

# International Trade Law

Module three (Institutional structure of the WTO)

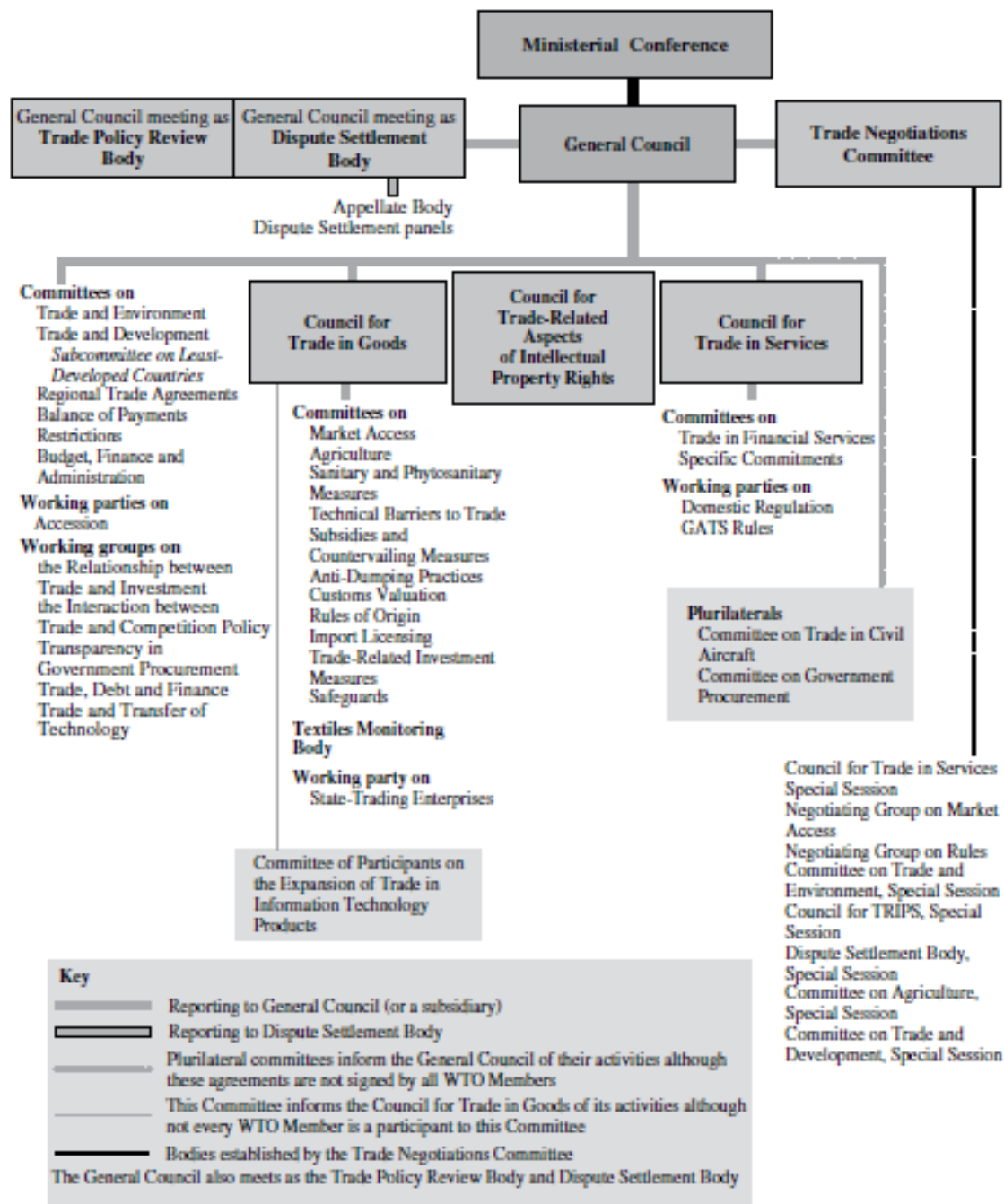
Unit one (Institutions of the WTO)

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# Institutions of the WTO

- 70 WTO bodies
  - 34 standing bodies
- Lack of executive bodies
- Member driven
- Traditional approach to international organizations



Source: P. Van den Bossche *The Law and Policy of the World Trade Organization. Texts, Cases and Materials*. Cambridge 2005 p. 121

# WTO Institutional Structure

- Ministerial Conference (IV:1 WTO)
- General Council, DSB, TPRB (IV:2-4 WTO)
- Specialized Councils (IV:5 WTO)
- Committees and working parties (IV:6 WTO)
- Quasi-judicial bodies (DSB)
- WTO Secretariat (VI WTO)

# Ministerial Conference

## *Article IV*

### *Structure of the WTO*

1. There shall be a Ministerial Conference composed of representatives of all the Members, which shall meet at least once every two years. The Ministerial Conference shall carry out the functions of the WTO and take actions necessary to this effect. The Ministerial Conference shall have the authority to take decisions on all matters under any of the Multilateral Trade Agreements, if so requested by a Member, in accordance with the specific requirements for decision-making in this Agreement and in the relevant Multilateral Trade Agreement.

- Trade ministers and other officials
- Highest decision-making body
- Brings together all members (countries or customs unions, e.g. EU)
- Meets at least once every two years

# Ministerial Conference - duties

- Adopting authoritative interpretations of the WTO agreements
- Granting waivers
- Adopting amendments
- Decisions on accession
- Appointing Director-General
- Adopting staff regulations

# General Council

## *Article IV*

### *Structure of the WTO*

2. There shall be a General Council composed of representatives of all the Members, which shall meet as appropriate. In the intervals between meetings of the Ministerial Conference, its functions shall be conducted by the General Council. The General Council shall also carry out the functions assigned to it by this Agreement. The General Council shall establish its rules of procedure and approve the rules of procedure for the Committees provided for in paragraph 7.

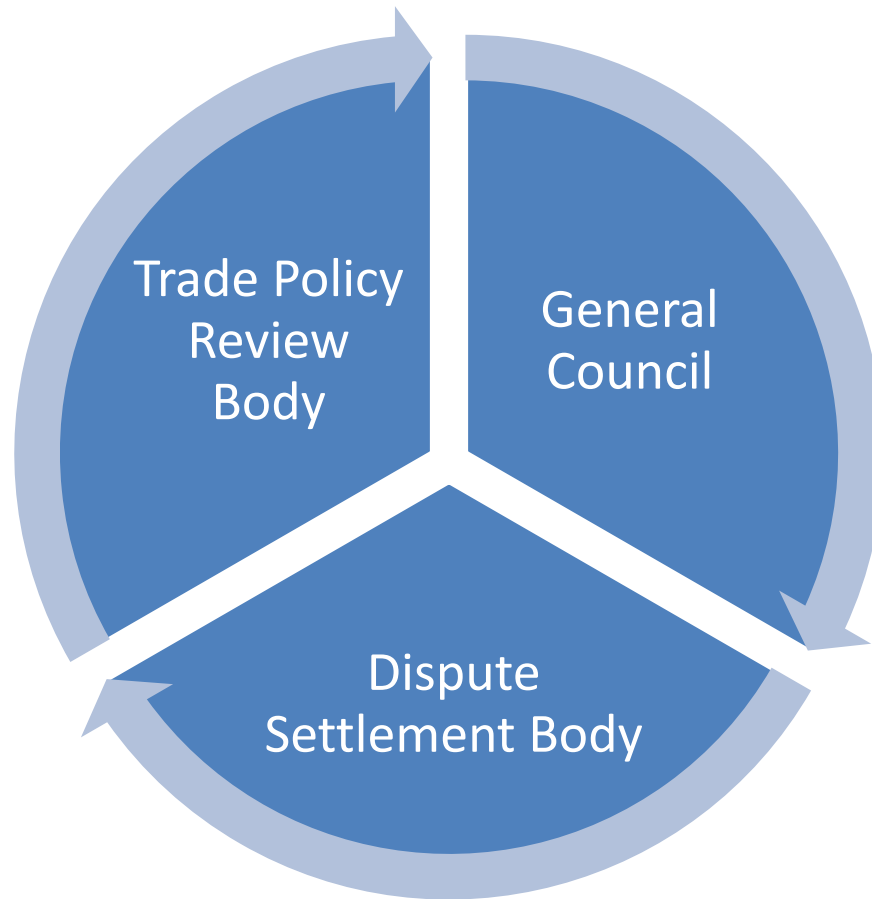
- Permanent body
- Ambassador level diplomats
- Meet once every two months (on the premises of WTO Secretariat)
- Chairperson elected once a year
- Rules of Procedure for the Meetings of the General Council

# General Council - duties

- Responsible for day to day management of the WTO
- Between the session of Ministerial Conference exercises full power of Ministerial Conference
- Annual budget adoption and financial regulations adoption
- Making arrangements for cooperation with international organizations and NGO's



# General Council, Dispute Settlement Body, Trade Policy Review Body



# Dispute Settlement Body

## *Article IV*

### *Structure of the WTO*

3. The General Council shall convene as appropriate to discharge the responsibilities of the Dispute Settlement Body provided for in the Dispute Settlement Understanding. The Dispute Settlement Body may have its own chairman and shall establish such rules of procedure as it deems necessary for the fulfilment of those responsibilities.

- Emanation of General Council for settling trade disputes between Member States
- Regular meetings once a month + additional
- Acts according to the Rules of Procedure for Meetings of the Dispute Settlement Body (WT/DSB/9)

# Dispute Settlement Body - duties

- Establishes the Panels
- Adopts Panel and Appellate Body reports (17.14 DSU)
- Authorises the suspension of concession and other obligations

# Quasi-Judicial Bodies

## **Panel**

- Composed of 3 or 5 persons (8.5 DSU)
- Panelists chosen with the view of warranting independence
- Experienced and qualified (8.1 DSU)
- Chosen from the list prepared by the Secretariat

## **Appellate Body**

- 7 persons with recognised authority and expertise in law
- Hears cases in 3 persons divisions
- Four year term
- Permanent body

# Trade Policy Review Body

## *Article IV*

### *Structure of the WTO*

4. The General Council shall convene as appropriate to discharge the responsibilities of the Trade Policy Review Body provided for in the TPRM. The Trade Policy Review Body may have its own chairman and shall establish such rules of procedure as it deems necessary for the fulfilment of those responsibilities.

- Emanation of General Council for reviewing trade policies of Member States
- Regular meetings once a month + additional
- Acts according to the Rules of Procedure for Meetings of the Trade Policy Review Body (WT/TPR/6)

# Specialized Councils - duties



Council for  
Trade in  
Goods

Council for  
Trade in  
Services

Council for  
trade in  
TRIPS

## *Article IV*

### *Structure of the WTO*

5. There shall be a Council for Trade in Goods, a Council for Trade in Services and a Council for Trade-Related Aspects of Intellectual Property Rights (hereinafter referred to as the "Council for TRIPS"), which shall operate under the general guidance of the General Council. The Council for Trade in Goods shall oversee the functioning of the Multilateral Trade Agreements in Annex 1A. The Council for Trade in Services shall oversee the functioning of the General Agreement on Trade in Services (hereinafter referred to as "GATS"). The Council for TRIPS shall oversee the functioning of the Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter referred to as the "Agreement on TRIPS"). These Councils shall carry out the functions assigned to them by their respective agreements and by the General Council. They shall establish their respective rules of procedure subject to the approval of the General Council. Membership in these Councils shall be open to representatives of all Members. These Councils shall meet as necessary to carry out their functions.

# Committees

## Treaty Committees

- Committee on Trade and Development
- Committee on Balance-of-Payments Restrictions
- Committee on Budget, Finance and Administration

## Additional Committees (eg.)

- Committee on Trade and Environment (1995)
- Committee on Regional Trade Agreements (1996)
- Trade Negotiations Committee (2001)

*Article IV*

### *Structure of the WTO*

7. The Ministerial Conference shall establish a Committee on Trade and Development, a Committee on Balance-of-Payments Restrictions and a Committee on Budget, Finance and Administration, which shall carry out the functions assigned to them by this Agreement and by the Multilateral Trade Agreements, and any additional functions assigned to them by the General Council, and may establish such additional Committees with such functions as it may deem appropriate. As part of its functions, the Committee on Trade and Development shall periodically review the special provisions in the Multilateral Trade Agreements in favour of the least-developed country Members and report to the General Council for appropriate action. Membership in these Committees shall be open to representatives of all Members.

# Working Parties

## *Article IV*

### *Structure of the WTO*

6. The Council for Trade in Goods, the Council for Trade in Services and the Council for TRIPS shall establish subsidiary bodies as required. These subsidiary bodies shall establish their respective rules of procedure subject to the approval of their respective Councils.

Working Parties – temporary subsidiary bodies set up to study and report on a particular issue. There are a few dozens of such bodies in the WTO.



# Secretariat

## *Article VI*

### *The Secretariat*

1. There shall be a Secretariat of the WTO (hereinafter referred to as “the Secretariat”) headed by a Director-General.
2. The Ministerial Conference shall appoint the Director-General and adopt regulations setting out the powers, duties, conditions of service and term of office of the Director-General.
3. The Director-General shall appoint the members of the staff of the Secretariat and determine their duties and conditions of service in accordance with regulations adopted by the Ministerial Conference.
4. The responsibilities of the Director-General and of the staff of the Secretariat shall be exclusively international in character. In the discharge of their duties, the Director-General and the staff of the Secretariat shall not seek or accept instructions from any government or any other authority external to the WTO. They shall refrain from any action which might adversely reflect on their position as international officials. The Members of the WTO shall respect the international character of the responsibilities of the Director-General and of the staff of the Secretariat and shall not seek to influence them in the discharge of their duties.

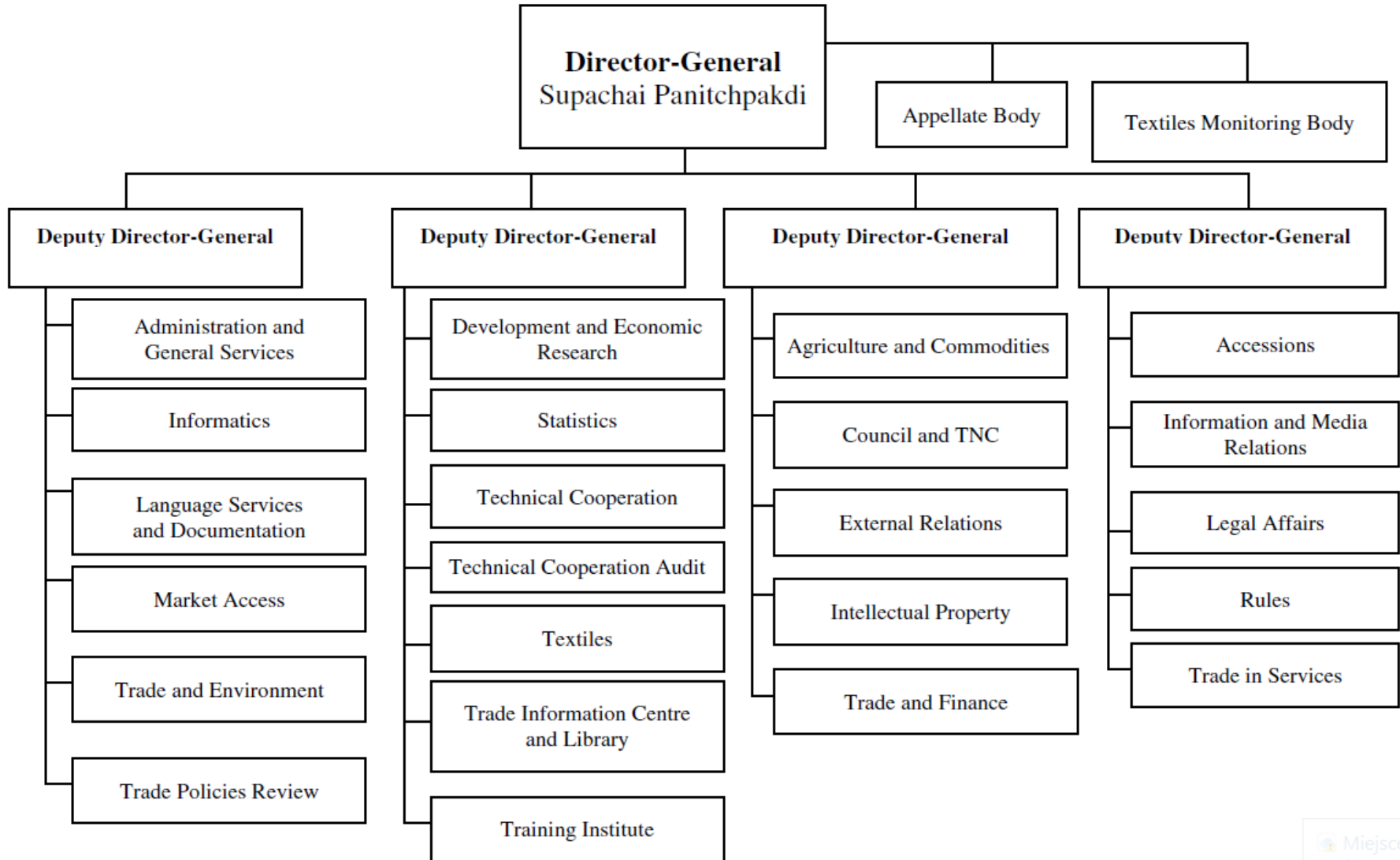
# Secretariat

- Headed by the Director General
- Situated in Geneva
- 600 prs. stuff
- Network with national delegates, civil servants and others – proximately 5000prs.

# Secretariat - duties

- Provision of technical and professional support to WTO bodies
- Provision of technical assistance to developing-countries (Member States)
- Monitoring and analysing the development of world trade
- Advising governments of countries wishing to join WTO
- Providing information to the public and to the media

# Director General



**THANK YOU FOR YOUR ATTENTION**