

ANNEX D

**REQUEST FOR THE ESTABLISHMENT OF A PANEL  
BY ANTIGUA AND BARBUDA**

**WORLD TRADE  
ORGANIZATION**

**WT/DS285/2**  
13 June 2003

(03-3174)

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Original: English

**UNITED STATES – MEASURES AFFECTING THE CROSS**

appears to be no possibility for foreign operators, however, to obtain an authorization to supply gambling and betting services from outside the United States. This appears to conflict with the United States' commitments and obligations under GATS, including Articles VI:1, VI:3, VIII:1, VIII:5, XVI:1, XVI:2, XVII:1, XVII:2 and XVII:3 and its Schedule of Specific Commitments.

- (b) The United States authorities also restrict international transfers and payments relating to gambling and betting services offered from outside the United States. Some of the non-legislative measures listed in Section III of the Annex are examples thereof: the measures described in the documents released by the Florida Attorney General and the New York Attorney General. These restrictions appear to violate Articles VI:1, XI:1, XVI:1, XVII:1, XVII:2 and XVII:3 of GATS and the United States' Schedule of Specific Commitments.

On 13 March 2003, the Government of Antigua and Barbuda requested consultations with the Government of the United States pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) and Article XXIII of the GATS regarding measures affecting the cross-border supply of gambling and betting services. The United States, and Antigua and Barbuda held such consultations in Geneva on 30 April 2003 but these consultations did not resolve the dispute.

Accordingly, Antigua and Barbuda respectfully requests the Dispute Settlement Body to establish a panel pursuant to Article 6 of the DSU to examine this matter with the standard terms of reference as set out in Article 7.1 of the DSU.



**Delaware**

DEL CONST. art. 2, §17.  
DEL. CODE ANN. tit. 11, §§ 1401-32, 1470-73 (2002).

**District of Columbia**

D.C. CODE ANN. §§ 22-1701 to 22-1712 (2001).

**Florida**

FLA. STAT. §§ 849.01 to 849.46 (2000).

**Georgia**

GA. CONST. art art .§ District 0 TD /F0 11.25 Tf 0 Tc 0.1875 Tw () Tj -38.25 -11.25 TD () Tj 0 -12.75 TD 0.1275 Tc 0 Tw (G) Tj 7.5

**Maine**

ME. REV. STAT. ANN., tit. 17, §§ 330-347 (1983).  
ME. REV. STAT. ANN., tit. 17, §§ 2305-2306 (1983).

**Maryland**

MD. CODE ANN., CRIM. LAW, §§12-101 to 12-307 (2002).

**Massachusetts**

MASS. GEN. LAWS ANN. ch. 271, §§ 1-50 (West 2000).

**Michigan**

MICH. COMP. LAWS ANN. §§ 750.301-750.315a (West 1990).

**Minnesota** 25 0 TD / EDV 52 4 0.1875 Tc (.) Tj 36M0 9 T047§ 1 Tw ( )-9eBH2(West 2000.) Tj 70.5 0 173

AWS

### **New Mexico**

N.M. STAT. ANN. §§ 30-19-1 to 30-19-15 (1978).

### **New York**

N.Y. CONST. art. I, §9.

N.Y. EXECUTIVE LAW §§ 430-439a (McKinney 1996).

N.Y. PENAL LAW §§ 225.00-225.40 (McKinney 1999).

N.Y. GENERAL OBLIGATION LAW §§ 5-401 to 5-423 (McKinney 2001).

### **North Carolina**

N. C. GEN. STAT. §§ 14-289 to 14-309.4 (1994).

### **North Dakota**

N.D. CONST. art. 11, § 25.

N.D. CENT. CODE § 12.1-28-01 to 12.1-28-02 (1987).

### **Ohio**

OHIO CONST. art. XV, § 6.

OHIO REV. CODE ANN. §§ 2915.01-2915.06 (1996).

### **Oklahoma**

OKLA. STAT. ANN. tit. 3A, § 205.6 (West 1993).

OKLA. STAT. ANN. tit. 21, §§ 941-993 (West 2002).

### **Oregon**

OR. REV. STAT. §§ 167.108-167.170 (2001).

### **Pennsylvania**

PA. STAT. ANN. tit. 18, § 911 (Purdon 1998).

PA. STAT. ANN. tit. 18, § 5513 (Purdon 2000).

PA. STAT. ANN. tit. 66, § 2902 (Purdon 2000).

### **Rhode Island**

R.I. CONST. art. VI, § 22.

R. I. GEN. LAWS §§ 11-19-1 to 11-19-45 (1993).

R. I. GEN. LAWS § 11-51-1 to 11-51-2 (1979).

### **South Carolina**

S.C. CODE ANN. §§ 16-19-10 to 16-19-160 (Law Co-op. 1996).

### **South Dakota**

S.D. CODIFIED LAWS §§ 22-25-1 to 22-25-

S.D. CODIFIED LAWS § 22-25A-1 to 22-25A-15 (Michie 2000).

**Tennessee**

TENN. CONST. art. XI, § V.

TENN. CODE ANN. §§ 39-17-501 to 39-17-509 (1989).

**Texas**

TEXENN

### **III. OTHER UNITED STATES FEDERAL AND STATE ACTIONS OR MEASURES**

Other actions or measures taken by United States Federal and State administrative agencies, officials and judiciary which infringe on the obligations of the United States under the GATS include, without limitation, the following:

#### **United States**

*United States v. Cohen*, 260 F.3d 68 (2<sup>nd</sup> Cir. 2001), *cert. denied*, 122 S. Ct. 2587 (2002).

#### **Florida**

Florida Attorney General, *Press Release: Western Union Cuts Off Sports Betting Accounts* (December 23, 1997).

#### **Kansas**

Op. Att'y Gen. No. 96-31 (March 25, 1996).

Kansas Attorney General, *Internet Gambling Warning* (visited March 13, 2003)