



MEAs-WTO Relationship: Introduction to the Debate

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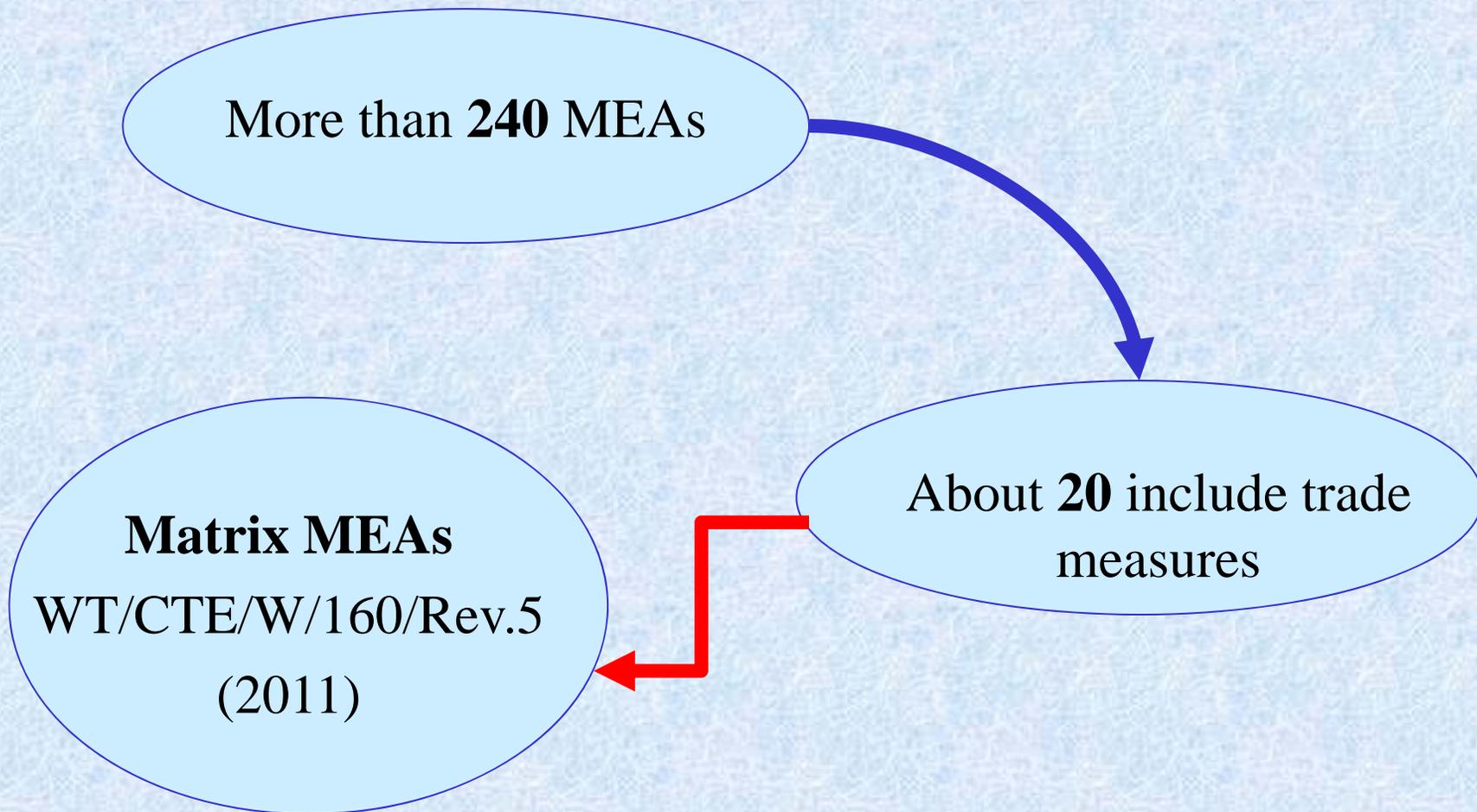
What is a MEA?

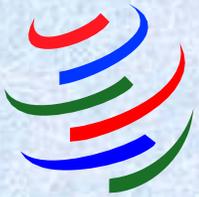
- Legally binding agreement between several States related to the environment



What is a MEA ?

Present Situation





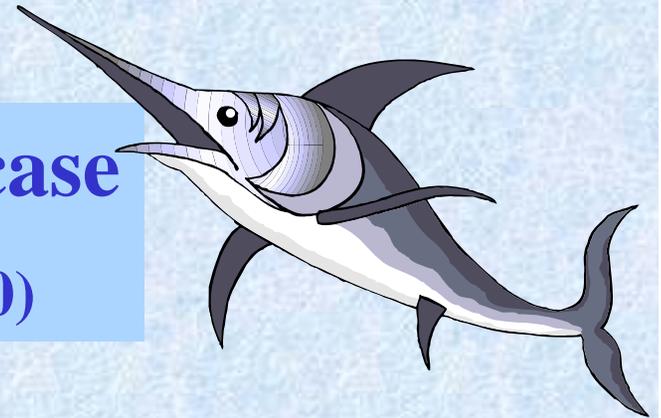
MEAs – WTO

**Any case of dispute between an MEA
and the WTO ?**

No formal case

But....

**The EC-Swordfish case
(lodged by Chile in 2000)**





The EC-Swordfish case

Dispute Settlement

The case was before

The International Tribunal of the Law of the Sea (ITLOS)

The WTO Dispute Settlement Body

Conflict of jurisdiction

But

Chile and EC suspended the dispute in 2001 and reached an agreement in 2010: access + Scientific fisheries program



The issue of forum shopping

Report of the CTE to the Singapore Ministerial Conference (1996)

“... if a dispute arises between WTO Members, Parties to an MEA, over the use of trade measures they are applying between themselves pursuant to the MEA, *they should consider trying to resolve it through the dispute settlement mechanisms available under the MEA.*”

“Improved compliance mechanisms and dispute settlement mechanisms available in MEAs would encourage resolution of any such disputes within the MEA. [...]”



MEAs – WTO

Main questions

2 separate bodies of international law

WTO Law, esp. the WTO's
Non Discrimination Principle

MEAs
legal regimes

What if a measure is in accordance with an MEA but in violation of WTO?

Under which body of law disputes would be resolved?

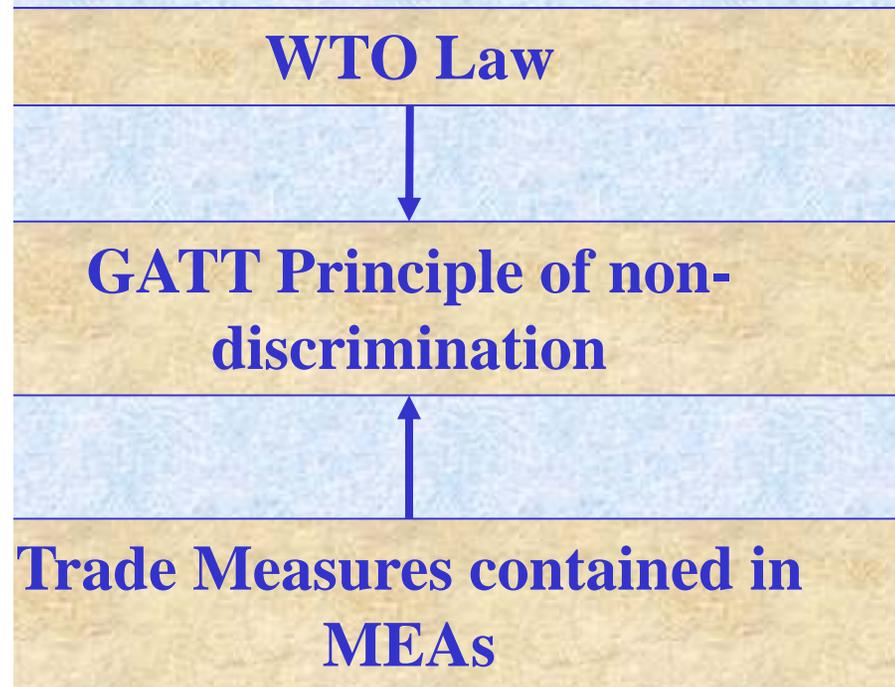
Is a trade restriction the most efficient policy instrument for addressing
environmental concerns?

Conflict ?



MEAs – WTO

Source of conflict



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_6701

