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1. Overview

Select Annotated Agreements provides fully annotated texts (WTO jurisprudence and content) of six principal WTO agreements. We are in the process of completing the annotations for additional agreements. They will be added to TradeLawGuide as they are completed.



The annotations include TradeLawGuide's Article Citator, Jurisprudence Citator, issue content from WTO jurisprudence, cross-references, incorporated instruments, procedural documents, negotiating history, and precursor texts. Content is linked to the full text of referenced documents. In limited circumstances (e.g., where documents are voluminous or inclusion is not possible due to intellectual property considerations) links are provided to external sites.

The Annotated Agreements provide comprehensive research content on specific WTO Agreements. They incorporate all of the innovative features of TradeLawGuide. Their value lies in the breadth of content, the level of detail, and the methodical structure of the annotations which are organized by subject matter. Other value-add attributes include the treatment of annotated terms, whereby terms elaborated upon by jurisprudence in one context are annotated in all other

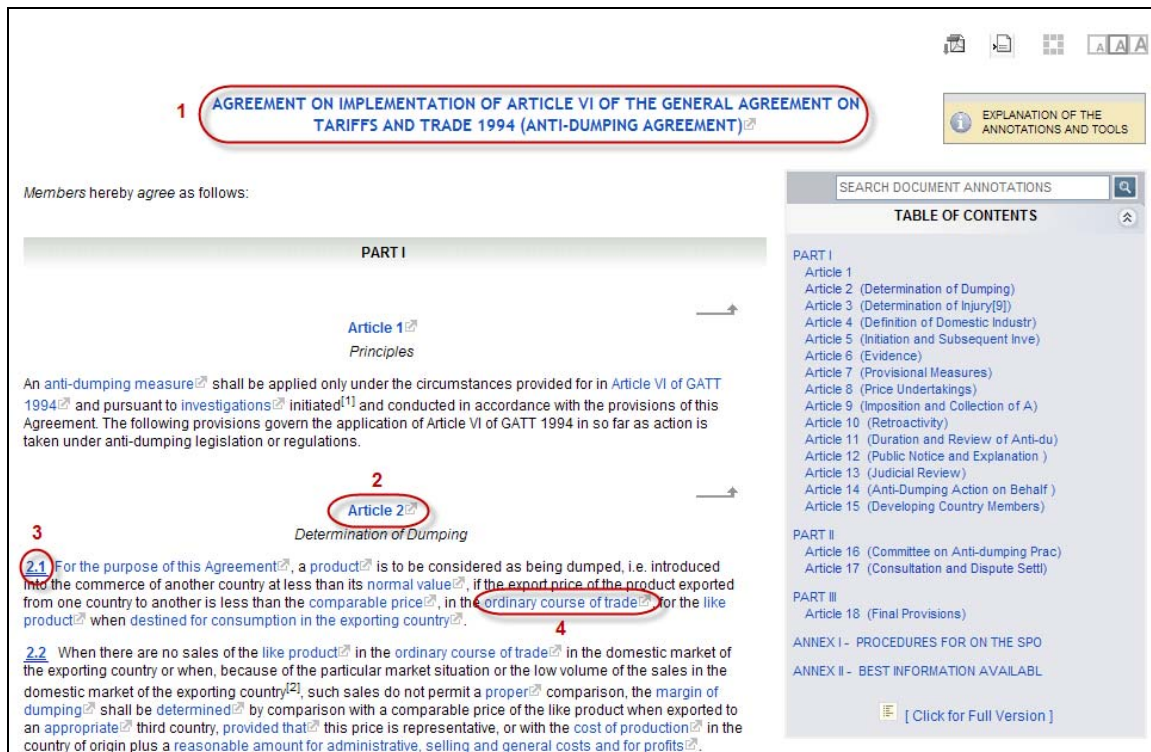
contexts within the agreement. An innovative search tool enables you to search the content of the annotations to find subject matter when you are not sure which provision of the agreement is relevant.

2. Structure and Content of the Annotations

The annotations have a hierarchical structure. The top of the hierarchy is the annotation to the title of the document, which contains information pertaining to document as a whole. The bottom of the hierarchy is the annotation to a term in the document, which contains information relevant to that term only.

The content of the annotations will vary depending on the annotation in question.

There are four classes of annotations in a document.



The screenshot displays the Trade Law Guide interface for the 'AGREEMENT ON IMPLEMENTATION OF ARTICLE VI OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994 (ANTI-DUMPING AGREEMENT)'. The interface includes a search bar, a table of contents, and a main text area with annotations. Annotations are numbered 1 through 4, corresponding to the four classes of annotations described in the text.

- Annotation 1:** Title Annotation - Relevant to the agreement/instrument as a whole.
- Annotation 2:** Article Heading Annotations - Relevant to the article as a whole.
- Annotation 3:** Paragraph Annotations - Relevant to the paragraph as a whole.
- Annotation 4:** Term Annotations - Relevant to the term as a whole.

#1 – *Title Annotation* – Relevant to agreement/instrument as a whole. These annotations include a directory of all WTO reports, awards and decisions that substantively refer to the agreement/instrument in question. They also include negotiating history and links to precursor agreements (if any).

#2 – *Article Heading Annotations* – Relevant to article as a whole. These annotations also include the Article Citator, the integrated Jurisprudence Citator, negotiating history and links to precursor agreements (if any).

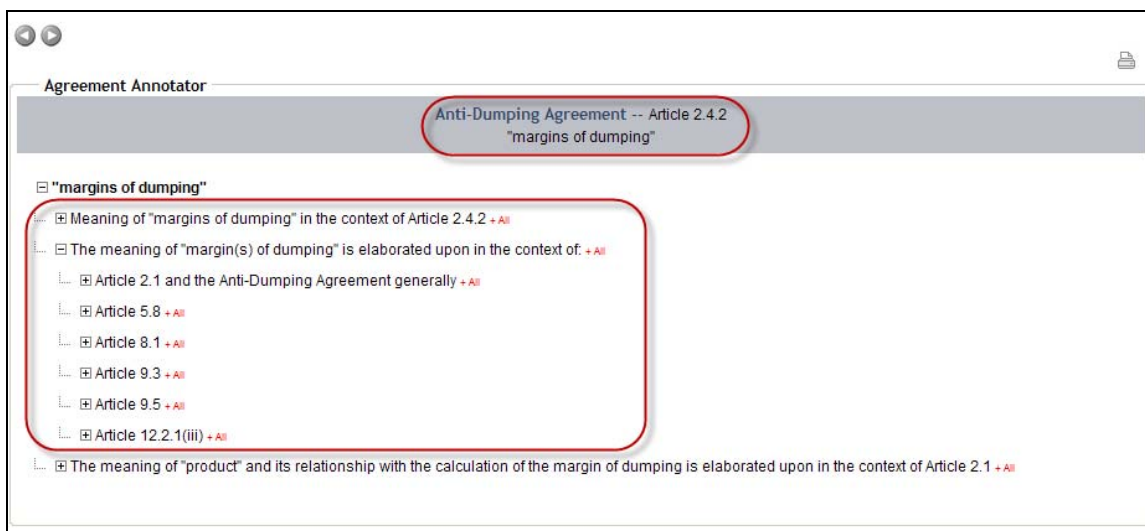
#3 – *Paragraph/subparagraph Annotations* – Relevant to paragraph or subparagraph as a whole including the word/phrase annotations for that paragraph or subparagraph. These annotations also include the Article Citator and the integrated Jurisprudence Citator.

#4 – *Word/phrase Annotations* – Relevant to a particular word/phrase that is defined in the agreement/instrument and/or elaborated upon in the jurisprudence. These annotations also include the integrated Jurisprudence Citator and cross-references to other provisions.

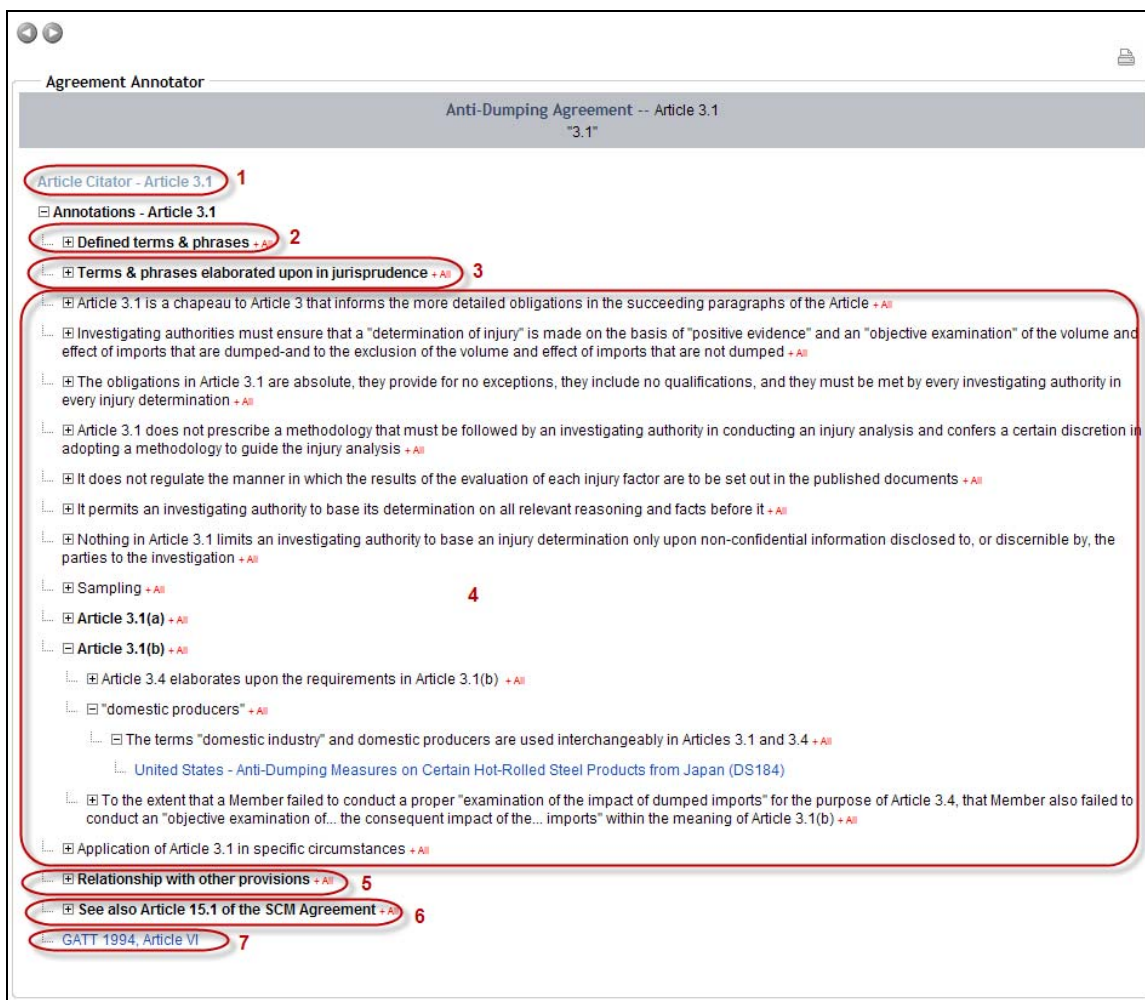
In this fourth class of annotations:

- (i) words/phrases are only annotated where they are specifically addressed in a definition or in jurisprudence (where discussions of the terms form part of a more general discussion of a provision, the relevant annotation will be at the provision level (e.g., article, paragraph or subparagraph annotation));
- (ii) where a word or phrase occurs more than once within a paragraph or subparagraph, only its first occurrence is highlighted with a link (to prevent overloading the text); and
- (iii) where a word/phrase is annotated in one place in an agreement or instrument, all other occurrences of the same word/phrase in the agreement or instrument are annotated indicating that the word/phrase has been elaborated upon in a particular context (the only exceptions are for words that repeat with a high frequency (e.g., “a”, “and”, “or”)—see Terms & Phrases for these terms— and where the other occurrence(s) of the word/phrase are in another context that makes it obvious that the annotation does not apply).

Here is an example of a word/phrase with annotations indicating that the word/phrase has been elaborated upon in other contexts:



Here is an example of a detailed annotation:



Agreement Annotator

Anti-Dumping Agreement -- Article 3.1
"3.1"

Article Citator - Article 3.1 1

Annotations - Article 3.1

Defined terms & phrases 2

Terms & phrases elaborated upon in jurisprudence 3

Article 3.1 is a chapeau to Article 3 that informs the more detailed obligations in the succeeding paragraphs of the Article + All

Investigating authorities must ensure that a "determination of injury" is made on the basis of "positive evidence" and an "objective examination" of the volume and effect of imports that are dumped-and to the exclusion of the volume and effect of imports that are not dumped + All

The obligations in Article 3.1 are absolute, they provide for no exceptions, they include no qualifications, and they must be met by every investigating authority in every injury determination + All

Article 3.1 does not prescribe a methodology that must be followed by an investigating authority in conducting an injury analysis and confers a certain discretion in adopting a methodology to guide the injury analysis + All

It does not regulate the manner in which the results of the evaluation of each injury factor are to be set out in the published documents + All

It permits an investigating authority to base its determination on all relevant reasoning and facts before it + All

Nothing in Article 3.1 limits an investigating authority to base an injury determination only upon non-confidential information disclosed to, or discernible by, the parties to the investigation + All

Sampling + All

Article 3.1(a) + All

Article 3.1(b) + All

Article 3.4 elaborates upon the requirements in Article 3.1(b) + All

"domestic producers" + All

The terms "domestic industry" and domestic producers are used interchangeably in Articles 3.1 and 3.4 + All

United States - Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan (DS184)

To the extent that a Member failed to conduct a proper "examination of the impact of dumped imports" for the purpose of Article 3.4, that Member also failed to conduct an "objective examination of... the consequent impact of the... imports" within the meaning of Article 3.1(b) + All

Application of Article 3.1 in specific circumstances + All

Relationship with other provisions 5

See also Article 15.1 of the SCM Agreement 6

GATT 1994, Article VI 7

#1 – *Article Citator* – This is the same data that is included in the stand-alone Article Citator tool including the integrated Jurisprudence Citator.

#2 – *Defined terms & phrases* – These are terms and phrases within the provision that are defined in the agreement or instrument.

#3 – *Terms & phrases elaborated upon in jurisprudence* – These are terms and phrases within the provision that are elaborated upon in WTO jurisprudence and that are annotated in the text.

#4 – *General content annotations* – These annotations summarize the general content of the WTO jurisprudence for the provision.

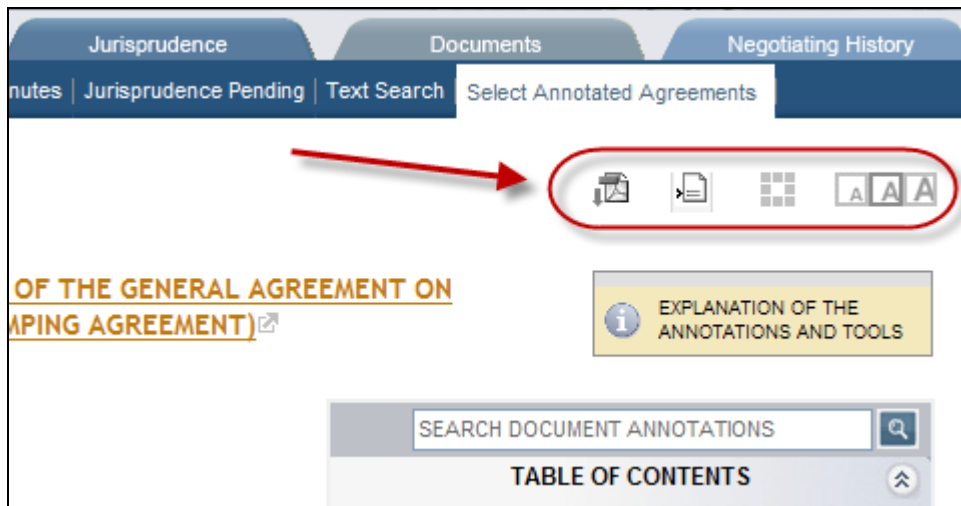
#5 – *Relationship with other provisions* – This jurisprudence discusses the relationship between the provision and other provisions in the agreement or instrument or in another agreement or instrument.

#6 – *Cross-reference to particularly relevant provision in another agreement* – This type of cross-reference is used most widely for provisions of the Anti-dumping Agreement and SCM Agreement.

#7 – *Other* – In this case it is a link to Article VI of GATT 1994 which is referenced in the provision.

3. Header Buttons (PDF, footnote display, navigation icons, font size)

Four icons are displayed at the top right hand corner of each annotated text.



3.1. PDF Download Icon

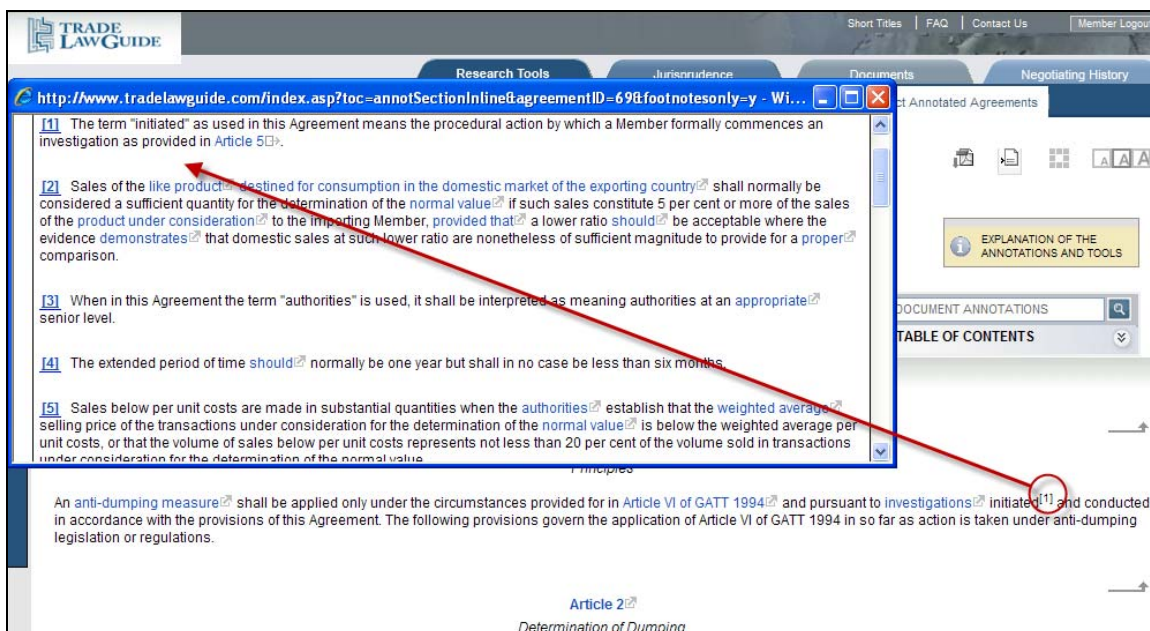
If you click on the PDF download icon, a formatted text of the agreement will be displayed. 



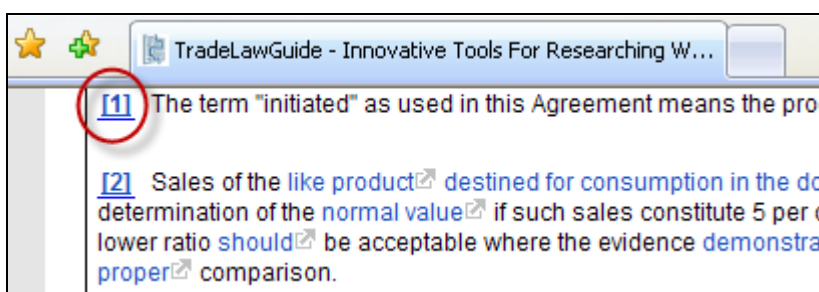
3.2. Footnote Display Options

You can select one of two options for displaying footnotes using the footnote display icon. 


Under one option, the footnote will be displayed in a pop-up box when you click on a footnote number (e.g., [1]). Under this option, the original text remains on the screen and the footnote is displayed separately in a pop-up box.



Under the other option, when you click on a footnote number (e.g., [1]), the text you are viewing will advance to the footnote at the end of the text. Under this option, there is no pop-up box.



3.3. Navigation Icons on/off

Turn navigation icons on or off using the on/off icon. 

When turned on (default setting), the navigation icons indicate if a link opens a pop-up box  or it advances to another part of the annotated text 

the allegedly dumped imports, the effect of these imports on the domestic industry, as demonstrated in paragraphs 2 and 4 of Article 3.

When turned off, the links are displayed but not the icons.

on of the volume of the allegedly dumped imports, the effect of these imports on the domestic industry, as demonstrated by relevant in paragraphs 2 and 4 of Article 3.

The icons are helpful to discern between sequential annotated terms. In this example it is clear there are two separate terms annotated when the icons are turned on.

fair comparison in paragraph 4, the existence of a weighted average normal value with a prices on a transaction to transaction basis. A nor

When the icons are turned off the two separate annotations are not apparent.

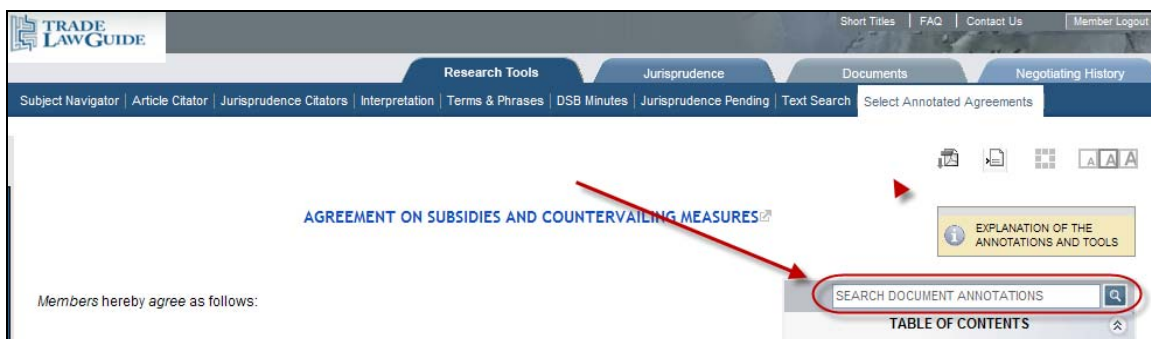
fair comparison in paragraph 4, the existence of a weighted average normal value with prices on a transaction to transaction basis. A

3.4. Text Size

You can choose between 3 font sizes for the annotated texts. 

4. Search Annotations in Document

A search function enables you to search the content of the annotations in the document.



You can choose to display search results sequentially (in the order they occur in the annotations in the text) or alphabetically.

The alphabetical sort works well for searches that yield a large number of results because the term occurs in a dispute name. By sorting alphabetically, it is easier to skip over dispute name results and identify substantive results.

Search Document Annotations: SCM Agreement

SCM Agreement

Search: ☒ Sort Sequentially ☐ Sort Alphabetically

**Hint: If the term you search results in a large number of hits (e.g. it is a part of a jurisprudence name), sort the results alphabetically to make it easier to isolate the substantive results.*

Search Results for: swap

- debt-to-equity swaps
- debt-to-equity swaps
- debt-to-equity swaps replace debt with equity, and in a case when the debt-to-equity swap is intended to address the deteriorating financial condition of the recipient company, the cancellation of the debt amounts to a direct transfer of funds to the company
- debt-to-equity swaps replace debt with equity, and in a case when the debt-to-equity swap is intended to address the

This function is helpful when you know of an issue that is addressed in an agreement but are not sure under which provisions the issue arises. For example, if you want to know which provisions in the SCM Agreement address debt-to-equity swaps? Just search the word “swap” in the SCM Agreement annotation search. As noted above, the search identifies several annotations with this term.

If you click on the result the relevant annotation will be displayed.

Agreement Annotator

SCM Agreement -- Article 1.1(a)(1)(ii)

Article Citations

- Annotations
 - Debt-to-equity swaps + All
 - Debt-to-equity swaps replace debt with equity, and in a case when the debt-to-equity swap is intended to address the deteriorating financial condition of the recipient company, the cancellation of the debt amounts to a direct transfer of funds to the company + All
 - Equity infusions and debt-for-equity swaps have the same effect, in the sense that equity changes hands against consideration in both cases (and subsidization arises if the amount of consideration is less than the market would have provided) + All

Debt-to-equity swaps + All

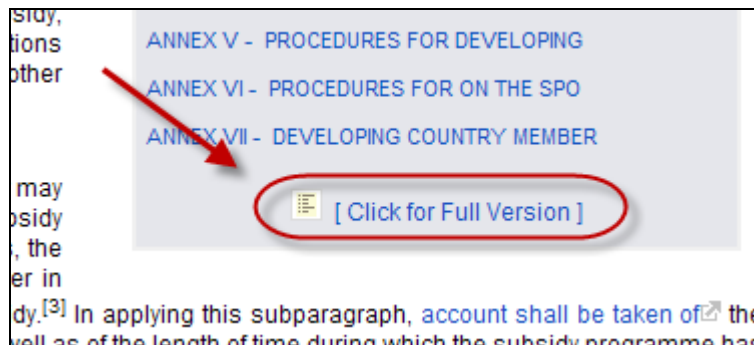
- Debt-to-equity swaps replace debt with equity, and in a case when the debt-to-equity swap is intended to address the deteriorating financial condition of the recipient company, the cancellation of the debt amounts to a direct transfer of funds to the company + All
- Equity infusions and debt-for-equity swaps have the same effect, in the sense that equity changes hands against consideration in both cases (and subsidization arises if the amount of consideration is less than the market would have provided) + All

5. Table of Contents

A table of contents provides an overview of the content of the document and enables you to navigate to specific parts of the document by clicking on the entries.

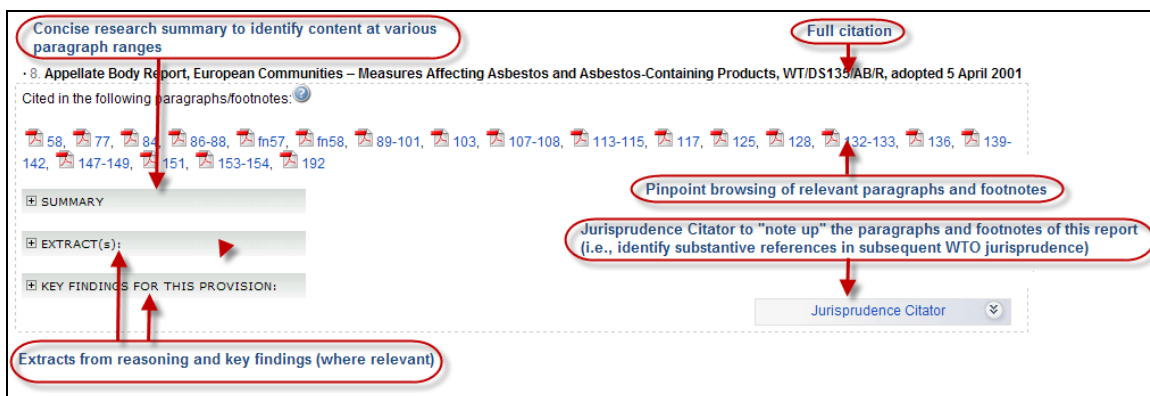


There are condensed and full versions of the table. The condensed version truncates some of the text in the titles to the provisions. Click the link at the bottom of the condensed version to get the full version.



6. Integrated Browser

To see the Article Citator data for a particular entry, click on the citation or short name. The Article Citator uses the TradeLawGuide integrated PDF browser to enable you to view PDF documents efficiently and with pinpoint accuracy.



Concise research summary to identify content at various paragraph ranges

Full citation

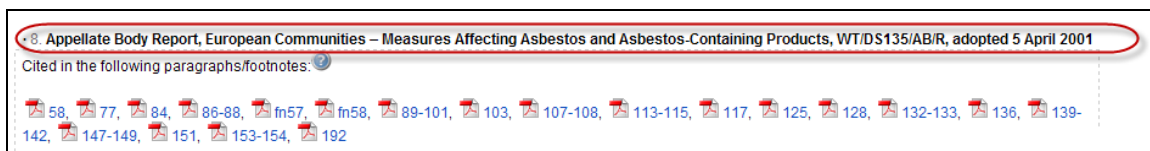
Pinpoint browsing of relevant paragraphs and footnotes

Jurisprudence Citator to "note up" the paragraphs and footnotes of this report (i.e., identify substantive references in subsequent WTO jurisprudence)

Extracts from reasoning and key findings (where relevant)

6.1. Full Citation

The integrated browser provides the full citation of all WTO jurisprudence documents so you can cut and paste the citation into your research document. If you would like to use a short title instead of the full citation, it is available from the "Short Titles" tool (discussed above).



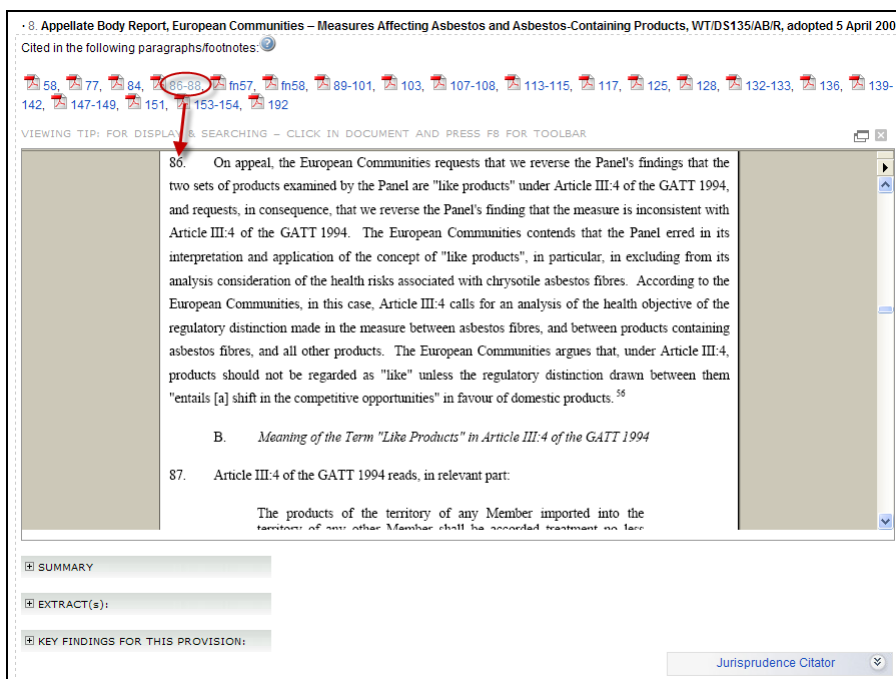
Appellate Body Report, European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, WT/DS135/AB/R, adopted 5 April 2001

Cited in the following paragraphs/footnotes:

58, 77, 84, 86-88, fn57, fn58, 89-101, 103, 107-108, 113-115, 117, 125, 128, 132-133, 136, 139-142, 147-149, 151, 153-154, 192

6.2. Pinpoint Browsing of Paragraphs and Footnotes

TradeLawGuide provides thousands of links to the relevant paragraphs and footnotes of WTO jurisprudence documents. Browsing these links efficiently is made possible by the pinpoint browsing function in the integrated browser.



Appellate Body Report, European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, WT/DS135/AB/R, adopted 5 April 2001

Cited in the following paragraphs/footnotes:

58, 77, 84, 86-88, fn57, fn58, 89-101, 103, 107-108, 113-115, 117, 125, 128, 132-133, 136, 139-142, 147-149, 151, 153-154, 192

VIEWING TIP: FOR DISPLAY, SEARCHING – CLICK IN DOCUMENT AND PRESS F8 FOR TOOLBAR

86. On appeal, the European Communities requests that we reverse the Panel's findings that the two sets of products examined by the Panel are "like products" under Article III:4 of the GATT 1994, and requests, in consequence, that we reverse the Panel's finding that the measure is inconsistent with Article III:4 of the GATT 1994. The European Communities contends that the Panel erred in its interpretation and application of the concept of "like products", in particular, in excluding from its analysis consideration of the health risks associated with chrysotile asbestos fibres. According to the European Communities, in this case, Article III:4 calls for an analysis of the health objective of the regulatory distinction made in the measure between asbestos fibres, and between products containing asbestos fibres, and all other products. The European Communities argues that, under Article III:4, products should not be regarded as "like" unless the regulatory distinction drawn between them "entails [a] shift in the competitive opportunities" in favour of domestic products.⁵⁶

B. *Meaning of the Term "Like Products" in Article III:4 of the GATT 1994*

87. Article III:4 of the GATT 1994 reads, in relevant part:

The products of the territory of any Member imported into the territory of any other Member shall be accorded treatment no less

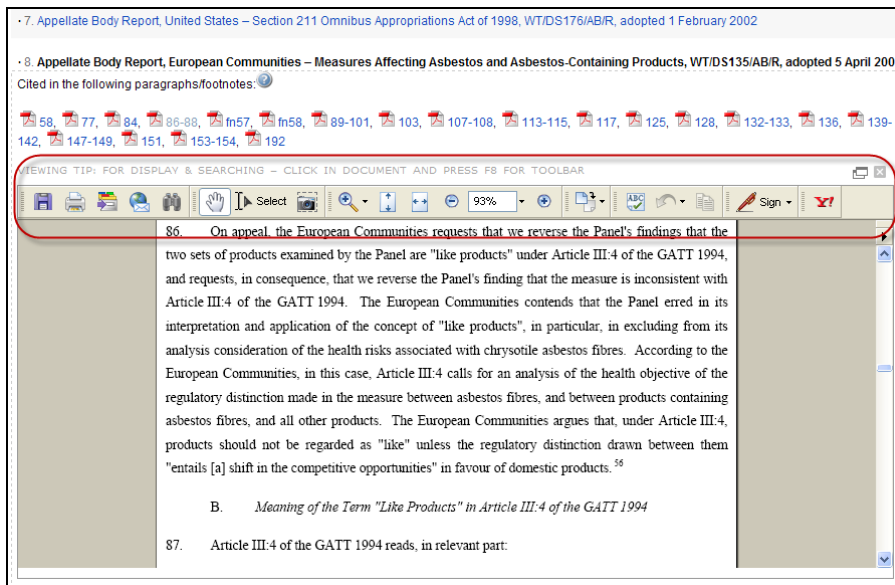
SUMMARY

EXTRACT(s):

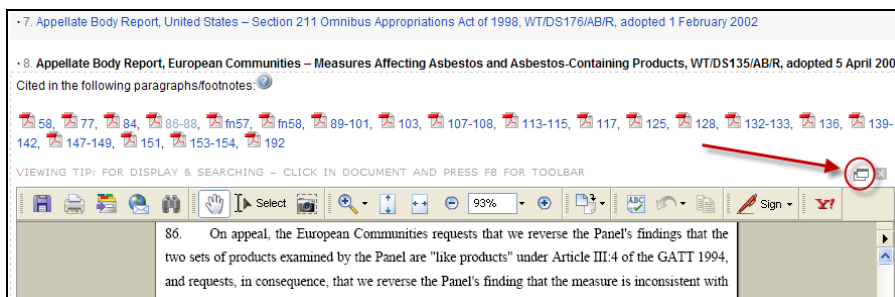
KEY FINDINGS FOR THIS PROVISION:

Jurisprudence Citator

Click in PDF Document then Click “F8” on your Keyboard for Full PDF Toolbar:



Open PDF Document into New Window:



6.3. Integrated Jurisprudence Citator

To enable you to “note up” the jurisprudence that is being displayed, the bottom right hand corner of the integrated browser has a link to the Jurisprudence Citator data for that report, award or decision. You can find all substantive references to the paragraphs and footnotes of that report, award or decision that are made in subsequent WTO jurisprudence. Please see a more detailed explanation of this tool in “Jurisprudence Citator”.

· 8. Appellate Body Report, European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, WT/DS135/AB/R, adopted 5 April 2001

Cited in the following paragraphs/footnotes:

58, 77, 84, 86-88, fn57, fn58, 89-101, 103, 107-108, 113-115, 117, 125, 128, 132-133, 136, 139-142, 147-149, 151, 153-154, 192

SUMMARY

EXTRACT(s):

KEY FINDINGS FOR THIS PROVISION:

Close Jurisprudence Citator

Appellate Body Report, European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, WT/DS135/AB/R, adopted 5 April 2001

SUMMARY

All references to this report, award or decision

References to specific paragraphs & footnotes of this report, award or decision

(*) - number of reports, awards, decisions referring to paragraph
* - referred on appeal (appealed panel reports only)

Footnote 48 (1)	Paragraph 84 (1)	Paragraph 139 (1)	Paragraph 154 (1)
Footnote 49 (1)	Paragraph 92 (4)	Paragraph 140 (1)	Paragraph 159 (1)
Paragraph 59 (1)	Paragraph 93 (2)	Paragraph 141 (1)	Paragraph 161 (10)
Paragraph 64 (4)	Paragraph 97 (1)	Paragraph 142 (1)	Paragraph 167 (2)
Paragraph 66 (2)	Paragraph 98 (2)	Paragraph 143 (1)	Paragraph 168 (5)
Paragraph 67 (3)	Paragraph 99 (5)	Paragraph 144 (1)	Paragraph 169 (1)

6.4. Concise Research Summary

A concise research summary of the main findings and conclusions is provided to enable you to ascertain the content of the WTO jurisprudence at the various paragraph ranges and whether the provision you are researching is a central part of the reasoning and analysis.

The summary is succinct and written at a high level of generality. It summarizes findings and conclusions in respect of both substantive and procedural claims. It does not detail legal reasoning or interpretations developed in the course of arriving at findings and conclusions.

In addition to providing an overview of the content of the document, where there are a large number of paragraph and footnote links, this will enable you to determine which links to click on first.

• 8. Appellate Body Report, European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, WT/DS135/AB/R, adopted 5 April 2001

Cited in the following paragraphs/footnotes: 

 58,  77,  84,  86-88,  fn57,  fn58,  89-101,  103,  107-108,  113-115,  117,  125,  128,  132-133,  136,  139-142,  147-149,  151,  153-154,  192

SUMMARY

The Appellate Body recalled the procedures it had adopted governing *amicus curiae* submissions (paras. 50-57). The Appellate Body reversed the Panel's finding that the TBT Agreement did not apply to the part of the Decree relating to the ban on imports of asbestos and asbestos-containing products because that part did not constitute a "technical regulation" within the meaning of Annex 1.1 to the TBT Agreement, and found that the measure, viewed as an integrated whole, did constitute a "technical regulation" under the TBT Agreement (paras. 59-83). The Appellate Body reversed the Panel's interpretation of "like products" under Article III:4 of GATT 1994, and reversed the Panel's finding that the measure was inconsistent with Article III:4 of the GATT 1994 (paras. 84-154). The Appellate Body upheld the Panel's finding that the measure at issue was "necessary to protect human ... life or health", within the meaning of Article XX(b) of GATT 1994, and found that the Panel acted consistently with Article 11 of the DSU (paras. 175-181). The Appellate Body found that the Panel did not act inconsistently with Article 11 of the DSU (paras. 176-181). The Appellate Body upheld the Panel's finding that measures justified under Article XX of GATT 1994 may nonetheless give rise to a cause of action under Article XXIII:1(b) of GATT 1994 (paras. 182-191).

EXTRACT(s):

KEY FINDINGS FOR THIS PROVISION:

Jurisprudence Citator 

6.5. Extracts from Reasons (where relevant)

Where there is considerable reasoning on a particular subject, key points from that reasoning may be extracted. The extracts are intended solely to assist you in quickly identifying information that is relevant to your research. Please consult the full text of the jurisprudence using the links provided. This function is most widely used in the Article Citator.

• 8. Appellate Body Report, European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, WT/DS135/AB/R, adopted 5 April 2001

Cited in the following paragraphs/footnotes: 

 58,  77,  84,  86-88,  fn57,  fn58,  89-101,  103,  107-108,  113-115,  117,  125,  128,  132-133,  136,  139-142,  147-149,  151,  153-154,  192

SUMMARY

EXTRACT(s):

Paragraph 89:

[W]hile the meaning attributed to the term "like products" in other provisions of the GATT 1994, or in other covered agreements, may be relevant context in interpreting Article III:4 of the GATT 1994, the interpretation of "like products" in Article III:4 need not be identical, in all respects, to those other meanings.

Paragraph 90:

Bearing these considerations in mind, we turn now to the ordinary meaning of the word "like" in the term "like products" in Article III:4. According to one dictionary, "like" means:

Having the same characteristics or qualities as some other ... thing; of approximately identical shape, size, etc., with something else; similar.

Paragraph 91:

This meaning suggests that "like" products are products that share a number of identical or similar characteristics or qualities. The reference to "similar" as a synonym of "like" also echoes the language of the French version of Article III:4 "produits similaires" and the Spanish version

6.6. Key Findings (where relevant):

Where key findings are made on a particular WTO provision, the Article Citator extracts those findings.

8. Appellate Body Report, European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, WT/DS135/AB/R, adopted 5 April 2001

Cited in the following paragraphs/footnotes:

58, 77, 84, 86-88, fn57, fn58, 89-101, 103, 107-108, 113-115, 117, 125, 128, 132-133, 136, 139-142, 147-149, 151, 153-154, 192

SUMMARY

EXTRACT(s):

KEY FINDINGS FOR THIS PROVISION:

The Appellate Body reversed the Panel's interpretation of "like products" under Article III:4 of GATT 1994, and reversed the Panel's finding that the measure was inconsistent with Article III:4 of the GATT 1994 (paras. 84-154).

[Jurisprudence Citator](#)

6.7. Links to Redacted Texts

The links to WTO jurisprudence documents are to redacted versions of the texts.

Redacted versions are limited to the introduction and "reasoning" sections of reports, awards and decisions (e.g., procedural issues, preliminary findings, interim review, findings, conclusions and recommendations). Parts of the texts containing solely argument or attachments that are outside of the reasoning sections are removed to reduce the size of the electronic files. These versions are also optimized for fast web viewing. The complete version of all reports, awards and decisions can be obtained by clicking on the "Jurisprudence" tool (see "Jurisprudence Tool").