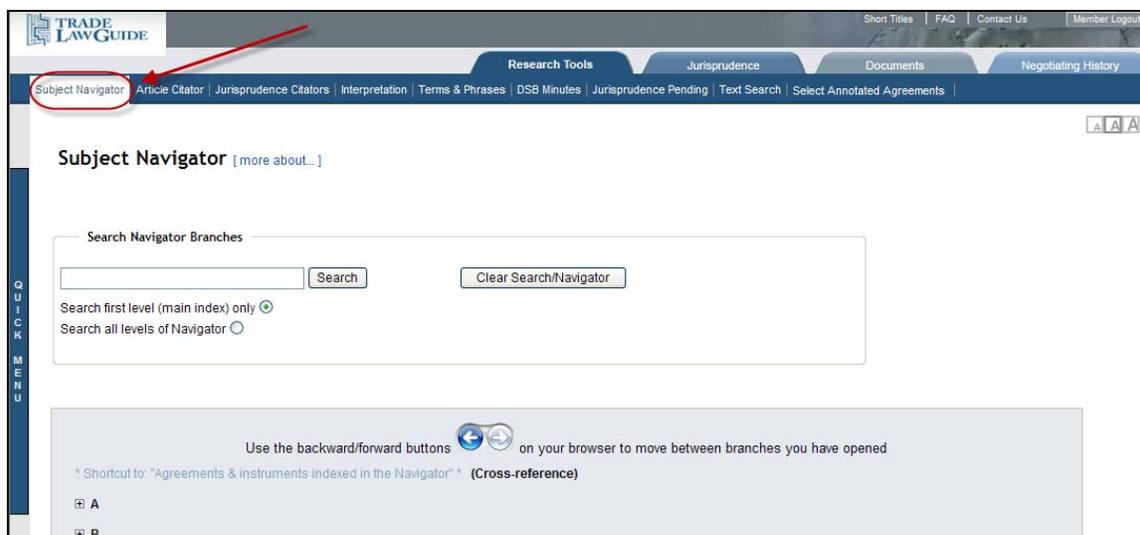


1.	Overview	1
2.	Index of Provisions of the Agreements & Instruments.....	2
2.1.	High Level of Granularity/Detail.....	2
2.2.	Subject-to-Provision-to-Jurisprudence	2
2.3.	Sub-index for Each Agreement and Instrument	2
2.4.	Agreement & Instrument Indices Aggregated at the First Level of the Navigator	4
2.5.	Electronic Textbook	6
3.	Index of Key Subjects not Related to Specific WTO Provisions	7
3.1.	Overview.....	7
3.2.	Integrated PDF Browser	8
3.2.1.	Full Citation	8
3.2.2.	Pinpoint Browsing of Paragraphs and Footnotes.....	9
3.2.3.	Integrated Jurisprudence Citator.....	10
3.2.4.	Concise Research Summary	10
3.2.5.	Extracts from Reasons (where relevant).....	11
4.	Researching a Subject that is Not Included in the Navigator	12
5.	Using the Navigator	12
5.1.	Tree/Branch Structure	12
5.2.	Using the Back/Forward Buttons on Your Browser.....	13
5.3.	You can Open the Text of an Agreement or Instrument in a Separate Window	13
5.4.	Searching the Navigator.....	14
5.5.	Clearing the Navigator and Search	14
5.6.	Cross-References.....	14
5.7.	Links to Redacted Texts.....	15

1. Overview

The Subject Navigator is an innovative index that serves as a gateway to the subject matter of the specific provisions of WTO agreements and instruments and of certain key subjects that do not fall within specific provisions (e.g., burden of proof).



Information is methodically indexed alphabetically and, for complex subject matter, it is presented in the form of an electronic textbook.

All content is linked to the texts of the agreements, instruments, jurisprudence or other documents.

If you do not know which provisions of the WTO agreements and instruments are relevant to your research or if you are researching a core subject that is not found in the provisions, the Subject Navigator is the best starting point for your research. In addition to identifying provisions that are directly relevant to your research, the Subject Navigator identifies provisions that address similar subject matter in other contexts that may be indirectly relevant to your research.

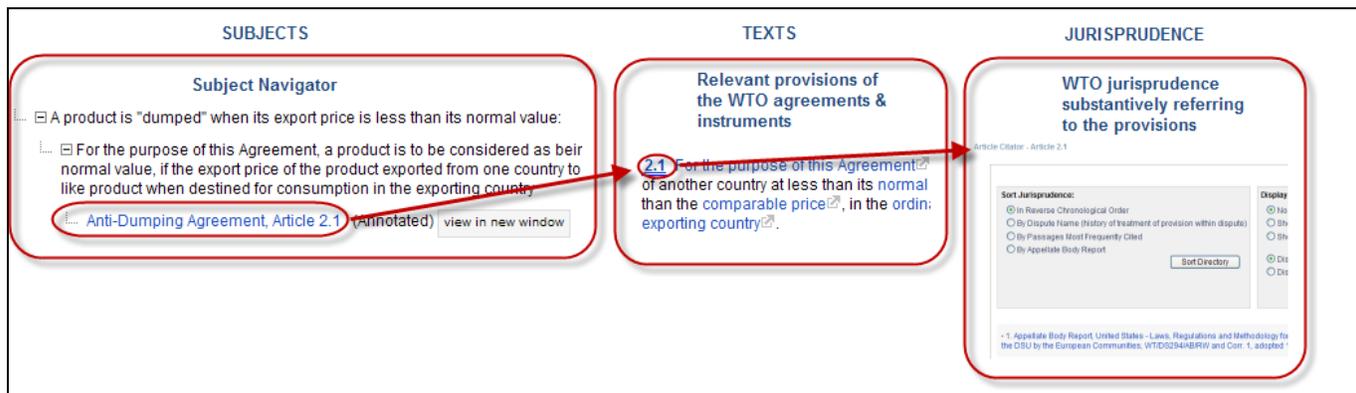
2. Index of Provisions of the Agreements & Instruments

2.1. High Level of Granularity/Detail

The Subject Navigator provides a detailed subject index of the provisions of the WTO agreements and instruments. The index has a very high level of granularity whereby subject matter is classified to the level of individual sentences in agreements.

2.2. Subject-to-Provision-to-Jurisprudence

The subjects link to the relevant provisions of the WTO agreements or instruments which, in turn, link to the WTO jurisprudence that substantively refers to those provisions.



This approach methodically indexes provisions by subject matter and jurisprudence by relevant provision.

2.3. Sub-index for Each Agreement and Instrument

The Navigator contains a detailed index for each WTO agreement and instrument. For a list of these indices, click on the shortcut at the top of the Navigator.



This will display a list of all indexed agreements and instruments.

- └─ **Agreements & instruments indexed in the Navigator**
 - └─ [TLG Editorial Note: Detailed indices \(by subject matter\) have been prepared to view the relevant document-specific index. These indices are consolidated instruments that are indexed by principal subject matter only.](#)
 - └─ [Agreement on Agriculture \(Cross-reference\)](#)
 - └─ [Agreement on Government Procurement \(Procurement Agreement\) \(Cross-reference\)](#)
 - └─ [Agreement on Implementation of Article VI of the General Agreement on Trade and Tariffs](#)
 - └─ [Agreement on Implementation of Article VII of the General Agreement on Trade and Tariffs](#)
 - └─ [Agreement on Import Licensing Procedures \(Import Licensing Agreement\)](#)
 - └─ [Agreement on Preshipment Inspection \(Cross-reference\)](#)
 - └─ [Agreement on Rules of Origin \(Cross-reference\)](#)
 - └─ [Agreement on Safeguards \(Cross-reference\)](#)
 - └─ [Agreement on Subsidies and Countervailing Measures \(SCM Agreement\)](#)

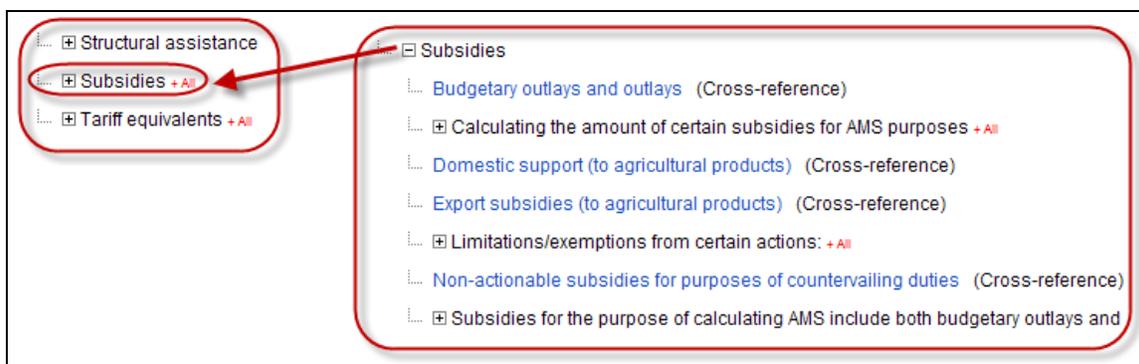
Clicking on the name of a particular agreement or instrument will take you to an index for that document. The initial view presents a link to the text of the document, branches that explain the scope of application of the agreement or instrument, and a branch that contains a subject index of that agreement or instrument.

- └─ **AGREEMENT ON AGRICULTURE**
 - └─ [Text \(Annotated\)](#) view in new window
 - └─ [Scope of application of the Agreement on Agriculture + All](#)
 - └─ [Subject index + All](#)

The subject index for the agreement or instrument is very detailed.

- └─ **Subject index**
 - └─ [Aggregate measurement of support \(AMS\) + All](#)
 - └─ [Agricultural products + All](#)
 - └─ [Annexes + All](#)
 - └─ [Balance-of-payments \(Cross-reference\)](#)
 - └─ [Budgetary outlays and outlays + All](#)
 - └─ [Burden of proof + All](#)
 - └─ [Charges + All](#)
 - └─ [Circumvention + All](#)
 - └─ [Committee on Agriculture + All](#)
 - └─ [Conservation + All](#)

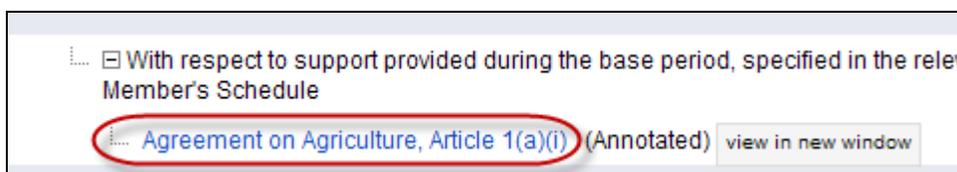
It aggregates common subject matter addressed within the agreement or instrument.



As you open branches the subject matter is narrowed and more detail is provided.



There is a link to the relevant provision at the end of each thread of branches.



The link will take you to the relevant text which will either be fully annotated or will have a link to the Article Citator for that provision. The annotations and/or Article Citator provide links to all relevant jurisprudence. For more information on this content, please see “Annotated Agreements” and “Article Citator”.

2.4. Agreement & Instrument Indices Aggregated at the First Level of the Navigator

The first level of the Navigator aggregates all common subject matter in the individual indices for the agreements and instruments.

- [-] A
 - [-] Abandoned Claims + All
 - [-] Abuse of discretion (failure of a panel to conduct an obj
 - [-] Abuse of intellectual property rights (Cross-reference)
 - [-] Abuse of rights / *abus de droit* principle (a state is proh
 - [-] Abusive litigation techniques + All
 - [-] Acceptance, entry into force and deposit + All
 - [-] Accession + All
 - [-] Accountancy sector (services) (Cross-reference)
 - [-] Acquiescence (silence or inaction to a foreign claim tha
 - [-] Acquisition and maintenance of intellectual property rights
 - [-] Actionable subsidies (Cross-reference)
 - [-] Adjustments/allowances + All
 - [-] Adoption (of panel and Appellate Body reports) + All
 - [-] *Ad personam* basis + All

Individual subjects are indexed by agreement or instrument and, where the subject matter is complex, by subject.

- [-] [-] Anti-dumping measures and duties
 - [-] [-] By subject + All
 - [-] [-] By agreement & instrument + All

- [-] [-] By agreement & instrument
 - [-] Agreement on Textiles and Clothing (terminated 1 J
 - [-] **Anti-Dumping Agreement** (Cross-reference)
 - [-] Agreement on Rules of Origin (Cross-reference)
 - [-] Customs Valuation Agreement (Cross-reference)
 - [-] Decision on Anti-circumvention (Cross-reference)
 - [-] Decision on Notification Procedures (Cross-refere
 - [-] Decision on Review of Article 17.6 of the Anti-Dump
 - [-] Declaration on Dispute Settlement (Cross-referen
 - [-] GATT 1994 (Cross-reference)

- ... By subject
 - ... **Subject index for the Anti-Dumping Agreement**
 - * Items indexed below consolidate those issues that the Anti-Dumping Agreement addresses the same issues, cross-referenced to the relevant subject. For more information, please view the Anti-Dumping Agreement's subject index.
 - ... Circumvention of anti-dumping duty measures (Cross-reference)
 - ... Committee on Anti-dumping Practices (Cross-reference)
 - ... Condemnation of dumping (Cross-reference)
 - ... Customs valuation procedures should not be used to determine normal value (Cross-reference)
 - ... Dispute settlement + All
 - ... Dumping (meaning/determination of) + All
 - ... Duties (anti-dumping duties) + All
 - ... Hidden dumping + All
 - ... Injury (meaning/determination of) + All

This enables you to look across the agreements and instruments when conducting your research to identify provisions and jurisprudence that are directly relevant and those that may be contextually relevant.

2.5. Electronic Textbook

In addition to organizing subjects alphabetically, complex subjects are organized like an electronic textbook. For example:

- ... Determination of dumping
 - ... A product is "dumped" when its export price is less than its normal value + All
 - ... Export price + All
 - ... Normal value + All
 - ... Fair comparison between export price and normal value + All
 - ... Margins of dumping + All
 - ... Indirect imports + All
 - ... Like product (meaning of) + All
 - ... State monopolies + All

- └─ Sequential application of valuation methods
 - └─ Article 1 - Transaction value of the imported goods/goods being valued (Cross-reference)
 - └─ Article 2 - Transaction value of identical goods sold for export to the same country of importation (Cross-reference)
 - └─ Article 3 - Transaction value of similar goods sold for export to the same country of importation (Cross-reference)
 - └─ Article 5 - Deductive value (Cross-reference)
 - └─ Article 6 - Computed value (Cross-reference)
 - └─ Article 7 - Reasonable means and available data (Cross-reference)
 - └─ Articles 1 through 7 define how the customs value of imported goods is to be determined under the provisions of t
 - └─ The methods of valuation are set out in a sequential order of application + All
 - └─ The primary method for customs valuation is defined in Article 1 and imported goods are to be valued in accordan whenever the conditions prescribed therein are fulfilled + All
 - └─ Where the customs value cannot be determined under the provisions of Article 1, it is to be determined by proceed Articles to the first such Article under which the customs value can be determined + All
 - └─ Except as provided in Article 4, it is only when the customs value cannot be determined under the provisions of a p next Article in the sequence can be used + All
 - └─ Article 4 - If the customs value of the imported goods cannot be determined under the provisions of Articles 1, 2 an under the provisions of Article 5 or, when the customs value cannot be determined under that Article, under the provi of the importer, the order of application of Articles 5 and 6 shall be reversed + All
 - └─ If the importer does not request that the order of Articles 5 and 6 be reversed, the normal order of the sequence is
 - └─ If the importer does so request but it then proves impossible to determine the customs value under the provisions determined under the provisions of Article 5, if it can be so determined + All
 - └─ Where the customs value cannot be determined under the provisions of Articles 1 through 6 it is to be determined

3. Index of Key Subjects not Related to Specific WTO Provisions

3.1. Overview

Certain key subject matter that does not originate in a provision of a WTO agreement or instrument (e.g., burden of proof) has been addressed in detail in WTO jurisprudence. To accelerate your research, the Navigator has indexed this material.

- └─ Burden of proof
 - └─ Burden of proof - general + All
 - └─ Burden of proof in *prima facie* cases
 - └─ Special cases for burden of proof + All
 - └─ Agreement on Agriculture (Cross-refer

In such cases, Navigator content is linked directly to the relevant parts of the texts of the reports, decisions, awards, and other referenced documents.

Burden of proof
 Burden of proof - general
 The burden of proof is a procedural concept which speaks to the and is not to be confused with, the drawing of inferences from facts
 The burden of proof rests upon the party, whether complaining or
 Each party bears the burden of proving the facts that it asserts in

[Japan – Measures Affecting the Importation of Apples \(DS245\)](#)
Appellate Body Report, Japan – Measures Affecting the I
 PARAGRAPH(s):
 154, 157
 [+]
 SUMMARY
 [+]
 EXTRACT(s):

[United States – Measures Affecting the Cross-Border Supply of](#)
 There is nothing in the WTO dispute settlement system to support comparison between the respective difficulties that may possibly b
 All
 The nature and scope of arguments and evidence required to s

3.2. Integrated PDF Browser

The jurisprudence is displayed in the TradeLawGuide integrated browser.

Concise research summary to identify content at various paragraph ranges
 Full citation
 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:
 Jurisprudence Citator to "note up" the paragraphs and footnotes of this report (i.e., identify substantive references in subsequent WTO jurisprudence)
 Jurisprudence Citator
 Extracts from reasoning and key findings (where relevant)

3.2.1. 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).

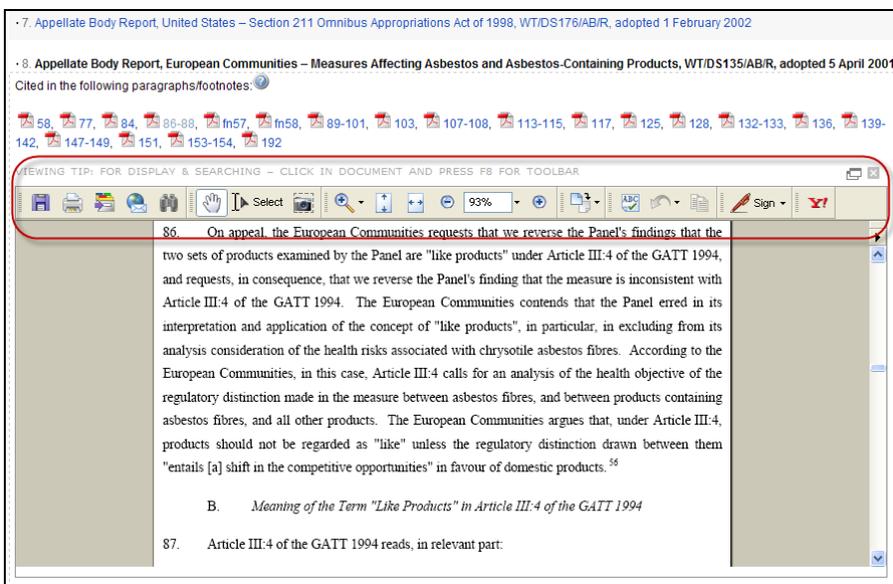
Appellate Body Report, European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, WT/DS135/AB/R, adopted 5 April 2001
 Cited in the following paragraphs/footnotes:
 58, 77, 84, 86-88, fn57, fn58, 89-101, 103, 107-108, 113-115, 117, 125, 128, 132-133, 136, 139-142, 147-149, 151, 153-154, 192

3.2.2. Pinpoint Browsing of Paragraphs and Footnotes

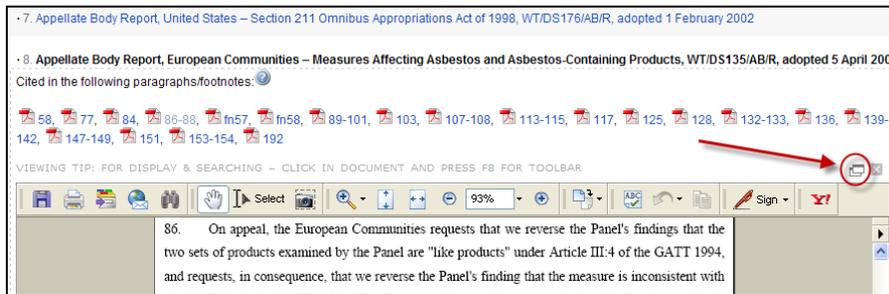
TradeLawGuide provides thousands of links to the relevant paragraphs and footnotes of WTO jurisprudence documents. Browsing these links efficiently is made possible by the pinpoint browsing function in the integrated browser.



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

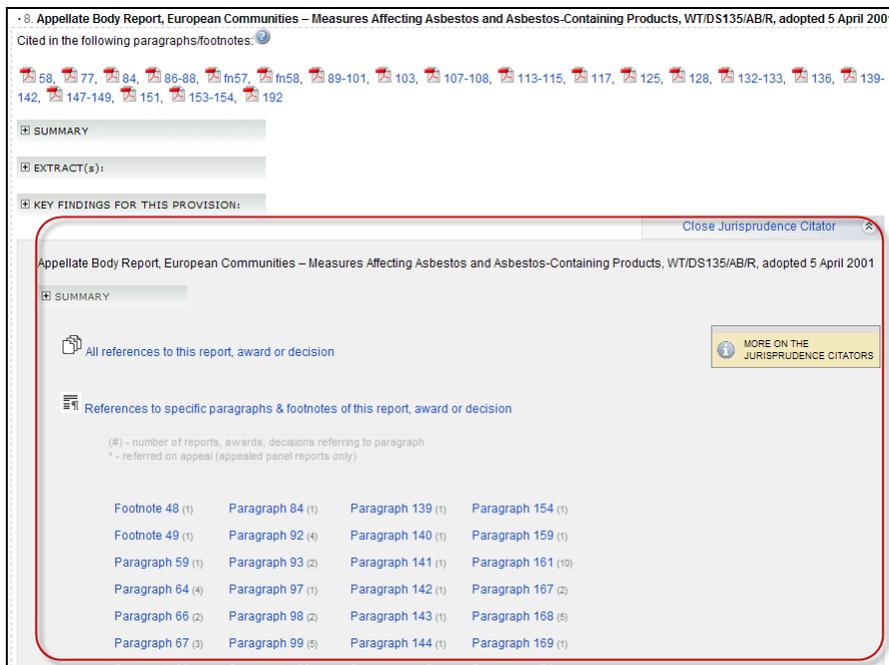


Open PDF Document into New Window:



3.2.3. 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”.



3.2.4. 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 in reaching this conclusion (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 Citorator](#) 

3.2.5. 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.

· 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

4. Researching a Subject that is Not Included in the Navigator

The Navigator indexes the provisions of the WTO agreements and instruments and approximately 60 other subjects that are not linked to a specific provision for which there is considerable WTO jurisprudence.

We have not indexed all subjects addressed in WTO jurisprudence that are not linked to specific WTO provisions. Subjects addressed in WTO jurisprudence that are not indexed in the Navigator can be efficiently researched using the full text search (see "Text Search").

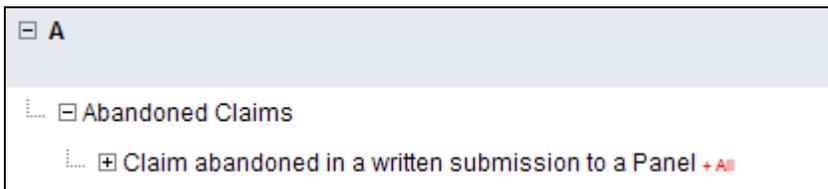
If you identify a subject that has considerable WTO jurisprudence that is not included in the Navigator, please let us know and we will include it in the Navigator in order to improve the efficiency of your future research.

5. Using the Navigator

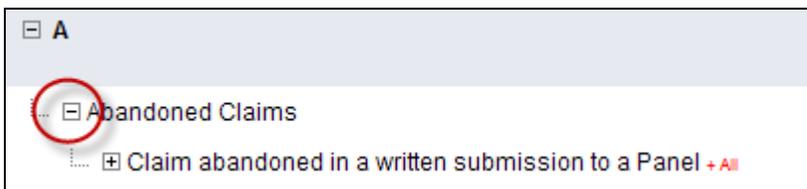
5.1. Tree/Branch Structure

The content of the Navigator is organized in a tree/branch structure. The first level of the Navigator comprises the general subject headings which are organized in alphabetical order. As you open the branches, each additional level provides more detail.

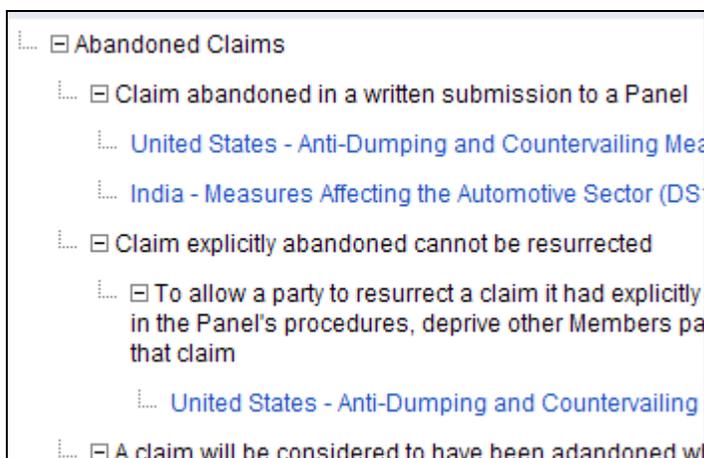
If you click on a [+] sign, a Tree/Branch will open:



If you click on a [-], a Tree/Branch will close:



If you click on a [+ All], all of the children under the parent branch in question will open (**caution: there may be a short delay if there is a large amount of data indexed under the branch**):



5.2. Using the Back/Forward Buttons on Your Browser

Use the back/forward buttons on your browser to help you navigate through the branches.



If a thread that you open does not lead you in the right direction, click “back” until you return to a more general subject that provides options to move in other directions.

5.3. You can Open the Text of an Agreement or Instrument in a Separate Window

At your option, you can open the text of the agreement or instrument in the window you are working in (click on the highlighted text) or open it in a separate window (click on “view in new window”).

Each Party shall provide its challenge procedures in writing and make them generally available
 [Procurement Agreement, Article XX:3](#) (Text) [view in new window](#)

5.4. Searching the Navigator

The Navigator includes a search function that enables you to search the first level of the Navigator (which aggregates subject matter under general headings) or all levels of the Navigator.

Search Navigator Branches

Search first level (main index) only

Search all levels of Navigator

It is more efficient to first search the first level of the Navigator. If that search does not yield the desired results, search all levels of the Navigator.

5.5. Clearing the Navigator and Search

To clear a search or close the branches you have opened in the Navigator, click on the “Clear Search/Navigator” button.

Search Navigator Branches

Search first level (main index) only

Search all levels of Navigator

5.6. Cross-References

Cross-references are utilized to link to related subjects and between subjects that have more than one subject name.

Anti-dumping measures and duties

By subject + All

By agreement & instrument + All

[See also "Countervailing measures and duties"](#) (Cross-reference)

Conflicts clause/conflicts between provisions & agreements

[See "Relationships between different WTO agreements/instruments"](#) (Cross-reference)

[See "Relationships between WTO agreements/instruments & other international agreements"](#) (Cross-reference)

5.7. 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").