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1 ARTICLE 25

1.1 Text of Article 25

Article 25

Arbitration

1. Expeditious arbitration within the WTO as an alternative means of dispute settlement can facilitate the solution of certain disputes that concern issues that are clearly defined by both parties.
2. Except as otherwise provided in this Understanding, resort to arbitration shall be subject to mutual agreement of the parties which shall agree on the procedure.

¹ Under the Agreed Procedures, "[t]aking into account that the Appellate Body is not presently able to hear an appeal in this dispute",

elements of interpretation. The Arbitrators therefore concluded that, "pending further interpretation by the Members", they did have jurisdiction under Article 25 to determine the level of European Communities' benefits that were nullified or impaired in this case:

"While being mindful of these elements of interpretation, the Arbitrators are of the view that they are outweighed by other elements, based on the fact that none of the provisions concerned expressly excludes recourse to arbitration under Article 25 in the particular context in which they apply. Article 25.2 itself provides that resort to a

Body (DSB) . Under the Agreed Procedures, '[t]aking into account that the Appellate Body is not presently able to hear an appeal in this dispute ', the parties agreed 'to enter into arbitration under Article 25 of the DSU to decide any appeal from any final panel report as issued to the parties in dispute DS583'. The parties further agreed to ' abide by the arbitration award, which shall be final ', with the understanding that 'un-appealedly

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