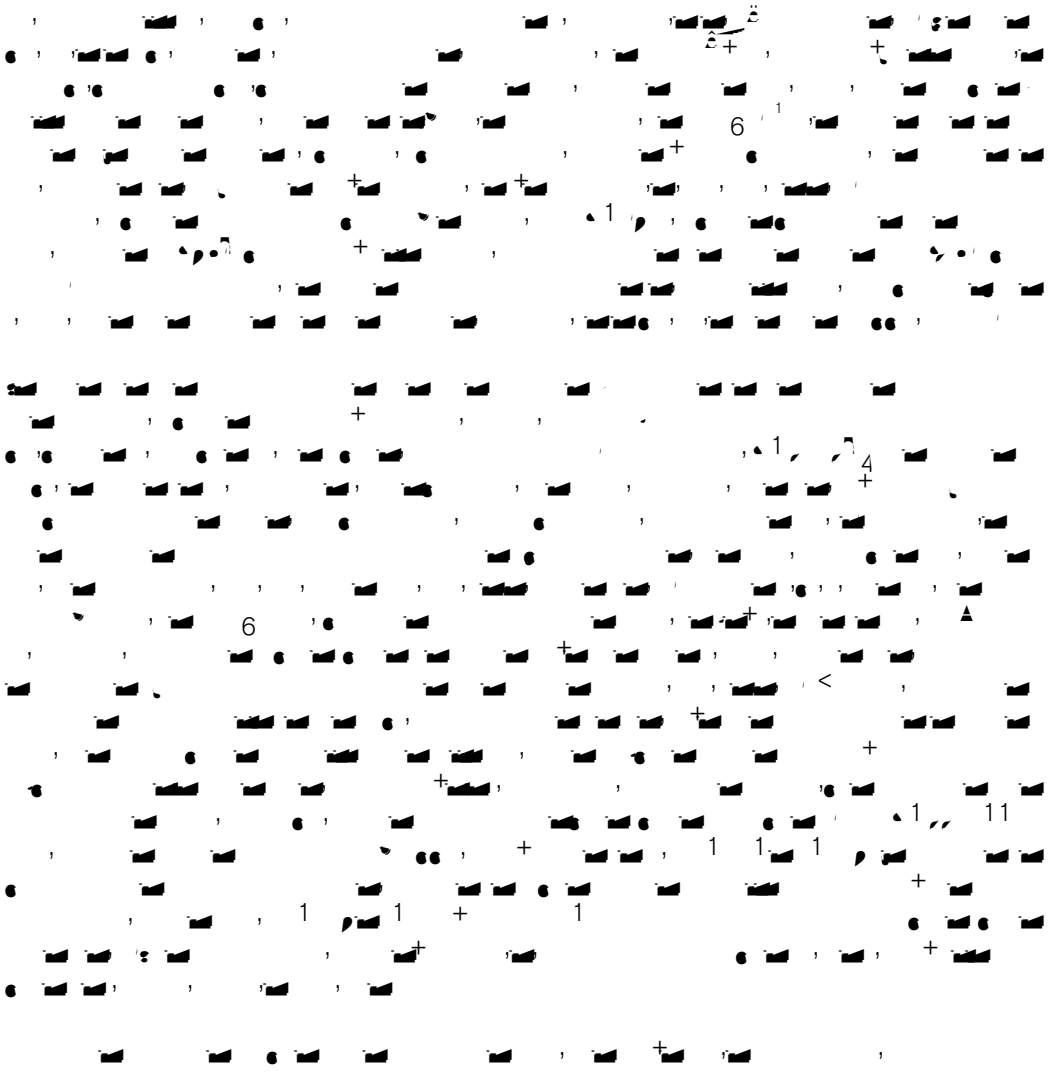
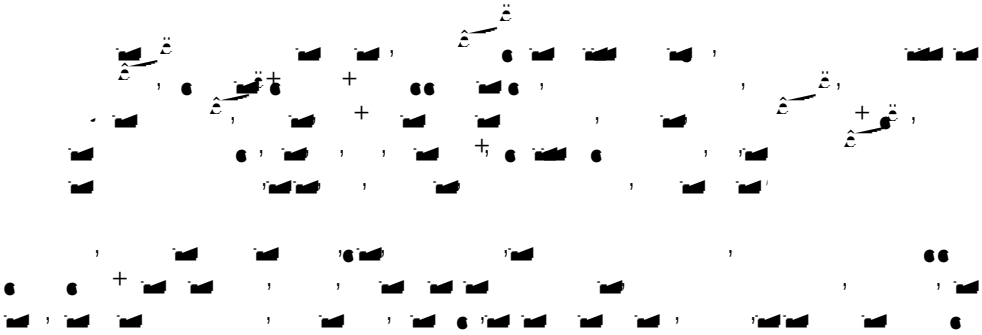
7 Dispute settlement

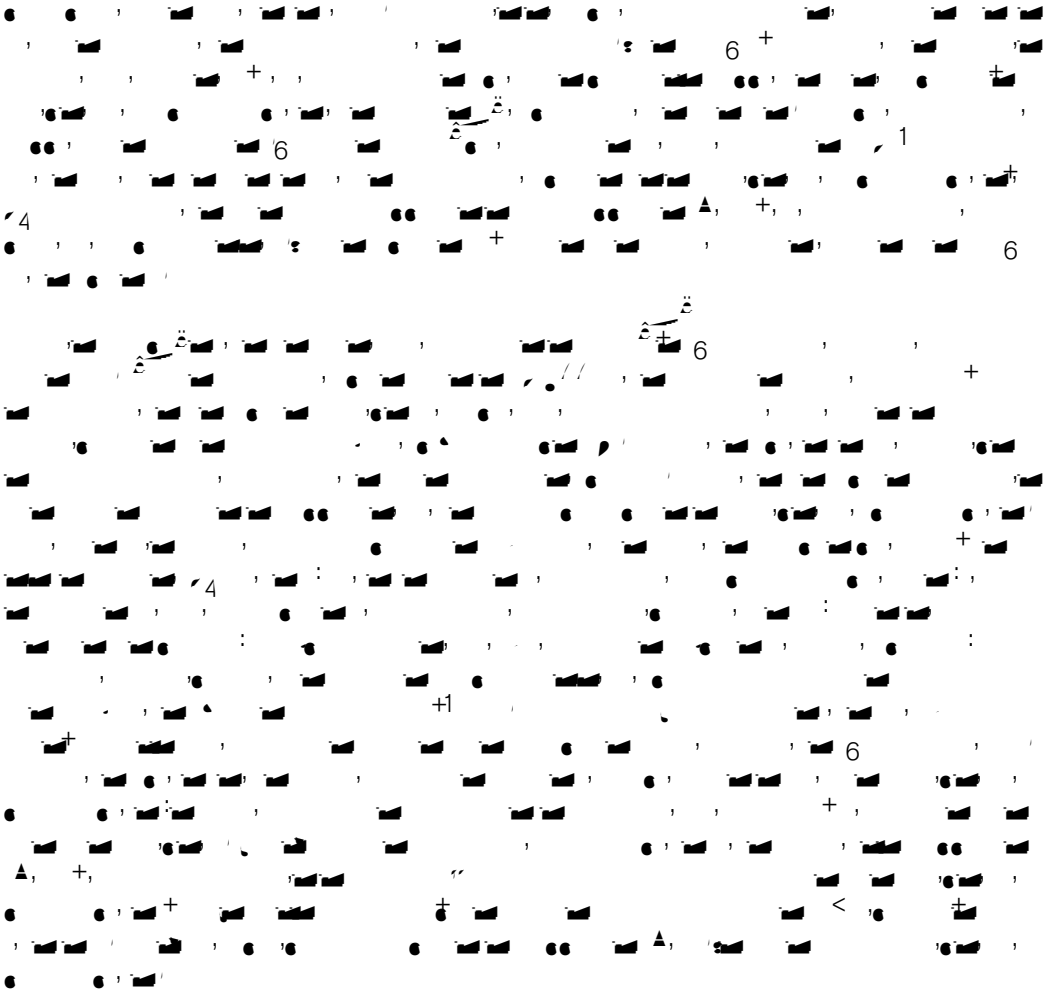


Box 7.1. The Advisory Centre on WTO Law

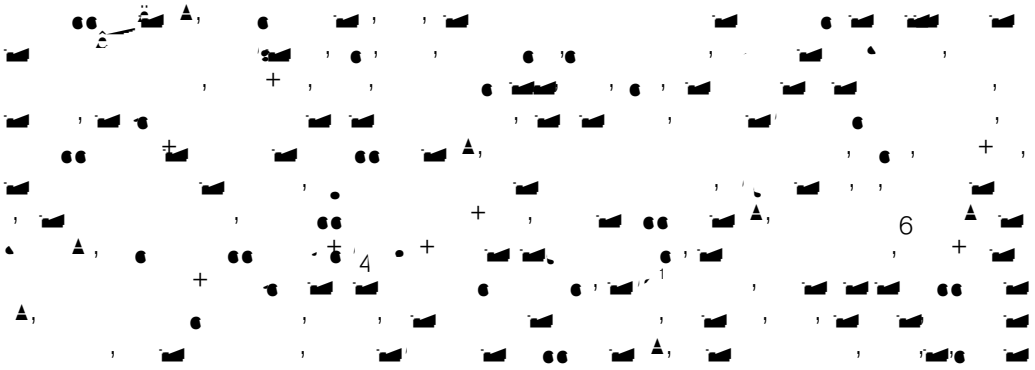
United States – Sections 301-310 of the Trade Act 1974



per se

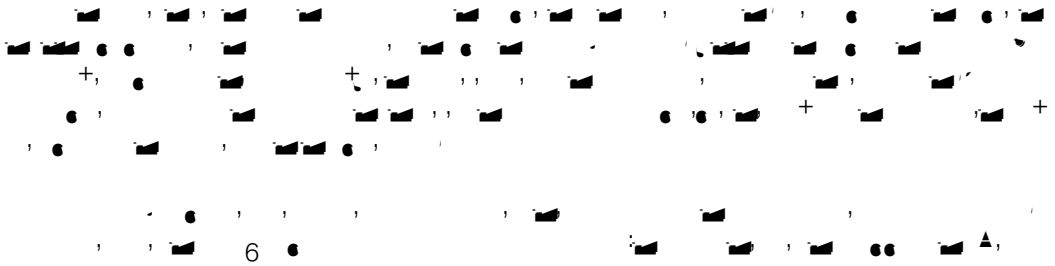


The Appellate Body

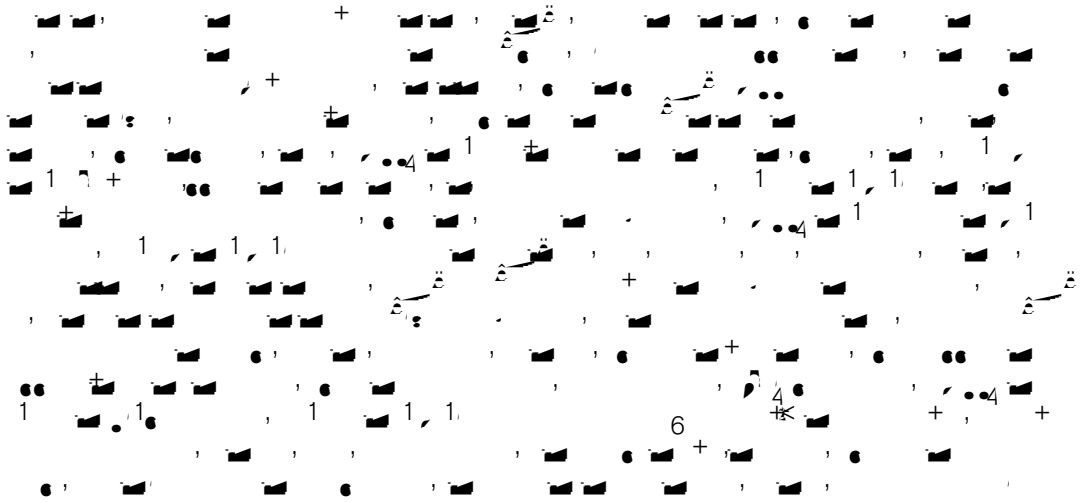


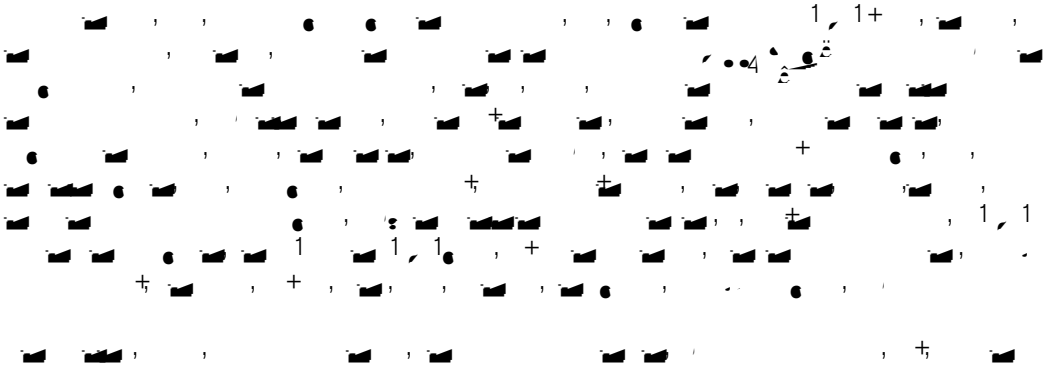
stare decisis

Prohibition of Certain Shrimp and Shrimp Products[4]



The declining pace of complaints





D

Table 7.3. WTO dispute settlement cases by subject matter and respondent, 1995-2012

	1995-2000	2001-2006	2007-2012	Total
Trade-remedy and related	**57 (26.0%)**	**69 (50.3%)**	**31 (31.6%)**	**157 (34.6%)**
Non-agricultural goods	**64 (29.2%)**	**29 (21.2%)**	**29 (39.6%)**	**122 (26.9%)**
Agricultural goods	**58 (26.5%)**	**37 (27.0%)**	**26 (26.5%)**	**121 (26.7%)**
Intellectual property rights	**20 (9.1%)**	**1 (0.7%)**	**7 (7.1%)**	**28 (6.2%)**

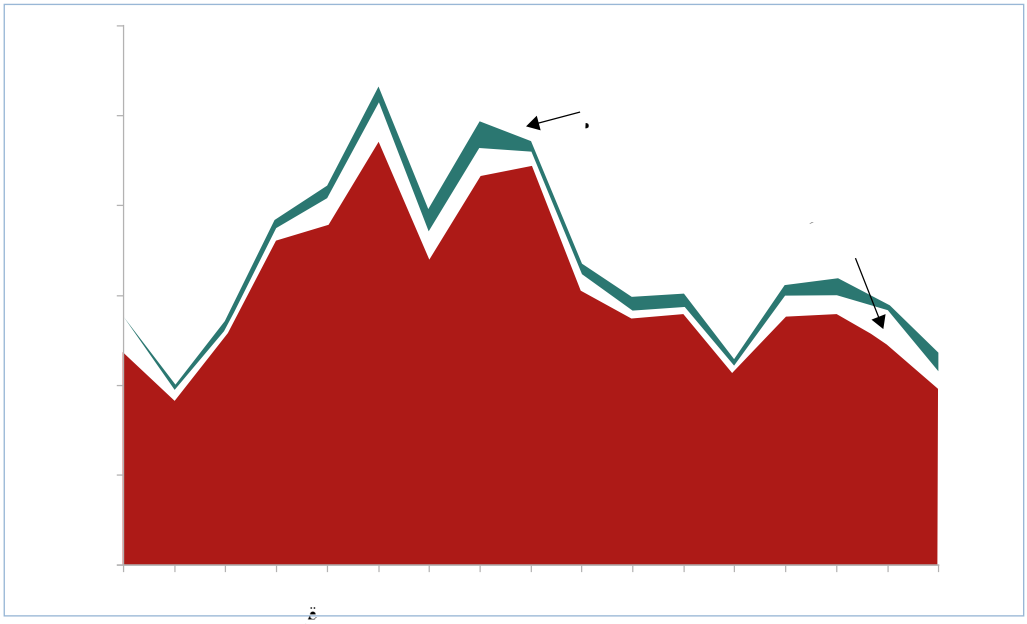
Table 7.4. Frequency with which selected provisions of WTO agreements are at issue in dispute settlement cases, 1995-2012

	1995-2000	2001-2006	2007-2012	Total
Non-discrimination				
Market access and related				
Trade-remedy laws and subsidies				
Other				

Source

Notes

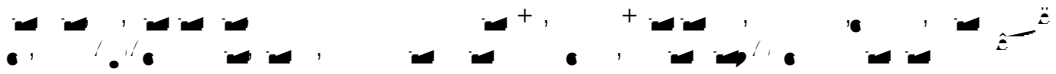
Figure 7.2. Measures taken by WTO members under the trade-remedy laws, 1995-2011



Sources

prima facie

Anti-dumping and countervailing duty laws



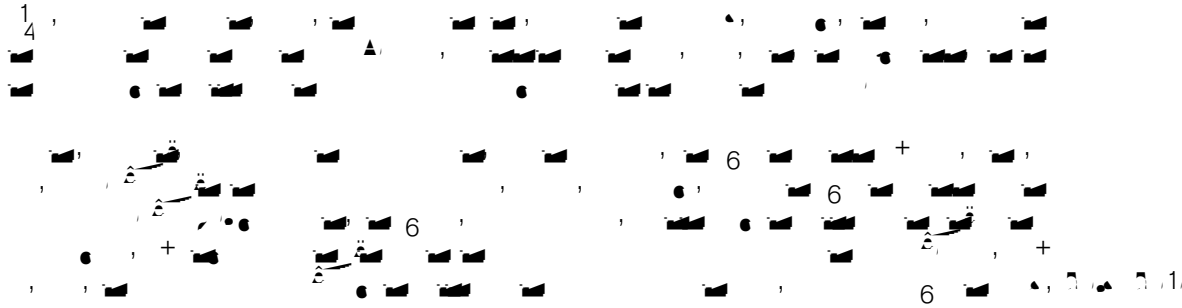


Table 7.5. Use of countervailing duties by selected members and related dispute-settlement cases in WTO, 1995-2011

	Cases initiated	Orders imposed	Leading to orders (%)	Challenged in WTO	Orders challenged (%)
				1	
		1		1	
		1			
				1	
				1	
Total	**237**	**130**	**54.9**	**26**	**20.0**
Rate per year	**14.8**	**8.1**		**1.6**	

Sources

Notes

Safeguards

Table 7.6. Use of global safeguard laws by selected members and related dispute settlement cases in the WTO, 1995-2012

	Cases initiated	Safeguards imposed	Leading to safeguards (%)	Challenged in WTO	Safeguards challenged (%)
Quad	**21**	**9**	**42.9**	**8**	**88.9**
All other	**219**	**105**	**47.9**	**12**	**11.4**

The composition of dispute settlement panels and the Appellate Body

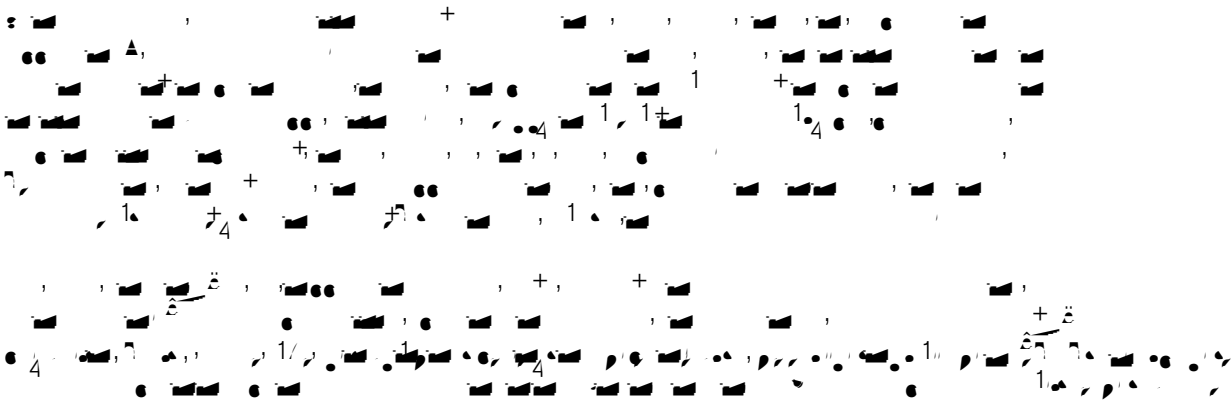
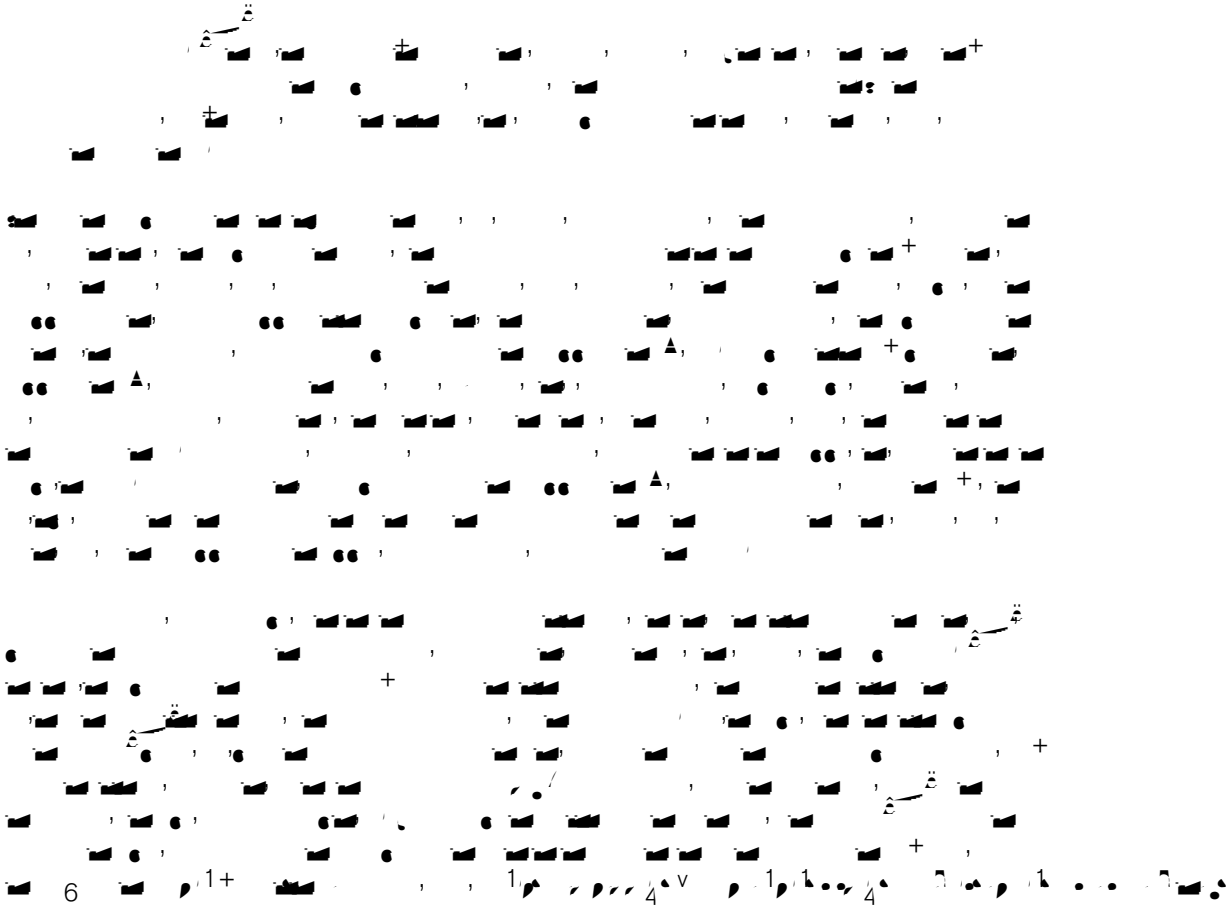


Table 7.7.

Table 7.8. Nationality of Appellate Body members, 1995-2012

	Number	Share (%)
Citizens of countries with common law legal systems	**12**	**30.8**
6	4	1
	1	4
	1	4
Citizens of countries with pluralist legal systems	**5**	**12.8**
	1	4
Citizens of countries with civil law legal systems	**22**	**56.4**
<	4	1
▲	1	4
	1	4



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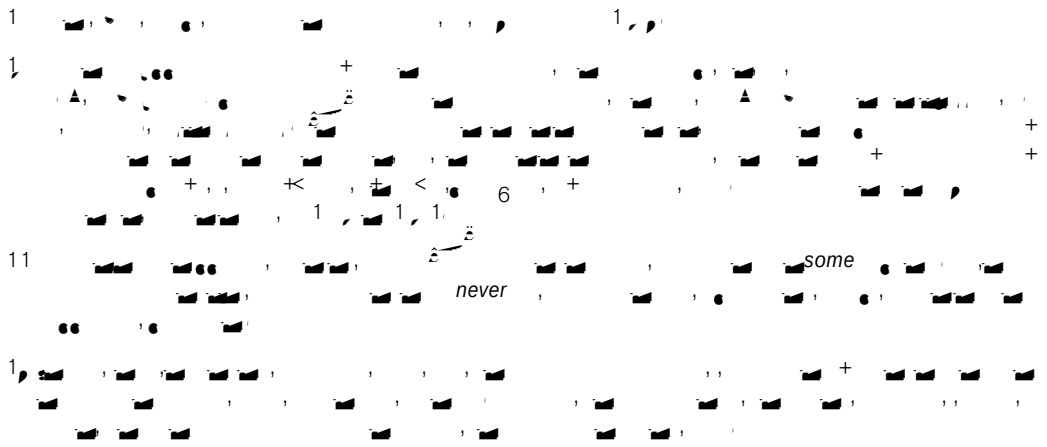
some
never

Appendix 7.1. WTO members' complaints in dispute settlement cases, 1995-2012

	Number of members	Number of complaints	Complaints per member
Common law	**25**	**179**	**7.2**

Appendix 7.2. WTO members' participation in dispute settlement cases, 1995-2012

	Complainant	Respondent	Third party	Total
Have been both complainants and respondents				
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
France	*0*	*4*	*0*	*4*
Belgium	*0*	*3*	*0*	*3*
Ireland	*0*	*3*	*0*	*3*
Netherlands	*0*	*3*	*0*	*3*
United Kingdom	*0*	*3*	*0*	*3*
Germany	*0*	*2*	*0*	*2*
Greece	*0*	*2*	*0*	*2*
Spain	*0*	*2*	*0*	*2*
Denmark	*0*	*1*	*0*	*1*
Portugal	*0*	*1*	*0*	*1*
Sweden	*0*	*1*	*0*	*1*
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]