

12. World Trade Organization (WTO)

Extracts from the fifth report on the provisional application of treaties, by Juan Manuel Gómez-Robledo, Special Rapporteur:²⁴⁰

56. With respect to WTO, it is well known that the *General Agreement on Tariffs and Trade* (GATT)²⁴¹ is undoubtedly the multilateral treaty that was applied provisionally for the longest period of time (from 1947 to 1994), as noted in the third report.²⁴² The Special Rapporteur has identified a number of decisions taken by WTO dispute settlement mechanisms that concern the provisional application of the General Agreement; these are noted as examples of case law that were not included in the previous reports.²⁴³

²⁴⁰ Doc. A/CN.4/718 (2018).

²⁴¹ General Agreement on Tariffs and Trade (Geneva, 30 October 1947), United Nations, *Treaty Series*, vol. 55, No. 814, p. 187.

²⁴² A/CN.4/687, para. 99.

²⁴³ See: GATT, Report of the Panel, *United States—Measures affecting alcoholic and malt beverages*, DS23/R-39S/206, adopted on 19 June 1992; GATT, Report by the Panel, *Canada—Import, distribution and sale of certain alcoholic drinks by provincial marketing agencies*, DS17/R-39S/27, adopted on 18 February 1992; GATT, Report of the Panel, *Thailand—Restrictions on importation of and internal taxes on cigarettes*, DS10/R-37S/200, adopted on 7 November 1990; GATT, Report of the Panel, *Norway—Restrictions on imports of apples and pears*, L/6474-36S/306, adopted on 22 June 1989.