

# TRADE AND ENVIRONMENT: MAIN WTO RULES AND DISPUTES

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WORLD TRADE ORGANIZATION  
ORGANISATION MONDIALE DU COMMERCE  
ORGANIZACIÓN MUNDIAL DEL COMERCIO





## Some GATT/WTO Provisions Relevant to Environment Protection

# Environment in GATT/WTO Law

## GATT Article XX

- Exceptions for measures
  - (b): necessary to protect human, animal or plant life or health
  - (g): relating to the conservation of exhaustible natural resources
- “Chapeau”: not applied in a manner which constitutes
  - a means of arbitrary/unjustifiable discrimination or
  - a disguised restriction on international trade

## TBT (preamble+ Arts. 2; 5)

Right to regulate, through technical regulations , in areas such as public health or the environment and, provided that such measures are neither discriminatory nor constitute unnecessary barriers to trade.

## SPS (Art. 2.1)

Right of Members to take sanitary and phytosanitary measures necessary for the protection of human, animal or plant life or health

## TRIPS (Art. 27.2)

Right to exclude from patentability inventions, whose prevention within their territory is necessary to protect, amongst other objectives, human, animal or plant life or health or to avoid serious prejudice to the environment.

## GATS (Art. XIV)

Article XIV provides for exceptions that are similar to GATT Article XX(b)



## Preserving Members' policy space while respecting trade rules

### *US – SHRIMP* (Appellate Body)

“In reaching these conclusions, we wish to underscore what we have not decided in this appeal.

We have not decided that the protection and preservation of the environment is of no significance to the Members of the WTO. Clearly, it is.

We have not decided that the sovereign nations that are Members of the WTO cannot adopt effective measures to protect endangered species, such as sea turtles. Clearly, they can and should.

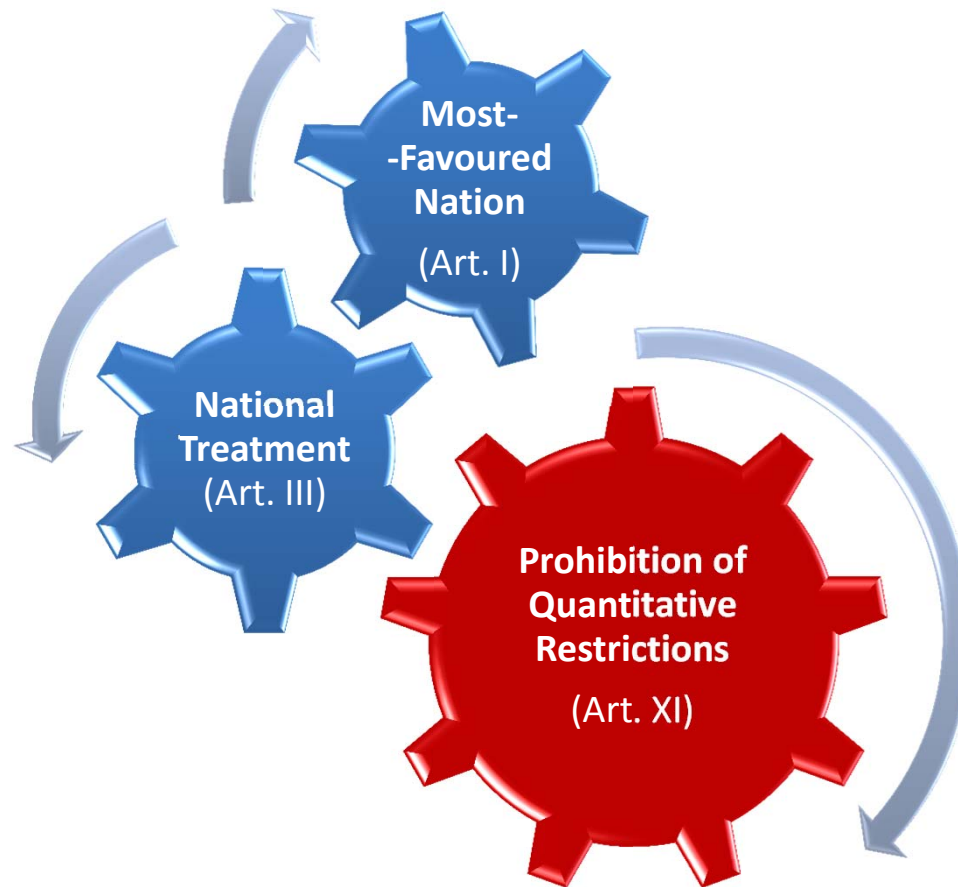
And we have not decided that sovereign states should not act together bilaterally, plurilaterally or multilaterally, either within the WTO or in other international fora, to protect endangered species or to otherwise protect the environment. Clearly, they should and do.

... WTO Members are free to adopt their own policies aimed at protecting the environment as long as, in so doing, they fulfill their obligations and respect the rights of other Members under the *WTO Agreement*.”

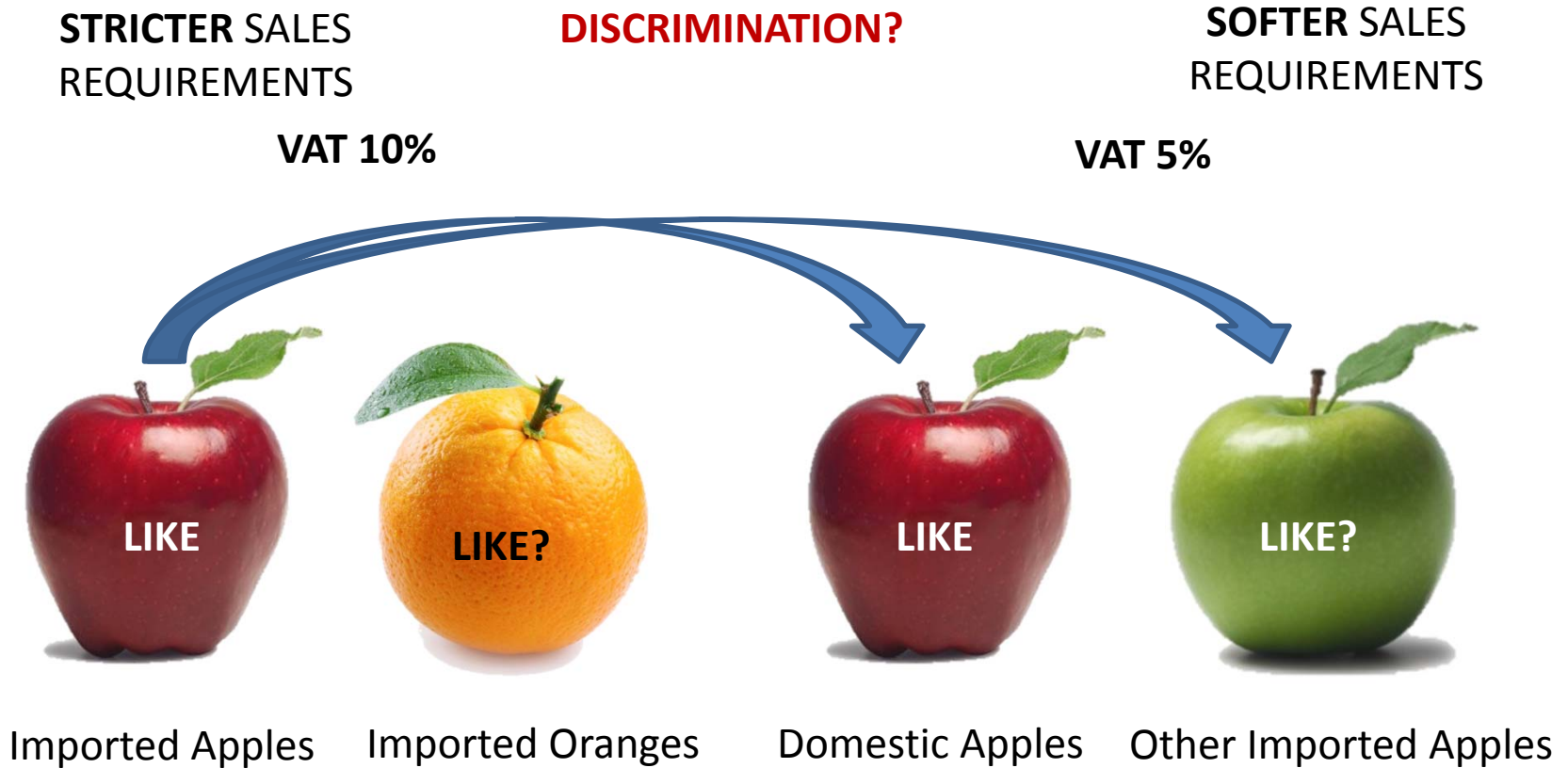


## **GATT Basic Disciplines**

# Fundamental Principles



# Non-discrimination



# :1, Most-Favoured Nation

advantage, favour, privilege or immunity

Granted to

product originating in or destined for any other country

Immediately and unconditionally  
accorded to

product originating in or destined for the territories of *all*  
other contracting parties

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