

# WTO Dispute Settlement System: Experience of Ukraine

**Svitlana Zaitseva**

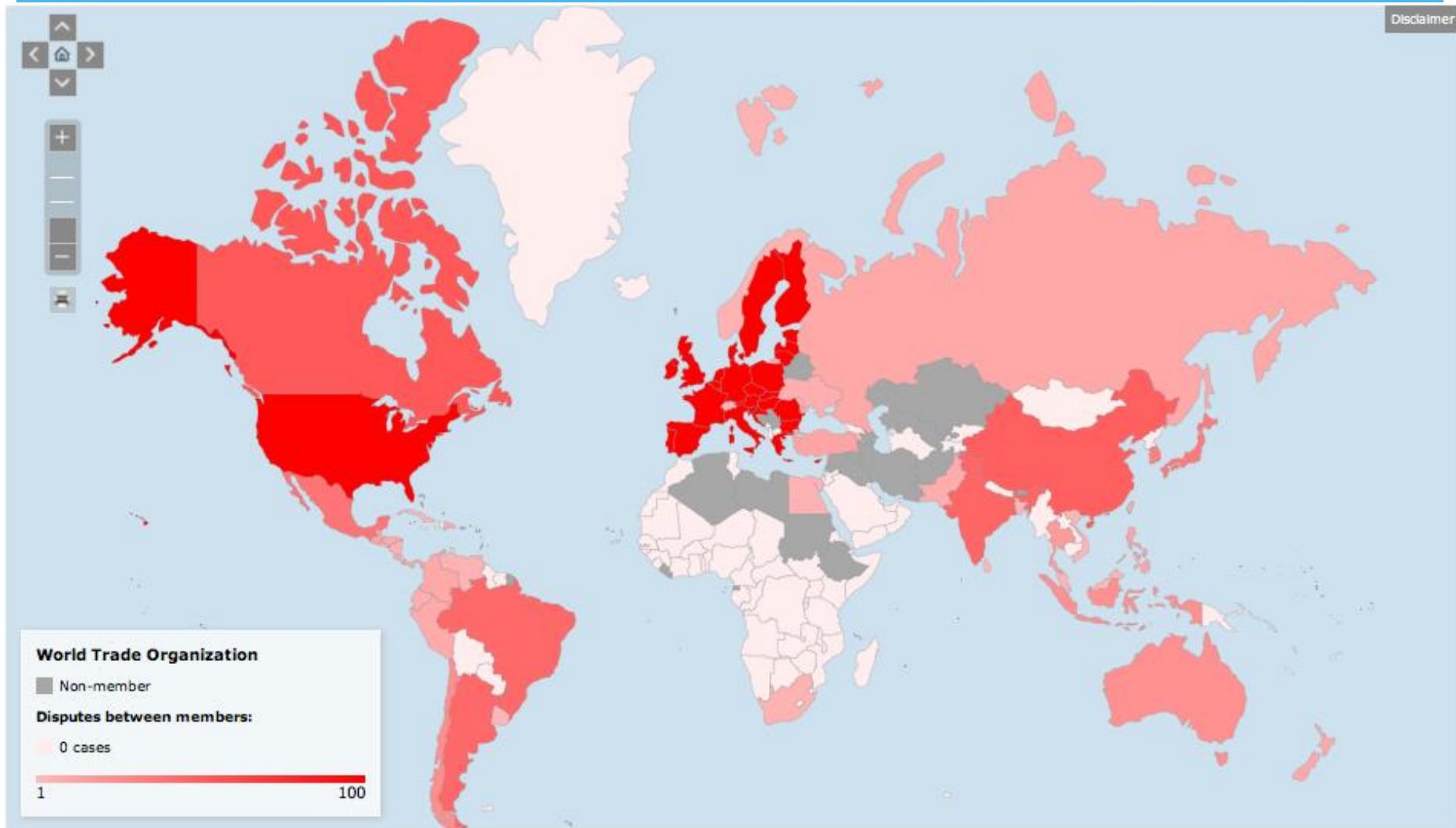
**Director of WTO and Trade Defense Department  
Ministry of Economic Development and Trade of  
Ukraine**

[zaitsevas@yahoo.com](mailto:zaitsevas@yahoo.com)

# WTO Dispute Settlement System = Rule of Law

- Unique system of resolving trade disputes (coverage – trade in goods, services, IPR)
- Not a court, but allows for internationally recognized interpretations of the provisions of Agreements and commitments of WTO Members
- Enforcement : DSB “shall keep under surveillance the implementation of the adopted recommendations and rulings” with the authority to mandate retaliation in case of non-compliance

# WTO Dispute Settlement System = Rule of Law



# WTO Dispute Settlement System = Rule of Law

## Dispute cases involving Ukraine [back to top](#)

Place your mouse over a dispute number in the table below to see the title of the dispute. Click on the dispute number to go to a page giving detailed information for that dispute.

	as complainant	as respondent	as third party
Ukraine > <a href="#">See this on a map</a>	3 case(s): <a href="#">DS411</a> , <a href="#">DS421</a> , <a href="#">DS434</a>	3 case(s): <a href="#">DS423</a> , <a href="#">DS468</a> , <a href="#">DS493</a>	9 case(s): <a href="#">DS435</a> , <a href="#">DS441</a> , <a href="#">DS458</a> , <a href="#">DS462</a> , <a href="#">DS467</a> , <a href="#">DS471</a> , <a href="#">DS474</a> , <a href="#">DS479</a> , <a href="#">DS485</a>

# WTO Dispute Settlement System = Rule of Law

- IMPORTANT : Proper dialogue business to government should be established
- Trade concern → trade issue → trade dispute
- Special trade concerns (STC s) are being regarded at the WTO Committees and Councils
- Strong case is made by a mutual support and coordination between business and government

# WTO Dispute Settlement System = Rule of Law



WTO is government to government forum, before a government decides to initiate a trade dispute the algorithm is as follows (as a rule):

- examine the details of the trade issues and its “environment”
- Identification of the nature of the barrier or breach under the WTO rules (commercial, economic, systemic)
- develop possible options for action ( bilateral, litigation or negotiations )
- is there commitment from business to support and cooperate with the government

# WTO Dispute Settlement System = Rule of Law

Some essential conclusions :

- Cases may be brought before the WTO for economic and systemic reasons (ensuring rights and market access)
- Engagement and support from business to government is highly important
- Members must not use the system for political reasons but should seek to resolve differences in interpretation of WTO law