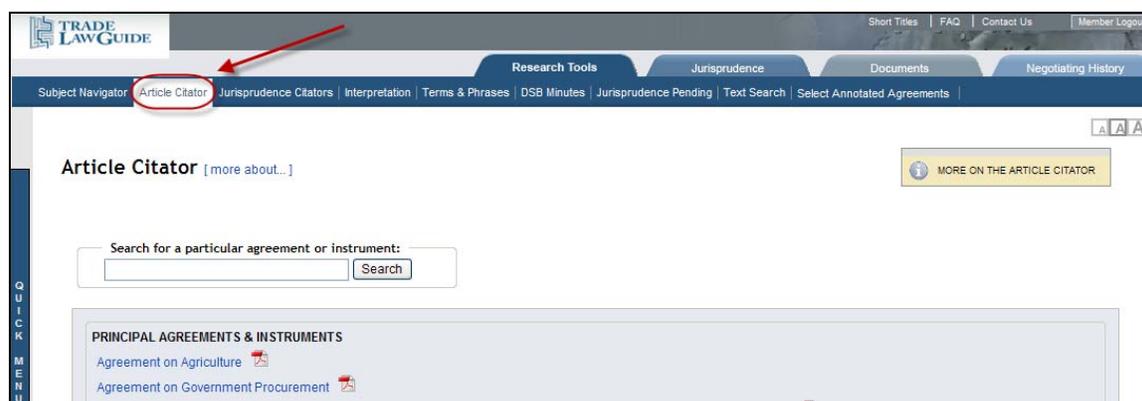


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1. Overview

The Article Citator provides value-added references made in WTO jurisprudence to specific provisions in 72 agreements and instruments. Single click pinpoint access enables you to quickly browse through these references.



The purpose of the Article Citator is to provide you with access to WTO jurisprudence relevant to a provision without having it filtered through annotations. In this way, it enables you to undertake more comprehensive research and substantially reduces the possibility that you will miss relevant jurisprudence on a particular point of WTO law.

The Article Citator is also helpful when researching issues that might be addressed in the periphery of existing jurisprudence. You can also quickly find references to provisions that are not readily apparent because they are made in the context of analysis and reasoning concerning other provisions.

2. The Article Citator Dataset

2.1. Value-Added References

Information contained in the Article Citator is captured using a process developed to improve the efficiency of this tool and, therefore, of your research.

References included in the Article Citator are restricted to those that have been made or relied upon by the decision-maker and thereby provide value-added information. They are limited to references in "reasoning" sections of reports, awards and decisions (e.g., procedural issues, preliminary findings, interim review, findings, conclusions and recommendations). References made solely in argument outside of the reasoning sections are omitted.

To avoid clutter and improve the efficiency of your research, certain other references are also excluded. These include references made in the context of restating the arguments of the parties (some are nonetheless included where they provide helpful context), references made in the context of recalling the procedural and factual history of the dispute, references contained within quotations and references that otherwise fall outside of the legal analysis of the Appellate Body, panel, or arbitrator.

References contained in quotations from other reports, awards and decisions are omitted to avoid redundancy because such references are included in the Article Citator data for the original report, award and decision. Subsequent quotations of these references can be researched using the Jurisprudence Citator.

Despite the exclusion of select references in specific circumstances, references have generally been included so as to err on the side of inclusiveness and to provide you with a thorough research tool.

To further simplify your research, where an entire sub-section of a report, award or decision concerns a particular provision, a range of paragraphs may be used which includes paragraphs that do not explicitly reference the cited provision rather than listing each individual reference. This approach has been used sparingly in order to maximize the pinpoint benefit of the Article Citator. In most instances, every paragraph in a specified range will contain a reference to the provision in question.

2.2. References are Provision-Specific

The Article Citator data is specific to the provision in question. For example, the data for "Article 3" of the Anti-dumping Agreement displays only those references to Article 3 of the Anti-dumping Agreement that do not reference any of the paragraphs or sub-paragraphs of Article 3 (e.g., Article 3.1, 3.2, etc.). Thus, a reference to Article 3 is captured but not a reference to paragraph 1 of Article 3 or Article 3.1. For these latter references you need to consult the Article Citator for Article 3.1.

If you wish to fully research a sub-provision, you should view the higher level Article Citator entries for the provision as a whole (e.g., if you are researching Article 2.1.1, you should also research Article 2.1 and Article 2).

2.3. References that are Difficult to Find Using a Full Text Search

The Article Citator captures references that are difficult to find using a full text search. For instance, the Article Citator captures all forms of Article 3.2 of an agreement, that is, "paragraph 2 of Article 3", "Article 3, paragraph 2" and "paragraphs 1 through 3 of Article 3" and it takes you directly to those references with a single click.

3. Selecting an Agreement or Instrument and Provision

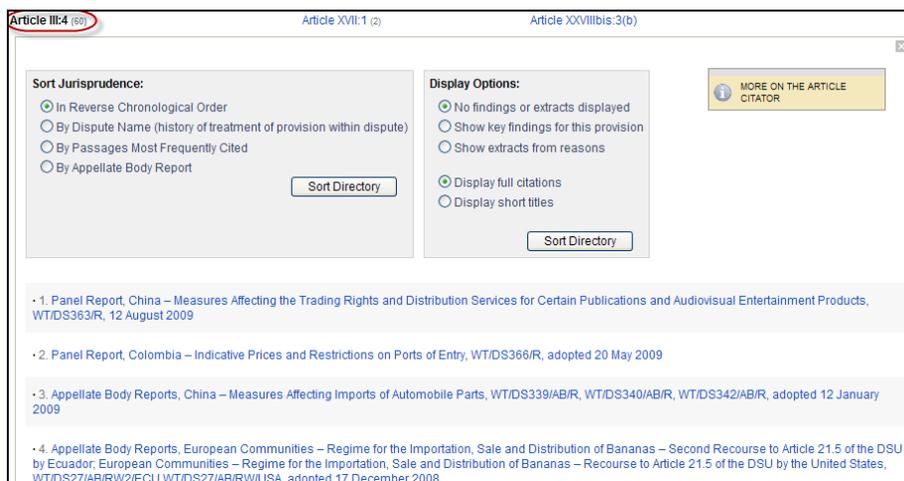
The Article Citator lists 72 agreements and instruments. Click on the highlighted text for the Article Citator data and on the PDF icon for a PDF version of the text of the agreement or instrument.



When you click on the article citator data, all of the provisions of the agreement or instrument are listed. Where a provision has been referred to substantively in WTO jurisprudence, the number of reports, awards or decisions substantively referring to the provision is indicated in brackets.



Just click on the relevant provision to get the Article Citator data for that provision.



The screenshot shows the Article Citator interface with three search filters: Article III:4 (69), Article XVII:1 (2), and Article XXVIIIbis:3(b). The interface includes two filter panels: 'Sort Jurisprudence' and 'Display Options'. The 'Sort Jurisprudence' panel has four radio button options: 'In Reverse Chronological Order' (selected), 'By Dispute Name (history of treatment of provision within dispute)', 'By Passages Most Frequently Cited', and 'By Appellate Body Report'. The 'Display Options' panel has four radio button options: 'No findings or extracts displayed' (selected), 'Show key findings for this provision', 'Show extracts from reasons', and 'Display full citations'. A 'Sort Directory' button is present in both panels. Below the filters is a list of results with four entries, each starting with a blue dot and a link to a report.

4. The Article Citator Tools

The Article Citator provides several tools to enable you to efficiently review its considerable dataset.

4.1. Sort Jurisprudence

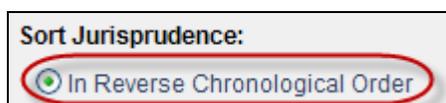
The Article Citator provides four options for sorting data for the jurisprudence that cites a provision: (i) "reverse chronological order" shows you the most recent jurisprudence concerning a provision; (ii) "by dispute" so you can follow the interpretation of a provision through the dispute's various phases (e.g., panel, appeal, compliance panel, appeal); (iii) "by passages most frequently cited" to give you an indication of the importance of a particular paragraph or footnote reference in the citator; and (iv) "by Appellate Body Report".



This close-up shows the 'Sort Jurisprudence' section with four radio button options. The first option, 'In Reverse Chronological Order', is selected and circled in red. The other options are 'By Dispute Name (history of treatment of provision within dispute)', 'By Passages Most Frequently Cited', and 'By Appellate Body Report'. A 'Sort Directory' button is located at the bottom right of the panel.

Just select an option and click on "Sort Directory".

4.1.1. Reverse Chronological Order (default sort)



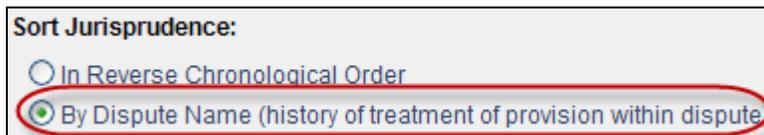
This close-up shows the 'Sort Jurisprudence' section with the 'In Reverse Chronological Order' option selected and circled in red.

When you first open the Article Citator for a provision, the jurisprudence is sorted in reverse chronological order with the most recent jurisprudence that substantively cites a provision listed at the top. Jurisprudence is sorted by date of circulation to the WTO Members.



The screenshot shows two control panels. The 'Sort Jurisprudence' panel has four radio buttons: 'In Reverse Chronological Order' (selected), 'By Dispute Name (history of treatment of provision within dispute)', 'By Passages Most Frequently Cited', and 'By Appellate Body Report'. A 'Sort Directory' button is below. The 'Display Options' panel has four radio buttons: 'No findings or extracts displayed' (selected), 'Show key findings for this provision', 'Show extracts from reasons', and 'Display full citations'. A 'Sort Directory' button is below. A red arrow points from the text 'Most recent report, award or decision substantively citing the provision' to the first item in the list: '1. Panel Report, China – Measures Affecting the Trading Rights and Distribution Services for Certain Publications and... WT/DS363/R, 12 August 2009'.

4.1.2. By Dispute Name (history of treatment of provision within dispute)



A close-up of the 'Sort Jurisprudence' panel. The radio button for 'By Dispute Name (history of treatment of provision within dispute)' is selected and circled in red. The other options are 'In Reverse Chronological Order', 'By Passages Most Frequently Cited', and 'By Appellate Body Report'.

Sort "By Dispute Name" in order to follow the interpretation of a provision through a dispute's various phases (e.g., panel, appeal, compliance panel, appeal). Data is displayed in reverse chronological order where there is a panel and Appellate Body report or a series of panel and/or Appellate Body reports that address the same provision. This enables you to ascertain the progressive interpretation of the provision throughout the course of the dispute including elements of panel reasoning that have been modified or overturned on appeal.

12. European Communities - Measures Affecting Asbestos and Asbestos-Containing Products (DS135)

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

Panel Report, European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, WT/DS135/R and Add.1, adopted 5 April 2001, as modified by the Appellate Body Report, WT/DS135/AB/R

Cited in the following paragraphs/footnotes:

7.7, 8.78, 8.80, 8.83-8.87, fn63,SectionVIII, 8.90, 8.95, 8.98-8.100, fn72,SectionVIII, 8.103, 8.105, 8.107, fn81,SectionVIII, 8.108, 8.113, 8.119-8.122, 8.124, fn95,SectionVIII, 8.134, 8.139, fn103,SectionVIII, 8.144, 8.149-8.150, 8.154, 8.157-8.159, fn112,SectionVIII, 8.166, 8.213, 8.225, 8.227-8.228, fn199,SectionVIII, 8.241, 8.261, 8.263, 9.1

SUMMARY

KEY FINDINGS FOR THIS PROVISION:

The Panel addressed the relationship between Articles III:4 and XI of GATT 1994 (paras. 8.83-8.100). The Panel found that the European Communities had acted inconsistently with Article III:4 of GATT 1994 (paras. 8.101-8.158).

Jurisprudence Citator

4.1.3. By Passages Most Frequently Cited

Sort Jurisprudence:

In Reverse Chronological Order

By Dispute Name (history of treatment of provision within dispute)

By Passages Most Frequently Cited

The results of the "By Passages Most Frequently Cited" sort option are created by combining data from the Article Citator and the Jurisprudence Citator. Where there is a reference in the Article Citator to a paragraph or footnote in WTO jurisprudence, that paragraph or footnote is ranked in accordance with the Jurisprudence Citator data for that specific paragraph or footnote. The more frequently a paragraph or footnote is referred to in the Jurisprudence Citator, the higher it is ranked.

Thus, this sort option provides an indication of the importance of a particular paragraph or footnote referenced in the Article Citator. This sort option is most helpful where there is considerable jurisprudence citing a particular provision. It can accelerate your research by indicating which passages should be examined first.

There are two limitations to this option.

First, passages are only ranked where they have an explicit reference to the provision in question. The Article Citator captures explicit references to WTO provisions (e.g., Article 1). If paragraph 7.20 of a report explicitly references Article 1, it will be captured in the Article Citator data. If paragraph 7.21 of the same report elaborates upon Article 1 but does not explicitly refer to it, it will not be captured in the Article Citator data. The one exception is where the paragraph elaborating upon the provision is included in a range cited in the Article Citator (e.g., 7.20-7.22 would capture 7.21). Thus, it is possible that a paragraph of a report is frequently referred to in the context of a provision but is not presented in this data sort.

The second limitation relates to the substantive content of a passage. A passage may explicitly reference a provision but may be subsequently referred to in another context. For example, paragraph 61 of the Appellate Body report in *United States – Gasoline*, explicitly refers to GATT Article III:4 and is subsequently referred to 62 times. However, it is primarily referred to in the context of the principle of effective treaty interpretation rather than Article III:4.

4.1.4. By Appellate Body Report



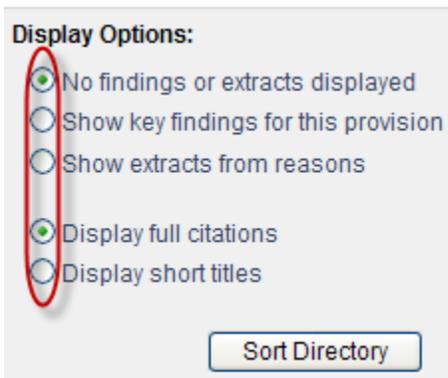
Sort Jurisprudence:

- In Reverse Chronological Order
- By Dispute Name (history of treatment of provision within dispute)
- By Passages Most Frequently Cited
- By Appellate Body Report

Sorting "By Appellate Body Report" displays only the Appellate Body reports in reverse chronological order.

4.2. Display Options

When the data is sorted "In Reverse Chronological Order" or "By Appellate Body Report", four display options are provided: (i) no findings or extracts displayed; (ii) show key findings for this provision; (iii) show extracts from reasons; and (iv) display full citations/short titles.



Display Options:

- No findings or extracts displayed
- Show key findings for this provision
- Show extracts from reasons
- Display full citations
- Display short titles

Sort Directory

Just select an option and click on "Sort Directory".

4.2.1. No findings or extracts displayed

Display Options:

No findings or extracts displayed

The default display is “No findings or extracts displayed”. This option displays simply the citations of the jurisprudence.

<p>Sort Jurisprudence:</p> <p><input checked="" type="radio"/> In Reverse Chronological Order</p> <p><input type="radio"/> By Dispute Name (history of treatment of provision within dispute)</p> <p><input type="radio"/> By Passages Most Frequently Cited</p> <p><input type="radio"/> By Appellate Body Report</p> <p style="text-align: right;">Sort Directory</p>	<p>Display Options:</p> <p><input checked="" type="radio"/> No findings or extracts displayed</p> <p><input type="radio"/> Show key findings for this provision</p> <p><input type="radio"/> Show extracts from reasons</p> <p><input checked="" type="radio"/> Display full citations</p> <p><input type="radio"/> Display short titles</p> <p style="text-align: right;">Sort Directory</p>	<p>MORE ON THE ARTICLE CITATOR</p>
<p>1. Panel Report, China – Measures Affecting the Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products, WT/DS363/R, 12 August 2009</p> <p>2. Panel Report, Colombia – Indicative Prices and Restrictions on Ports of Entry, WT/DS366/R, adopted 20 May 2009</p> <p>3. Appellate Body Reports, China – Measures Affecting Imports of Automobile Parts, WT/DS339/AB/R, WT/DS340/AB/R, WT/DS342/AB/R, adopted 12 January 2009</p> <p>4. Appellate Body Reports, European Communities – Regime for the Importation, Sale and Distribution of Bananas – Second Recourse to Article 21.5 of the DSU by Ecuador; European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Article 21.5 of the DSU by the United States, WT/DS27/AB/RW2/ECU WT/DS27/AB/RW/USA, adopted 17 December 2008</p>		

4.2.2. Show key findings for this provision

Display Options:

No findings or extracts displayed

Show key findings for this provision

The "Show key findings for this provision" option displays the findings included in the Summary that pertain to the provision in question. By selecting this option you can immediately identify which jurisprudence provides specific findings relating to the provision you are researching and the nature of those findings.

· 1. Panel Report, China – Measures Affecting the Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products, WT/DS363/R, 12 August 2009

On reading materials, the Panel found that Article 3 and 4 of the *Imported Publications Subscription Rule*, as they apply to newspapers and periodical but not certain book, are inconsistent with Article III:4 of the GATT 1994 (paras. 7.1478-7.1498; 7.1512-7.1539). The Panel also found that Article 2 of the *Publications (Sub-) Distribution Rule*, read in conjunction with Article 16 of the *Publication Market Rule*, is inconsistent with China's obligations under Article III:4 of the GATT 1994 (paras. 7.1501-7.1506; 7.1540-7.1545). On sound recordings, the Panel found that the U.S. had not established that Article 16 of the *Internet Culture Rule* and Article 9 and Appendix 2 of the *Network Music Opinions* were inconsistent with China's obligations under Article III:4 of the GATT 1994 (paras. 7.1557-7.1654). On films for theatrical release, the Panel found that the U.S. did not establish that the *Film Regulation, Film Distribution and Exhibition Rule*, and *Film Enterprise Rule*, taken together, are inconsistent with Article III:4 of the GATT 1994 (paras. 7.1670-7.1694).

· 2. Panel Report, Colombia – Indicative Prices and Restrictions on Ports of Entry, WT/DS366/R, adopted 20 May 2009

· 3. Appellate Body Reports, China – Measures Affecting Imports of Automobile Parts, WT/DS339/AB/R, WT/DS340/AB/R, WT/DS342/AB/R, adopted 12 January 2009

The Appellate Body upheld the findings of the panels that measures relating to imported auto parts in general were inconsistent with Article III:4 of the GATT 1994 in that they accorded imported auto parts less favourable treatment than like domestic auto parts (paras. 187-197).

· 4. Appellate Body Reports, European Communities – Regime for the Importation, Sale and Distribution of Bananas – Second Recourse to Article 21.5 of the DSU

4.2.3. Show extracts from reasons

Display Options:

No findings or extracts displayed

Show key findings for this provision

Show extracts from reasons

The "Show extracts for this provision" option displays the Extracts of particularly relevant statements made concerning the provision in question, irrespective of whether there were actual findings made in respect of that provision. Accordingly, there may be "extracts" to view even if there are no "key findings" to view.

· 1. Panel Report, China – Measures Affecting the Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products, WT/DS363/R, 12 August 2009

Paragraph 7.1442 :

The Appellate Body has clarified that three elements must be satisfied to establish a violation of Article III:4: (i) the imported and domestic products at issue are "like products"; (ii) the measure at issue is a "law, regulation, or requirement affecting their internal sale, offering for sale, purchase, transportation, distribution, or use"; and (iii) the imported products are accorded "less favourable" treatment than that accorded to like domestic products. For Article III:4 to apply two things are first required. First the domestic and imported products must be "like". Second, the law, regulation, or requirement must "affect" the internal sale, offering for sale, purchase, transportation, distribution, or use of the like products. Only once those two elements are established does the obligation to afford no less favourable treatment apply.

Paragraph 7.1445:

The approach for determining "likeness" has, in the main, consisted of employing four general criteria: "(i) the properties, nature and quality of the products; (ii) the end-uses of the products; (iii) consumers' tastes and habits - more comprehensively termed consumers' perceptions and behaviour - in respect of the products; and (iv) the tariff classification of the products." A determination of "likeness" under Article III:4 of the GATT 1994 is "fundamentally, a determination about the nature and extent of a competitive relationship between and among products."

Paragraph 7.1446:

4.2.4. Display full citations/short titles

Display Options:

No findings or extracts displayed

Show key findings for this provision

Show extracts from reasons

Display full citations

Display short titles

The default setting is to display the full citations of the WTO jurisprudence.

- 1. Panel Report, China – Measures Affecting the Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products, WT/DS363/R, 12 August 2009
- 2. Panel Report, Colombia – Indicative Prices and Restrictions on Ports of Entry, WT/DS366/R, adopted 20 May 2009
- 3. Appellate Body Reports, China – Measures Affecting Imports of Automobile Parts, WT/DS339/AB/R, WT/DS340/AB/R, WT/DS342/AB/R, adopted 12 January 2009
- 4. Appellate Body Reports, European Communities – Regime for the Importation, Sale and Distribution of Bananas – Second Recourse to Article 21.5 of the DSU by Ecuador, European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Article 21.5 of the DSU by the United States, WT/DS27/AB/RW2/EU WT/DS27/AB/RW/USA, adopted 17 December 2008
- 5. Award of the Arbitrator, Brazil – Measures Affecting Imports of Retreaded Tyres - Arbitration under Article 21.3(c) of the DSU, WT/DS332/16, 29 August 2008

You can chose to display the short titles.

Display Options:

No findings or extracts displayed

Show key findings for this provision

Show extracts from reasons

Display full citations

Display short titles

The data is taken from the “Short Titles” tool. For a description of the dataset for that tool, please see the document entitled “Getting Started on TradeLawGuide”.

- 1. China – AV Products
- 2. Colombia – Ports of Entry
- 3. China – Auto Parts
- 4. EC – Bananas III (Article 21.5 – Ecuador II) / EC – Bananas III (Article 21.5 – US) (EC – Bananas III (Article 21.5 – Ecuador II / US))
- 5. Brazil – Retreaded Tyres (Brazil – Retreaded Tyres (Article 21.3(c)))

4.3. 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)

4.3.1. 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

4.3.2. 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.

· 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

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 favourable than that accorded to like products of national origin in respect of all matters affecting the treatment of the products.

SUMMARY

EXTRACT(s):

KEY FINDINGS FOR THIS PROVISION:

Jurisprudence Citator

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

· 7. Appellate Body Report, United States – Section 211 Omnibus Appropriations Act of 1998, WT/DS176/AB/R, adopted 1 February 2002

· 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

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

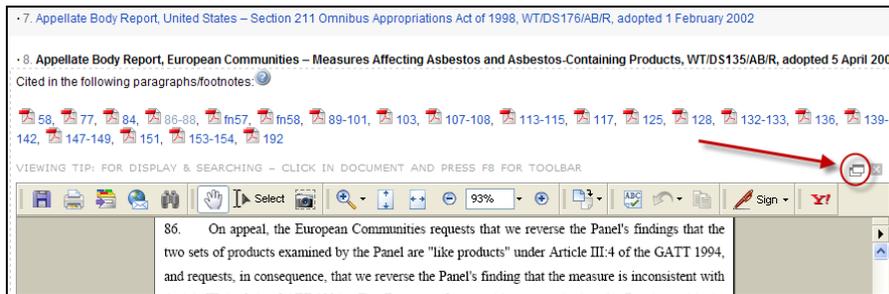
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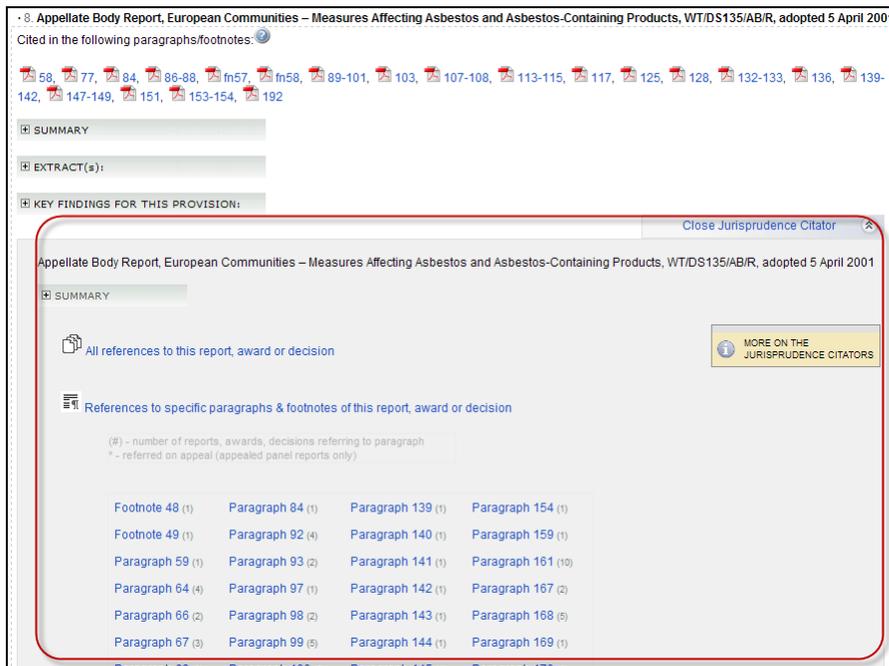
The products of the territory of any Member imported into the territory of any other Member shall be accorded treatment no less favourable than that accorded to like products of national origin in respect of all matters affecting the treatment of the products.

Open PDF Document into New Window:



4.3.3. 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”.



4.3.4. 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 Citor](#) 

4.3.5. 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 Citor.

· 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

4.3.6. 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

5. 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").