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1 ARTICLE XXIII OF THE GENERAL AGREEMENT ON TRADE IN SERVICES

1.1 Text of Article XXIII

Article XXIII

Dispute Settlement and Enforcement

1. If any Member should consider that any other Member fails to carry out its obligations or specific commitments under this Agreement, it may with a view to reaching a mutually satisfactory resolution of the matter have recourse to the DSU.
2. If the DSB considers that the circumstances are serious enough to justify such action, it may authorize a Member or Members to suspend the application to any other Member or Members of obligations and specific commitments in accordance with Article 22 of the DSU.
3. If any Member considers that any benefit it could reasonably have expected to accrue to it under a specific commitment of another Member under Part III of this Agreement is being nullified or impaired as a result of the application of any measure which does not conflict with the provisions of this Agreement, it may have recourse to the DSU. If the measure is determined by the DSB to have nullified or impaired such a benefit, the Member affected shall be entitled to a mutually satisfactory adjustment on the basis of paragraph 2 of Article XXI, which may include the modification or withdrawal of the measure. In the event an agreement cannot be reached between the Members concerned, Article 22 of the DSU shall apply.¹

1.2 General

1.2.1 Air Transport Services

1. Paragraph 4 of Annex on Air Transport Services relates to dispute settlement in air transport services.

1.2.2 Financial Services

2. Paragraph 4 of Annex on Financial Services relates to dispute settlement in financial services.

1.3 Decision on Certain Dispute Settlement Procedures for the General Agreement on Trade in Services

3. On 1 March 1995, pursuant to the Ministers' Decision on Certain Dispute Settlement Procedures for the General Agreement on Trade in Services, the Council for Trade in Services adopted the Decision on Certain Dispute Settlement Procedures for the General Agreement on Trade in Services², which called for the establishment of a roster of panellists.³ The text of the decision is as follows:

¹ Paragraph 4 of Annex on Air Transport Services relates to dispute settlement in air transport services.

² [S/C/M/1](#). The text of the adopted Decision can be found in [S/L/2](#).

³ [S/L/2](#), para. 1.

**"Decision on Certain Dispute Settlement Procedures
for the General Agreement on Trade in Services"**

Ministers,

Decide to recommend that the Council for Trade in Services at its first meeting adopt the decision set out below.

The Council for Trade in Services,

Taking into account the specific nature of the obligations and specific commitments of the Agreement, and of trade in services, with respect to dispute settlement under Articles XXII and XXIII,

Decides as follows:

1. A roster of panellists shall be established to assist in the selection of panellists.
 2. To this end, Members may suggest names of individuals possessing the qualifications referred to in Paragraph 3 for inclusion on the roster, and shall provide a curriculum vitae of their qualifications including, if applicable, indication of sector-specific expertise.
 3. Panels shall be composed of well-qualified governmental and/or non-governmental individuals who have experience in issues related to the General Agreement on Trade in Services and/or trade in services, including associated regulatory matters. Panellists shall serve in their individual capacities and not as representatives of any government or organisation.
 4. Panels for disputes regarding sectoral matters shall have the necessary expertise relevant to the specific services sectors which the dispute concerns.
 5. The Secretariat shall maintain the roster and shall develop procedures for its administration in consultation with the Chairman of the Council."⁴
4. On 4 October 1995, the Council for Trade in Services decided that, given the comprehensive nature of the indicative list established by the Dispute Settlement Body pursuant to Article 8(4) of the Understanding on Rules and Procedures Governing the Settlement of Disputes, there was no need for the Council to establish a separate roster of serving panellists.⁵

Current as of: June 2024

⁴ [S/L/2](#).

⁵ [S/C/M/6](#), paras. 41-42.