

Foreword to the 1995–2013 edition

The *WTO Appellate Body Repertory of Reports and Awards* is intended to serve first and foremost as a source of information for those interested in the field of international trade law. It presents a systematic compilation of Appellate Body jurisprudence over the past 18 years. The Repertory was initially developed as an internal research tool to assist the Appellate Body Secretariat in carrying out its duty to provide legal advice to Appellate Body Members. The Secretariat subsequently decided to make the Repertory available to the public to serve as a practical tool for officials from WTO Members, particularly for those who may not have the resources to prepare similar compendiums in-house. We hope that the Repertory will also assist academics, students, private practitioners, and others with an interest in international trade law and dispute settlement practice, who need to consult and access precise information about the evolution of, and most recent developments in, Appellate Body jurisprudence.

The publication of the first edition of the Repertory marked the tenth anniversary of the establishment of the Appellate Body in 1995, and sought to commemorate the substantive body of jurisprudence developed by the Appellate Body during its first ten years. A second, updated edition was published in 2006, a third edition followed in 2007, and the fourth edition was published in 2011. This fifth edition now encompasses excerpts from 109 Appellate Body Reports. The fifth edition also contains excerpts from the 27 Arbitration Awards issued pursuant to Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* determining the “reasonable period of time” for implementation of rulings by WTO Dispute Settlement Body. All Article 21.3(c) arbitrations have been carried out by current or former Appellate Body Members acting in their individual capacity.

This fifth edition includes the largest amount of new material since the publication of the first edition in 2005. Excerpts cover the 14 Appellate Body reports circulated since the fourth edition, including the Appellate Body reports in *EC and certain member States – Large Civil Aircraft* and *US – Large Civil Aircraft (2nd complaint)*. The appellate proceedings in these disputes involved a multiplicity of complex legal, economic, and procedural issues, and resulted in the two longest Appellate Body reports to date. The fifth edition also encompasses excerpts from the trio of disputes relating to technical barriers to trade that were all appealed in 2012. Together, the excerpts included in this new edition cover, *inter alia*, the interpretation of key provisions of the GATT 1994, the *Anti-Dumping Agreement*,

the *Agreement on Subsidies and Countervailing Measures*, the *Agreement on Technical Barriers to Trade*, and China's Accession Protocol, reflecting the substantial volume of appeal work conducted by the Appellate Body during the period from January 2010 through December 2013. This new edition also contains excerpts from the two Article 21.3(c) Awards issued during the same period.

We dedicate this Repertory to the former Members of the Appellate Body, namely, Georges Abi-Saab, James Bacchus, Luiz Olavo Baptista, Lilia R. Bautista, the late Christopher Beeby, Claus-Dieter Ehlermann, the late Said El-Naggar, Florentino P. Feliciano, Arumugamangalam Venkatachalam Ganesan, Jennifer Hillman, Merit E. Janow, Julio Lacarte-Muró, the late John Lockhart, Mitsuo Matsushita, Shotaro Oshima, Giorgio Sacerdoti, and Yasuhei Taniguchi. Those who currently serve on the Appellate Body, namely, Ujal Singh Bhatia, Seung Wha Chang, Thomas R. Graham, Ricardo Ramírez-Hernández, David Unterhalter, Peter Van den Bossche, and Yuejiao Zhang, join in this dedication to their predecessors.

The Repertory is divided into three parts. The first and main part consists of excerpts from Appellate Body Reports, organized according to the particular provision of the WTO agreements examined and by subject matter. The second part consists of excerpts from Article 21.3(c) Arbitration Awards determining the “reasonable period of time” for implementation of rulings by the WTO Dispute Settlement Body. Finally, a third part contains a number of annexes that provide additional information relating to the Appellate Body and appellate proceedings. Included in this third part is a new Annex G, covering procedural issues related to appellate proceedings. Excerpts in the first and second parts of the Repertory are organized in chronological order, from oldest to most recent, by date of circulation of the Appellate Body Report or Arbitration Award. In using the Repertory, readers should bear in mind that neither the choice of excerpts nor the choice of headings or key words under which they are classified is intended to have legal significance.

Credit for the initiative of creating the Repertory belongs to the staff and the Directors of the Appellate Body Secretariat who preceded me, especially Valerie Hughes. The Repertory itself is a compilation of work by former and current Appellate Body Secretariat staff, including Luan Aggersberg, Maria Alcover, Pablo Bentes, Lee Bergmann, Jan Bohanes, Annelies Brock-Winborne, Stéphanie Cartier, Kaarlo Castren, Claude Chase, Judy Cowell, Patricia Crawley, Victoria Donaldson, Lothar Ehring, Carlo Gamberale, Petina Gappah, Susan Hainsworth, Nicolas Lamp, Heather Lang, Simon Lester, Nicolas Lockhart, Vilaysoun Loungnarath, Maryvonne Maniacky, Peter Morrison, Jesse Nicol, Joost Pauwelyn, Jan Yves Remy, Iain Sandford, Andreas Sennekamp, Vicki Sharp, Debra Steger, Hector Torres, Liz Upton, Arun Venkataraman, Christian Vidal, Tania Voon, Rhian Wood, Alan Yanovich, and Xiaolu Zhu.

I would like to emphasize the enormous contribution made by Victoria Donaldson and Maria Alcover in the editing and preparation of the excerpts from Appellate Body Reports and Arbitration Awards for inclusion in this fifth edition of the Repertory. I would also like to acknowledge in particular the tremendous efforts of Maryvonne Maniacky, who was responsible for inserting the excerpts from the many and voluminous Appellate Body reports circulated since the fourth

edition and for the mammoth task of processing the entire document including revisions and corrections. I also underline the role of those who preceded her in producing the first four Repertory editions: Vicki Sharp, Lee Bergmann and Liz Upton.

Finally, we thank Anthony Martin and Helen Swain of the WTO Information and External Relations Division, Finola O’Sullivan and Richard Woodham of Cambridge University Press, who provided valuable assistance in relation to the editing and publication process, and Maureen MacGlashan, who has consistently and skillfully completed the painstaking task of indexing each edition of the Repertory.

I trust that this new up-to-date edition of the Repertory will be a valuable, comprehensive, and user-friendly resource. Comments and suggestions for improvement are welcome and should be addressed to the Appellate Body Secretariat at ABREPERTORY@wto.org.

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