Can the WTO Dispute Settlement System Deal with Competition Disputes? 1
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in Reforming the World Trading System: Legitimacy, Efficiency, and Democratic Governance

Published in print: 2005 Published Online: March 2012
Item type: chapter

This chapter examines whether World Trade Organization (WTO) dispute settlement bodies can effectively deal with competition disputes. The chapter describes how WTO rules and the Dispute Settlement Understanding (DSU) are already applicable to trade-related competition rules of WTO Members and to individual decisions on their application by competition authorities. The discussions in the WTO Working Group on the Interaction of Trade and Competition Policy have revealed reservations against the application of the DSU, notably against review by WTO dispute settlement bodies of individual decisions. According to this chapter only some of these reservations are justified in view of certain weaknesses of WTO dispute settlement procedures. Even though the full application of the DSU to future WTO competition rules should not present major problems, restriction of dispute settlement provisions in a future competition agreement to review of laws might be a necessary price to pay for reaching political consensus on such an agreement.