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| ***United States – Import Prohibition of Certain Shrimp and Shrimp Products, Report of the Panel*, WT/DS58/R, adopted with the AB report on 6 Nov 1998**Available from <http://www.worldtradelaw.net/reports/wtopanels/us-shrimp%28panel%29.pdf.download>Via <http://www.worldtradelaw.net/databases/wtopanels.php> Applying the chapeau, esp 7.33 – 7.49. [para 7.44, 7.45, 7.48, 7.49 are quoted in AB report at para 112] |
| ***United States – Import Prohibition of Certain Shrimp and Shrimp Products*, Report of the Appellate Body, WT/DS58/AB/R, adopted with the Panel report on 6 Nov 1998**Available from <http://www.worldtradelaw.net/reports/wtoab/us-shrimp%28ab%29.pdf.download>Via <http://www.worldtradelaw.net/databases/abreports.php>Facts at paras 1 – 6.On the Findings of the Panel on Article XX – paras 111 – 121.On “exhaustible natural resources”, paras 127 – 134On “relating to the conservation of …” , paras 135 – 142On” if such measures are made effective in conjunction with …”, para 143-145On the chapeau, paras 150 – 160On Unjustifiable discrimination, para 161 – 176On arbitrary discrimination, para 177 – 186.(No decision on disguised restriction on international trade)  |
| ***United States – Import Prohibition of Certain Shrimp and Shrimp Products, Recourse to Article 21.5 by Malaysia, Report of the Panel*, WT/DS58/RW, adopted with the AB report on 21 Nov 2001.**Available at <http://www.worldtradelaw.net/reports/wtopanels/us-shrimp%28panel%29%2821.5%29.pdf.download> Via <http://www.worldtradelaw.net/databases/wtopanels.php> Facts – the Revised Guidelines , para 2.22 – 2.32On AB finding of arbitrary discrimination because of lack of flexibility, see 21. 5 panel at 5.121-5.125 [not appealed]On AB finding of arbitrary discrimination because of absence of due process, see 21.5 panel at para 5.126 – 5.136 [ not appealed] On AB finding of unjustifiable discrimination because the prohibition applied to shrimp from uncertified countries, even when shrimp caught using TEDs, see 21.5 panel at para 5.105 – 5.111 [not appealed]On AB finding of unjustifiable discrimination because US had made different degrees of effort to assist countries with TED technology, see 21.5 panel paras 5.117 – 5.120 [not appealed]On AB finding of unjustifiable discrimination because US had allowed different phase in times to different exporting countries, see 21.5 panel paras 5.112 – 5.116 [not appealed] On AB finding [66-73] of unjustifiable discrimination because that US negotiated seriously with some members and not with others & Malaysia argument that the US should have negotiated an agreement before applying the measure, see 21.5 panel paras 5.62 – 5.88 esp 5.65-5.67, 5.73. [Appealed]On AB finding [161-165, esp at164] of unjustifiable discrimination because the insufficient flexibility in the US measure constituted unjustifiable discrimination, see 21.5 panel paras 5.89-5.104, esp 5.93 [Appealed]  |
| ***United States – Import Prohibition of Certain Shrimp and Shrimp Products, Recourse to Article 21.5 by Malaysia, Report of the Panel*, WT/DS58/RW, adopted with the AB report on 21 Nov 2001.***Available at* [*http://www.worldtradelaw.net/reports/wtoab/us-shrimp%28ab%29%2821.5%29.pdf.download*](http://www.worldtradelaw.net/reports/wtoab/us-shrimp%28ab%29%2821.5%29.pdf.download)Via <http://www.worldtradelaw.net/databases/abreports.php> Facts – Revised Guidelines, para 1-9On the question of the duty to pursue international cooperation, whether the US should not act unilaterally but only after reaching agreement; whether the revised measure still constituted unjustifiable discrimination because of failure to make comparable efforts to negotiate with all countries, see para 115 – 134, esp 122-124On the question of whether the measure still constituted unjustifiable discrimination because it inflexibly prescribed that other countries adopted essentially the same policy as the US, see para 135-150, esp. 138, 144, 149.  |