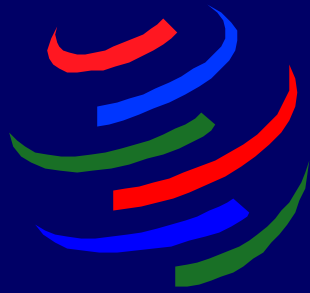
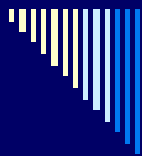


WTO Dispute Settlement



Trade in Services Division
WTO, Geneva
<http://www.wto.org>

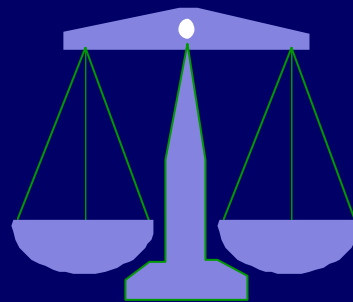
WTO OMC



Some GATS Basics

General obligations

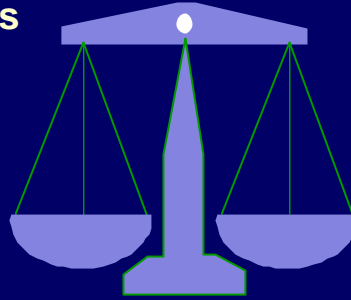
- Transparency
- Most-Favoured Nation Treatment
- Regulatory disciplines
- GATS Annex on Telecoms access and use



Some GATS Basics

Commitments in Schedules

- ➔ Market Access
- ➔ National Treatment
- ➔ Additional Commitments
e.g. Reference Paper on
regulatory principles
(if attached to schedule)



3

GATS: National Recourse

GATS Article VI: Domestic Regulation

Obligation for all services, scheduled or not:

- ❖ Institute mechanisms to provide prompt, objective, and impartial review and, where justified, remedies for administrative decisions

Reference Paper

- ❖ **Interconnection dispute settlement**

Designate an independent domestic body (regulator or other) to resolve disputes with major suppliers regarding appropriate terms, conditions and rates for interconnection in a reasonable time

4

Multilateral Recourse

WTO Dispute Settlement

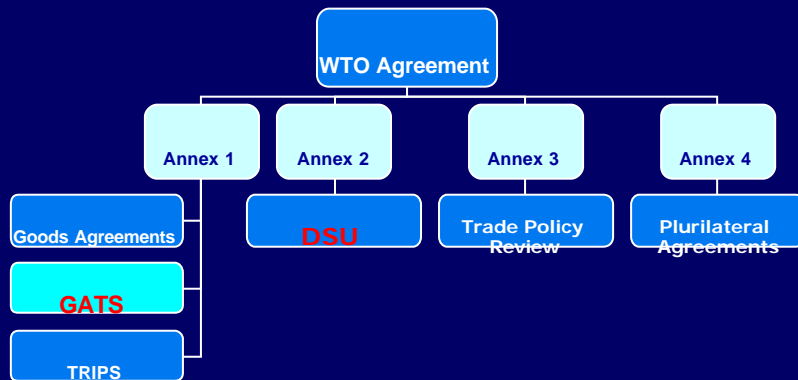
Unified system for all Agreements

- ➔ Panels set up to investigate complaints
- ➔ Arbitration, mediation and conciliation available
- ➔ Adoption of Rulings
- ➔ Appeals process
- ➔ Compensation/sanctions



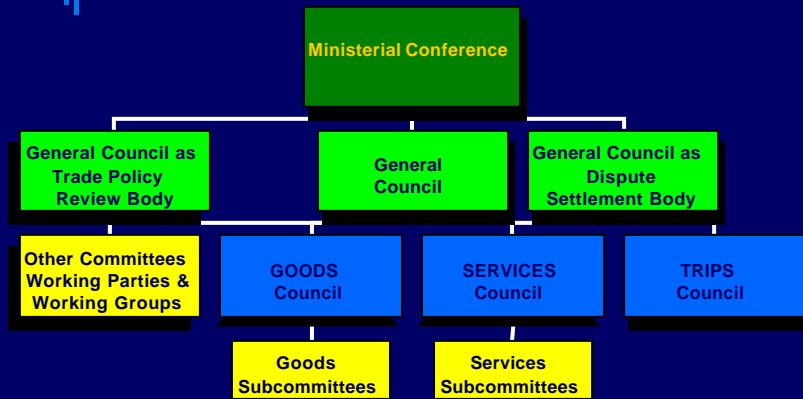
5

WTO Agreement



6

The WTO Structure



7

Time frame for Disputes

- 60 days - Consultations, mediation, etc
- 45 days - Panel set up and panellists appointed
- 6 months - Final panel report to parties
- 3 weeks - Final panel report to WTO members
- 60 days - Dispute Settlement Body adopts report (if no appeal)

Total = 1 year (without appeal)

- 60-90 days - Appeals report
- 30 days - Dispute Settlement Body adopts appeals report

Total = 1y 3m (with appeal)

8



WTO Agreement & the GATS

? Can obligations within the goods and services areas “overlap”?

- Case: *Canada – Periodicals*
- Case: *EC – Bananas*
- Case: *Canada – Autos*

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Services Dispute Settlement

- US vs. Mexico – Telecom services
 - Scope issues: cross border supply, Reference paper provisions
- Antigua vs. US – Gambling
 - Classification issues
 - On-line supply

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And bear in mind ...

- Vienna Convention on the Law of Treaties
- ... ordinary language

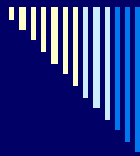
11



Some lessons learned thus far

- Enforceability of obligations and commitments
- ... Clarity of commitments
- ... Implementation of commitments

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Dispute Settlement Resources

in English, Spanish and French

WWW.WTO.ORG

- Introduction to WTO Dispute Settlement
- The Disputes
- The Dispute Settlement System: On-line training module
- VIDEO: Case studies of WTO dispute settlement
- Current negotiations to revise the Dispute Settlement Understanding