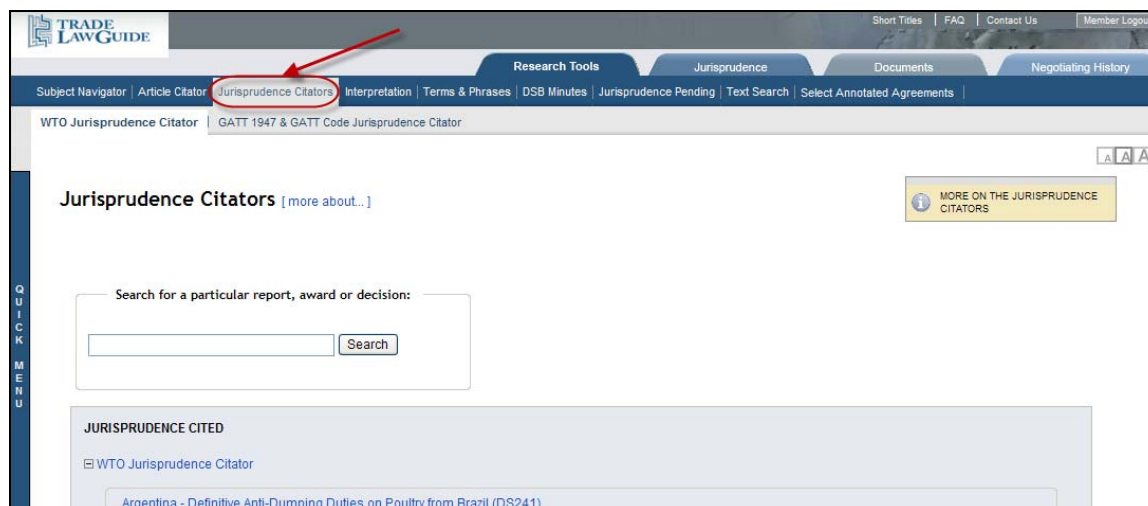


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1. Overview

The Jurisprudence Citators enable you to quickly evaluate the status of statements in paragraphs and footnotes in jurisprudence and any nuances created by subsequent Appellate Body, panel and arbitrator statements regarding the statements.



The Citators provide you with a high degree of confidence when relying on jurisprudence.

The WTO Jurisprudence Citator provides pinpoint references made in WTO jurisprudence to paragraphs and footnotes in previous WTO reports, awards and decisions.

The GATT 1947 Jurisprudence Citator provides pinpoint references made in WTO jurisprudence to GATT 1947 and 1979 GATT Code reports.

2. “Noting Up” Jurisprudence References

"Noting up" in the domestic law context refers to, *inter alia*, examining the judicial treatment of a case. It is a crucial step in legal research. It must be accomplished methodically and comprehensively.

Noting up allows you to determine whether jurisprudence is still good law and determine what adjudicators have been saying about that jurisprudence. This is invaluable for understanding the interpretation of the jurisprudence and can lead to jurisprudence that has applied the law to similar facts.

The Jurisprudence Citators enable you to note up WTO jurisprudence.

3. Using the Jurisprudence Citators in Conjunction with Other Research Tools

TradeLawGuide is designed to lead you to a “thread” of law relevant to the issue you are researching then follow that thread through subsequent jurisprudence, through discussions in the Dispute Settlement Body and into future jurisprudence.

The Jurisprudence Citators are central to this capability. Once you find a single reference in a case that is relevant to your research you can follow that reference through subsequent case references that refer back to it. As you work your way through these subsequent references, you will see how the body of law has developed and how it has been applied to various facts.

To make it easy to follow these threads, the Jurisprudence Citators are included in the integrated browser. Whenever there is a reference in the database to a paragraph or footnote in a WTO report, award or decision, you can immediately note up that reference simply by clicking on the Jurisprudence Citor button that is included with that reference.

The Jurisprudence Citators are also included as a stand-alone tool. This tool can be used when you use the full text search to identify a relevant paragraph or footnote in WTO jurisprudence and want to follow the thread created by that reference. It can also be used during meetings, in conference calls or in hearings to quickly ascertain the status of jurisprudence references.

4. The Jurisprudence Citor Dataset

4.1. Value-Added References

Information contained in the Jurisprudence Citators is gathered using a process developed to improve the efficiency of this tool and, therefore, of your research.

The Jurisprudence Citators provide value-added information, because they are restricted to those references that have been made or relied upon by the decision-maker. 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 excluded.

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 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 Jurisprudence Citator data for the original report, award or decision.

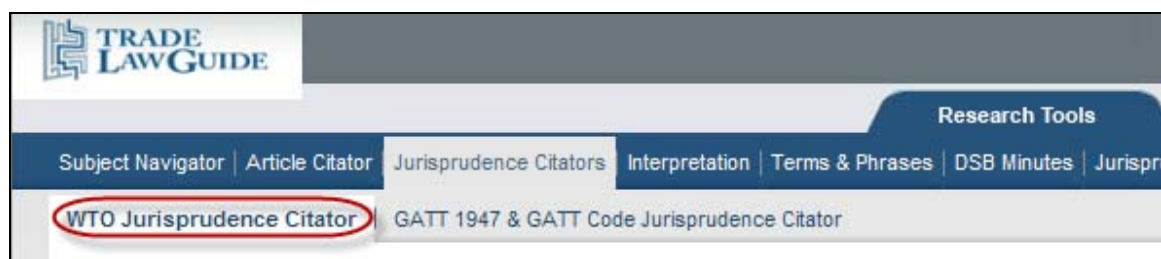
With respect to reports, awards or decisions issued in a single dispute that reference each other (including Appellate Body and compliance reports), the Jurisprudence Citator includes only explicit references to paragraphs and footnotes. General references to the document (i.e., those references that are not pinpointed to a paragraph or footnote) are not captured because of their limited utility.

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.

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

The Jurisprudence Citators capture references that are difficult to find using a full text search. For instance, they capture all forms of reference to a report including the full citation, short name, and generic references (e.g., “the report”). Where possible, where a report has been referred to generically or simply by name or citation, we have identified the specific paragraph(s) being referred to.

5. WTO Jurisprudence Citator



The WTO Jurisprudence Citator shows whether, where and how WTO reports, awards, and decisions have been subsequently cited by the Appellate Body, panels and arbitrators in the context of legal reasoning and findings.

Cited jurisprudence is listed by dispute name.

JURISPRUDENCE CITED	
WTO Jurisprudence Citator	
Argentina - Definitive Anti-Dumping Duties on Poultry from Brazil (DS241)	
Argentina - Definitive Anti-Dumping Measures on Imports of Ceramic Floor Tiles from Italy (DS189)	
Argentina - Definitive Safeguard Measure on Imports of Preserved Peaches (DS238)	
Argentina - Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items (DS56)	
Argentina - Measures Affecting the Export of Bovine Hides and the Import of Finished Leather (DS155)	
Argentina - Safeguard Measures on Imports of Footwear (DS121)	
Australia - Measures Affecting Importation of Salmon (DS18)	
Australia - Subsidies Provided to Producers and Exporters of Automotive Leather (DS126)	
Brazil - Export Financing Programme for Aircraft (DS46)	
Brazil - Measures Affecting Desiccated Coconut (DS22)	
Brazil - Measures Affecting Imports of Retreaded Tyres (DS332)	
Canada - Certain Measures Affecting the Automotive Industry (DS139, DS142)	
Canada - Certain Measures Concerning Periodicals (DS31)	
Canada - Continued Suspension of Obligations in the EC - Hormones Dispute (DS321)	
Canada - Export Credits and Loan Guarantees for Regional Aircraft (DS222)	

Citations for individual documents can be viewed by clicking on the relevant dispute name.


Canada - Measures Affecting the Importation of Milk and the Exportation of Dairy Products (DS103, DS113)	
Appellate Body Report, Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Second Recourse to Article 21.5 of the DSU by New Zealand and the United States, WT/DS103/AB/RW2, WT/DS113/AB/RW2, adopted 17 January 2003	
<div> <div>SUMMARY</div> <div> <div> All references to this report, award or decision </div> <div> References to specific paragraphs & footnotes of this report, award or decision </div> </div> </div>	<div>MORE ON THE JURISPRUDENCE CITATORS</div>
Panel Report, Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Second Recourse to Article 21.5 of the DSU by New Zealand and the United States, WT/DS103/RW2, WT/DS113/RW2, adopted 17 January 2003, as modified by the Appellate Body Report, WT/DS103/AB/RW2, WT/DS113/AB/RW2	
<div> <div>SUMMARY</div> <div> <div> References to specific paragraphs & footnotes of this report, award or decision </div> </div> </div>	<div>MORE ON THE JURISPRUDENCE CITATORS</div>
Appellate Body Report, Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Recourse to Article 21.5 of the DSU by New Zealand and the United States, WT/DS103/AB/RW, WT/DS113/AB/RW, adopted 18 December 2001	
<div> <div>SUMMARY</div> </div>	


For each cited document, you can view:


All references to this report, award or decision - This category includes citations that reference the document generally without specifying a paragraph or footnote of the document along with those that cite specific paragraphs and footnotes of the document.

Appellate Body Report, Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Second Recourse to Article 21.5 of the DSU by New Zealand and the United States, WT/DS103/AB/RW2, WT/DS113/AB/RW2, adopted 17 January 2003

[SUMMARY](#)

 [All references to this report, award or decision](#)

 [References to specific paragraphs & footnotes of this report, award or decision](#)

 [MORE ON THE JURISPRUDENCE CITATORS](#)

References to specific paragraphs & footnotes of this report, award or decision - This category includes only those citations to a particular paragraph or footnote of the document. Where possible, we have converted references to a document generally to references to a specific paragraph or footnote of the document. Paragraph references also show the number of reports, awards or decisions referring to a paragraph (e.g., "(2)").

Appellate Body Report, Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Second Recourse to Article 21.5 of the DSU by New Zealand and the United States, WT/DS103/AB/RW2, WT/DS113/AB/RW2, adopted 17 January 2003

[SUMMARY](#)

 [All references to this report, award or decision](#)

 [References to specific paragraphs & footnotes of this report, award or decision](#)

 [MORE ON THE JURISPRUDENCE CITATORS](#)

Appellate Body Report, Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products – Second Recourse to Article 21.5 of the DSU by New Zealand and the United States, WT/DS103/AB/RW2, WT/DS113/AB/RW2, adopted 17 January 2003

[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)

Paragraph 66 (8)	Paragraph 76 (2)	Paragraph 127 (4)	Paragraph 139 (3)
Paragraph 67 (4)	Paragraph 79 (3)	Paragraph 128 (4)	Paragraph 140 (3)
Paragraph 68 (4)	Paragraph 87 (2)	Paragraph 130 (4)	Paragraph 141 (3)
Paragraph 69 (6)	Paragraph 93 (1)	Paragraph 131 (2)	Paragraph 142 (3)
Paragraph 70 (6)	Paragraph 96 (1)	Paragraph 132 (4)	Paragraph 143 (3)
Paragraph 71 (7)	Paragraph 102 (1)	Paragraph 133 (1)	Paragraph 144 (3)
Paragraph 72 (5)	Paragraph 103 (1)	Paragraph 134 (1)	Paragraph 145 (3)
Paragraph 73 (5)	Paragraph 104 (1)	Paragraph 136 (3)	Paragraph 146 (3)
Paragraph 74 (7)	Paragraph 120 (3)	Paragraph 137 (3)	Paragraph 152 (3)
Paragraph 75 (6)	Paragraph 121 (3)	Paragraph 138 (3)	

If a paragraph or footnote of a panel report has been explicitly referred to on appeal, it is identified with an astris (e.g., "**").

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

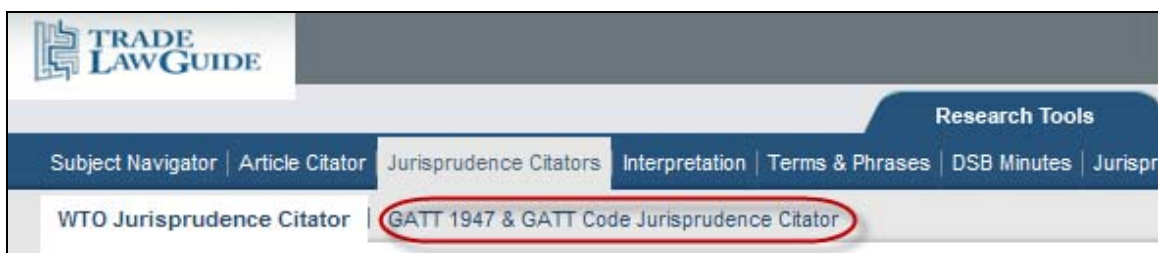
(#) - number of reports, awards, decisions referring to paragraph
* - referred on appeal (appealed panel reports only)

Footnote 412 (1)	Paragraph 7.73 (1)	Paragraph 7.105 (1) *
Footnote 515 (1)	Paragraph 7.74 (2) *	Paragraph 7.106 (1) *
Footnote 530 (4) *	Paragraph 7.75 (1)	Paragraph 7.108 (1) *

When you click on a paragraph, footnote or general reference, a list of

The Jurisprudence Citator initially sorts jurisprudence by dispute name. Data can also be sorted to present jurisprudence in reverse chronological order with the most recent report, award or decision presented first.

6. GATT 1947 and GATT Code Jurisprudence Citator



TRADE LAW GUIDE

Research Tools

Subject Navigator | Article Citator | Jurisprudence Citators | Interpretation | Terms & Phrases | DSB Minutes | Jurispr

WTO Jurisprudence Citator | **GATT 1947 & GATT Code Jurisprudence Citator**

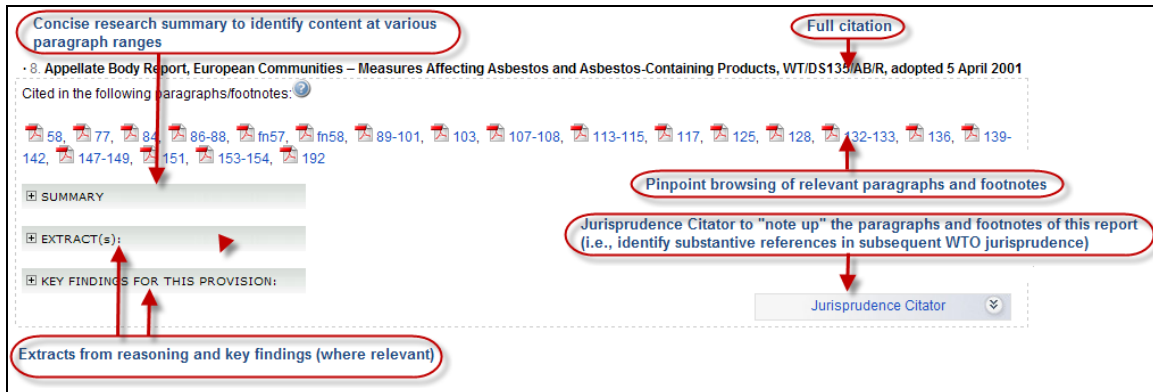
The GATT 1947 and GATT Code Jurisprudence Citator shows whether, where and how 128 GATT 1947 and GATT Code reports, awards and decisions have been subsequently cited by the Appellate Body, WTO panels and WTO arbitrators. All citations to each jurisprudence document are shown. This citator does not present paragraph/footnote categories of citations. Citations are linked to the full text (PDF) of the citing documents to enable you to ascertain the substantive nature of each citation.

The Jurisprudence Citator is another unique feature of TradeLawGuide. It shows whether, where and how WTO reports, awards, and decisions (i.e., WTO jurisprudence) have been subsequently cited by the Appellate Body, panels and arbitrators in the context of legal reasoning and findings.

The GATT 1947 and GATT Code Jurisprudence Citator shows whether, where and GATT 1947 or GATT Code reports, awards or decisions have been subsequently cited by the Appellate Body, WTO panels and WTO arbitrators. All citations to each jurisprudence document are shown. This citator does not present paragraph/footnote categories of citations.

7. 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.



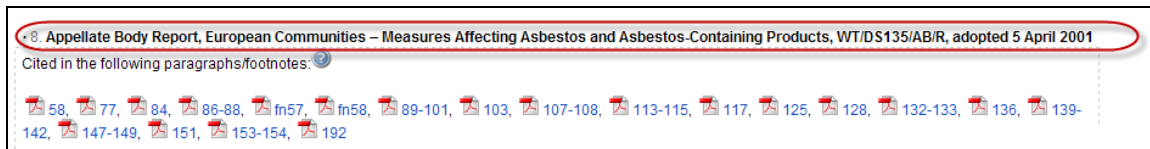
The screenshot shows the Integrated Browser interface for the entry: "8. Appellate Body Report, European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, WT/DS135/AB/R, adopted 5 April 2001".

Annotations include:

- Concise research summary to identify content at various paragraph ranges:** Points to the "SUMMARY" and "EXTRACT(s)" sections.
- Full citation:** Points to the title of the report.
- Pinpoint browsing of relevant paragraphs and footnotes:** Points to the list of paragraph and footnote references (e.g., 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).
- Extracts from reasoning and key findings (where relevant):** Points to the "KEY FINDINGS FOR THIS PROVISION:" section.
- Jurisprudence Citator to "note up" the paragraphs and footnotes of this report (i.e., identify substantive references in subsequent WTO jurisprudence):** Points to the "Jurisprudence Citator" dropdown menu.

7.1.1. 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).



The screenshot shows the full citation: "8. Appellate Body Report, European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, WT/DS135/AB/R, adopted 5 April 2001". Below the citation, it states "Cited in the following paragraphs/footnotes:" followed by a list of paragraph and footnote references.

7.1.2. 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

80. 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:

· 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

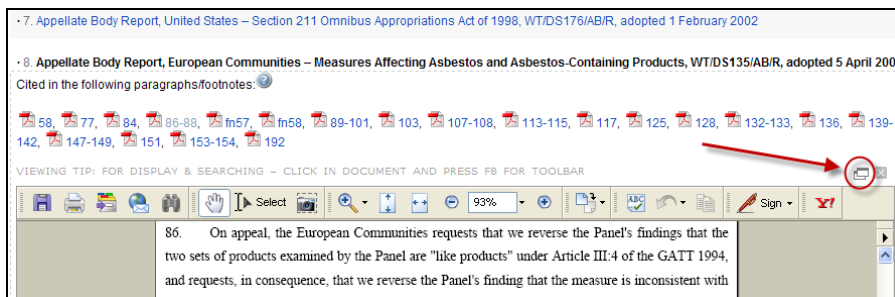
VIEWING TIP: FOR DISPLAY & SEARCHING – CLICK IN DOCUMENT AND PRESS F8 FOR TOOLBAR

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*

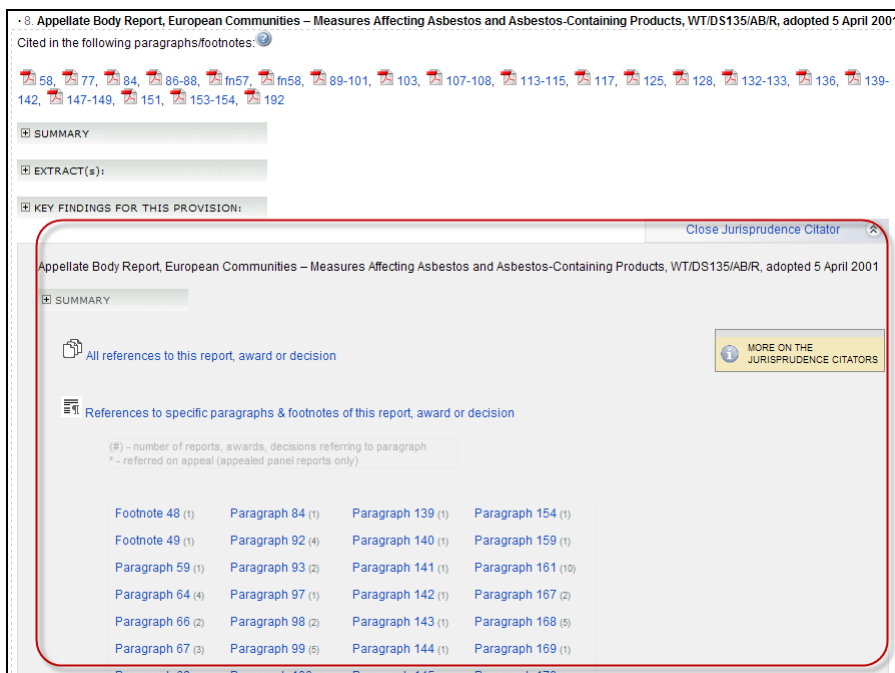
87. Article III:4 of the GATT 1994 reads, in relevant part:

Open PDF Document into New Window:



7.1.3. 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".



7.1.4. 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

7.1.5. 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

7.1.6. 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

8. 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").