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and Awards
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WTO Appellate Body Repertory of Reports and Awards 1995–2004

The Appellate Body Repertory is the definitive reference tool for those interested in international trade law. The Repertory contains excerpts from WTO Appellate Body Reports, dating from the first Appellate Body Report adopted in May 1996, through to the sixty-first Report adopted in April 2004. The excerpts are organized according to the particular provision of the WTO Agreements examined, and by subject-matter.

The WTO Appellate Body is responsible for deciding appeals relating to disputes among the WTO's 147 Members. Publication of the Repertory is intended to commemorate the Tenth Anniversary of the establishment of the Appellate Body in 1995, and to recognise the substantive body of case law developed by the Appellate Body during its first ten years.

The Repertory also contains excerpts from 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' for implementation of Dispute Settlement Body rulings, for which Appellate Body Members have acted as Arbitrators.

Readers will find useful the additional information relating to the Appellate Body and appellate proceedings set out in a number of Annexes, as well as the detailed indexes organized by subject-matter, by Appellate Body Reports, and by Arbitration Awards.

Foreword

The Appellate Body Repertory (the “Repertory”) is intended to serve first and foremost as a source of information for those interested in the field of international trade law. It was initially developed as an internal research tool to assist the Appellate Body Secretariat in carrying out its duty to provide legal support to Appellate Body Members. The Repertory is now being made available to the public in the hope that it will become a practical tool for officials from WTO Members, and in particular for Members, including developing country Members, that may not have the resources to prepare similar compendiums in-house. We also hope that the Repertory will assist academics, students, private practitioners, and other followers of international trade law and dispute settlement.

Publication of the Repertory is also intended to mark the Tenth Anniversary of the establishment of the Appellate Body in 1995, and to commemorate the substantive body of case law developed by the Appellate Body during its first ten years. We salute in particular the founding Members of the Appellate Body, namely, James Bacchus, Christopher Beeby, Claus-Dieter Ehlermann, Said El-Naggar, Florentino P. Feliciano, Julio Lacarte-Muró, and Mitsuo Matsushita. We also pay tribute to those who currently serve on the Appellate Body, namely Georges Abi-Saab, Luiz Olavo Baptista, Arumugamangalam Venkatachalam Ganesan, Merit E. Janow, John Lockhart, Giorgio Sacerdoti, and Yasuhei Taniguchi.

This edition of the Repertory is divided into three parts. The first, and main, part consists of excerpts from Appellate Body Reports, which are organized according to the particular provision of the WTO Agreements examined and by subject-matter. The second part consists of excerpts from Arbitration Awards issued pursuant to Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (the “DSU”), for which Appellate Body Members have acted in their individual capacities. Finally, a third part contains additional information relating to the Appellate Body and appellate proceedings, which is set out in a number of Annexes. In using the Repertory, readers should bear in mind that neither the choice of excerpts nor the choice of entries under which they are classified is intended to have legal significance.

The Repertory covers Appellate Body Reports and Article 21.3(c) Arbitration Awards circulated through 7 April 2004. The Appellate Body Secretariat and Cambridge University Press are committed to publishing updates on an annual basis. The first update is scheduled for publication in January 2006.

Credit for the initiative of creating the Repertory belongs to the staff of the Appellate Body Secretariat who preceded me. The Repertory itself has been laboriously compiled by former and current Appellate Body Secretariat staff, including Luan Aggersberg, Jan Bohanes, Stéphanie Cartier, Kaarlo Castren, Judy Cowell, Patricia Crawley, Victoria Donaldson, Lothar Ehring, Petina Gappah, Susan Hainsworth, Heather Lang, Simon Lester, Nicolas Lockhart, Vilaysoun Loungnarath, Peter Morrison, Joost Pauwelyn, Iain Sandford, Vicki Sharp, Debra Steger, Hector Torres, Peter Van den Bossche, Arun Venkataraman, Tania Voon, Alan Yanovich, and Werner Zdouc. I underline in particular the contribution of Werner Zdouc, who was responsible for the mammoth task of editing and preparing the Repertory for publication. I also acknowledge the significant efforts of Vicki Sharp, who processed the text and the numerous revisions, as well as of Iain Sandford and Alan Yanovich, who provided critical assistance with the publication project. The Repertory is published in English, French and Spanish, and we thank Marilita Pottié-Picon, Philippe Prevel, Juan Manuel Fernández Azpiroz, Juan Renard, Anibal Rubio, Fernando Prieto Ramos, and Neil Johnstone for their contributions to the French and Spanish translations. Finally, we thank Jean-Guy Carrier of the WTO Information and Media Relations Division and Finola O'Sullivan of Cambridge University Press, who provided valuable assistance in relation to the publication process, as well as Maureen MacGlashan, who undertook the indexing of the Repertory.

I trust that the Repertory will be a valuable resource. Comments and suggestions for improvement are welcome and should be addressed to the Appellate Body Secretariat at ABREPERTORY@wto.org.

Valerie Hughes
Director, Appellate Body Secretariat
World Trade Organization

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