Decisions of the Appellate Body of the World Trade Organization

Joel Trachtman*


Major topics addressed by Appellate Body: Article VI of GATT; Dispute Settlement under Anti-dumping Agreement; Mandatory and Discretionary Legislation; Article XVI of the Agreement Establishing the WTO.


Major topics addressed by Appellate Body: Article III of GATT; Like Products; Article XX(b) of GATT; Definition of 'Technical Regulation' under Annex 1.1 of the TBT Agreement; Non-Violation Nullification or Impairment; Scope of Appellate Review.


Major topics addressed by Appellate Body: Export Subsidies under Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures; Item (k) of Illustrative List of Export Subsidies; Burden of Proof in Article 21.5 Proceedings.

WTO Appellate Body Report: Canada—Measures Affecting the Export of Civilian Aircraft Recourse by Brazil to Article 21.5 of the DSU, AB-2000–4 WT/DS70/

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AB/RW (00–2989), adopted by Dispute Settlement Body, 4 August 2000. Brazil, Appellant. Canada, Appellee; European Communities and United States, Third Participants. Division: Feliciano, Bacchus, and Ehlermann.

Major topics addressed by Appellate Body: Export Subsidies under Article 3.1(a) of the Agreement on Subsidies and Countermeasures; Scope of Review in Article 21.5 Proceedings.


Major topics addressed by Appellate Body: Calculation of Dumping Margins under Article 2.4.2 of the Anti-Dumping Agreement; Inclusion of Sales outside the Ordinary Course in Calculation under Article 2.2.2(ii) of the Anti-Dumping Agreement.


Major topics addressed by Appellate Body: Dispute Resolution Procedures; Authority of Arbitrators under Article 22.6 DSU; Article 23 DSU; Bonding Requirements.


Major topics addressed by Appellate Body: National Treatment under Article III:4 of GATT; Necessity under Article XX(d) of GATT; Articles 3, 4, 6, and 7 of Agreement on Agriculture.


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Major topics addressed by Appellate Body: Patent protection under TRIPS Art. 33; retroactivity under TRIPS Art. 70.


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Major topics addressed by Appellate Body: Investigations under Article 3.1 of the Anti-Dumping Agreement; Standard of Review under Article 17.6 of the Anti-Dumping Agreement; Sufficiency of Request for a Panel under Article 6.2 of the Dispute Settlement Understanding.


Major topics addressed by Appellate Body: Article XIX of GATT; Causation under Article 4.2 of the Agreement on Safeguards, MFN Nature of Measure under Article 2 of the Agreement on Safeguards; Notification and Consultation under Articles 8 and 12 of the Agreement on Safeguards; Standard of Deference to National Determination under Article 11 of the Dispute Settlement Understanding.