



WTO OMC

# **WTO DISPUTE SETTLEMENT**

## **GENERAL ASPECTS OF THE WTO DISPUTE SETTLEMENT SYSTEM**

### **AND PARTICIPATION OF ARTICLE XII MEMBERS**

# Objectives



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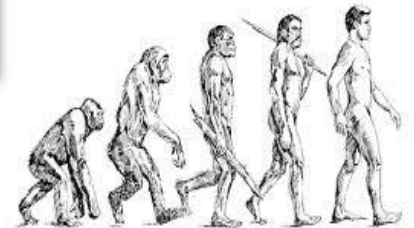
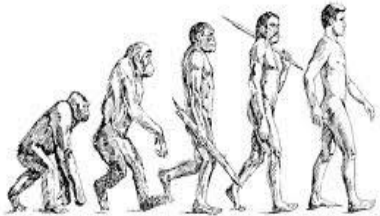
- **To discuss the origin of the WTO DS system (GATT 1947).**
- To describe the basic characteristics of WTO DS.
- To discuss how the WTO DS system works.
- To highlight S & D provisions in WTO DS.
- **To discuss the DS cases involving Accession Protocols.**

# Origin of WTO DS



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## 1947 – 1994



# Origin of WTO DS: GATT 1947

- Articles XXII and XXIII of GATT 1947:
  - ❑ Nullification or impairment
  - ❑ Violation/“non-violation” complaints
- Rule of positive consensus
- Panel reports final – no appellate review :  
132 issued reports/101 adopted reports

# Origin of WTO DS: limitations of GATT 1947

- Rule of positive consensus
  - ❑ Applied in the following situations:
    - ❖ Referring a dispute to a panel
    - ❖ Adopting a panel report
    - ❖ Authorizing countermeasures
  - ❑ Risk of veto
- Diplomatic character of dispute resolution
- No appellate review

# Basic characteristics of WTO

## DS: 1995 – To date



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# Basic characteristics: structure of WTO Agreement

## Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement)

### **Annex 1**

**1A: MTAs on  
Goods  
(GATT +12)**

**1B: GATS**

**1C: TRIPS**

### **Annex 2**

**Dispute  
Settlement  
Understanding**

### **Annex 3**

**Trade  
Policy  
Review  
Mechanism**

### **Annex 4**

**Plurilateral  
Agreements**

# Basic characteristics: Dispute Settlement Understanding (DSU)



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- Builds on Articles XXII and XXIII of GATT 1947
- Article 3.1, DSU – Members affirm adherence to:
  - ❑ Principles of management of disputes applied under Articles XXII and XXIII GATT 1947; and
  - ❑ Rules and procedures elaborated and modified in

预览已结束，完整报告链接和二维码如下：

[https://www.yunbaogao.cn/report/index/report?reportId=5\\_2705](https://www.yunbaogao.cn/report/index/report?reportId=5_2705)

