

Foreword to the 1995–2010 edition

The WTO Appellate Body Repertory of Reports and Awards is intended to serve first and foremost as a source of information for those interested in the field of international trade law. It presents a systematic compilation of Appellate Body jurisprudence over the past 15 years. The Repertory was initially developed as an internal research tool to assist the Appellate Body Secretariat in carrying out its duty to provide legal advice to Appellate Body Members. The Secretariat subsequently decided to make the Repertory available to the public to serve as a practical tool for officials from WTO Members, particularly for those that may not have the resources to prepare similar compendiums in-house. We hope that the Repertory will also assist academics, students, private practitioners, and others with interest in international trade law and dispute settlement practice who need to consult and access precise information about the evolution of, and most recent developments in, Appellate Body jurisprudence.

The publication of the first edition of the Repertory marked the Tenth Anniversary of the establishment of the Appellate Body in 1995, and sought to commemorate the substantive body of jurisprudence developed by the Appellate Body during its first ten years. A second, updated edition was published in April 2006, and a third edition followed in 2007. This fourth edition contains additional material from the 16 Appellate Body Reports adopted by the WTO Dispute Settlement Body from 2007 through January 2010. Thus, this fourth edition now encompasses excerpts from more than one hundred Appellate Body Reports. The Repertory also contains excerpts from the 25 Arbitration Awards issued pursuant to Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* determining the “reasonable period of time” for implementation of rulings by the WTO Dispute Settlement Body. All Article 21.3(c) arbitrations have been carried out by current or former Appellate Body Members acting in their individual capacity. This fourth edition contains new excerpts from the four Awards issued from 2007 through 2009.

A considerable amount of new material is included in this new edition covering, *inter alia*, interpretation of key provisions of the GATT 1994, the *Anti-Dumping Agreement*, the *Agreement on Sanitary and Phytosanitary Measures*, the *Agreement on Subsidies and Countervailing Measures*, the GATS, Members’ Schedules of Concessions and Commitments and Accession Protocols, and the *Dispute Settlement Understanding*, reflecting the substantial volume of appeal work conducted

by the Appellate Body during the period from October 2006 through December 2009.

We dedicate this Repertory to the former Members of the Appellate Body, namely, Georges Abi-Saab, James Bacchus, Luiz Olavo Baptista, the late Christopher Beeby, Claus-Dieter Ehlermann, the late Said El-Naggar, Florentino P. Feliciano, Arumugamangalam Venkatachalam Ganesan, Merit E. Janow, Julio Lacarte-Muró, the late John Lockhart, Mitsuo Matsushita, Giorgio Sacerdoti, and Yasuhei Taniguchi. We also pay tribute to those who currently serve on the Appellate Body, namely, Lilia R. Bautista, Jennifer Hillman, Shotaro Oshima, Ricardo Ramírez-Hernández, David Unterhalter, Peter Van den Bossche, and Yuejiao Zhang.

The Repertory is divided into three parts. The first and main part consists of excerpts from Appellate Body Reports, organized according to the particular provision of the WTO agreements examined and by subject-matter. The second part consists of excerpts from Article 21.3(c) Arbitration Awards determining the “reasonable period of time” for implementation of rulings by the WTO Dispute Settlement Body. Finally, a third part contains a number of Annexes that provide additional information relating to the Appellate Body and appellate proceedings. In using the Repertory, readers should bear in mind that neither the choice of excerpts nor the choice of entries under which they are classified is intended to have legal significance.

Credit for the initiative of creating the Repertory belongs to the staff and the Directors of the Appellate Body Secretariat who preceded me, especially Valerie Hughes. The Repertory itself is a compilation of work by former and current Appellate Body Secretariat staff, including Luan Aggersberg, Pablo Bentes, Lee Bergmann, Jan Bohanes, Stéphanie Cartier, Kaarlo Castren, Judy Cowell, Patricia Crawley, Victoria Donaldson, Lothar Ehring, Carlo Gamberale, Petina Gapah, Susan Hainsworth, Heather Lang, Simon Lester, Nicolas Lockhart, Vilaysoun Loungnarath, Peter Morrison, Jesse Nicol, Joost Pauwelyn, Jan Yves Remy, Iain Sandford, Andreas Sennekamp, Vicki Sharp, Debra Steger, Hector Torres, Liz Upton, Arun Venkataraman, Tania Voon, Alan Yanovich, and Xiaolu Zhu. I underline in particular the contribution made by Kaarlo Castren, Victoria Donaldson, Vilaysoun Loungnarath, and Jesse Nicol in the editing and preparation of the excerpts from Appellate Body Reports and Arbitration Awards for inclusion in this fourth edition of the Repertory. I would also like to acknowledge the tremendous efforts of Vicki Sharp, who was responsible for the mammoth task of processing the texts and the numerous revisions for the first three Repertory editions, as well as of those who succeeded her in that role for this fourth edition: Lee Bergmann and Liz Upton. Finally, we thank Anthony Martin of the WTO Information and External Relations Division, Finola O’Sullivan and Richard Woodham of Cambridge University Press, who provided valuable assistance in relation to the editing and publication process, and Maureen MacGlashan, who undertook the painstaking task of indexing the Repertories.

I trust that this new up-to-date edition of the Repertory will be a valuable, comprehensive, and user-friendly resource. Comments and suggestions for

improvement are welcome and should be addressed to the Appellate Body Secretariat at ABREPERTORY@wto.org

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