



# **WTO Dispute Settlement under the GPA: reflections on the need for international rules in this area**

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**Advanced Regional Government Procurement  
Workshop for Asian Economies**

**Bangkok**

**13-15 January 2015**



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purpose and general background
- o **Special considerations relating to  
dispute settlement in the GPA (not  
many)**
- o **Specific disputes under the GPA  
(only three)**
- o **Points for reflection**



# Dispute settlement in the WTO: purpose

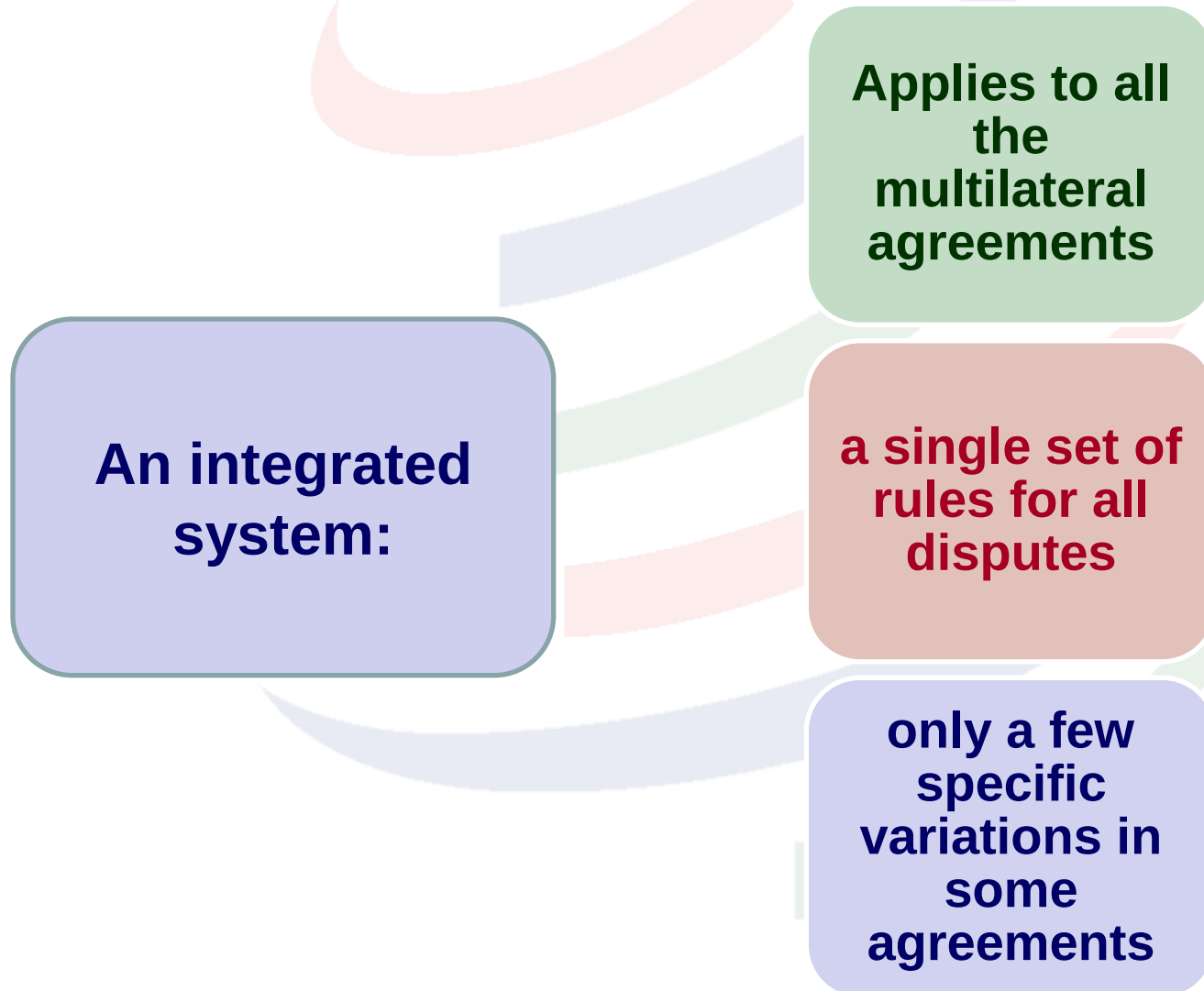
- o To ensure that rights and obligations created through negotiations and mutually-agreed rules are honoured.
- o Priority is nonetheless to settle disputes (consistent with agreed rules) and to secure withdrawal of inconsistent measures

# Dispute Settlement in the WTO: additional background



***“a central element in  
providing security and  
predictability to the  
multilateral trading system”  
(DSU, Article 3:2)***

# Dispute settlement in the WTO - Overview



# Situation under the GPA



- o DSU fully applicable to disputes between GPA Parties
- o Procedures apply to all provisions
- o Absence of cross-retaliation under other WTO agreements
- o In practice, actual disputes have been rare and voluntary settlements have usually been reached

# GPA disputes to date (1)



- o Japan: Procurement of a navigation satellite (panel requested by EC). Key allegation: tender specifications inconsistent with GPA in that they were based (partly) on a specific U.S. system, details of which were not widely known. Resolved by negotiated settlement intended to facilitate development of a non-exclusive global navigation system.
- o US: Massachusetts “Burma Act” (panel requested by EC and Japan). Case involved Massachusetts

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[https://www.yunbaogao.cn/report/index/report?reportId=5\\_4617](https://www.yunbaogao.cn/report/index/report?reportId=5_4617)

