

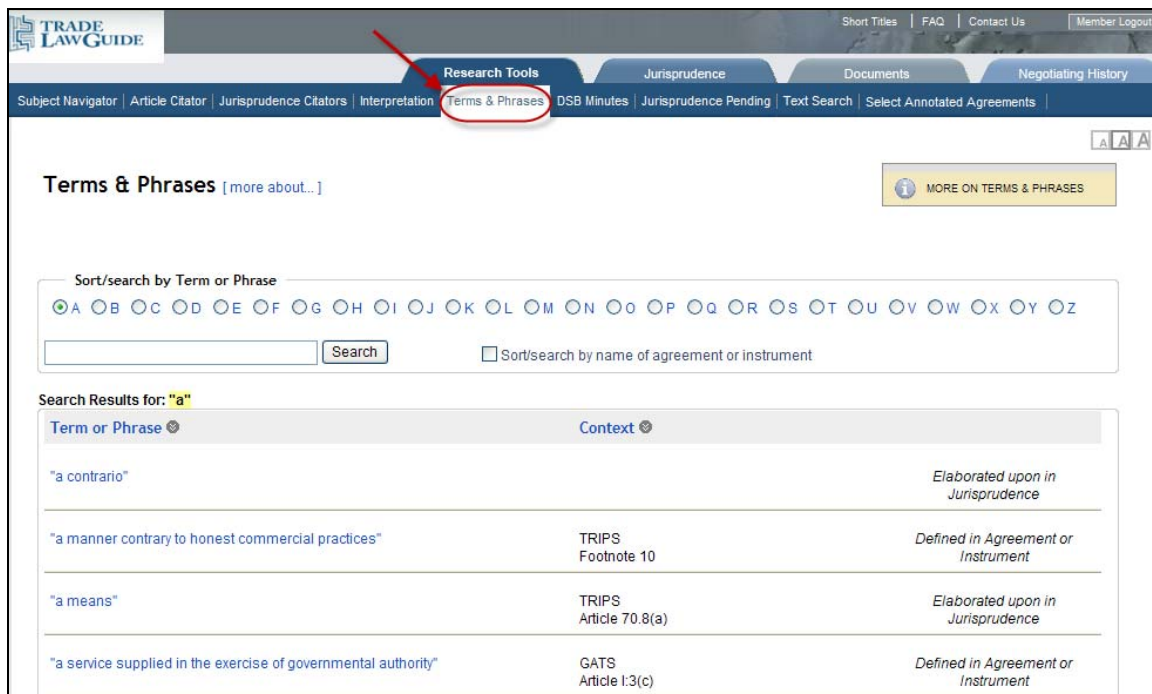
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1. Overview

The Terms & Phrases research tool provides information on terms and phrases defined in the texts of the WTO agreements and instruments or elaborated upon in statements in WTO reports, awards and decisions.

Terms & Phrases enables you to see at a glance where a particular term or phrase has been expressly defined by an agreement or instrument or where it has been considered or commented upon in WTO jurisprudence in a way that illuminates its meaning.

It allows you to look across agreements and instruments to ascertain whether a term or phrase interpreted in one context has value for understanding the same or a similar term or phrase used in another context. It also captures terms that would be difficult to search using a full text search (e.g., "a", "or", "and", "and/or").



Terms & Phrases [more about...]

Sort/search by Term or Phrase

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Search

Sort/search by name of agreement or instrument

Search Results for: "a"

Term or Phrase	Context
"a contrario"	Elaborated upon in Jurisprudence
"a manner contrary to honest commercial practices"	TRIPS Footnote 10 Defined in Agreement or Instrument
"a means"	TRIPS Article 70.8(a) Elaborated upon in Jurisprudence
"a service supplied in the exercise of governmental authority"	GATS Article 1.3(c) Defined in Agreement or Instrument

2. The Terms & Phrases Dataset

The content in Terms & Phrases originates from three sources.

2.1. Texts of the WTO Agreements & Instruments

With the exception of certain terms or phrases that have no substantive application outside of a particular agreement or instrument (e.g., Committee on Customs Valuation, referred to in this Agreement as "the Committee"), terms and phrases that are explicitly defined in the texts of the WTO agreements and instruments are listed. For each term and phrase, the relevant agreement/instrument and provision is identified, an extract of the definition is provided and there is a link to the text.

"accreditation"	TBT Agreement Annex 1.3	Defined in Agreement or Instrument
-----------------	-------------------------	------------------------------------

Term or Phrase		
"accreditation"	Extract	"Accreditation" has the same meaning as given in the definitions of ISO/IEC Guide 2: 1991, General terms and their definitions concerning standardization and related activities, as provided for in the chapeau of Annex I of the TBT Agreement. See, for example, the annotation for "accreditation" in Annex 1.3 of the TBT Agreement.
TBT Agreement Annex 1.3	Annotated	TBT Agreement, Annex 1.3 (Annotated)

2.2. WTO Jurisprudence

Terms or phrases in WTO jurisprudence are included where there are statements that elaborate upon their meaning in a manner that goes beyond the specific factual context of a particular dispute. Where the term or phrase originates in the text of a WTO agreement or instrument, the relevant provision is identified. Extracts from the statements are linked to the relevant part of the full PDF text of reports, awards and decisions.

"act"	TRIPS Article 58	<div style="border: 1px solid red; border-radius: 15px; padding: 2px; display: inline-block;">Elaborated upon in Jurisprudence</div>
-------	---------------------	--

Term or Phrase		
"act" TRIPS Article 58	Extract	Paragraph 6.40: "The word "acts", the ordinary meaning of which is "things done", as used in Article 70.1, may encompass acts of third parties such as acts of unfair competition; acts of infringement, potential infringement or unauthorized use; acts not requiring the authorization of the right holder; or an act of a right holder in relation to provisional measures. On a broader view, "acts" may also refer to the acts of competent authorities of Members as reflected in Article 58 of the <i>TRIPS Agreement</i> ."
	Full text	Panel Report, Canada – Term of Patent Protection, WT/DS170/R, adopted 12 October 2000, as upheld by the Appellate Body Report, WT/DS170/AB/R <div style="background-color: #f2f2f2; padding: 2px; display: inline-block;">+ SUMMARY</div> PARAGRAPH(S): 6.40
		[View associated Appellate Body Report] <div style="border: 1px solid #ccc; padding: 2px; display: inline-block;">Jurisprudence Citor</div>

2.3. Annotated Term or Phrase

Where a term or phrase has been annotated in the text of one of TradeLawGuide's annotated agreements and there is considerable or complicated elaboration upon it that is not capable of being expressed in a concise extract, a link is provided to the annotated text containing that term or phrase rather than providing an extract and linking directly to the jurisprudence.

"based on"	SPS Agreement Article 2.2	<div style="border: 1px solid red; border-radius: 15px; padding: 2px; display: inline-block;">Elaborated upon in Jurisprudence</div>
------------	------------------------------	--

Term or Phrase		
"based on" SPS Agreement Article 2.2	Extract	The meaning of "based on" is elaborated upon in the context of, <i>inter alia</i> , Article 2.2 of the SPS Agreement (click on link for annotated text then click on annotation for "based on")
	Annotated	SPS Agreement, Art2.2 (Annotated)

2. Members shall ensure that any sanitary or phytosanitary measure is applied only to the extent necessary to protect human, animal or plant life or health, is based on scientific principles and is not maintained without sufficient scientific evidence, except as provided for in paragraph 7 of Article 5.

Agreement Annotator	
SPS Agreement -- Article 2.2 "based on"	
<input type="checkbox"/> "based on"	
<input type="checkbox"/> The meaning of "based on" is elaborated upon in the context of. + All	
<input type="checkbox"/> Article 2.2 + All	
<input type="checkbox"/> A thing is commonly said to be "based on" another thing when the former "stands" or is "founded" or "built" upon or "is supported by" the latter; the ordinary meaning of "based on" is quite different from the plain or natural import of "conform to" + All	
<input type="checkbox"/> The requirement that an SPS measure be "based on" a risk assessment is a substantive requirement that there be a rational relationship between the measure and the risk assessment + All	
<input type="checkbox"/> Article 3.3 + All	
<input type="checkbox"/> Article 5.1 + All	
<input type="checkbox"/> "base"	

3. Display

3.1. Display Features

The display presents three columns of information:

1. term or phrase
2. context (e.g., agreement/instrument & provision)
3. whether it is defined in an agreement/instrument or elaborated upon in jurisprudence

Terms & Phrases [more about...]
[MORE ON TERMS & PHRASES](#)

Sort/search by Term or Phrase

☒ A
☐ B
☐ C
☐ D
☐ E
☐ F
☐ G
☐ H
☐ I
☐ J
☐ K
☐ L
☐ M
☐ N
☐ O
☐ P
☐ Q
☐ R
☐ S
☐ T
☐ U
☐ V
☐ W
☐ X
☐ Y
☐ Z

☐ Sort/search by name of agreement or instrument

Search Results for: "a"

Term or Phrase	Context	
"a contrario"		Elaborated upon in Jurisprudence
"a manner contrary to honest commercial practices"	TRIPS Footnote 10	Defined in Agreement or Instrument
"a means"	TRIPS Article 70.8(a)	Elaborated upon in Jurisprudence
"a service supplied in the exercise of governmental authority"	GATS Article I:3(c)	Defined in Agreement or Instrument
"a"	DSU	Elaborated upon in

3.2. Alphabetical by Name of Term or Phrase

The default sort is alphabetical by name of term or phrase. When you first open the tool, the entries for the letter "A" are displayed.

Terms & Phrases [more about...]
[MORE ON TERMS & PHRASES](#)

Sort/search by Term or Phrase

☒ A
☐ B
☐ C
☐ D
☐ E
☐ F
☐ G
☐ H
☐ I
☐ J
☐ K
☐ L
☐ M
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☐ O
☐ P
☐ Q
☐ R
☐ S
☐ T
☐ U
☐ V
☐ W
☐ X
☐ Y
☐ Z

☐ Sort/search by name of agreement or instrument

Search Results for: "a"

Term or Phrase	Context	
"a contrario"		Elaborated upon in Jurisprudence
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"a service supplied in the exercise of governmental authority"	GATS Article I:3(c)	Defined in Agreement or Instrument
"a"	DSU	Elaborated upon in

Click on a letter to get the terms and phrases starting with that letter.

Sort/search by Term or Phrase

A B C D E F G H I J K L M N O P Q **R** S T U V W X Y Z

☐ Sort/search by name of agreement or instrument

Search Results for: "r"

Term or Phrase	Context
"readily available"	Anti-Dumping Agreement Footnote 23 <i>Elaborated upon in Jurisprudence</i>
"reason"	Anti-Dumping Agreement Article 6.9 <i>Elaborated upon in Jurisprudence</i>
"reasonable amount for administrative, selling and general costs and for profits"	Anti-Dumping Agreement Article 2.2 <i>Elaborated upon in Jurisprudence</i>

3.3. Alphabetical by Name of Agreement or Instrument

To sort terms and phrases by name of agreement or instrument select this sort option.

Sort/search by Term or Phrase

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

☒ Sort/search by name of agreement or instrument

Then select the first letter of the name of the agreement or instrument.

Sort/search by name of Agreement or Instrument

A B C D E F G H I J K L M N O P Q R S **T** U V W X Y Z

☐ Sort/search by term or phrase

Search Results for: "t"

Term or Phrase	Context
"labelling"	TBT Agreement Annex 1.1 <i>Elaborated upon in Jurisprudence</i>
"mandatory"	TBT Agreement Annex 1.1 <i>Elaborated upon in Jurisprudence</i>
"process"	TBT Agreement Annex 1.1 <i>Elaborated upon in Jurisprudence</i>

To get back to sorting by name of term or phrase, select this sort option.

Sort/search by name of Agreement or Instrument

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

☒ Sort/search by term or phrase

4. Search Function

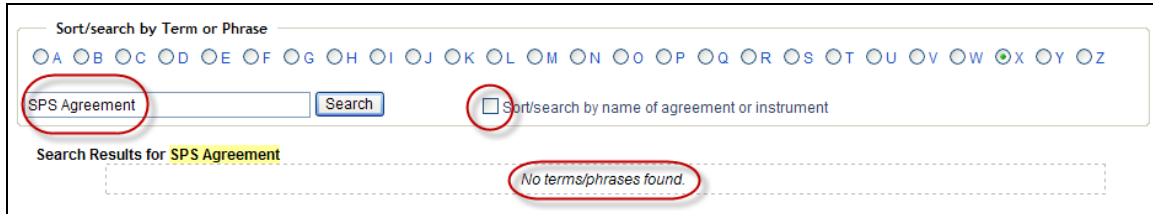
A search function is provided to assist you in finding specific terms or phrases or similar terms used in different phrases (e.g., "export", "exported products", "on the export").

It will search for either the term or phrase or for the name of the agreement or instrument depending on which mode is selected.

CAUTION:

If you are searching for the name of an agreement or instrument you must select “Sort/search by name of agreement or instrument” before searching. Otherwise your search will not show results.

Wrong:



Sort/search by Term or Phrase

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

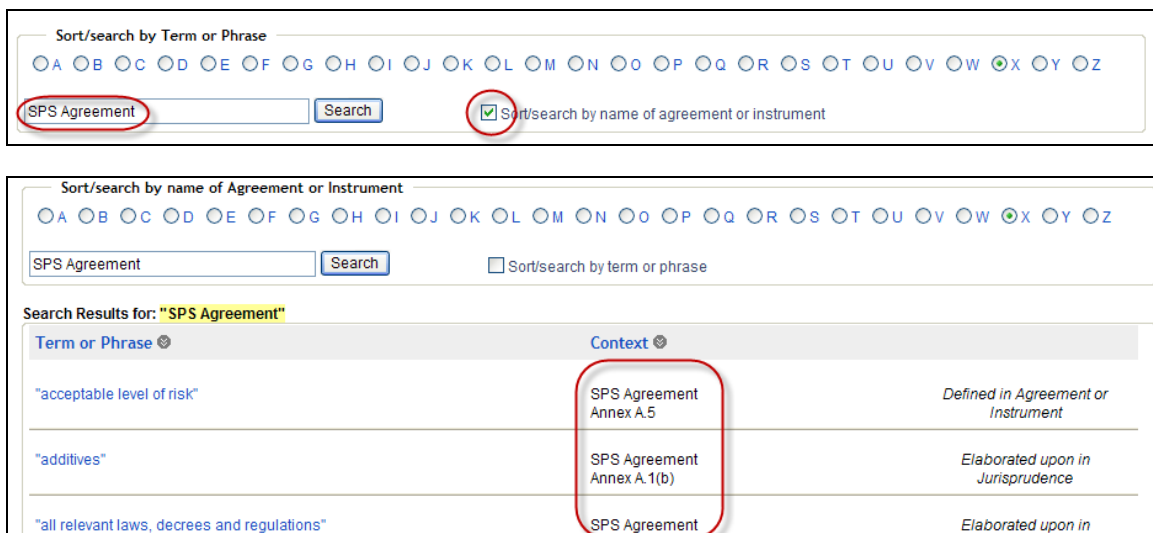
SPS Agreement Search

☐ Sort/search by name of agreement or instrument

Search Results for SPS Agreement

No terms/phrases found.

Right:



Sort/search by Term or Phrase

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

SPS Agreement Search

☒ Sort/search by name of agreement or instrument

Sort/search by name of Agreement or Instrument

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

SPS Agreement Search

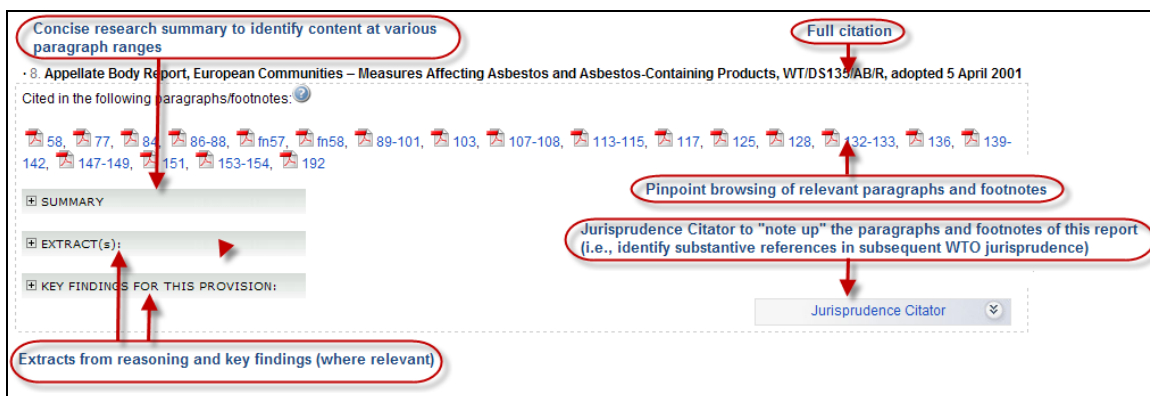
☐ Sort/search by term or phrase

Search Results for: "SPS Agreement"

Term or Phrase	Context
"acceptable level of risk"	SPS Agreement Annex A.5 <i>Defined in Agreement or Instrument</i>
"additives"	SPS Agreement Annex A.1(b) <i>Elaborated upon in Jurisprudence</i>
"all relevant laws, decrees and regulations"	SPS Agreement <i>Elaborated upon in</i>

5. 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

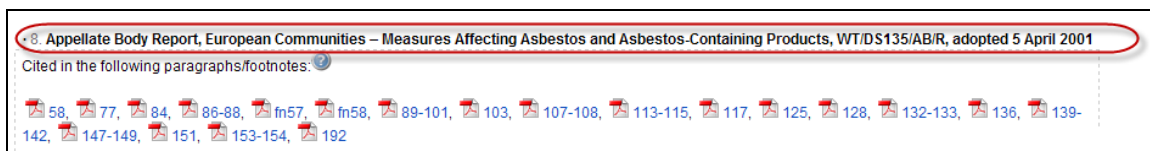
Pinpoint browsing of relevant paragraphs and footnotes

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)

5.1.1. Full Citation

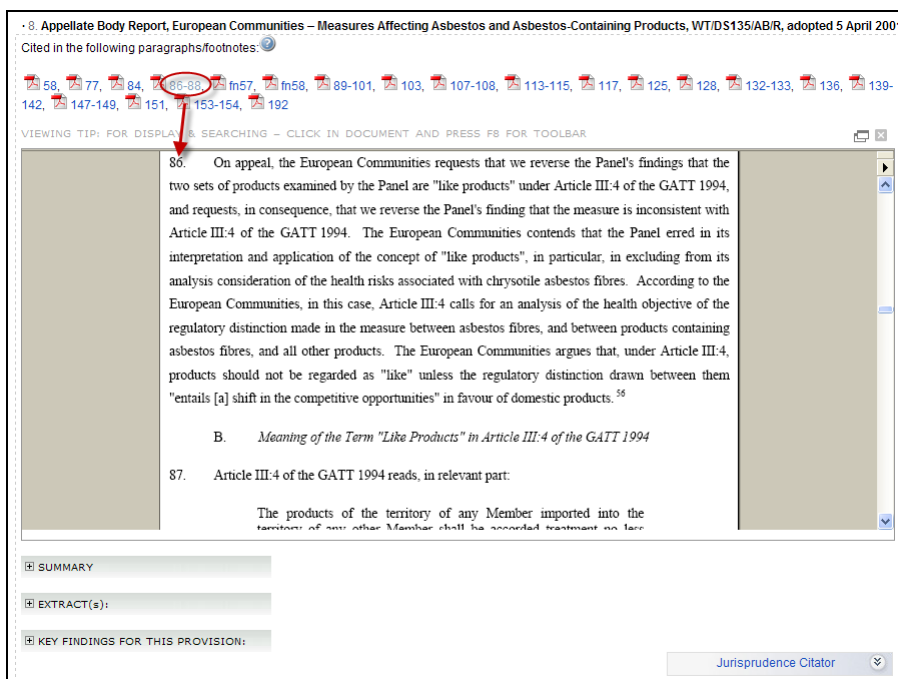
The integrated browser provides the full citation of all WTO jurisprudence documents so you can cut and paste the citation into your research document. If you would like to use a short title instead of the full citation, it is available from the "Short Titles" tool (discussed above).



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

5.1.2. 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

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

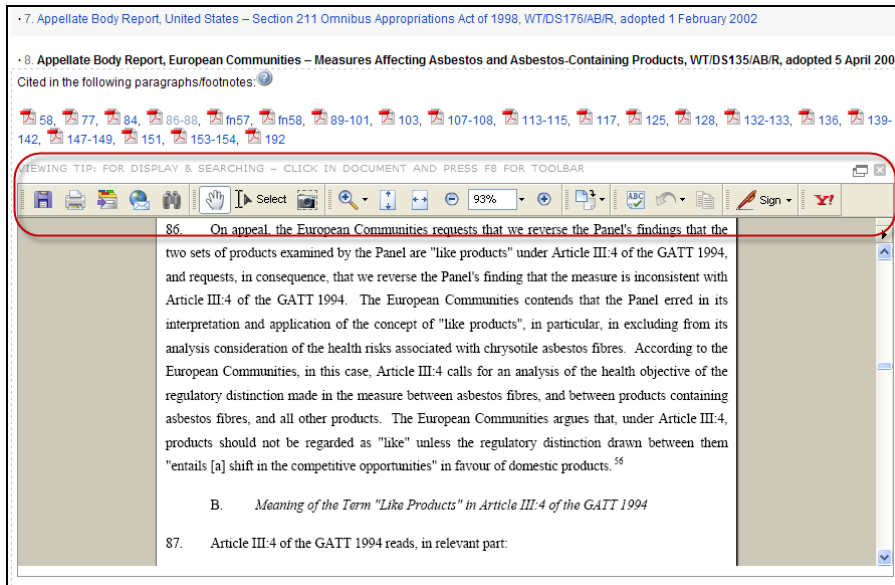
SUMMARY

EXTRACT(s):

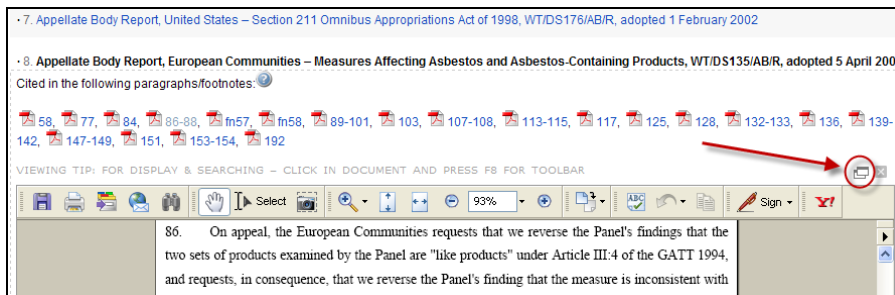
KEY FINDINGS FOR THIS PROVISION:

Jurisprudence Citator

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



Open PDF Document into New Window:



5.1.3. 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”.

· 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 Citor

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)

5.1.4. 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 (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 

5.1.5. 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 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

5.1.6. 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 Cimator](#)

6. 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").