of international law to one of its most vibrant fields. Before 1995, international trade law was taught at few universities and was only of interest to a relatively small group of legal practitioners. Over the past decade, however, interest in this field of international law has increased dramatically. Students, academics, legal practitioners, advisers of businesses and NGOs, and officials of national governments and international organisations have woken up to its importance. Now, most universities give much attention to trade law in international law courses or offer specialised courses on WTO law.

Concrete plans for this book were first made on the eve of my departure from the WTO and return to academia at the end of 2001. For five years, I had the privilege to serve, during the seminal early days of the WTO and its law, as a senior legal advisor to the Appellate Body of the WTO.

This book is primarily a textbook for graduate and senior undergraduate students of law. However, it was also written with practising lawyers and policy-makers, looking for an introduction to WTO law, in mind. The book covers both the institutional and the substantive law of the WTO. Chapter 1 is an introduction on whether economic globalisation and international trade are a bane or a blessing, on the need for WTO law, and on the main principles and sources of this law. Chapter 2 discusses the WTO as the prime intergovernmental organisation for international trade, and deals with its origins, objectives, functions, membership, institutional structure and decision-making procedures. Chapter 3 concerns the WTO's all-important and unique dispute settlement system and explores the origins, principles, institutions and proceedings of WTO dispute settlement. Chapter 4 discusses the fundamental WTO principles of non-discrimination, the most-favoured-nation treatment obligation and the national treatment obligation as they apply to trade in goods and trade in services. Chapter 5 deals with market access for goods, services and service suppliers and discusses, *inter alia*, the WTO rules on tariff and non-tariff barriers to trade in goods and barriers to trade in services. Chapter 6 concerns the WTO rules on unfair trade and, in particular, the rules on dumping and subsidised trade. Chapter 7 deals with the inevitable conflict between trade liberalisation and other societal values and interests. It discusses the many situations in which WTO law allows Members to deviate from the basic rules and let other societal values and interests prevail over trade liberalisation. The concluding chapter 8

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials, Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

briefly sets out two major challenges for the future of the WTO, namely, the integration of developing countries in the multilateral trading system and the further expansion of the scope of WTO law. While the treatment of the law is often quite detailed, the prime aim of this textbook is to make clear the basic principles and underlying logic of WTO law and the world trading system.

Special attention was given to the focus, approach and structure of this book. Each section contains questions and assignments, to allow students to assess their understanding and to develop useful practical skills. At the end of each chapter, there is a helpful summary as well as an exercise on specific true-to-life international trade problems encountered by the Kingdom of Richland, a developed-country Member, and the Republic of Newland, a developing-country Member. These exercises are ideally intended to be dealt with in tutorials, but are equally suitable for individual study. While challenging, these exercises can be done on the basis of the knowledge acquired in the chapter they conclude. It was a deliberate choice to refer sparingly to the vast academic literature on many of the topics addressed in this book. The focus is clearly on the provisions of the WTO agreements themselves, the case law of panels and the Appellate Body and official policy documents. For advanced courses on WTO law, this book can be usefully supplemented by academic articles from the *Journal of International Economic Law*, the *Journal of World Trade*, the *World Trade Review* and other specialised or general law journals. The reader can find suggestions on recent academic articles and case law, organised according to the chapters of this book, at [www.egeg.org](http://www.egeg.org).

In writing this book I owe much to many. I am particularly indebted to Gabrielle Marceau and Denise Prévost who supported and encouraged me from the beginning and commented on all chapters. I am similarly indebted to Edwin Vermulst and Folkert Graafsma who also read through the whole manuscript and made many useful comments, and to Julie Soloway, who made a very important contribution to the section on dumping and anti-dumping measures. I am grateful to Marco Bronckers, Stephanie Cartier, Bill Davey, Piet Eeckhout, Barbara Eggers, Lothar Ehring, Mary Footer, Susan Hainsworth, Valerie Hughes, Pieter-Jan Kuijper, Bernard Kuiten, Hoe Lim, Jim Mathis, Marielle Mathee, Elisabetta Montaguti, Joost Pauwelyn, Roberto Rios Herrera, Jochem Wiers, Jan Wouters and Werner Zdouc, who all read, and commented on, specific chapters, or contributed otherwise to this book. I would like to pay tribute to John Jackson, my first mentor and guide in the land of international trade. I would also like to acknowledge my profound and lasting debt towards the Members of the original Appellate Body, and, in particular, James Bacchus, Claus-Dieter Ehlermann, Florentino Feliciano and Julio Lacarte, whom I had the privilege to serve for five years and from whom I learned so much. I address a special word of thanks to Debra Steger, the first director of the Appellate Body Secretariat and 'sister-in-arms' during the fascinating but very demanding first years of the Appellate Body. I am grateful to Finola O'Sullivan, publisher at Cambridge University Press, and her staff, Jane O'Regan, Mary Leighton, Martin Gleeson, Eva Huehne and Jennie Rubio, for their confidence and excellent support. I am equally grateful to the Faculty of Law of Maastricht University, for facilitating the work on

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials,  
Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

this book. My special thanks to Paul Adriaans, Sophie Janssen and Roger Snijder. Finally, this book would never have been finished without the untiring help and capable assistance of, in particular, Adeshola Odusanya, Katalin Fritz and Carol Ní Ghiollarnáth, my research assistants, and also Iveta Alexovičová, Natalya Bayurova, Kasper Hermans, Stelios Katevatis, Sergey Ripinsky, Eva Schöfer, Nikolaos Skoutaris, Damian Smith and Ruta Zarnauskaite, all graduate or undergraduate students at Maastricht University in the period 2002–4. Of course, none of those mentioned above bears any responsibility for any error or omission in this book. In recognition of the support I received from so many colleagues and students in the writing of this book, all royalties go to Maastricht University to set up a scholarship and research fund for students and scholars from developing countries.

Peter Van den Bossche

Maastricht, September 2004

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials,  
Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

## Preface to the second edition

In the three years that have passed since I completed work on the first edition of this book, the interest in the world trading system has continued to grow. Ever more universities offer courses on international economic law in general and WTO law in particular. While unsubstantiated and misinformed criticism of the WTO is still the rave and *bon ton* in many circles, the WTO seems to be doing a better job at selling itself and slowly enlarging its base of support. This is all the more amazing since opposition to economic globalisation is not weakening and the Doha Development Round has thus far mainly produced disappointment. Perhaps there is a growing realisation, or in some circles reluctant acceptance, that the WTO and its law – while obviously wanting in many respects – make an effective contribution to managing economic globalisation and international trade. The WTO, and in particular its dispute settlement system applying and interpreting WTO law, have done a good job in balancing trade liberalisation with other societal values and interests, such as the protection of public health, the environment and economic development of developing countries. However, undoubtedly, the road is still long and the journey hazardous.

Braced by encouragement and inspired by comments of readers from Lesotho to India, many of them students but also many government officials and legal practitioners, I started in early 2007 on the second edition of *The Law and Policy of the World Trade Organization*. This second edition not only updates and revises the 2005 edition, it also considerably expands the text by including a new chapter, entitled ‘Towards harmonisation of national regulation’, discussing in some detail the rules of the *TRIPS Agreement* on the protection of intellectual property rights, the *TBT Agreement* on technical barriers to trade, and the *SPS Agreement* on sanitary and phytosanitary measures.

The writing of this second edition has been a much larger task than I had initially envisaged. Fortunately, as with the first edition, I had much help. To many of those I thanked in the Preface of the first edition, I owe once again my thanks for their support and advice. I appreciate the continued support of Gabrielle Marceau. Chapter 6 has greatly benefited from the comments of Edwin Vermulst and Katalin Fritz. The section on the *TRIPS Agreement* of chapter 8 owes much to the comments of Anselm Kamperman Sanders. I am particularly indebted to Denise Prévost, my senior research associate at Maastricht University. Without her commitment, knowledge of WTO law and eye for detail this second edition would not have been. She is the principal author of large parts of the new chapter 8. I am also indebted to Marieke van Overveld, a former Maastricht student and

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials,  
Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

xviii

Preface to the second edition

graduate of the World Trade Institute, who diligently and with great stamina selected and prepared materials for the second edition. My heartfelt thanks go Iveta Alexovičová, Nina Buttgen, Anke Dahrendorf, Ana Maria Daza Vargas, Lennard Duijvestijn, Vydyanathan Lakshmanan, Elissavet Malathouni, Angeliki Mavridou, Bas Megens, Lorin van Nuland, Gustavo Ferreira Ribeiro, Mark Seitter and Wen Shuying, my researchers and research assistants, at Maastricht University and elsewhere, whose untiring help and capable assistance made work on this second edition definitely lighter. Of course, none of those mentioned above bear any responsibility for any error or omission in this book. I am grateful to Finola O'Sullivan, Editorial Director, Law, at Cambridge University Press and her staff, in particular Sinéad Moloney, Richard Woodham and Diane Ilott, for their continued confidence and unfailing support. I am equally grateful to the Faculty of Law of Maastricht University for facilitating the work on the second edition of this book. My special thanks go to Marijn Blok, my secretary at the Maastricht Faculty of Law. With the royalties from the first edition of this book, the Maastricht University Fund for Education and Research in International Economic Law (MUFERIEL) was established. This Fund, which is now managed by the Institute for Globalisation and International Regulation at Maastricht University ([www.igir.org](http://www.igir.org)), has been used to give financial assistance to students and scholars from developing countries. I intend to use the royalties of the second edition for the same purpose. Finally, I would like to dedicate this second edition to Patricia Murillo Montesdeoca, my wife, for her patience and unwavering support.

Peter Van den Bossche

Maastricht, December 2007

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials, Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

## Table of cases

### GATT Panel Reports

- Australia – Ammonium Sulphate*, GATT Working Party Report, *The Australian Subsidy on Ammonium Sulphate*, adopted 3 April 1950, BISD II/188 330, 352
- Belgium – Family Allowances*, GATT Panel Report, *Belgian Family Allowances (allocations familiales)*, adopted 7 November 1952, BISD 1S/59 332
- Canada – FIRA*, GATT Panel Report, *Canada – Administration of the Foreign Investment Review Act*, adopted 7 February 1984, BISD 30S/140 347, 370, 372–3
- Canada – Herring and Salmon*, GATT Panel Report, *Canada – Measures Affecting Exports of Unprocessed Herring and Salmon*, adopted 22 March 1988, BISD 35S/98 635–6, 638
- Canada – Provincial Liquor Boards (EEC)*, GATT Panel Report, *Canada – Import, Distribution and Sale of Alcoholic Drinks by Canadian Provincial Marketing Agencies*, adopted 22 March 1988, BISD 35S/37 64, 383
- Canada – Provincial Liquor Boards (US)*, GATT Panel Report, *Canada – Import, Distribution and Sale of Alcoholic Drinks by Canadian Provincial Marketing Agencies*, adopted 18 February 1992, BISD 39S/27 370, 389, 462
- EEC – Animal Feed Proteins*, GATT Panel Report, *EEC – Measures on Animal Feed Proteins*, adopted 14 March 1978, BISD 25S/49 330, 350, 352, 377
- EEC – Apples I (Chile)*, GATT Panel Report, *EEC Restrictions on Imports of Apples from Chile*, adopted 10 November 1980, BISD 27S/98 455, 457
- EEC – Apples (US)*, GATT Panel Report, *European Economic Community – Restriction on Imports of Apples – Complaint by the United States*, adopted 23 June 1989, BISD 36S/135 462, 463
- EEC – Bananas II*, GATT Panel Report, *EEC – Import Regime for Bananas*, 11 February 1994, unadopted, DS38/R 446
- EEC – Cotton Yarn*, GATT Panel Report, *European Economic Community – Imposition of Anti-Dumping Duties on Imports of Cotton Yarn from Brazil*, adopted 30 October 1995, BISD 42S/17 519
- EEC – Dessert Apples*, GATT Panel Report, *European Community – Restrictions on Imports of Dessert Apples – Complaint by Chile*, adopted 22 June 1989, BISD 36S/93 457
- EEC – Import Restrictions*, GATT Panel Report, *EEC – Restriction against Imports of Certain Products from Hong Kong*, adopted 12 July 1983, BISD 30S/129 450
- EEC – Imports of Beef*, GATT Panel Report, *European Economic Community – Imports of Beef from Canada*, adopted 10 March 1981, BISD 28S/92 325, 332, 335
- EEC – Minimum Import Prices*, GATT Panel Report, *EEC – Programme of Minimum Import Prices, Licences and Surety Deposits for Certain Processed Fruits and Vegetables*, adopted 18 October 1978, BISD 25S/68 439, 448



Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials, Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

xx

## Table of cases

- EEC – Oilseeds I*, GATT Panel Report, *European Economic Community – Payments and Subsidies Paid to Processors and Producers of Oilseeds and Related Animal-Feed Proteins*, adopted 25 February 1990, BISD 37S/86 448
- EEC – Parts and Components*, GATT Panel Report, *European Economic Community – Regulation on Imports of Parts and Components*, adopted 16 May 1990, BISD 37S/132 373, 553, 630, 631, 660
- Italy – Agricultural Machinery*, GATT Panel Report, *Italian Discrimination against Imported Agricultural Machinery*, adopted 23 October 1958, BISD 7S/60 344, 369, 372
- Japan – Agricultural Products I*, GATT Panel Report, *Japan – Restrictions on Imports of Certain Agricultural Products*, adopted 2 March 1988, BISD 35S/163 448
- Japan – Alcoholic Beverages*, GATT Panel Report, *Japan – Customs Duties, Taxes and Labelling Practices on Imported Wines and Alcoholic Beverages*, adopted 10 November 1987, BISD 34S/83 350, 352, 357, 362, 377
- Japan – Leather II (US)*, GATT Panel Report, *Panel Report on Japanese Measures on Imports of Leather*, adopted 15 May 1984, BISD 31S/9 448
- Japan – Semi-Conductors*, GATT Panel Report, *Japan – Trade in Semi-Conductors*, adopted 4 May 1988, BISD 35S/116 447–9
- Japan – SPF Dimension Lumber*, GATT Panel Report, *Canada/Japan – Tariff on Imports of Spruce, Pine, Fir (SPF) Dimension Lumber*, adopted 19 July 1989, BISD 36S/167 330, 429
- Korea – Beef (Australia)*, GATT Panel Report, *Republic of Korea – Restrictions on Imports of Beef – Complaint by Australia*, adopted 7 November 1989, BISD 36S/202 439
- Spain – Unroasted Coffee*, GATT Panel Report, *Spain – Tariff Treatment of Unroasted Coffee L/5135*, adopted 11 June 1981, BISD 28S/102 326, 330, 331, 352, 353, 428–9
- Thailand – Cigarettes*, GATT Panel Report, *Thailand – Restrictions on Importation of and Internal Taxes on Cigarettes*, adopted 7 November 1990, BISD 37S/200 189, 370, 389, 622–4, 626
- US – Customs User Fee*, GATT Panel Report, *United States – Customs User Fee*, adopted 2 February 1988, BISD 35S/245 326, 439, 442–3
- US – Fur Felt Hats*, Report on the Withdrawal by the United States of a Tariff Concession under Article XIX of the General Agreement on Tariffs and Trade, adopted 22 October 1951, GATT/CP/106 677
- US – Malt Beverages*, GATT Panel Report, *United States – Measures Affecting Alcoholic and Malt Beverages*, adopted 19 June 1992, BISD 39S/206 189, 344, 345, 351, 354, 370, 380, 383, 385, 389, 639
- US – MFN Footwear*, GATT Panel Report, *United States – Denial of Most-Favoured-Nation Treatment as to Non-Rubber Footwear from Brazil*, adopted 19 June 1992, BISD 39S/128 326
- US – Non-Rubber Footwear*, GATT Panel Report, *United States – Countervailing Duties on Non-Rubber Footwear from Brazil*, adopted 13 June 1995, BISD 42S/208 326
- US – Norwegian Salmon AD*, GATT Panel Report, *Imposition of Anti-Dumping Duties on Imports of Fresh and Chilled Atlantic Salmon from Norway*, adopted 27 April 1994, BISD 41S/I/229 538
- US – Restrictions on Exports to Czechoslovakia*, GATT/CP3/SR.22, Corr. 1 666
- US – Section 337*, GATT Panel Report, *United States Section 337 of the Tariff Act of 1930*, adopted 7 November 1989, BISD 36S/345 345, 365, 369–70, 383–6, 389, 617, 632, 633, 641, 755
- US – Spring Assemblies*, GATT Panel Report, *United States – Imports of Certain Automotive Spring Assemblies*, adopted 26 May 1983, BISD 30S/107 641
- US – Sugar*, GATT Panel Report, *United States Restrictions on Imports of Sugar*, adopted 22 June 1989, BISD 36S/331 418, 664

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials, Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

- US – *Superfund*, GATT Panel Report, *United States – Taxes on Petroleum and Certain Imported Substances*, adopted 17 June 1987, BISD 34S/136 184, 189, 345, 352, 357
- US – *Taxes on Automobiles*, GATT Panel Report, *United States – Taxes on Automobiles*, 11 October 1994, unadopted, DS31/R 354–5, 636
- US – *Tobacco*, GATT Panel Report, *United States Measures Affecting the Importation, Internal Sale and Use of Tobacco*, adopted 4 October 1994, BISD 41S/I/131 189, 350
- US – *Trade Measures Affecting Nicaragua*, GATT Panel Report, *US – Trade Measures Affecting Nicaragua*, 13 October 1986, unadopted, L/6053 664, 666, 667
- US – *Tuna (Canada)*, GATT Panel Report, *United States – Prohibition of Imports of Tuna and Tuna Products from Canada*, adopted 22 February 1982, BISD 29S/91 635
- US – *Tuna I (Mexico)*, GATT Panel Report, *United States – Restriction on Imports of Tuna*, 3 September 1991, unadopted, BISD 39S/155 381, 447, 639
- US – *Tuna II (EEC)*, GATT Panel Report, *United States – Restrictions on Imports of Tuna*, 16 June 1994, unadopted, DS29/R444 447, 636
- WTO Panel Reports**
- Argentina – Footwear (EC)*, Panel Report, *Argentina – Safeguard Measures on Imports of Footwear*, WT/DS121/R, adopted 12 January 2000, as modified by the Appellate Body Report, WT/DS121/AB/R, DSR 2000:II, 575 239, 686, 702
- Argentina – Hides and Leather*, Panel Report, *Argentina – Measures Affecting the Export of Bovine Hides and Import of Finished Leather*, WT/DS155/R and Corr.1, adopted 16 February 2001, DSR2001:V, 1779 187, 345, 349, 351, 356–8, 449, 467–8, 645
- Argentina – Poultry Anti-Dumping Duties*, Panel Report, *Argentina – Definitive Anti-Dumping Duties on Poultry from Brazil*, WT/DS241/R, adopted 19 May 2003, DSR 2003:V, 1727 57, 175, 205, 212, 256, 524, 527, 540–1, 543, 545
- Argentina – Preserved Peaches*, Panel Report, *Argentina – Definitive Safeguard Measure on Imports of Preserved Peaches*, WT/DS238/R, adopted 15 April 2003, DSR 2003:III, 1037 252, 675–8, 681
- Argentina – Textiles and Apparel*, Panel Report, *Argentina – Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items*, WT/DS56/R, adopted 22 April 1998, as modified by the Appellate Body Report, WT/DS56/AB/R, DSR 1998:III, 1033 207, 280, 439, 440, 441, 443
- Australia – Automotive Leather II*, Panel Report, *Australia – Subsidies Provided to Producers and Exporters of Automotive Leather*, WT/DS126/R, adopted 16 June 1999, DSR 1999:III, 951 272, 574
- Australia – Automotive Leather II (Article 21.5 – US)*, Panel Report, *Australia – Subsidies Provided to Producers and Exporters of Automotive Leather, Recourse to Article 21.5 by the United States*, WT/DS126/RW and Corr.1, adopted 11 February 2000, DSR 2000:III, 1189 230–1, 253, 301, 573–4, 576
- Australia – Salmon*, Panel Report, *Australia – Measures Affecting Importation of Salmon*, WT/DS18/R and Corr.1, adopted 6 November 1998, as modified by the Appellate Body Report, WT/DS18/AB/R, DSR 1998:VIII, 3407 282, 853, 859, 861–2, 880
- Australia – Salmon (Article 21.5 – Canada)*, Panel Report, *Australia – Measures Affecting Importation of Salmon, Recourse to Article 21.5 of the DSU by Canada*, WT/DS/8/RW, adopted 20 March 2000, DSR 2000:IV, 2031 192, 301, 302, 838, 847–8, 854, 861–2
- Brazil – Aircraft*, Panel Report, *Brazil – Export Financing Programme for Aircraft*, WT/DS46/R, adopted

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials, Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

- 20 August 1999, as modified by the Appellate Body Report, WT/DS46/AB/R, DSR 1999:III, 1221 213, 310, 560, 562–3, 574
- Brazil – Aircraft (Article 21.5 – Canada)*, Panel Report, *Brazil – Export Financing Programme for Aircraft, Recourse by Canada to Article 21.5 of the DSU*, WT/DS46/RW, adopted 4 August 2000, as modified by the Appellate Body Report, WT/DS46/AB/RW, DSR 2000:IX, 4093 576
- Brazil – Aircraft (Article 21.5 – Canada II)*, Panel Report, *Brazil – Export Financing Programme for Aircraft – Second Recourse by Canada to Article 21.5 of the DSU*, WT/DS46/RW/2, adopted 23 August 2001, DSR 2001:X, 5481 304
- Brazil – Desiccated Coconut*, Panel Report, *Brazil – Measures Affecting Desiccated Coconut*, WT/DS22/R, adopted 20 March 1997, upheld by the Appellate Body Report, WT/DS22/AB/R, DSR 1997:I, 189 247
- Brazil – Retreaded Tyres*, Panel Report, *Brazil – Measures Affecting Imports of Retreaded Tyres*, WT/DS332/R, adopted 17 December 2007, as modified by Appellate Body Report, WT/DS332/AB/R 64, 170, 191, 215, 287, 310, 371, 382, 449, 620, 622, 625–6, 644, 647–51
- Canada – Aircraft*, Panel Report, *Canada – Measures Affecting the Export of Civilian Aircraft*, WT/DS70/R, adopted 20 August 1999, as upheld by the Appellate Body Report, WT/DS70/AB/R, DSR 1999:IV, 1443 213, 228, 240, 280, 284, 560, 566
- Canada – Aircraft (Article 21.5 – Brazil)*, Panel Report, *Canada – Measures Affecting the Export of Civilian Aircraft – Recourse by Brazil to Article 21.5 of the DSU*, WT/DS70/RW, adopted 4 August 2000, as modified by the Appellate Body Report, WT/DS70/AB/RW, DSR 2000:IX, 4315 576
- Canada – Aircraft Credits and Guarantees*, Panel Report, *Canada – Export Credits and Loan Guarantees for Regional Aircraft*, WT/DS222/R and Corr.1, adopted 19 February 2002, DSR 2002:III, 849 228, 240, 278, 566, 574
- Canada – Autos*, Panel Report, *Canada – Certain Measures Affecting the Automotive Industry*, WT/DS139/R, WT/DS/42/R, adopted 19 June 2000, as modified by the Appellate Body Report, WT/DS139/AB/R, WT/DS/142/AB/R, DSR 2000:VII, 3043 332–3, 340, 371–3, 395, 710–12
- Canada – Dairy*, Panel Report, *Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products*, WT/DS103/R, WT/DS113/R, adopted 27 October 1999, modified by the Appellate Body Report, WT/DS103/AB/R, WT/DS113/AB/R, DSR 1999:VI, 2097 56
- Canada – Dairy (Article 21.5 – New Zealand and US)*, Panel Report, *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*, WT/DS103/RW, WT/DS113/RW, adopted 18 December 2001, as reversed by the Appellate Body Report, WT/DS103/AB/RW, WT/DS113/AB/RW, DSR 2001:XIII, 6875 284
- Canada – Dairy (Article 21.5 – New Zealand and US II)*, Panel Report, *Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Second Recourse to Article 21.5 of the DSU by New Zealand and the United States*, WT/DS103/RW2, WT/DS113/RW2, adopted 17 January 2003, as modified by the Appellate Body Report, WT/DS103/AB/RW2, WT/DS113/AB/RW2, DSR 2003:I, 255, 304
- Canada – Patent Term*, Panel Report, *Canada – Term of Patent Protection*, WT/DS170/R, adopted 12 October 2000, upheld by the Appellate Body Report, WT/DS170/AB/R, DSR 2000:XI, 5121 205, 287, 792–3

- Canada – Periodicals*, Panel Report, *Canada – Certain Measures Concerning Periodicals*, WT/DS31/R and Corr.1, adopted 30 July 1997, as modified by the Appellate Body Report, WT/DS31/AB/R, DSR 1997:I, 481–220, 310, 383, 630
- Canada – Pharmaceutical Patents*, Panel Report, *Canada – Patent Protection of Pharmaceutical Products*, WT/DS114/R, adopted 7 April 2000, DSR 2000:V, 2289–745, 775–6, 784, 786–8, 822
- Canada – Wheat Exports and Grain Imports*, Panel Report, *Canada – Measures Relating to Exports of Wheat and Treatment of Imported Grain*, WT/DS276/R, adopted 27 September 2004, as upheld by the Appellate Body Report, WT/DS276/AB/R 189, 213, 239–40, 243, 244, 285, 370–1, 382, 385–6, 389, 629, 633
- Chile – Alcoholic Beverages*, Panel Report, *Chile – Taxes on Alcoholic Beverages*, WT/DS87/R, WT/DS110/R, adopted 12 January 2000, DSR 2000:I, 281–174, 310, 367
- Chile – Price Band System*, Panel Report, *Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products*, WT/DS207/R, adopted 23 October 2002, as modified by the Appellate Body Report, WT/DS207/AB/R, DSR 2002:VIII, 3127–232, 439–40, 675, 680–1, 689
- Chile – Price Band System (Article 21.5 – Argentina)*, Panel Report, *Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products – Recourse to Article 21.5 of the DSU by Argentina*, WT/DS207/RW and Corr., adopted 22 May 2007, as upheld by the Appellate Body Report, WT/DS207/AB/RW and Corr. 303–4
- Dominican Republic – Import and Sale of Cigarettes*, Panel Report, *Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes*, WT/DS302/R, adopted 19 May 2005, as modified by the Appellate Body Report, WT/DS302/AB/R, DSR 2005:XV, 7425–210, 240, 282, 353–4, 358, 368, 370, 387, 439, 441, 463, 468, 633
- EC – Approval and Marketing of Biotech Products*, Panel Report, *European Communities – Measures Affecting the Approval and Marketing of Biotech Products*, WT/DS291/R, WT/DS292/R, WT/DS293/R, Corr.1 and Add.1, 2, 3, 4, 5, 6, 7, 8 and 9, adopted 21 November 2006 58, 170, 188, 192, 204–5, 211, 213, 240, 243, 280, 282, 285–6, 288, 310, 388, 816, 829–30, 835–7, 840, 843, 845–6, 853–5, 857, 865–9, 873–5, 882–3
- EC – Asbestos*, Panel Report, *European Communities – Measures Affecting Asbestos and Asbestos-Containing Products*, WT/DS135/R and Add.1, adopted 5 April 2001, as modified by the Appellate Body Report, WT/DS135/AB/R, DSR 2001:VIII, 3305–169, 183–4, 185, 191, 256, 310, 449, 624–5, 650, 686, 809, 810, 816, 829
- EC – Bananas III (Ecuador)*, Panel Report, *European Communities – Regime for the Importation, Sale and Distribution of Bananas, Complaint by Ecuador*, WT/DS27/R/ECU, adopted 25 September 1997, as modified by the Appellate Body Report, WT/DS27/AB/R, DSR 1997:III, 1085–115, 170, 184, 243, 273, 279, 304, 310, 340, 383, 393–4, 457–9
- EC – Bananas III (Guatemala and Honduras)*, Panel Report, *European Communities – Regime for the Importation, Sale and Distribution of Bananas, Complaint by Guatemala and Honduras*, WT/DS27/R/GTM, WT/DS27/R/HND, adopted 25 September 1997, as modified by the Appellate Body Report, WT/DS27/AB/R, DSR 1997:II, 695–115, 170, 184, 243, 273, 279, 310, 340, 383, 393–4, 457–9
- EC – Bananas III (Mexico)*, Panel Report, *European Communities – Regime for the Importation, Sale and Distribution of Bananas, Complaint by Mexico*, WT/DS27/R/MEX, adopted 25 September 1997, as modified by the



Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials, Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

xxiv

## Table of cases

- Appellate Body Report, WT/DS27/AB/R, DSR 1997:II, 803 115, 170, 184, 243, 273, 279, 310, 340, 383, 393–4, 457–9
- EC – *Bananas III (US)*, Panel Report, *European Communities – Regime for the Importation, Sale and Distribution of Bananas*, Complaint by the United States, WT/DS27/R/USA, adopted 25 September 1997, as modified by the Appellate Body Report, WT/DS27/AB/R, DSR 1997:II, 943 115, 170, 184, 243, 273, 279, 304, 310, 340, 383, 393–4, 457–9
- EC – *Bananas III (Article 21.5 – EC)*, Panel Report, *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/RW/EEC and Corr.1, 12 April 1999, DSR 1999:II, 783 184, 226, 236, 242
- EC – *Bananas III (Article 21.5 – Ecuador)*, Panel Report, *European Communities – Regime for the Importation, Sale and Distribution of Bananas, Recourse to Article 21.5 of the DSU by Ecuador*, WT/DS27/RW/EQU, adopted 6 May 1999, DSR 1999:II, 803 177, 184, 229, 341, 393, 395
- EC – *Bed Linen*, Panel Report, *European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India*, WT/DS141/R, adopted 12 March 2001, as modified by the Appellate Body Report, WT/DS141/AB/R, DSR 2001:VI, 2077 192, 272, 520, 528, 555–6
- EC – *Bed Linen (Article 21.5 – India)*, Panel Report, *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/RW, adopted 24 April 2003, as modified by the Appellate Body Report, WT/DS141/AB/RW, DSR 2003:IV, 1269 278, 304, 536
- EC – *Butter*, Panel Report, *European Communities – Measures Affecting Butter Products. Request by New Zealand*, WT/DS72/R, circulated 24 November 1999 173, 274, 288
- EC – *Chicken Cuts (Brazil)*, Panel Report, *European Communities – Customs Classification of Frozen Boneless Chicken Cuts*, Complaint by Brazil, WT/DS269/R, adopted 27 September 2005, as modified by the Appellate Body Report, WT/DS269/AB/R, WT/DS286/AB/R, DSR 2005:XIX, 9295 243, 282
- EC – *Chicken Cuts (Thailand)*, Panel Report, *European Communities – Customs Classification of Frozen Boneless Chicken Cuts*, Complaint by Thailand, WT/DS286/R, adopted 27 September 2005, as modified by the Appellate Body Report, WT/DS269/AB/R, WT/DS286/AB/R, DSR 2005:XX, 9721 243, 282
- EC – *Commercial Vessels*, Panel Report, *European Communities – Measures Affecting Trade in Commercial Vessels*, WT/DS301/R, adopted 20 June 2005, DSR 2005:XV, 7713 172, 181, 219, 327–8, 344, 594
- EC – *Computer Equipment*, Panel Report, *European Communities – Customs Classification of certain Computer Equipment*, WT/DS62/R, WT/DS67/R, WT/DS68/R, adopted 22 June 1998, as modified by the Appellate Body Report, WT/DS62/AB/R, WT/DS67/AB/R, WT/DS68/AB/R, DSR 1998:V, 1891 239
- EC – *Countervailing Measures on DRAM Chips*, Panel Report, *European Communities – Countervailing Measures on Dynamic Random Access Memory Chips from Korea*, WT/DS299/R, adopted 3 August 2005, DSR 2005:XVIII, 8671 563–4, 566, 569–70, 591
- EC – *Export Subsidies on Sugar (Australia)*, Panel Report, *European Communities – Export Subsidies on Sugar, Complaint by Australia*, WT/DS265/R, adopted 19 May 2005, as modified by the Appellate Body Report, WT/DS265/AB/R, WT/DS266/AB/R,

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials, Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

- WT/DS283/AB/R, DSR 2005:XIII, 6499 175, 176, 184, 192, 213, 220, 243, 256, 279, 602
- EC – *Export Subsidies on Sugar (Brazil)*, Panel Report, *European Communities – Export Subsidies on Sugar, Complaint by Brazil*, WT/DS266/R, adopted 19 May 2005, as modified by the Appellate Body Report, WT/DS265/AB/R, WT/DS266/AB/R, WT/DS283/AB/R, DSR 2005:XIV, 6793 175, 176, 184, 192, 213, 220, 243, 256, 285, 602
- EC – *Export Subsidies on Sugar (Thailand)*, Panel Report, *European Communities – Export Subsidies on Sugar, Complaint by Thailand*, WT/DS283/R, adopted 19 May 2005, as modified by the Appellate Body Report, WT/DS265/AB/R, WT/DS266/AB/R, WT/DS283/AB/R, DSR 2005:XIV, 7071 175, 176, 184, 192, 213, 220, 252, 256, 602
- EC – *Hormones (Canada)*, Panel Report, *EC Measures Concerning Meat and Meat Products (Hormones), Complaint by Canada*, WT/DS48/R/CAN, adopted 13 February 1998, as modified by the Appellate Body Report, WT/DS26/AB/R, WT/DS48/AB/R, DSR 1998:II, 235 214, 244, 279, 282, 310, 815–16, 837, 841, 854, 880
- EC – *Hormones (US)*, Panel Report, *EC Measures Concerning Meat and Meat Products (Hormones), Complaint by the United States*, WT/DS826/R/USA, adopted 13 February 1998, as modified by the Appellate Body Report, WT/DS26/AB/R, WT/DS48/AB/R, DSR 1998:III, 699 169, 214, 244, 279, 282, 310, 815–16, 837, 841, 854, 880
- EC – *Poultry*, Panel Report, *European Communities – Measures Affecting the Importation of Certain Poultry Products*, WT/DS69/R, adopted 23 July 1998, as modified by the Appellate Body Report, WT/DS69/AB/R, DSR 1998:V, 2089 256, 459
- EC – *Salmon (Norway)*, Panel Report, *European Communities – Anti-Dumping Measure on Farmed Salmon from Norway*, WT/DS337/R, adopted 15 January 2008 517–18, 527–8, 537, 544
- EC – *Sardines*, Panel Report, *European Communities – Trade Description of Sardines*, WT/DS231/R and Corr.1, adopted 23 October 2002, as modified by the Appellate Body Report, WT/DS231/AB/R DSR 2002:VIII, 3451 210, 234, 814, 816, 821–3
- EC – *Scallops (Canada)*, Panel Report, *European Communities – Trade Description of Scallops, Request by Canada*, WT/DS7/R, circulated 5 August 1996, DSR 1996:I, 89 173, 274
- EC – *Scallops (Peru and Chile)*, Panel Report, *European Communities – Trade Description of Scallops, Requests by Peru and Chile*, WT/DS12/R, WT/DS14/R, circulated 5 August 1996, DSR 1996:I, 93 173, 274
- EC – *Selected Customs Matters*, Panel Report, *European Communities – Selected Customs Matters*, adopted 11 December 2006, as modified by the Appellate Body Report, WT/DS315/AB/R, WT/DS315/R 188, 189, 192, 278, 470
- EC – *Tariff Preferences*, Panel Report, *European Communities – Conditions for the Granting of Tariff Preferences to Developing Countries*, WT/DS246/R, adopted 20 April 2004, as modified by the Appellate Body Report, WT/DS246/AB/R, DSR 2004:III, 1009 59, 217–18, 256, 279, 310, 333–4, 619, 622, 626, 644, 729, 866, 869
- EC – *Trademarks and Geographical Indications (Australia)*, Panel Report, *European Communities – Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs, Complaint by Australia*, WT/DS290/R, adopted 20 April 2005, DSR 2005:X–XI, 4603 239, 240, 241, 243, 281–2, 368, 371, 382, 631–3, 745–6, 754–8, 762, 773–6, 783, 812–13, 818
- EC – *Trademarks and Geographical Indications (US)*, Panel Report,

- European Communities – Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs, Complaint by the United States*, WT/DS174/R, adopted 20 April 2005, DSR 2005:VIII–IX, 3499 631–3, 745–6, 750, 754–8, 762, 773–6, 780–1, 783, 812
- EC – Tube or Pipe Fittings*, Panel Report, *European Communities – Anti-Dumping Duties on Malleable Cast Iron or Pipe Fittings from Brazil*, WT/DS219/R, adopted 18 August 2003, as modified by the Appellate Body Report, WT/DS219/AB/R, DSR 2003:VII, 2701 241, 247, 254, 276, 285, 522, 532, 550, 554–6
- Egypt – Steel Rebar*, Panel Report, *Egypt – Definitive Anti-Dumping Measures on Steel Rebar from Turkey*, WT/DS211/R, adopted 1 October 2002, DSR 2002:VII, 2667 241, 543, 545, 557
- Guatemala – Cement I*, Panel Report, *Guatemala – Anti-Dumping Investigation Regarding Portland Cement from Mexico*, WT/DS60/R, adopted 25 November 1998, as modified by the Appellate Body Report, WT/DS60/AB/R, DSR 1998:IX, 3797 541
- Guatemala – Cement II*, Panel Report, *Guatemala – Definitive Anti-Dumping Measures on Grey Portland Cement from Mexico*, WT/DS156/R, adopted 17 November 2000, DSR 2000:XI, 5295 184, 256, 540–1, 543–4, 557
- India – Autos*, Panel Report, *India – Measures Affecting the Automotive Sector*, WT/DS146/R, WT/DS175/R and Corr.1, adopted 5 April 2002, DSR 2002:V, 1827 310, 347, 384, 447
- India – Patents (EC)*, Panel Report, *India – Patent Protection for Pharmaceutical and Agricultural Chemical Products, Complaint by the European Communities*, WT/DS79/R, adopted 22 September 1998, DSR 1998:VI, 2661 243
- India – Patents (US)*, Panel Report, *India – Patent Protection for Pharmaceutical and Agricultural Chemical Products – Complaint by the United States*, WT/DS50/R, adopted 16 January 1998, as modified by the Appellate Body Report, WT/DS50/AB/R, DSR 1998:I, 41 174, 220, 243, 799
- India – Quantitative Restrictions*, Panel Report, *India – Quantitative Restrictions on Imports of Agricultural, Textile and Industrial Products*, WT/DS90/R, adopted 22 September 1999, as upheld by the Appellate Body Report, WT/DS90/AB/R, DSR 1999:V, 1799 255, 256, 278, 448, 717–19, 721–2
- Indonesia – Autos*, Panel Report, *Indonesia – Certain Measures Affecting the Automobile Industry*, WT/DS54/R, WT/DS55/R, WT/DS59/R, WT/DS64/R and Corr.1, 2, 3, 4, adopted 23 July 1998, DSR 1998:VI, 2201 188, 215, 310, 326, 332, 345, 358, 365, 568, 578–9, 583, 748, 753, 777, 802
- Japan – Agricultural Products II*, Panel Report, *Japan – Measures Affecting Agricultural Products*, WT/DS76/R, adopted 19 March 1999, as modified by the Appellate Body Report, WT/DS76/AB/R, DSR 1999:I, 315 220, 282, 862, 864, 866, 880
- Japan – Alcoholic Beverages II*, Panel Report, *Japan – Taxes on Alcoholic Beverages*, WT/DS58/R, WT/DS10/R, WT/DS11/R, adopted 1 November 1996, as modified by the Appellate Body Report, WT/DS58/AB/R, WT/DS10/AB/R, WT/DS11/AB/R, DSR 1996:I, 125 54, 206, 346, 355–6, 360
- Japan – Apples*, Panel Report, *Japan – Measures Affecting the Importation of Apples*, WT/DS245/R, adopted 10 December 2003, as upheld by the Appellate Body Report, WT/DS245/AB/R, DSR 2003:IX, 4481 252, 281, 843–6, 855, 864, 866, 876, 880
- Japan – Apples (Article 21.5 – US)*, Panel Report, *Japan – Measures Affecting the Importation of Apples – Recourse to Article 21.5 of the DSU by the United States*, adopted 20 July 2005, WT/DS245/RW, DSR 2005:XVI, 7911 282, 843, 845

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials, Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

- Japan – DRAMs (Korea)*, Panel Report, *Japan – Countervailing Duties on Dynamic Random Access Memories from Korea*, WT/DS336/R, adopted 17 December 2007, as modified by the Appellate Body Report, WT/DS336/AB/R 242, 563, 569, 592, 595
- Japan – Film*, Panel Report, *Japan – Measures Affecting Consumer Photographic Film and Paper*, WT/DS44/R, adopted 22 April 1998, DSR 1998:IV, 1179 183–4, 185, 187, 197, 239, 383, 463, 583
- Japan – Quotas on Laver*, Panel Report, *Japan – Import Quotas on Dried Laver and Seasoned Laver, Request by Korea*, WT/DS323/R, circulated 1 February 2006 173, 254, 274
- Korea – Alcoholic Beverages*, Panel Report, *Korea – Taxes on Alcoholic Beverages*, WT/DS75/R, WT/DS84/R, adopted 17 February 1999, as modified by the Appellate Body Report, WT/DS75/AB/R, WT/DS84/AB/R, DSR 1999:I, 44 239, 272, 273, 360–1, 364
- Korea – Certain Paper*, Panel Report, *Korea – Anti-Dumping Duties on Imports of Certain Paper from Indonesia*, WT/DS312/R, adopted 28 November 2005, DSR 2005:XXII, 10637 216, 219, 286, 517, 533, 537, 543–5, 548, 554, 557
- Korea – Commercial Vessels*, Panel Report, *Korea – Measures Affecting Trade in Commercial Vessels*, WT/DS273/R, adopted 11 April 2005, DSR 2005:VII, 2749 172, 189, 213, 280, 285, 563–4, 576–7
- Korea – Dairy*, Panel Report, *Korea – Definitive Safeguard Measure on Imports of Certain Dairy Products*, WT/DS98/R and Corr.1, adopted 12 January 2000, as modified by the Appellate Body Report, WT/DS98/AB/R, DSR 2000:I, 49 689
- Korea – Procurement*, Panel Report, *Korea – Measures Affecting Government Procurement*, WT/DS163/R, adopted 19 June 2000, DSR 2000:VIII, 3541 52, 56, 185, 474
- Korea – Various Measures on Beef*, Panel Report, *Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef*, WT/DS161/R, WT/DS169/R, adopted 10 January 2001, as modified by the Appellate Body Report, WT/DS161/AB/R, WT/DS169/AB/R, DSR 2001:I, 59 241, 346, 384, 389, 451, 660
- Mexico – Anti-Dumping Measures on Rice*, Panel Report, *Mexico – Definitive Anti-Dumping Measures on Beef and Rice, Complaint with Respect to Rice*, WT/DS295/R, adopted 20 December 2005, as modified by the Appellate Body Report, WT/DS295/AB/R, DSR 2005:XXIII, 11007 242, 530–1, 542–4, 588–90, 594
- Mexico – Corn Syrup*, Panel Report, *Mexico – Anti-Dumping Investigation of High Fructose Corn Syrup (HFCS) from the United States*, WT/DS132/R and Corr.1, adopted 24 February 2000, DSR 2000:III, 1345 273, 534–5, 540–1, 546, 550, 554, 581
- Mexico – Steel Pipes and Tubes*, Panel Report, *Mexico – Anti-Dumping Duties on Steel Pipes and Tubes from Guatemala*, WT/DS331/R, adopted 24 July 2007 252, 256, 527, 530–1, 537, 540–1, 544
- Mexico – Taxes on Soft Drinks*, Panel Report, *Mexico – Tax Measures on Soft Drinks and Other Beverages*, WT/DS308/R, adopted 24 March 2006, as modified by the Appellate Body Report, WT/DS308/AB/R 207, 310, 350, 353, 356, 360–1, 372, 376, 382, 389–90
- Mexico – Telecoms*, Panel Report, *Mexico – Measures Affecting Telecommunications Services*, WT/DS204/R, adopted 1 June 2004, DSR 2004:IV, 1537 59, 338
- Thailand – H-Beams*, Panel Report, *Thailand – Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams from Poland*, WT/DS122/R, adopted 5 April 2001, as modified by the Appellate Body Report, WT/DS122/AB/R, DSR 2001:VII, 2741 241, 532–3, 537, 540, 541
- Turkey – Rice*, Panel Report, *Turkey – Measures Affecting the Importation of*



Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials, Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

xxviii

Table of cases

- Rice, WT/DS334/R, adopted 22 October 2007 188, 277, 284
- Turkey – Textiles, Panel Report, Turkey – Restrictions on Imports of Textile and Clothing Products, WT/DS34/R, adopted 19 November 1999, as modified by the Appellate Body Report, WT/DS34/AB/R, DSR 1999:VI, 2363 56, 184, 207, 239, 244, 445, 446, 450, 702, 708, 709
- US – 1916 Act (EC), Panel Report, United States – Anti-Dumping Act of 1916, Complaint by the European Communities, WT/DS136/R and Corr.1, adopted 26 September 2000, as upheld by the Appellate Body Report, WT/DS136/AB/R, WT/DS162/AB/R, DSR 2000:X, 4593 228, 244, 539, 541
- US – 1916 Act (Japan), Panel Report, United States – Anti-Dumping Act of 1916, Complaint by Japan, WT/DS162/R and Add.1, adopted 26 September 2000, as upheld by the Appellate Body Report, WT/DS136/AB/R, WT/DS162/AB/R, DSR 2000:X, 4831 244, 539
- US – Anti-Dumping Measures on Oil Country Tubular Goods, Panel Report, United States – Anti-Dumping Measures on Oil Country Tubular Goods (OCTG) from Mexico, WT/DS282/R, adopted 28 November 2005, as modified by the Appellate Body Report, WT/DS282/AB/R, DSR 2005:XXI, 10225 252, 280
- US – Carbon Steel, Panel Report, United States – Countervailing Duties on Certain Corrosion-Resistant Carbon Steel Flat Products from Germany, WT/DS213/R and Corr.1, adopted 19 December 2002, as modified by the Appellate Body Report, WT/DS213/AB/R and Corr.1, DSR 2002:IX, 3833 189, 256, 286, 588
- US – Certain EC Products, Panel Report, United States – Import Measures on Certain Products from the European Communities, WT/DS165/R and Add.1, adopted 10 January 2001, as modified by the Appellate Body Report, WT/DS165/AB/R, DSR 2001:II, 413 172, 241, 256, 302–3, 326
- US – Corrosion-Resistant Steel Sunset Review, Panel Report, United States – Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan, WT/DS244/R, adopted 9 January 2004, as modified by the Appellate Body Report, WT/DS244/AB/R, DSR 2004:I, 85 189, 206, 239, 466, 543, 552
- US – Countervailing Duty Investigation on DRAMS, Panel Report, United States – Countervailing Duty Investigation on Dynamic Random Access Memory Semiconductors (DRAMS) from Korea, WT/DS296/R, adopted 20 July 2005, as modified by the Appellate Body Report, WT/DS296/AB/R, DSR 2005:XVII, 8243 565, 586
- US – DRAMS, Panel Report, United States – Anti-Dumping Duty on Dynamic Random Access Memory Semiconductors (DRAMS) of One Megabit or Above from Korea, WT/DS99/R, adopted 19 March 1999, DSR 1999:II, 521 220, 543, 550–2
- US – DRAMS (Article 21.5 – Korea), Panel Report, United States – Anti-Dumping Duty on Dynamic Random Access Memory Semiconductors (DRAMS) of One Megabit or Above from Korea – Recourse to Article 21.5 of the DSU by Korea, WT/DS99/RW, circulated 7 November 2000, unadopted 173, 274
- US – Export Restraints, Panel Report, United States – Measures Treating Exports Restraints as Subsidies, WT/DS194/R and Corr.2, adopted 23 August 2001, DSR 2001:XI, 5777 560, 564–5
- US – FSC, Panel Report, United States – Tax Treatment for ‘Foreign Sales Corporations’, WT/DS108/R, adopted 20 March 2000, as modified by the Appellate Body Report, WT/DS108/AB/R, DSR 2000:IV, 1675 239, 310, 560, 563, 574, 577
- US – FSC (Article 21.5 – EC II), Panel Report, United States – Tax Treatment for ‘Foreign Sales Corporations’ – Second Recourse to Article 21.5 of the DSU by the European Communities,

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials, Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

- WT/DS108/RW2, adopted 14 March 2006, upheld by the Appellate Body Report, WT/DS108/AB/RW2 242, 304, 350
- US – *Gambling*, Panel Report, *United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services*, WT/DS285/R, adopted 20 April 2005, as modified by the Appellate Body Report, WT/DS285/AB/R, DSR 2005:XII, 5797 213, 220, 232, 252, 310, 478–80, 489, 491, 656–7, 663
- US – *Gambling (Article 21.5 – Antigua and Barbuda)*, Panel Report, *United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services*, WT/DS285/RW, adopted 22 May 2007 213, 303–4
- US – *Gasoline*, Panel Report, *United States – Standards for Reformulated and Conventional Gasoline*, WT/DS2/R, adopted 20 May 1996, as modified by the Appellate Body Report, WT/DS2/AB/R, DSR 1996:I, 20 310, 351, 357, 381, 383–6, 389, 622, 624–5, 629–30
- US – *Hot-Rolled Steel*, Panel Report, *United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan*, WT/DS184/R, adopted 23 August 2001, as modified by the Appellate Body Report, WT/DS184/AB/R, DSR 2001:X, 4769 239, 530, 550, 557
- US – *Lead and Bismuth II*, Panel Report, *United States – Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products Originating in the United Kingdom*, WT/DS138/R and Corr.2, adopted 7 June 2000, as upheld by the Appellate Body Report, WT/DS138/AB/R, DSR 2000:VI, 2623 214, 278, 285, 566
- US – *Line Pipe*, Panel Report, *United States – Definitive Safeguard Measures on Imports of Circular Welded Carbon Quality Line Pipe from Korea*, WT/DS202/R, adopted 8 March 2002, as modified by the Appellate Body Report, WT/DS202/AB/R, DSR 2002:IV, 1473 241, 446, 454, 455, 457, 690
- US – *Offset Act (Byrd Amendment)*, Panel Report, *United States – Continued Dumping and Subsidy Offset Act of 2000*, WT/DS217/R, WT/DS234/R, adopted 27 January 2003, as modified by the Appellate Body Report, WT/DS217/AB/R, WT/DS234/AB/R, DSR 2003:II, 489 185, 228, 281, 466, 546, 578, 583
- US – *Oil Country Tubular Goods Sunset Reviews*, Panel Report, *United States – Sunset Reviews of Anti-Dumping Measures on Oil Country Tubular Goods from Argentina*, WT/DS268/R and Corr.1, adopted 17 December 2004, as modified by the Appellate Body Report, WT/DS/268/AB/R, DSR 2004:VIII, 3421 543, 554
- US – *Oil Country Tubular Goods Sunset Reviews (Article 21.5 – Argentina)*, Panel Report, *United States – Sunset Reviews of Anti-Dumping Measures on Oil Country Tubular Goods from Argentina – Recourse to Article 21.5 of the DSU by Argentina*, WT/DS268/RW, adopted 11 May 2007, as modified by the Appellate Body Report, WT/DS268/AB/RW 543, 552, 590
- US – *Section 110(5) Copyright Act*, Panel Report, *United States – Section 110(5) of the US Copyright Act*, WT/DS160/R, adopted 27 July 2000, DSR 2000:VIII, 3769 192, 763, 767–9
- US – *Section 211 Appropriations Act*, Panel Report, *United States – Section 211 Omnibus Appropriations Act of 1998*, WT/DS176/R, adopted 2 January 2002, as modified by the Appellate Body Report, WT/DS176/AB/R, DSR 2002:II, 683 747, 755, 771
- US – *Section 301 Trade Act*, Panel Report, *United States – Section 301–310 of the Trade Act of 1974*, WT/DS152/R, adopted 27 January 2000, DSR 2000:II, 815 172, 180, 189–90, 202, 208–9
- US – *Shrimp*, Panel Report, *United States – Import of Certain Shrimp and Shrimp Products*, WT/DS58/R and Corr.1,

Cambridge University Press

978-0-521-72759-4 - The Law and Policy of the World Trade Organization: Text, Cases and Materials, Second Edition

Peter Van den Bossche

Frontmatter

[More information](#)

xxx

## Table of cases

- adopted 6 November 1998, as modified by the Appellate Body Report, WT/DS58/AB/R, DSR 1998:VII, 2821 169, 191, 204, 220, 310, 447, 618–19
- US – *Shrimp (Ecuador)*, Panel Report, *United States – Anti-Dumping Measure on Shrimp from Ecuador*, WT/DS335/R, adopted 20 February 2007 55, 207, 249, 525
- US – *Shrimp (Article 21.5 – Malaysia)*, Panel Report, *United States – Import Prohibition of Certain Shrimp and Shrimp Products, Recourse to Article 21.5 of the DSU by Malaysia*, WT/DS58/RW, adopted 21 November 2001, as upheld by the Appellate Body Report, WT/DS58/AB/RW, DSR 2001:XIII, 6539 191, 644
- US – *Softwood Lumber III*, Panel Report, *United States – Preliminary Determinations with Respect to Certain Softwood Lumber from Canada*, WT/DS236/R, adopted 1 November 2002, DSR 2002:IX, 3597 192, 560, 563, 567, 593, 596
- US – *Softwood Lumber IV*, Panel Report, *United States – Final Countervailing Duty Determination with Respect to Certain Softwood Lumber from Canada*, WT/DS257/R and Corr.1, adopted 17 February 2004, as modified by the Appellate Body Report, WT/DS257/AB/R 526, DSR 2004:II, 641 191, 567
- US – *Softwood Lumber IV (Article 21.5 – Canada)*, Panel Report, *United States – Final Countervailing Duty Determination with Respect to Certain Softwood Lumber from Canada – Recourse by Canada to Article 21.5 [of the DSU]*, WT/DS257/RW, adopted 20 December 2005, upheld by the Appellate Body Report, WT/DS257/AB/RW, DSR 2005:XXIII, 11401 304, 569, 586
- US – *Softwood Lumber V*, Panel Report, *United States – Final Dumping Determination on Softwood Lumber from Canada*, WT/DS264/R, adopted 31 August 2004, as modified by the Appellate Body Report, WT/DS264/AB/R, DSR 2004:V, 1937 256, 540–1
- US – *Softwood Lumber V (Article 21.5 – Canada)*, Panel Report, *United States – Final Dumping Determination on Softwood Lumber from Canada – Recourse to Article 21.5 of the DSU by Canada*, WT/DS264/RW, adopted 1 September 2006, reversed by the Appellate Body Report, WT/DS264/AB/RW 522–3, 557
- US – *Softwood Lumber VI*, Panel Report, *United States – Investigation of the International Trade Commission in Softwood Lumber from Canada*, WT/DS277/R, adopted 26 April 2004, DSR 2004:VI, 2485 191, 534, 580–1
- US – *Softwood Lumber VI (Article 21.5 – Canada)*, Panel Report, *United States – Investigation of the International Trade Commission in Softwood Lumber from Canada – Recourse to Article 21.5 of the DSU by Canada*, WT/DS277/RW, adopted 9 May 2006, as modified by the Appellate Body Report, T/DS277/AB/RW 535
- US – *Stainless Steel*, Panel Report, *United States – Anti-Dumping Measures on Stainless Steel Plate in Coils and Stainless Steel and Strip from Korea*, WT/DS179/R, adopted 1 February 2001, DSR 2001:IV, 1295 468–9, 521–2, 557
- US – *Steel Plate*, Panel Report, *United States – Anti-Dumping and Countervailing Measures on Steel Plate from India*, WT/DS206/R, adopted 29 July 2002, DSR 2002:VI, 2073 545, 555, 557
- US – *Steel Safeguards*, Panel Reports, *United States – Definitive Safeguard Measures on Imports of Certain Steel Products*, WT/DS248/R, WT/DS249/R, WT/DS251/R, WT/DS252/R, WT/DS253/R, WT/DS254/R, WT/DS258/R, WT/DS259/R and Corr.1, adopted 10 December 2003, as modified by the Appellate Body Report, WT/DS248/AB/R, WT/DS249/AB/R, WT/DS251/AB/R, WT/DS252/AB/R, WT/DS253/AB/R, WT/DS254/AB/R, WT/DS258/AB/R, WT/DS259/AB/R, DSR 2003:VIII, 3273 243, 252, 276, 678, 691

- US – *Textiles Rules of Origin*, Panel Report, *United States – Rules of Origin for Textiles and Apparel Products*, WT/DS243/R and Corr.1, adopted 21 July 2003, DSR 2003:VI, 2309–437
- US – *Underwear*, Panel Report, *United States – Restrictions on Imports of Cotton and Man-made Fibre Underwear*, WT/DS24/R, adopted 25 February 1997, as modified by the Appellate Body Report, WT/DS24/AB/R, DSR 1997:I, 31–232, 248, 256, 271, 452
- US – *Upland Cotton*, Panel Report, *United States – Subsidies on Upland Cotton*, WT/DS267/R and Corr.1, adopted 21 March 2005, as modified by the Appellate Body Report, WT/DS267/AB/R, DSR 2005:II–VI, 299–239, 278, 280, 564, 570, 575, 601
- US – *Wheat Gluten*, Panel Report, *United States – Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities*, WT/DS166/R, adopted 19 January 2001, as modified by the Appellate Body Report, WT/DS166/AB/R, DSR 2001:III, 779–278, 682–3
- US – *Wool Shirts and Blouses*, Panel Report, *United States – Measure Affecting Imports of Woven Wool Shirts and Blouses from India*, WT/DS33/R, adopted 23 May 1997, upheld by the Appellate Body Report, WT/DS33/AB/R, DSR 1997:I, 343–248
- US – *Zeroing (EC)*, Panel Report, *United States – Laws, Regulations and Methodology for Calculating Dumping Margins ('Zeroing')*, WT/DS294/R, adopted 9 May 2006, as modified by the Appellate Body Report, WT/DS294/AB/R 189, 245, 252, 256, 526
- US – *Zeroing (Japan)*, Panel Report, *United States – Measures Relating to Zeroing and Sunset Reviews ('US – Zeroing (Japan)')*, WT/DS322/R, adopted 23 January 2007, as modified by the Appellate Body Report, WT/DS322/AB/R 192, 245
- Appellate Body Reports**
- Argentina – Footwear (EC)*, Appellate Body Report, *Argentina – Safeguard Measures on Imports of Footwear*, WT/DS121/AB/R, adopted 12 January 2000, DSR 2000:I, 515–44, 48, 255, 670, 673–5, 677, 680, 683, 688, 700–1
- Argentina – Textiles and Apparel*, Appellate Body Report, *Argentina – Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items*, WT/DS56/AB/R and Corr.1, adopted 22 April 1998, DSR 1998:III, 1003–280–1, 422–5
- Australia – Salmon*, Appellate Body Report, *Australia – Measures Affecting Importation of Salmon*, WT/DS18/AB/R, adopted 6 November 1998, DSR 1998:VIII, 3327–57, 252, 264, 267, 281, 846–8, 854–5, 858–61
- Brazil – Aircraft*, Appellate Body Report, *Brazil – Export Financing Programme for Aircraft*, WT/DS46/AB/R, adopted 20 August 1999, DSR 1999:III, 1161–214, 228, 270, 271, 284, 604
- Brazil – Aircraft (Article 21.5 – Canada)*, Appellate Body Report, *Brazil – Export Financing Programme for Aircraft, Recourse by Canada to Article 21.5 of the DSU*, WT/DS46/AB/RW, adopted 4 August 2000, DSR 2000:VIII, 4067–63, 297, 307, 576
- Brazil – Desiccated Coconut*, Appellate Body Report, *Brazil – Measures Affecting Desiccated Coconut*, WT/DS22/AB/R, adopted 20 March 1997, DSR 1997:I, 167–44, 57, 247, 248, 561
- Brazil – Retreaded Tyres*, Appellate Body Report, *Brazil – Measures Affecting Imports of Retreaded Tyres*, WT/DS332/AB/R, adopted 17 December 2007 195, 252–3, 623–8, 634, 642, 647–9, 651
- Canada – Aircraft*, Appellate Body Report, *Canada – Measures Affecting the Export of Civilian Aircraft*, WT/DS70/AB/R, adopted 20 August 1999, DSR 1999:III, 1377–202, 214, 265, 278, 284, 565–6, 572–4
- Canada – Aircraft (Article 21.5 – Brazil)*, Appellate Body Report, *Canada –*



- Measures Affecting the Export of Civilian Aircraft, Recourse by Brazil to Article 21.5 of the DSU*, WT/DS70/AB/RW, adopted 4 August 2000, DSR 2000:IX, 4299 266, 297, 302, 303, 307, 329
- Canada – Autos, Appellate Body Report, *Canada – Certain Measures Affecting the Automotive Industry*, WT/DS139/AB/R, WT/DS142/AB/R, adopted 19 June 2000, DSR 2000:VI, 2985 323, 324, 327, 333, 336–7, 393, 572, 574–5
- Canada – Dairy, Appellate Body Report, *Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products*, WT/DS103/AB/R, WT/DS113/AB/R and Corr.1, adopted 27 October 1999, DSR 1999:V, 2057 205, 206, 424, 602
- Canada – Dairy (Article 21.5 – New Zealand and US II), Appellate Body Report, *Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products, Second Recourse to Article 21.5 of the DSU by New Zealand and the United States*, WT/DS103/AB/RW2, WT/DS113/AB/RW2, adopted 17 January 2003, DSR 2003:I, 213 266
- Canada – Patent Term, Appellate Body Report, *Canada – Term of Patent Protection*, WT/DS170/AB/R, adopted 12 October 2000, DSR 2000:X, 5093 57, 748–9, 751, 792–3
- Canada – Periodicals, Appellate Body Report, *Canada – Certain Measures Concerning Periodicals*, WT/DS31/AB/R, adopted 30 July 1997, DSR 1997:I, 449 263, 266, 267, 297, 345, 348, 359–61, 365, 367, 374
- Canada – Wheat Exports and Grain Imports, Appellate Body Report, *Canada – Measures Relating to Exports of Wheat and Treatment of Imported Grain*, WT/DS276/AB/R, adopted 27 September 2004 208, 250, 251
- Chile – Alcoholic Beverages, Appellate Body Report, *Chile – Taxes on Alcoholic Beverages*, WT/DS87/AB/R, WT/DS110/AB/R, adopted 12 January 2000, DSR 2000:I, 281 174, 359–60, 365–7
- Chile – Price Band System, Appellate Body Report, *Chile – Price Band System and Safeguard Measures relating to Certain Agricultural Products*, WT/DS207/AB/R, adopted 23 October 2002, DSR 2002:VIII, 3045 205, 220, 228, 248, 249, 250, 253, 265, 291, 345, 439
- Chile – Price Band System (Article 21.5 – Argentina), Appellate Body Report, *Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products – Recourse to Article 21.5 of the DSU by Argentina*, WT/DS207/AB/RW, adopted 22 May 2007 255, 292
- Dominican Republic – Import and Sale of Cigarettes, Appellate Body Report, *Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes*, WT/DS302/AB/R, adopted 19 May 2005, DSR 2005:XV, 7367 219, 239, 249, 250, 251, 253, 387–8, 874
- EC – Asbestos, Appellate Body Report, *European Communities – Measures Affecting Asbestos and Asbestos-Containing Products*, WT/DS135/AB/R, adopted 5 April 2001, DSR 2001:VII, 3243 183, 185, 193–4, 202, 250, 261, 266, 267, 268, 289, 297, 329, 345, 368, 374–80, 383–5, 625–7, 657, 807, 809–11, 817, 820, 874
- EC – Bananas III, Appellate Body Report, *European Communities – Regime for the Importation, Sale and Distribution of Bananas*, WT/DS27/AB/R, adopted 25 September 1997, DSR 1997:II, 591 49, 56, 115, 184, 185, 186, 197, 215, 233, 239, 241, 263, 277, 290, 294, 295, 324, 326, 335, 339, 341, 348, 368, 371–2, 418, 455–6, 458–9, 466, 469, 816
- EC – Bed Linen, Appellate Body Report, *European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India*, WT/DS141/AB/R, adopted 12 March 2001, DSR 2001:V, 2049 520, 524–5
- EC – Bed Linen (Article 21.5 – India), Appellate Body Report, *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/AB/RW, adopted 24 April 2003, DSR 2003:III, 965–302, 303, 304, 531–2
- EC – *Chicken Cuts*, Appellate Body Report, *European Communities – Customs Classification of Frozen Boneless Chicken Cuts*, WT/DS269/AB/R, WT/DS286/AB/R and Corr.1, adopted 27 September 2005, DSR 2005:XIX, 9157–202, 239, 240, 251, 294, 424
- EC – *Computer Equipment*, Appellate Body Report, *European Communities – Customs Classification of Certain Computer Equipment*, WT/DS62/AB/R, WT/DS67/AB/R, WT/DS68/AB/R, adopted 22 June 1998, DSR 1998:V, 1851–203, 205, 206, 240, 420–2, 431, 489
- EC – *Export Subsidies on Sugar*, Appellate Body Report, *European Communities – Export Subsidies on Sugar*, WT/DS265/AB/R, WT/DS266/AB/R, WT/DS283/AB/R, adopted 19 May 2005, DSR 2005:XIII, 6365–175, 184, 185, 195, 250, 265, 267, 290–1, 294, 297
- EC – *Hormones*, Appellate Body Report, *EC Measures Concerning Meat and Meat Products (Hormones)*, WT/DS26/AB/R, WT/DS48/AB/R, adopted 13 February 1998, DSR 1998:I, 135–57, 203, 207–8, 210, 228, 248, 249–50, 253, 263–4, 266, 275, 279, 283, 294, 297, 298, 820, 823, 839, 843–4, 846, 848–57, 859–60, 868
- EC – *Poultry*, Appellate Body Report, *European Communities – Measures Affecting the Importation of Certain Poultry Products*, WT/DS69/AB/R, adopted 23 July 1998, DSR 1998:V, 2031–206, 249–50, 253, 265, 266, 327, 418, 463, 693
- EC – *Sardines*, Appellate Body Report, *European Communities – Trade Description of Sardines*, WT/DS231/AB/R, adopted 23 October 2002, DSR 2002:VIII, 3359–195–6, 210, 250, 292–3, 811–12, 814, 821–3
- EC – *Selected Customs Matters*, Appellate Body Report, *European Communities – Selected Customs Matters*, WT/DS315/AB/R, adopted 11 December 2006 251, 267, 280, 281, 467
- EC – *Tariff Preferences*, Appellate Body Report, *European Communities – Conditions for the Granting of Tariff Preferences to Developing Countries*, WT/DS246/AB/R, adopted 20 April 2004, DSR 2004:III, 925–209, 210–11, 241, 323, 334, 726–30, 846
- EC – *Tube or Pipe Fittings*, Appellate Body Report, *European Communities – Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil*, WT/DS219/AB/R, adopted 18 August 2003, DSR 2003:VI, 2613–536–8, 542–3
- Guatemala – Cement I*, Appellate Body Report, *Guatemala – Anti-Dumping Investigation Regarding Portland Cement from Mexico*, WT/DS60/AB/R, adopted 25 November 1998, DSR 1998:IX, 3767–179, 266, 292
- India – Autos*, Appellate Body Report, *India – Measures Affecting the Automotive Sector*, WT/DS146/AB/R, WT/DS175/AB/R, adopted 5 April 2002, DSR 2002:V, 1821–292
- India – Patents (US)*, Appellate Body Report, *India – Patent Protection for Pharmaceutical and Agricultural Chemical Products*, WT/DS50/AB/R, adopted 16 January 1998, DSR 1998:I, 9–56, 64–5, 203, 247, 252, 264, 270, 275, 750, 791–2
- India – Quantitative Restrictions*, Appellate Body Report, *India – Quantitative Restrictions on Imports of Agricultural, Textile and Industrial Products*, WT/DS90/AB/R, adopted 22 September 1999, DSR 1999:IV, 1763–181, 209, 210, 264, 718–19, 721–2
- Japan – Agricultural Products II*, Appellate Body Report, *Japan – Measures Affecting Agricultural Products*, WT/DS76/AB/R, adopted 19 March 1999, DSR 1999:I, 277–203, 249, 252, 266, 844–5, 854, 861, 863–4, 866–7, 875–6
- Japan – Alcoholic Beverages II*, Appellate Body Report, *Japan – Taxes on Alcoholic*