

TPP 28 dispute settlement	WTO dispute settlement	WTO 紛争解決（経産省）
<p>(WTO 協定とは対応しない) <b>Article 28.1: Definitions</b></p> <p>For the purposes of this Chapter: complaining Party means a Party that requests the establishment of a panel pursuant to Article 28.7.1 (Establishment of a Panel); consulting Party means a Party that requests consultations pursuant to Article 28.5.1 (Consultations) and the Party to which the request for consultations is made; disputing Party means a complaining Party or a responding Party; Panel means a panel established pursuant to Article 28.7 (Establishment of a Panel); perishable goods means perishable agricultural and fish goods classified in HS Chapters 1 through 24; responding Party means a Party that has been complained against pursuant to Article 28.7.1 (Establishment of a Panel); Rules of Procedure means the rules referred to in Article 28.12 (Rules of Procedure for Panels) and established in accordance with Article 27.2.1(e) (Functions of the Commission); and third Party means a Party, other than a disputing Party, that delivers a written notice in accordance with Article 28.13 (Third Party Participation).</p> <p><b>第 28.1 条 定義（パネル＝小委員会）</b> ・申立国は、第 28.7.1 条（パネル設置）に従って、パネル設置を要求する国</p>	<p><b>Article 1 Coverage and Application</b></p> <p>1. The rules and procedures of this Understanding shall apply to disputes brought pursuant to the consultation and dispute settlement provisions of the agreements listed in Appendix 1 to this Understanding (referred to in this Understanding as the “covered agreements”). The rules and procedures of this Understanding shall also apply to consultations and the settlement of disputes between Members concerning their rights and obligations under the provisions of the Agreement Establishing the World Trade Organization (referred to in this Understanding as the “WTO Agreement”) and of this Understanding taken in isolation or in combination with any other covered agreement.</p> <p>2. The rules and procedures of this Understanding shall apply subject to such special or additional rules and procedures on dispute settlement contained in the covered agreements as are identified in Appendix 2 to this Understanding. To the extent that there is a difference between the rules and procedures of this Understanding and the special or additional rules and procedures set forth in Appendix 2, the special or additional rules and procedures in Appendix 2 shall prevail. In disputes involving rules and procedures under more than one covered agreement, if there is a conflict between</p>	<p><b>第一条 適用対象及び適用</b></p> <p>1.この了解に定める規則及び手続は、附属書一に掲げる協定(この了解において「対象協定」という。)の協議及び紛争解決に関する規定に従って提起される紛争について適用する。この了解に定める規則及び手続は、また、世界貿易機関を設立する協定(この了解において「世界貿易機関協定」という。)及びこの了解に基づく権利及び義務に関する加盟国間の協議及び紛争解決(その他の対象協定に基づく権利及び義務にも係るものとして行われるものであるかないかを問わない。)について適用する。</p> <p>2.この了解に定める規則及び手続の適用は、対象協定に含まれている紛争解決に関する特別又は追加の規則及び手続(附属書二に掲げるもの)の適用がある場合には、これに従う。この了解に定める規則及び手続と同附属書に掲げる特別又は追加の規則及び手続とが抵触する場合には、同附属書に掲げる特別又は追加の規則及び手続が優先する。二以上の対象協定に定める規則及び手続に関する紛争において、検討される当該二以上の対象協定に定める特別又は追加の規則及び手続が相互に抵触す</p>

<p>・被申立国は、第 28.5.1 条（協議）に従って協議を要請し、協議のための要請がなされる国</p> <p>・異議を申し立てる締約国は申立国か被申立国</p> <p>・パネルは第 28.7 条（パネルの設置）に従い設置されるパネル</p> <p>・腐敗しやすい商品とは、HS コード第 1 類から第 24 類までの農産物、水産物</p> <p>・被申立国は、第 28.7.1 条に従い苦情を言われた国</p> <p>・手続き規則とは、第 28.12 条（パネルに対する手続き規則）に従い、第 27.2.1 条（委員会の任務）に従い確立された規則</p> <p>・第三者は、申立国以外で、第 28.13 条（第三者の参加）に従って書面による通知を受けた締約国</p> <p><b>Article 28.2: Cooperation</b></p> <p>The Parties shall at all times endeavour to agree on the interpretation and application of this Agreement, and shall make every attempt through cooperation and consultations to arrive at a mutually satisfactory resolution of any matter that might affect its operation.</p> <p><b>第 28.2 条 協力</b></p> <p>締約国は、本協定の解釈と提要に関し、いつでも合意に努力し、その活動に影響を及ぼすいかなる問題の相互に満足すべき解決に到達するため協力と協議を通じてあらゆる試みを行うこと。</p> <p><b>Article 28.3: Scope</b></p> <p>1. Except as otherwise provided in this Agreement, the dispute settlement provisions of this Chapter shall apply:</p>	<p>special or additional rules and procedures of such agreements under review, and where the parties to the dispute cannot agree on rules and procedures within 20 days of the establishment of the panel, the Chairman of the Dispute Settlement Body provided for in paragraph 1 of Article 2 (referred to in this Understanding as the “DSB”), in consultation with the parties to the dispute, shall determine the rules and procedures to be followed within 10 days after a request by either Member. The Chairman shall be guided by the principle that special or additional rules and procedures should be used where possible, and the rules and procedures set out in this Understanding should be used to the extent necessary to avoid conflict.</p> <p><b>Article 2 Administration</b></p> <p>1. The Dispute Settlement Body is hereby established to administer these rules and procedures and, except as otherwise provided in a covered agreement, the consultation and dispute settlement provisions of the covered agreements. Accordingly, the DSB shall have the authority to establish panels, adopt panel and Appellate Body reports, maintain surveillance of implementation of rulings and recommendations, and authorize suspension of concessions and other obligations under the covered agreements. With respect to disputes arising under a covered agreement which is a Plurilateral Trade Agreement, the term “Member” as used herein shall refer only to those Members that are parties to the relevant</p>	<p>る場合であって、紛争当事国が小委員会の設置から二十日以内に規則及び手続について合意することができないときは、次条 1 に定める紛争解決機関の議長は、いずれかの加盟国の要請の後十日以内に、紛争当事国と協議の上、従うべき規則及び手続を決定する。議長は、特別又は追加の規則及び手続が可能な限り用いられるべきであり、かつ、この了解に定める規則及び手続は抵触を避けるために必要な限度において用いられるべきであるという原則に従う。</p> <p><b>第二条 運用</b></p> <p>1. この了解に定める規則及び手続並びに対象協定の協議及び紛争解決に関する規定を運用するため、この了解により紛争解決機関を設置する。ただし、対象協定に係る運用について当該対象協定に別段の定めがある場合には、これによる。同機関は、小委員会を設置し、小委員会及び上級委員会の報告を採択し、裁定及び勧告の実施を継続的に監視し並びに対象協定に基づく譲許その他の義務の停止を承認する権限を有する。対象協定のうち複数国間貿易協定であるものの下で生ずる紛争に関し、この了解において「加盟国」とは、当該複数国間貿易協定の締約国である加盟国のみをいう。同機関がいずれかの複数国間貿易</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>(a) with respect to the avoidance or settlement of all disputes between the Parties regarding the interpretation or application of this Agreement;</p> <p>(b) wherever a Party considers that an actual or proposed measure of another Party is or would be inconsistent with the obligations of this Agreement or that another Party has otherwise failed to carry out its obligations under this Agreement; or</p> <p>(c) wherever a Party considers that a benefit it could reasonably have expected to accrue to it under Chapter 2 (National Treatment and Market Access for Goods), Chapter 3 (Rules of Origin and Origin Procedures), Chapter 4 (Textiles and Apparel), Chapter 5 (Customs Administration and Trade Facilitation), Chapter 8 (Technical Barriers to Trade), Chapter 10 (Cross-Border Trade in Services) or Chapter 15 (Government Procurement) is being nullified or impaired as a result of the application of a measure of another Party that is not inconsistent with this Agreement.</p> <p>2. No later than 6 months after the effective date when Members of the WTO have the right to initiate non-violation nullification or impairment complaints under Article 64 of the TRIPS Agreement, the Parties shall consider whether to amend paragraph 1(c) to include Chapter 18 (Intellectual Property Rights).</p> <p>3. An instrument entered into by two or more Parties in connection with the conclusion of the Agreement:</p> <p>(a) does not constitute an instrument related to this Agreement within the meaning of Article 31(2)(b) of the Vienna Convention on the Law of Treaties done</p>	<p>Plurilateral Trade Agreement. Where the DSB administers the dispute settlement provisions of a Plurilateral Trade Agreement, only those Members that are parties to that Agreement may participate in decisions or actions taken by the DSB with respect to that dispute.</p> <p>2. The DSB shall inform the relevant WTO Councils and Committees of any developments in disputes related to provisions of the respective covered agreements.</p> <p>3. The DSB shall meet as often as necessary to carry out its functions within the time-frames provided in this Understanding.</p> <p>4. Where the rules and procedures of this Understanding provide for the DSB to take a decision, it shall do so by consensus (1).</p> <p><b>Article 3 General Provisions</b></p> <p>1. Members affirm their adherence to the principles for the management of disputes heretofore applied</p>	<p>協定の紛争解決に関する規定を運用する場合には、当該協定の締約国である加盟国のみが、当該紛争に関する同機関の決定又は行動に参加することができる。</p> <p>2.紛争解決機関は、世界貿易機関の関連する理事会及び委員会に対し各対象協定に係る紛争における進展を通報する。</p> <p>3.紛争解決機関は、その任務をこの了解に定める各期間内に遂行するため、必要に応じて会合する。</p> <p>4.この了解に定める規則及び手続に従って紛争解決機関が決定を行う場合には、その決定は、コンセンサス方式による(注)。</p> <p>注： 紛争解決機関がその審議のために提出された事項について決定を行う時にその会合に出席しているいずれの加盟国もその決定案に正式に反対しない場合には、同機関は、当該事項についてコンセンサス方式によって決定したものとみなす。</p> <p><b>第三条 一般規定</b></p> <p>1.加盟国は、千九百四十七年のガットの第二十二条及び第二十三条の規定の下で適</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>at Vienna on 23 May 1969 and shall not affect the rights and obligations under this Agreement of Parties not subject to a particular instrument; and (b) may be subject to the dispute settlement procedures under this Chapter for any matter arising under that instrument if that instrument so provides.</p> <p>第 28.3 条 範囲</p> <p>1. 本協定に別の定めがある場合を除き、この章の紛争解決規定が適用される。</p> <p>(a) 本協定の解釈あるいは適用に関して締約国の間の全ての紛争の回避あるいは解決に関して</p> <p>(b) いかなる時でも、実際か他の締約国が提案する措置であるか又は本協定の義務と矛盾することを、あるいは、そうでない場合、他の締約国が本協定の下での義務遂行に失敗することを、締約国は検討する。</p> <p>(c) いかなる時でも、締約国は、以下の条項の下で、合理的に生まれると思うことができる利益が、他の締約国による本契約と矛盾しない措置の適用の結果として、無効になるか侵害を受けているか、検討する。</p> <p>第 2 章 市場アクセス、第 3 章 原産地規則、第 4 章 繊維、第 5 章 税関及び貿易円滑化、第 8 章 TBT、第 10 章 国境を越えるサービス、第 15 章 政府調達章</p> <p>(注、本紛争解決の不適合を宣言している章)</p> <p>第 12 章 ビジネス関係者の一次入国、第 16 章 競争政策、第 21 章 協力・能力開発、第 22 章 競争力、第 23 章 開発、第 24 章 中小企業、第 25 章 規制の整合性</p> <p>(条件付適用)</p>	<p>under Articles XXII and XXIII of GATT 1947, and the rules and procedures as further elaborated and modified herein.</p> <p>2. The dispute settlement system of the WTO is a central element in providing security and predictability to the multilateral trading system. The Members recognize that it serves to preserve the rights and obligations of Members under the covered agreements, and to clarify the existing provisions of those agreements in accordance with customary rules of interpretation of public international law. Recommendations and rulings of the DSB cannot add to or diminish the rights and obligations provided in the covered agreements.</p> <p>3. The prompt settlement of situations in which a Member considers that any benefits accruing to it directly or indirectly under the covered agreements are being impaired by measures taken by another Member is essential to the effective functioning of the WTO and the maintenance of a proper balance between the rights and obligations of Members.</p> <p>4. Recommendations or rulings made by the DSB shall be aimed at achieving a satisfactory settlement of the matter in accordance with the rights and obligations under this Understanding and under the covered agreements.</p>	<p>用される紛争の処理の原則並びにこの了解によって詳細に定められ、かつ、修正された規則及び手続を遵守することを確認する。</p> <p>2.世界貿易機関の紛争解決制度は、多角的貿易体制に安定性及び予見可能性を与える中心的な要素である。加盟国は、同制度が対象協定に基づく加盟国の権利及び義務を維持し並びに解釈に関する国際法上の慣習的規則に従って対象協定の現行の規定の解釈を明らかにすることに資するものであることを認識する。紛争解決機関の勧告及び裁定は、対象協定に定める権利及び義務に新たな権利及び義務を追加し、又は対象協定に定める権利及び義務を減ずることはできない。</p> <p>3.加盟国が、対象協定に基づき直接又は間接に自国に与えられた利益が他の加盟国がとる措置によって侵害されていると認める場合において、そのような事態を迅速に解決することは、世界貿易機関が効果的に機能し、かつ、加盟国の権利と義務との間において適正な均衡が維持されるために不可欠である。</p> <p>4.紛争解決機関が行う勧告又は裁定は、この了解及び対象協定に基づく権利及び義務に従って問題の満足すべき解決を図ることを目的とする。</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p>第 7 章 SPS (第 7.8、7.9、7.10、7.11 条に適用)、 第 26 章 透明性 (第 28 条を修正して適用)</p> <p>2. WTO のメンバーが無効化又は侵害の非違反申立を始める権利を有している TRIPS 協定第 64 条の発効日後 6 ヶ月以内に、締約国は、第 18 章 (知財権) に含まれるパラグラフ 1 の改正を検討すること。</p> <p>(参考) TRIPS 理事会における第 64 条の議論 <a href="http://www.jpo.go.jp/shiryou/toushin/chousa/pdf/tripschousahoukoku/22_2.pdf">http://www.jpo.go.jp/shiryou/toushin/chousa/pdf/tripschousahoukoku/22_2.pdf</a></p> <p>3. 協定の締結に関連して二ヶ国以上の締約国により法律文書は導入される</p> <p>(a) 1969 年 5 月 23 日の条約に関する法律のウィーン条約第 31 条 (2) (b) の意味を本協定に関して法律文書を構成しない、そして本協定の下での権利と義務に特別の法律文書を前提として影響を及ぼさないこと</p> <p>(参考) ウィーン条約 (第 31 条) <a href="http://www.ioc.u-tokyo.ac.jp/~worldjpn/documents/texts/mt/19690523.T1J.html">http://www.ioc.u-tokyo.ac.jp/~worldjpn/documents/texts/mt/19690523.T1J.html</a></p> <p>(b) 法律文書がそのように用意されるならば、その文書に基づき、発生しているあらゆる問題に対し本章の下での紛争解決手続きを対象とすること</p> <p><b>Article 28.4: Choice of Forum</b></p> <p>1. Where a dispute regarding any matter arises under this Agreement and under another international trade agreement to which the disputing Parties are party, including the WTO Agreement, the complaining Party may select the</p>	<p>5. All solutions to matters formally raised under the consultation and dispute settlement provisions of the covered agreements, including arbitration awards, shall be consistent with those agreements and shall not nullify or impair benefits accruing to any Member under those agreements, nor impede the attainment of any objective of those agreements.</p> <p>6. Mutually agreed solutions to matters formally raised under the consultation and dispute settlement provisions of the covered agreements shall be notified to the DSB and the relevant Councils and Committees, where any Member may raise any point relating thereto.</p> <p>7. Before bringing a case, a Member shall exercise its judgement as to whether action under these procedures would be fruitful. The aim of the dispute settlement mechanism is to secure a positive solution to a dispute. A solution mutually acceptable to the parties to a dispute and consistent with the covered agreements is clearly to be preferred. In the absence of a mutually agreed solution, the first objective of the dispute settlement mechanism is usually to secure the withdrawal of the measures concerned if these are found to be inconsistent with the provisions of any of the covered agreements. The provision of compensation should be resorted to only if the immediate withdrawal of the measure is impracticable and as</p>	<p>5. 対象協定の協議及び紛争解決に関する規定に基づいて正式に提起された問題についてのすべての解決(仲裁判断を含む。)は、当該協定に適合するものでなければならず、また、当該協定に基づきいずれかの加盟国に与えられた利益を無効にし若しくは侵害し、又は当該協定の目的の達成を妨げるものであってはならない。</p> <p>6. 対象協定の協議及び紛争解決に関する規定に基づいて正式に提起された問題についての相互に合意された解決は、紛争解決機関並びに関連する理事会及び委員会に通報される。いずれの加盟国も、同機関並びに関連する理事会及び委員会において、当該解決に関する問題点を提起することができる。</p> <p>7. 加盟国は、問題を提起する前に、この了解に定める手続による措置が有益なものであるかないかについて判断する。紛争解決制度の目的は、紛争に関する明確な解決を確保することである。紛争当事国にとって相互に受け入れることが可能であり、かつ、対象協定に適合する解決は、明らかに優先されるべきである。相互に合意する解決が得られない場合には、同制度の第一の目的は、通常、関係する措置がいずれかの対象協定に適合しないと認められるときに当該措置の撤回を確保することである。代償に関する規定は、当該措置を直ちに撤回することが実行可能でない場合に限り、かつ、対象協定に適合しない措置を撤回す</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>forum in which to settle the dispute.</p> <p>2. Once a complaining Party has requested the establishment of, or referred a matter to, a panel or other panel under an agreement referred to in paragraph 1, the forum selected shall be used to the exclusion of other fora.</p> <p>第 28.4 条 場の選択</p> <p>1. 本協定と他の国際貿易協定の下、紛争当事国に発生しているあらゆる問題に関する紛争は、WTO 協定を含む締約国であり、申立国は、紛争を解決する場所を選ぶことができる。</p> <p>2. 申立国が、パネルあるいはパラグラフ 1 に関連した協定の下での他のパネル設置を要求するか問題を付託すれば、他の場を除外して場が選ばれる。</p>	<p>a temporary measure pending the withdrawal of the measure which is inconsistent with a covered agreement. The last resort which this Understanding provides to the Member invoking the dispute settlement procedures is the possibility of suspending the application of concessions or other obligations under the covered agreements on a discriminatory basis vis-à-vis the other Member, subject to authorization by the DSB of such measures.</p> <p>8. In cases where there is an infringement of the obligations assumed under a covered agreement, the action is considered prima facie to constitute a case of nullification or impairment. This means that there is normally a presumption that a breach of the rules has an adverse impact on other Members parties to that covered agreement, and in such cases, it shall be up to the Member against whom the complaint has been brought to rebut the charge.</p> <p>9. The provisions of this Understanding are without prejudice to the rights of Members to seek authoritative interpretation of provisions of a covered agreement through decision-making under the WTO Agreement or a covered agreement which is a Plurilateral Trade Agreement.</p> <p>10. It is understood that requests for conciliation and the use of the dispute settlement procedures should not be intended or considered as contentious acts and that, if a dispute arises, all Members will</p>	<p>るまでの間の一時的な措置としてのみ、適用すべきである。紛争解決手続を利用する加盟国は、この了解に定める最後の解決手段として、紛争解決機関の承認を得て、他の加盟国に対し対象協定に基づく譲許その他の義務の履行を差別的に停止することができる。</p> <p>8.対象協定に基づく義務に違反する措置がとられた場合には、当該措置は、反証がない限り、無効化又は侵害の事案を構成するものと認められる。このことは、対象協定に基づく義務についての違反は当該対象協定の締約国である他の加盟国に悪影響を及ぼすとの推定が通常存在することを意味する。この場合において、違反の疑いに対し反証を挙げる責任は、申立てを受けた加盟国の側にあるものとする。</p> <p>9.この了解の規定は、世界貿易機関協定又は対象協定のうち複数国間貿易協定であるものに基づく意思決定により対象協定について権威のある解釈を求める加盟国の権利を害するものではない。</p> <p>10.調停及び紛争解決手続の利用についての要請は、対立的な行為として意図され又はそのような行為とみなされるべきでない。紛争が生じた場合には、すべての加盟</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>engage in these procedures in good faith in an effort to resolve the dispute. It is also understood that complaints and counter-complaints in regard to distinct matters should not be linked.</p> <p>11. This Understanding shall be applied only with respect to new requests for consultations under the consultation provisions of the covered agreements made on or after the date of entry into force of the WTO Agreement. With respect to disputes for which the request for consultations was made under GATT 1947 or under any other predecessor agreement to the covered agreements before the date of entry into force of the WTO Agreement, the relevant dispute settlement rules and procedures in effect immediately prior to the date of entry into force of the WTO Agreement shall continue to apply (2).</p> <p>12. Notwithstanding paragraph 11, if a complaint based on any of the covered agreements is brought by a developing country Member against a developed country Member, the complaining party shall have the right to invoke, as an alternative to the provisions contained in Articles 4, 5, 6 and 12 of this Understanding, the corresponding provisions of the Decision of 5 April 1966 (BISD 14S/18), except that where the Panel considers that the time-frame provided for in paragraph 7 of that Decision is insufficient to provide its report and with the</p>	<p>国は、当該紛争を解決するために誠実にこれらの手続に参加する。また、ある問題についての申立てとこれに対抗するために行われる別個の問題についての申立てとは、関連付けられるべきでない。</p> <p>11.この了解は、世界貿易機関協定が効力を生ずる日以後に対象協定の協議規定に基づいて行われた協議のための新たな要請についてのみ適用する。世界貿易機関協定が効力を生ずる日前に千九百四十七年のガット又は対象協定の前身であるその他の協定に基づいて協議の要請が行われた紛争については、世界貿易機関協定が効力を生ずる日の直前に有効であった関連する紛争解決に係る規則及び手続を引き続き適用する。(注)</p> <p>注： この 11 の規定は、小委員会の報告が採択されず又は完全に実施されなかった紛争についても適用する。</p> <p>12.11 の規定にかかわらず、対象協定のいずれかに基づく申立てが開発途上加盟国により先進加盟国に対してされる場合には、当該開発途上加盟国は、次条から第六条まで及び第十二条の規定に代わるものとして、千九百六十六年四月五日の決定(ガット基本文書選集(BISD)追録第十四巻十八ページ)の対応する規定を適用する権利を有する。ただし、小委員会が、同決定の 7 に定める期間がその報告を作成するために不十分であり、かつ、当該開発途上</p>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	agreement of the complaining party, that time-frame may be extended. To the extent that there is a difference between the rules and procedures of Articles 4, 5, 6 and 12 and the corresponding rules and procedures of the Decision, the latter shall prevail.	加盟国の同意を得てその期間を延長することができる」と認める場合は、この限りでない。次条から第六条まで及び第十二条に定める規則及び手続と同決定に定める対応する規則及び手続とが抵触する場合には、抵触する限りにおいて、後者が優先する。
<b>Article 28.5: Consultations</b> (協議)	<b>Article 4 Consultations</b>	<b>第四条 協議</b>
1. Any Party may request in writing consultations with any other Party with respect to any matter described in Article 28.3 (Scope). In a request for consultations, the requesting Party shall set out the reasons for the request, including identification of the actual or proposed measure[1] or other matter at issue and an indication of the legal basis for the complaint. The requesting Party shall circulate the request to all Parties through the Contact Points designated in accordance with Article 27.5 (Contact Points).	1. Members affirm their resolve to strengthen and improve the effectiveness of the consultation procedures employed by Members.	1.加盟国は、加盟国が用いる協議手続の実効性を強化し及び改善する決意を確認する。
(協議の窓口；第 27.5 章規定の連絡部局)	2. Each Member undertakes to accord sympathetic consideration to and afford adequate opportunity for consultation regarding any representations made by another Member concerning measures affecting the operation of any covered agreement taken within the territory of the former (3).	2.各加盟国は、自国の領域においてとられた措置であっていずれかの対象協定の実施に影響を及ぼすものについて他の加盟国がした申立てに好意的な考慮を払い、かつ、その申立てに関する協議のための機会を十分に与えることを約束する。(注)
2. The Party to which a request for consultations is made shall, unless otherwise mutually agreed, <b>reply to the request in writing within seven days after the date of its receipt</b> . That Party shall circulate the reply to the other Parties and enter into consultations in good faith.	3. If a request for consultations is made pursuant to a covered agreement, the Member to which the request is made shall, unless otherwise mutually agreed, <b>reply to the request within 10 days after the date of its receipt</b> and shall enter into consultations in good faith within a period of no more than 30	注： 加盟国の領域内の地域又は地方の政府又は機関によってとられる措置に関する他の対象協定の規定がこの 2 の規定と異なる規定を含む場合には、当該他の対象協定の規定が優先する。
		3.協議の要請が対象協定に従って行われる場合には、当該要請を受けた加盟国は、相互間の別段の合意がない限り、 <b>当該要請を受けた日の後十日以内に当該要請に対して回答し</b> 、かつ、相互に満足すべき解決を得るため、 <b>当該要請を受けた日の後三十</b>



<p>(協議申し入れを受けてから 7 日以内に返答)</p> <p>3. A Party other than the Party requesting consultations or the Party to which the request is made that considers it has a substantial interest in the matter may participate in the consultations by delivering a written notice to the other Parties <b>within seven days</b> of the date of delivery of the request for consultation. The Party shall include in its notice an explanation of its substantial interest in the matter.</p> <p>(当事者でない締約国の参加、7 日以内に回答)</p> <p>4. Unless the consulting Parties agree otherwise, they shall enter into consultations within a period of no more than:</p> <p>(a) <b>15 days</b> after the date of receipt of the request for matters concerning <b>perishable goods</b>; or</p> <p>(b) <b>30 days</b> after the date of receipt of the request for <b>all other matters</b>.</p> <p>(協議開始は、返答を受け取ってから、腐敗し易い物 <b>15 日以内</b>、その他の物 <b>30 日以内</b>に)</p> <p>5. Consultations may be held in person or by any technological means available to the consulting Parties. If in person, <b>consultations shall be held in the capital of the Party to which the request for consultations</b> was made under paragraph 1, unless the consulting Parties otherwise agree.</p> <p>(協議の場所は協議を申し込まれた国の首都)</p> <p>6. The consulting Parties shall make every attempt to reach a mutually satisfactory resolution of the matter through consultations under this Article. To this end:</p> <p>(a) each consulting Party shall provide sufficient information to enable a full examination of how the</p>	<p>days after the date of receipt of the request, with a view to reaching a mutually satisfactory solution. If the Member does not respond within 10 days after the date of receipt of the request, or does not enter into consultations within a period of <b>no more than 30 days</b>, or a period otherwise mutually agreed, after the date of receipt of the request, then the Member that requested the holding of consultations may proceed directly to request the establishment of a panel.</p> <p>4. All such requests for consultations shall be notified to the DSB and the relevant Councils and Committees by the Member which requests consultations. Any request for consultations shall be submitted in writing and shall give the reasons for the request, including identification of the measures at issue and an indication of the legal basis for the complaint.</p> <p>5. In the course of consultations in accordance with the provisions of a covered agreement, before resorting to further action under this Understanding, Members should attempt to obtain satisfactory adjustment of the matter.</p> <p>6. <b>Consultations shall be confidential</b>, and without prejudice to the rights of any Member in any further proceedings.</p> <p>7. If the consultations fail to settle a dispute within 60 days after the date of receipt of the request for</p>	<p><b>日以内に誠実に協議を開始する</b>。当該加盟国が当該要請を受けた日の後十日以内に回答せず又は当該要請を受けた日の後三十日以内若しくは相互に合意した期間内に協議を開始しない場合には、当該要請を行った加盟国は、直接小委員会の設置を要請することができる。</p> <p>4.すべての協議の要請は、協議を要請する加盟国が紛争解決機関並びに関連する理事会及び委員会に通報する。協議の要請は、書面によって提出され、並びに要請の理由、問題となっている措置及び申立ての法的根拠を示すものとする。</p> <p>5.加盟国は、この了解に基づいて更なる措置をとる前に、対象協定の規定に従って行う協議において、その問題について満足すべき調整を行うよう努めるべきである。</p> <p>6.協議は、<b>秘密とされ</b>、かつ、その後の手続においていずれの加盟国の権利も害するものではない。</p> <p>7.協議の要請を受けた日の後六十日の期間内に協議によって紛争を解決すること</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>actual or proposed measure might affect the operation and application of this Agreement; and (b) any Party participating in the consultations shall <b>treat any confidential information exchanged in the course of consultations</b> on the same basis as the Party providing the information.</p> <p>7. In consultations under this Article, a consulting Party may request another consulting Party to make available personnel of its government agencies or other regulatory bodies who have expertise in the matter subject to consultations.</p> <p>8. <b>Consultations shall be confidential</b> and without prejudice to the rights of any Party in any further proceedings.</p> <p>(協議は秘密)</p>	<p>consultations, the complaining party may request the establishment of a panel. The complaining party may request a panel during the 60-day period if the consulting parties jointly consider that consultations have failed to settle the dispute.</p> <p>8. In cases of urgency, including those which concern perishable goods, Members shall enter into consultations within a period of no more than 10 days after the date of receipt of the request. If the consultations have failed to settle the dispute within a period of 20 days after the date of receipt of the request, the complaining party may request the establishment of a panel.</p> <p>9. In cases of urgency, including those which concern perishable goods, the parties to the dispute, panels and the Appellate Body shall make every effort to accelerate the proceedings to the greatest extent possible.</p> <p>10. During consultations Members should give special attention to the particular problems and interests of developing country Members.</p> <p>11. Whenever a Member other than the consulting Members considers that it has a substantial trade interest in consultations being held pursuant to paragraph 1 of Article XXII of GATT 1994, paragraph 1 of Article XXII of GATS, or the</p>	<p>ができない場合には、申立てをした紛争当事国(この了解において「申立国」という。)は、小委員会の設置を要請することができる。協議を行っている国が協議によって紛争を解決することができなかったと共に認める場合には、申立国は、当該六十日の期間内に小委員会の設置を要請することができる。</p> <p>8.緊急の場合(腐敗しやすい物品に関する場合等)には、加盟国は、要請を受けた日の後十日以内に協議を開始する。要請を受けた日の後二十日以内に協議によって紛争を解決することができなかった場合には、申立国は、小委員会の設置を要請することができる。</p> <p>9.緊急の場合(腐敗しやすい物品に関する場合等)には、紛争当事国、小委員会及び上級委員会は、最大限可能な限り、手続が速やかに行われるようあらゆる努力を払う。</p> <p>10.加盟国は、協議の間、開発途上加盟国の特有の問題及び利益に特別の注意を払うべきである。</p> <p>11.協議を行っている加盟国以外の加盟国が、千九百九十四年のガット第二十二条1、サービス貿易一般協定第二十二条1又はその他の対象協定の対応する規定(注)によって行われている協議について実質</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>corresponding provisions in other covered agreements (4), such Member may notify the consulting Members and the DSB, within 10 days after the date of the circulation of the request for consultations under said Article, of its desire to be joined in the consultations. Such Member shall be joined in the consultations, provided that the Member to which the request for consultations was addressed agrees that the claim of substantial interest is well-founded. In that event they shall so inform the DSB. If the request to be joined in the consultations is not accepted, the applicant Member shall be free to request consultations under paragraph 1 of Article XXII or paragraph 1 of Article XXIII of GATT 1994, paragraph 1 of Article XXII or paragraph 1 of Article XXIII of GATS, or the corresponding provisions in other covered agreements.</p>	<p>的な貿易上の利害関係を有すると認める場合には、当該加盟国は、当該規定による協議の要請の送付の日の後十日以内に、協議を行っている加盟国及び紛争解決機関に対し、その協議に参加することを希望する旨を通報することができる。その通報を行った加盟国は、実質的な利害関係に関する自国の主張が十分な根拠を有することについて協議の要請を受けた加盟国が同意する場合には、協議に参加することができる。この場合において、両加盟国は、同機関に対しその旨を通報する。協議への参加の要請が受け入れられなかった場合には、要請を行った加盟国は、千九百九十四年のガットの第二十二条 1 若しくは第二十三条 1、サービス貿易一般協定の第二十二條 1 若しくは第二十三条 1 又はその他の対象協定の対応する規定により協議を要請することができる。</p> <p>注： 対象協定の対応する協議規定は、次に掲げるとおりである。</p> <p>農業に関する協定 第十九条 衛生植物検疫措置の適用に関する協定 第十一条 1 繊維及び繊維製品(衣類を含む。)に関する協定 第八条 4 貿易の技術的障害に関する協定 第十四条 1 貿易に関する投資措置に関する協定 第八条 千九百九十四年の関税及び貿易に関する一般協定第六条の実施に関する協定 第十</p>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>Article 28.6: Good Offices, Conciliation and Mediation</b></p> <p>1. Parties may at any time agree to voluntarily undertake an alternative method of dispute resolution such as good offices, conciliation or mediation. (斡旋、調停、仲介の選択)</p> <p>2. Proceedings involving good offices, conciliation or mediation shall be confidential and without prejudice to the rights of the Parties in any other proceedings. (秘密と締約国の権利を守る)</p> <p>3. Parties participating in proceedings under this Article may suspend or terminate such proceedings at any time. (係争の中止あるいは終了はいつでも)</p>	<p><b>Article 5 Good Offices, Conciliation and Mediation</b></p> <p>1. Good offices, conciliation and mediation are procedures that are undertaken voluntarily if the parties to the dispute so agree.</p> <p>2. Proceedings involving good offices, conciliation and mediation, and in particular positions taken by the parties to the dispute during these proceedings, shall be confidential, and without prejudice to the rights of either party in any further proceedings under these procedures.</p> <p>3. Good offices, conciliation or mediation may be requested at any time by any party to a dispute. They may begin at any time and be terminated at any time. Once procedures for good offices,</p>	<p>七条 2 千九百九十四年の関税及び貿易に関する一般協定第七条の実施に関する協定 第十九条 2 船積み前検査に関する協定 第七条 原産地規則に関する協定 第七条 輸入許可手続に関する協定 第六条 補助金及び相殺措置に関する協定 第三十条 セーフガードに関する協定 第十四条 知的所有権の貿易関連の側面に関する協定 第六十四条 1 各複数国間貿易協定の権限のある内部機関が指定し、かつ、紛争解決機関に通報した当該協定の対応する協議規定</p> <p><b>第五条 あっせん、調停及び仲介</b></p> <p>1. あっせん、調停及び仲介は、紛争当事国の合意がある場合において任意に行われる手続である。</p> <p>2. あっせん、調停及び仲介に係る手続の過程(特にこれらの手続の過程において紛争当事国がとる立場)は、秘密とされ、かつ、この了解に定める規則及び手続に従って進められるその後の手続においていずれの当事国の権利も害するものではない。</p> <p>3. いずれの紛争当事国も、いつでも、あっせん、調停又は仲介を要請し並びに開始し及び終了することができる。あっせん、調停又は仲介の手続が終了した場合には、申</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p>4. If the disputing Parties agree, good offices, conciliation or mediation may continue while the dispute proceeds for resolution before a panel convened under Article 28.7 (Establishment of a Panel).</p> <p>(パネル設置までの間の協議継続)</p> <p><b>Article 28.7: Establishment of a Panel</b></p> <p>(パネルの設置)</p> <p>1. A Party that requested consultations pursuant to paragraph 1 of Article 28.5 (Consultations) may request, by means of a written notification addressed to the responding Party, the establishment of a panel if the consulting Parties</p>	<p>conciliation or mediation are terminated, a complaining party may then proceed with a request for the establishment of a panel.</p> <p>4. When good offices, conciliation or mediation are entered into within 60 days after the date of receipt of a request for consultations, the complaining party must allow a period of 60 days after the date of receipt of the request for consultations before requesting the establishment of a panel. The complaining party may request the establishment of a panel during the 60-day period if the parties to the dispute jointly consider that the good offices, conciliation or mediation process has failed to settle the dispute.</p> <p>5. If the parties to a dispute agree, procedures for good offices, conciliation or mediation may continue while the panel process proceeds.</p> <p>6. The Director-General may, acting in an ex officio capacity, offer good offices, conciliation or mediation with the view to assisting Members to settle a dispute.</p> <p><b>Article 6 Establishment of Panels</b></p> <p>1. If the complaining party so requests, a panel shall be established at the latest at the DSB meeting following that at which the request first appears as an item on the DSB's agenda, unless at that meeting the DSB decides by consensus not to</p>	<p>立国は、小委員会の設置を要請することができる。</p> <p>4. あっせん、調停又は仲介が協議の要請を受けた日の後六十日の期間内に開始された場合には、申立国は、当該六十日の期間内においては、小委員会の設置を要請することができない。紛争当事国があっせん、調停又は仲介の手続によって紛争を解決することができなかったことを共に認める場合には、申立国は、当該六十日の期間内に小委員会の設置を要請することができる。</p> <p>5. 紛争当事国が合意する場合には、小委員会の手続が進行中であっても、あっせん、調停又は仲介の手続を継続することができる。</p> <p>6. 事務局長は、加盟国が紛争を解決することを援助するため、職務上当然の資格で、あっせん、調停又は仲介を行うことができる。</p> <p><b>第六条 小委員会の設置</b></p> <p>1. 申立国が要請する場合には、小委員会を設置しないことが紛争解決機関の会合においてコンセンサス方式によって決定されない限り、遅くとも当該要請が初めて議事日程に掲げられた同機関の会合の次の</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>fail to resolve the matter within:</p> <p>(a) <b>60 days</b> after the date of receipt of the request for consultations under Article 28.5.1; (協議要請を受けてから <b>60 日以内</b>)</p> <p>(b) <b>30 days</b> after the date of receipt of the request for consultations under Article 28.5.1 in a matter regarding <b>perishable goods</b>; or (腐敗し易いものは <b>30 日以内</b>)</p> <p>(c) such other period as the consulting Parties may agree. (合意による協議期間)</p> <p>2. At the same time, the complaining Party shall circulate the request to all Parties through the contact points designated in accordance with Article 27.5 (Contact Points). (連絡部局を等して通知)</p> <p>3. The complaining Party shall include in the request to establish a panel an identification of the measure or other matter at issue and a brief summary of the legal basis of the complaint sufficient to present the problem clearly. (被申立国への説明)</p> <p>4. A panel shall be established upon delivery of a request. (要求書の配達によりパネル設置成立)</p> <p>5. Unless otherwise agreed by the disputing Parties, the panel shall be composed in a manner consistent with the provisions of this Chapter and the Rules of Procedure. (パネル設置は本章による)</p> <p>6. Where a panel has been established regarding a matter and another Party requests the establishment of a panel regarding the same matter, a single panel should be established to examine such complaints whenever feasible. (同一要求であれば他の締約国も参加できる)</p>	<p>establish a panel (5).</p> <p>2. The request for the establishment of a panel shall be made in writing. It shall indicate whether consultations were held, identify the specific measures at issue and provide a brief summary of the legal basis of the complaint sufficient to present the problem clearly. In case the applicant requests the establishment of a panel with other than standard terms of reference, the written request shall include the proposed text of special terms of reference.</p> <p>(←Article 9 Procedures for Multiple Complainants に規定あり)</p>	<p>会合において、小委員会を設置する。(注)</p> <p>注：申立国が要請する場合には、紛争解決機関の会合は、その要請から十五日以内にこの目的のために開催される。この場合において、少なくとも会合の十日前に通知が行われる。</p> <p>2.小委員会の設置の要請は、書面によって行われる。この要請には、協議が行われたという事実の有無及び問題となっている特定の措置を明示するとともに、申立ての法的根拠についての簡潔な要約(問題を明確に提示するために十分なもの)を付する。申立国が標準的な付託事項以外の付託事項を有する小委員会の設置を要請する場合には、書面による要請には、特別な付託事項に関する案文を含める。</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>8. A panel may not be established to review a proposed measure. (パネルは対策案の評価をしない)</p> <p><b>Article 28.8: Terms of Reference</b></p> <p>1. Unless the disputing Parties otherwise agree <b>within 20 days from the date of delivery of the request for the establishment of the panel</b>, the terms of reference shall be to:</p> <p>(パネル設置要求書の配達から 20 日以内に)</p> <p>(a) examine, in the light of the relevant provisions of this Agreement, the matter referred to in the request for the establishment of a panel pursuant to Article 28.7.1 (Establishment of a Panel); and</p> <p>(パネル設置の調査)</p> <p>(b) make findings and determinations, and any requested recommendations, together with its reasons therefor, as provided for in Article 28.16.4 (Initial Report).</p> <p>(調査結果と決定を理由と共に)</p> <p>2. If, in its panel request, a complaining Party has claimed that a measure nullifies or impairs benefits in the sense of Article 28.3(c) (Scope), the terms of reference shall so indicate.</p> <p>(申立国が措置が利益の無効化と侵害を要求すれば、付託事項は必要とされる)</p> <p><b>Article 28.10: Qualification of Panellists and Roster</b></p>	<p><b>Article 7 Terms of Reference of Panels</b></p> <p>1. Panels shall have the following terms of reference unless the parties to the dispute agree otherwise <b>within 20 days from the establishment of the panel:</b></p> <p>“To examine, in the light of the relevant provisions in (name of the covered agreement(s) cited by the parties to the dispute), the matter referred to the DSB by (name of party) in document ... and to make such findings as will assist the DSB in making the recommendations or in giving the rulings provided for in that/those agreement(s).”</p> <p>2. Panels shall address the relevant provisions in any covered agreement or agreements cited by the parties to the dispute.</p> <p>3. In establishing a panel, the DSB may authorize its Chairman to draw up the terms of reference of the panel in consultation with the parties to the dispute, subject to the provisions of paragraph 1. The terms of reference thus drawn up shall be circulated to all Members. If other than standard terms of reference are agreed upon, any Member may raise any point relating thereto in the DSB.</p> <p><b>Article 8 Composition of Panels</b></p>	<p><b>第七条 小委員会の付託事項</b></p> <p>1.小委員会は、紛争当事国が<b>小委員会の設置の後二十日以内に別段の合意をする場合を除くほか、次の付託事項を有する。</b></p> <p>「(紛争当事国が引用した対象協定の名称)の関連規定に照らし(当事国の名称)により文書(文書番号)によって紛争解決機関に付された問題を検討し、及び同機関が当該協定に規定する勧告又は裁定を行うために役立つ認定を行うこと。」</p> <p>2.小委員会は、紛争当事国が引用した対象協定の関連規定について検討する。</p> <p>3.小委員会の設置に当たり、紛争解決機関は、その議長に対し、1 の規定に従い紛争当事国と協議の上小委員会の付託事項を定める権限を与えることができる。このようにして定められた付託事項は、すべての加盟国に通報される。標準的な付託事項以外の付託事項について合意がされた場合には、いずれの加盟国も、同機関においてこれに関する問題点を提起することができる。</p> <p><b>第八条 小委員会の構成</b></p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>Members</b></p> <p>Qualification of Panellists (パネリストの資格)</p> <p>1. All panellists shall:</p> <p>(a) have expertise or experience in law, international trade, other matters covered by this Agreement, or the resolution of disputes arising under international trade agreements; (国際貿易紛争解決の専門的経験)</p> <p>(b) be chosen strictly on the basis of objectivity, reliability, and sound judgment; (客観性、信頼性と堅実な判断)</p> <p>(c) be independent of, and not be affiliated with or take instructions from, any Party; and (独立性)</p> <p>(d) comply with the code of conduct contained in the Rules of Procedure. (手続き原則に基づく行動規範)</p> <p>2. An individual may not serve as a panellist for a dispute in which he or she has participated pursuant to Article 28.6 (Good Offices, Conciliation and Mediation). (あっせん、調停及び仲介に参加した者を除く)</p> <p>Roster of Panel Chairs (パネル議長の名簿)</p> <p>3. Within 120 days of entry into force of this Agreement, those Parties for whom the agreement has come into force pursuant to Article 30.5.1(a) (Entry into Force) shall establish a roster of panel chairs. (本協定発効後 120 日以内にパネル議長名簿提出)</p> <p>4. If the Parties have been unable to establish a roster within the time specified in paragraph 3, the Commission shall convene immediately to appoint</p>	<p>1. Panels shall be composed of well-qualified governmental and/or non-governmental individuals, including persons who have served on or presented a case to a panel, served as a representative of a Member or of a contracting party to GATT 1947 or as a representative to the Council or Committee of any covered agreement or its predecessor agreement, or in the Secretariat, taught or published on international trade law or policy, or served as a senior trade policy official of a Member.</p> <p>2. Panel members should be selected with a view to ensuring the independence of the members, a sufficiently diverse background and a wide spectrum of experience.</p> <p>3. Citizens of Members whose governments (6) are parties to the dispute or third parties as defined in paragraph 2 of Article 10 shall not serve on a panel concerned with that dispute, unless the parties to the dispute agree otherwise.</p>	<p>1. 小委員会は、次に掲げる者その他の十分な適格性を有する者(公務員であるかないかを問わない。)で構成する。 小委員会の委員を務め又は小委員会において問題の提起に係る陳述を行ったことがある者 加盟国又は千九百四十七年のガットの締約国の代表を務めたことがある者 対象協定又はその前身である協定の理事会又は委員会への代表を務めたことがある者 事務局において勤務したことがある者 国際貿易に関する法律又は政策について教授し又は著作を発表したことがある者 加盟国の貿易政策を担当する上級職員として勤務したことがある者</p> <p>2. 小委員会の委員は、委員の独立性、多様な経歴及び広範な経験が確保されるように選任されるべきである。</p> <p>3. 紛争当事国又は第十条 2 に定める第三国である加盟国の国民(注)は、紛争当事国が別段の合意をする場合を除くほか、当該紛争に関する小委員会の委員を務めることはできない。</p> <p>注： 関税同盟又は共同市場が紛争当事国である場合には、この 3 の規定は、当該</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p>individuals to the roster. Taking into account the nominations made pursuant to paragraph 6 and the qualifications set out in paragraph 1, the Commission shall issue a joint decision establishing the roster within 180 days of the date of entry into force of this Agreement. (3 ができない場合 TPP 委員会開催、本協定発効後 180 日以内に委員会は名簿発表)</p> <p>5. The roster shall consist of at least 15 individuals, unless the Parties agree otherwise. (会員は少なくとも 15 人の個人)</p> <p>6. Each Party may nominate up to two individuals for the roster, which may include up to one national of any Party. (各締約国は 1 名から 2 名指名)</p> <p>7. The Parties shall appoint individuals to the roster by consensus. The roster may include up to one national of each Party. (自国民 1 名を含んで良い)</p> <p>8. Once established pursuant to paragraph 3 or if reconstituted following a review by the Parties, a roster shall remain in effect for a minimum of three years, and shall remain in effect thereafter until the Parties constitute a new roster. Members of the roster may be reappointed. (名簿登録者は最低 3 年継続)</p> <p>9. The Parties may appoint a replacement at any time if a roster member is no longer willing or available to serve. (名簿登録者の交代)</p> <p>10. Subject to paragraphs 6 and 7, acceding Parties may nominate up to two individuals for the roster at any time who, thereafter, may be included on the roster by consensus of the Parties.</p>	<p>4. To assist in the selection of panelists, the Secretariat shall maintain an indicative list of governmental and non-governmental individuals possessing the qualifications outlined in paragraph 1, from which panelists may be drawn as appropriate. That list shall include the roster of non-governmental panelists established on 30 November 1984 (BISD 31S/9), and other rosters and indicative lists established under any of the covered agreements, and shall retain the names of persons on those rosters and indicative lists at the time of entry into force of the WTO Agreement. Members may periodically suggest names of governmental and non-governmental individuals for inclusion on the indicative list, providing relevant information on their knowledge of international trade and of the sectors or subject matter of the covered agreements, and those names shall be added to the list upon approval by the DSB. For each of the individuals on the list, the list shall indicate specific areas of experience or expertise of the individuals in the sectors or subject matter of the covered agreements.</p>	<p>関税同盟又は共同市場のすべての構成国の国民について適用する。</p> <p>4.事務局は、小委員会の委員の選任に当たって参考となるようにするため、1 に規定する資格を有する公務員及び公務員以外の者の候補者名簿を保持し、適当な場合には、その名簿から委員を選ぶことができるようにする。その名簿には、千九百八十四年十一月三十日に作成された公務員以外の者である委員の登録簿(ガット基本文書選集(BISD)追録第三十一巻九ページに規定するもの)並びに対象協定に基づいて作成されるその他の登録簿及び候補者名簿を含めるものとし、世界貿易機関協定が効力を生ずる時におけるこれらの登録簿及び候補者名簿の氏名を継続して掲載する。加盟国は、第一段の候補者名簿に掲げるために公務員及び公務員以外の者の氏名を定期的に提案し、並びに国際貿易及び対象協定の分野又はその対象とする問題に関するこれらの者の知識についての関連情報を提供することができる。これらの氏名は、紛争解決機関が承認した時に当該候補者名簿に追加される。当該候補者名簿には、掲載される者について、対象協定の分野又はその対象とする問題における経験又は専門知識の具体的分野を記載する。</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Party Specific Indicative List (6, 7において、いつでも2名指名できる)</p> <p>11. At any time after the date of entry into force of this Agreement, a Party may establish a list of individuals who are willing and able to serve as panellists. (本協定発効後、いつでも個人のリストを開設可)</p> <p>12. This list may include individuals who are nationals of that Party or non-nationals. Each Party may appoint any number of individuals to the list and appoint additional individuals or replace the list member at any time. (指名者は自国民でなくてもよい)</p> <p>13. A Party which establishes a list in accordance with paragraph 11 of this Article shall promptly make it available to the other Parties (11の個人リストは他の締約国も利用可)</p> <p><b>Article 28.9: Composition of Panels</b></p> <p>1. The panel shall comprise three members. (3人のパネリストの構成)</p> <p>2. Unless they otherwise agree, the disputing Parties shall apply the following procedures in selecting a panel: (パネリストの選任方法)</p> <p>(a) Within 20 days of the delivery of the request for the establishment of a panel under Article 28.7.1 (Establishment of a Panel), the complaining Party or Parties, on the one hand, and the responding Party, on the other, shall appoint a panellist and</p>	<p>5. Panels shall be composed of three panelists unless the parties to the dispute agree, within 10 days from the establishment of the panel, to a panel composed of five panelists. Members shall be informed promptly of the composition of the panel.</p> <p>6. The Secretariat shall propose nominations for the panel to the parties to the dispute. The parties to the dispute shall not oppose nominations except for compelling reasons.</p> <p>7. If there is no agreement on the panelists within 20 days after the date of the establishment of a</p>	<p>5.小委員会は、三人の委員で構成する。ただし、紛争当事国が小委員会の設置の後十日以内に合意する場合には、小委員会は、五人の委員で構成することができる。加盟国は、小委員会の構成について速やかに通報を受ける。</p> <p>6.事務局は、紛争当事国に対し小委員会の委員の指名のための提案を行う。紛争当事国は、やむを得ない理由がある場合を除くほか、指名に反対してはならない。</p> <p>7.小委員会の設置の日の後二十日以内に委員について合意がされない場合には、事</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>notify each other of those appointments. (要請書受領後 20 日以内にパネリストを指名)</p> <p>(b) If the complaining Party or Parties fail to appoint a panellist within the period specified in subparagraph (a), the dispute settlement proceedings shall lapse at the end of that period. (申出国が指名できない場合は訴えが失効)</p> <p>(c) If the responding Party fails to appoint a panellist within the period set out in subparagraph (a), the panellist not yet appointed shall be chosen by the complaining Party or Parties: (被申出国が指名できない場合、申出国が指名できる、35 日以内に) (i 被申出国の登録名簿、ii パネル議長名簿、iii 申出国に指名された 3 人の候補)</p> <p>(i) from the responding Party's list established under Article 28.10.11 (Qualification of Panellists and Roster Members); or</p> <p>(ii) where the responding Party has not established a list under Article 28.10.11 (Qualification of Panellists and Roster Members), from the roster of panel chairs established pursuant to Article 28.10.3 (Qualification of Panellists and Roster Members); or</p> <p>(iii) where no roster of panel chairs has been established pursuant to Article 28.10.3 (Qualification of Panellists and Roster Members), by random selection from a list of three candidates nominated by the complaining Party or Parties.</p> <p>within 35 days of the delivery of the request for the establishment of a panel under Article 28.7.1 (Establishment of a Panel).</p> <p>(d) For appointment of the chair of the panel: (議長の指名)</p>	<p>panel, at the request of either party, the Director-General, in consultation with the Chairman of the DSB and the Chairman of the relevant Council or Committee, shall determine the composition of the panel by appointing the panelists whom the Director-General considers most appropriate in accordance with any relevant special or additional rules or procedures of the covered agreement or covered agreements which are at issue in the dispute, after consulting with the parties to the dispute. The Chairman of the DSB shall inform the Members of the composition of the panel thus formed no later than 10 days after the date the Chairman receives such a request.</p> <p>8. Members shall undertake, as a general rule, to permit their officials to serve as panelists.</p> <p>9. Panelists shall serve in their individual capacities and not as government representatives, nor as representatives of any organization. Members shall therefore not give them instructions nor seek to influence them as individuals with regard to matters before a panel.</p> <p>10. When a dispute is between a developing country Member and a developed country Member the panel shall, if the developing country Member so requests, include at least one panelist from a developing country Member.</p>	<p>務局長は、いずれか一方の紛争当事国の要請に基づき、紛争当事国と協議の後、紛争解決機関の議長及び関連する理事会又は委員会の議長と協議の上、紛争において問題となっている対象協定に定める関連する特別又は追加の規則及び手続に従い、自らが最も適当と認める委員を任命することによって、小委員会の構成を決定する。同機関の議長は、当該要請を受けた日の後十日以内に、このようにして組織された小委員会の構成を加盟国に対して通報する。</p> <p>8.加盟国は、原則として、自国の公務員が小委員会の委員を務めることを認めることを約束する。</p> <p>9.小委員会の委員は、政府又は団体の代表としてではなく、個人の資格で職務を遂行する。したがって、加盟国は、小委員会に付託された問題につき、小委員会の委員に指示を与えてはならず、また、個人として活動するこれらの者を左右しようとはしない。</p> <p>10.紛争が開発途上加盟国と先進加盟国との間のものである場合において、開発途上加盟国が要請するときは、小委員会は、少なくとも一人の開発途上加盟国出身の委員を含むものとする。</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>(i) the disputing Parties shall endeavour to agree on the appointment of a chair of the panel;</p> <p>(ii) if the disputing Parties fail to appoint a chair pursuant to subparagraph (d)(i) by the time the second panellist has been appointed or within 35 days of the delivery of the request for the establishment of a panel under Article 28.7.1 (Establishment of a Panel), whichever is longer, the two panellists appointed shall, by common agreement, appoint the third panelist from the roster established pursuant to Article 28.10.3 (Qualification of Panellists and Roster Members). The third panellist shall serve as chair.</p> <p>(二番目選出又は 35 日以内に二人は三番目を選出)</p> <p>(iii) If the two panellists do not agree to the third panellist under subparagraph (d)(ii) within 43 days of the delivery of the request for the establishment of a panel under Article 28.7.1 (Establishment of a Panel), then the two panellists shall make the appointment with the agreement of the disputing Parties. (43 日以内に合意出来なければ、申出国の合意で選出)</p> <p>(iv) If the two panellists fail to appoint the chair of the panel in accordance with subparagraph (d)(iii) within 55 days of the delivery of the request for the establishment of the panel, the disputing Parties shall select the third panellist by random selection from the roster established pursuant to Article 28.10.3 (Qualification of Panellists and Roster Members) within 60 days of the delivery of the request for the establishment of the panel.</p> <p>(55 日以内に合意出来なければ、60 日以内に申出国は名簿からランダムに三人目を指名)</p>	<p>11. Panelists' expenses, including travel and subsistence allowance, shall be met from the WTO budget in accordance with criteria to be adopted by the General Council, based on recommendations of the Committee on Budget, Finance and Administration.</p> <p><b>Article 9 Procedures for Multiple Complainants</b></p> <p>1. Where more than one Member requests the establishment of a panel related to the same matter, a single panel may be established to examine these complaints taking into account the rights of all Members concerned. A single panel should be established to examine such complaints whenever feasible.</p> <p>2. The single panel shall organize its examination and present its findings to the DSB in such a manner that the rights which the parties to the dispute would have enjoyed had separate panels examined the complaints are in no way impaired. If one of the parties to the dispute so requests, the panel shall submit separate reports on the dispute concerned. The written submissions by each of the complainants shall be made available to the other complainants, and each complainant shall have the right to be present when any one of the other complainants presents its views to the panel.</p> <p>3. If more than one panel is established to examine the complaints related to the same matter, to the</p>	<p>11.小委員会の委員の旅費、滞在費その他の経費は、予算、財政及び運営に関する委員会の勧告に基づいて一般理事会が採択する基準に従い、世界貿易機関の予算から支弁する。</p> <p><b>第九条 複数の加盟国の申立てに関する手続</b></p> <p>1.二以上の加盟国が同一の問題について小委員会の設置を要請する場合には、すべての関係加盟国の権利を考慮した上、これらの申立てを検討するために単一の小委員会を設置することができる。実行可能な場合には、このような申立てを検討するために単一の小委員会を設置すべきである。</p> <p>2.単一の小委員会は、別々の小委員会が申立てを検討したならば紛争当事国が有したであろう権利がいかなる意味においても侵害されることのないように、検討を行い、かつ、認定を紛争解決機関に提出する。一の紛争当事国が要請する場合には、小委員会は、自己の取り扱う紛争について別々の報告を提出する。いずれの申立国も、他の申立国の意見書を入手することができるものとし、かつ、他の申立国が小委員会において意見を表明する場合には、当該小委員会に出席する権利を有する。</p> <p>3.同一の問題に関する申立てを検討するために二以上の小委員会が設置される場</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p>(ivbis) Notwithstanding paragraph 9.2(d)(iv), where the two panellists fail to appoint the chair of the panel in accordance with paragraph 9.2(d)(iii) within 55 days of the delivery of the request for the establishment of the panel, either disputing Party may elect to have the chair of the panel be appointed by an independent third party from the roster established pursuant to Article 28.10.3 (Qualification of Panellists and Roster Members), provided that the following conditions are met:</p> <p>(又は 55 日以内に合意できなければ、以下の方法で、独立した第三者から)</p> <p>(A) Any costs associated with such appointment are borne by the electing Party;</p> <p>(その費用は選択した締約国の負担)</p> <p>(B) The request to the independent third party to appoint the chair of the panel shall be made jointly by the disputing Parties. Any subsequent communication between either disputing Party and the independent third party shall be copied to the other disputing Party. Neither disputing Party shall have any influence on the appointment process;</p> <p>(第三者への議長要請は申出国によって)</p> <p>(C) Where the third party is unable or unwilling to complete the appointment as requested within 60 days of the delivery of the request for the establishment of the panel, then the chair of the panel shall be chosen within a further 5 days using the random selection process set out in paragraph 9.2(d)(iv).</p> <p>(60 日以内に指名できなければ、さらに 5 日以内にランダムな方法で)</p> <p>(v) If a roster has not been established pursuant to</p>	<p>greatest extent possible the same persons shall serve as panelists on each of the separate panels and the timetable for the panel process in such disputes shall be harmonized.</p>	<p>合には、最大限可能な限り、同一の者がそれぞれの小委員会の委員を務めるものとし、そのような紛争における小委員会の検討の日程については、調整が図られるものとする。</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------

<p>Article 28.10.3 (Qualification of Panellists and Roster Members), and subparagraphs 2(d)(i) – (iv) cannot apply, the complaining Party or Parties, on the one hand, and the responding Party, on the other hand, may nominate three candidates and the third panellist shall be randomly selected from those candidates that have been nominated within 60 days of the delivery of the request for the establishment of a panel under Article 28.7.1 (Establishment of a Panel).</p> <p>(2(d)( i)～(iv)によっても議長選出ができない場合 60 日に三人のパネリスト候補からランダムに)</p> <p>(vbis) Notwithstanding paragraph (9)(2)(d)(v), where a roster has not been established pursuant to Article 28.10.3 (Qualification of Panellists and Roster Members), and subparagraphs 2(d)(i) to (v) cannot apply, either disputing Party may, following the nomination of candidates pursuant to paragraph 9.2(d)(v), elect to have the chair of the Panel be appointed by an independent third party from those candidates that have been nominated, providing that the following conditions have been met:</p> <p>(A) Any costs associated with such appointment are borne by the electing Party;</p> <p>(B) The request to the independent third party to appoint the chair of the panel shall be made jointly by the disputing Parties. Any subsequent communication between either disputing Party and the independent third party shall be copied to the other disputing Party. Neither disputing Party shall have any influence on the appointment process;</p>		
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

<p>(C) Where the third party is unable or unwilling to complete the appointment as requested within 60 days of the delivery of the request for the establishment of the panel, then the chair of the panel shall be chosen within a further 5 days using the random selection process set out in paragraph 9.2(d)(v).</p> <p>Unless agreed otherwise by the disputing Parties, the chair of the panel shall not be a national of any of the disputing Parties or a third Party.</p> <p>(以上の議長の選出、省略)</p> <p>3. Except in the case of a dispute arising under Chapter 19 (Labour), 20 (Environment), or 26 (Transparency and Anti-corruption) each disputing Party shall endeavour to select panellists who have expertise or experience relevant to the subject matter of the dispute.</p> <p>(第 19 章、20 章、26 章を除き、パネリストは専門的経験者を)</p> <p>4. In addition to the requirements set out in Article 28.10.1 (Qualification of Panellists and Roster Members), in any dispute arising under Chapter 20 (Environment), panellists other than those selected from the Roster or appointed under paragraph 9.2(d)(i)-(iii) and (v) shall have expertise or experience in environmental law or practice.</p> <p>(9.2 で選ばれたパネリスト以外の環境に関する場合は、環境法の専門的経験者を)</p> <p>5. In addition to the requirements set out in Article 28.10.1 (Qualification of Panellists), in any dispute arising under Chapter 19 (Labour), panellists other than those selected from the Roster or appointed under paragraph 9.2(d)(i)-(iii) and (v) shall have</p>		
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

<p>expertise or experience in labour law or practice. (労働については労働法の専門的経験者を)</p> <p>6. In addition to the requirements set out in Article 28.10.1 (Qualification of Panellists), in any dispute arising under section B of Chapter 26 (Transparency and Anti-corruption), panellists other than those selected from the Roster or appointed under paragraph 9.2(d)(i)-(iii) and (v) shall have expertise or experience in anti-corruption law or practice. (腐敗防止については反腐敗法の専門的経験者を)</p> <p>7. If a panellist selected under paragraph 9.2(c) or 9.2(d)(iv) is unable to serve on the panel, the disputing Parties shall meet within seven days of learning that the panellist is unavailable to select another panellist from among the remaining members of the list (in the case of paragraph 9.2(c)) or the roster (in the case of paragraph 9.2(d)(iv)). (選ばれたパネリストが仕事をできない場合、他のパネリストを選び 7 日間の演習を)</p> <p>8. If a panellist appointed under this Article resigns or becomes unable to serve on the panel, either during the course of the proceeding or at such time as the panel is reconvened pursuant to Article 28.19 (Non-Implementation – Compensation and Suspension of Benefits) or 28.20 (Compliance Review), a replacement panellist shall be appointed within 15 days in accordance with the selection procedures prescribed in paragraph 2 for the appointment of the original panellist and the replacement shall have all the powers and duties of the original panellist. The work of the panel shall be suspended pending the appointment of the</p>		
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

<p>replacement panellist, and all relevant time-frames set out in this Chapter and in the Rules of Procedure shall be extended by the amount of time that the work was suspended.</p> <p>(パネリストの交代手続き)</p> <p>9. If a disputing Party believes that a panellist is in violation of the code of conduct referred to in Article 28.10(1)(d) (Qualification of Panellists and Roster Members), the disputing Parties shall consult and, if they agree, that panellist shall be removed and a new panellist shall be selected in accordance with this Article.</p> <p>(パネリストの行動違反と交代)</p> <p><b>Article 28.13: Third Party Participation</b></p> <p>A Party that is not a disputing Party and that considers it has an interest in the matter before the panel shall, on delivery of a written notice to the disputing Parties, be entitled to attend all hearings, to make written submissions, to present views orally to the panel, and to receive written submissions of the disputing Parties. Such delivery shall occur no later than 10 days after the date of circulation of the request for the establishment of the panel pursuant to Article 28.7.2 (Establishment of a Panel).</p> <p>(紛争に係わない締約国へのパネル設置要請の 10 日前通知)</p>	<p><b>Article 10 Third Parties</b></p> <p>1. The interests of the parties to a dispute and those of other Members under a covered agreement at issue in the dispute shall be fully taken into account during the panel process.</p> <p>2. Any Member having a substantial interest in a matter before a panel and having notified its interest to the DSB (referred to in this Understanding as a “third party”) shall have an opportunity to be heard by the panel and to make written submissions to the panel. These submissions shall also be given to the parties to the dispute and shall be reflected in the panel report.</p> <p>3. Third parties shall receive the submissions of the parties to the dispute to the first meeting of the panel.</p>	<p><b>第十条 第三国</b></p> <p>1.問題となっている対象協定に係る紛争当事国その他の加盟国の利害関係は、小委員会の手続において十分に考慮される。</p> <p>2.小委員会に付託された問題について実質的な利害関係を有し、かつ、その旨を紛争解決機関に通報した加盟国(この了解において「第三国」という。)は、小委員会において意見を述べ及び小委員会に対し意見書を提出する機会を有する。意見書は、紛争当事国にも送付され、及び小委員会の報告に反映される。</p> <p>3.第三国は、小委員会の第一回会合に対する紛争当事国の意見書の送付を受ける。</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p><b>Article 28.11: Functions of Panels</b></p> <p>1. The function of a panel is to make an objective assessment of the matter before it, including an examination of the facts of the case and the applicability of and conformity with this Agreement, and make such findings, determinations and recommendations as are called for in its terms of reference and necessary for the resolution of the dispute. (問題に関し客観的な調査、決定、推薦)</p> <p>2. Unless otherwise agreed by the disputing Parties, the panel shall perform its functions and conduct its proceedings in a manner consistent with the provisions of this Chapter and the Rules of Procedure. (本章の規定と手続き基準により報告書を作成)</p> <p>3. The panel shall consider this Agreement in accordance with applicable rules of interpretation under international law as reflected in Articles 31 and 32 of the Vienna Convention on the Law of Treaties (1969). In addition, with respect to any obligation of any WTO agreement that has been incorporated into this Agreement, the panel shall</p>	<p>4. If a third party considers that a measure already the subject of a panel proceeding nullifies or impairs benefits accruing to it under any covered agreement, that Member may have recourse to normal dispute settlement procedures under this Understanding. Such a dispute shall be referred to the original panel wherever possible.</p> <p><b>Article 11 Function of Panels</b></p> <p>The function of panels is to assist the DSB in discharging its responsibilities under this Understanding and the covered agreements. Accordingly, a panel should make an objective assessment of the matter before it, including an objective assessment of the facts of the case and the applicability of and conformity with the relevant covered agreements, and make such other findings as will assist the DSB in making the recommendations or in giving the rulings provided for in the covered agreements. Panels should consult regularly with the parties to the dispute and give them adequate opportunity to develop a mutually satisfactory solution.</p>	<p>4. 第三国は、既に小委員会の手続の対象となっている措置がいずれかの対象協定に基づき自国に与えられた利益を無効にし又は侵害すると認める場合には、この了解に基づく通常の紛争解決手続を利用することができる。そのような紛争は、可能な場合には、当該小委員会に付される。</p> <p><b>第十一条 小委員会の任務</b></p> <p>小委員会の任務は、この了解及び対象協定に定める紛争解決機関の任務の遂行について同機関を補佐することである。したがって、小委員会は、自己に付託された問題の客観的な評価(特に、問題の事実関係、関連する対象協定の適用の可能性及び当該協定との適合性に関するもの)を行い、及び同機関が対象協定に規定する勧告又は裁定を行うために役立つその他の認定を行うべきである。小委員会は、紛争当事国と定期的に協議し、及び紛争当事国が相互に満足すべき解決を図るための適当な機会を与えるべきである。</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>also consider relevant interpretations in reports of panels and the WTO Appellate Body adopted by the WTO Dispute Settlement Body. The findings, determinations and recommendations of the panel shall not add to or diminish the rights and obligations of the Parties under this Agreement.</p> <p>(ウィーン条約第 31 条 32 条に基づく解釈による。WTO 協定の本協定に取り込まれた義務とその尊重。)</p> <p>4. A panel shall take its decisions by consensus; provided that where a panel is unable to reach consensus it may take its decisions by majority vote. (決定はコンセンサス、できない場合は多数決)</p> <p><b>Article 28.12: Rules of Procedure for Panels</b></p> <p>1. The Rules of Procedure, as established under this Agreement in accordance with Article 27.2.1(e), shall ensure: (下記手順を確実に)</p> <p>(a) a right to at least one hearing before the panel at which each disputing Party may present views orally; (口頭陳述の前の一回の公聴会を開く権利)</p> <p>(b) that, subject to subparagraph (f), any hearing before the panel shall be open to the public, unless the disputing Parties agree otherwise; (公聴会は一般公開)</p> <p>(c) an opportunity for each disputing Party to provide an initial and a rebuttal written submission; (書面での冒頭陳述と弁論の機会)</p> <p>(d) that, subject to paragraph (f), each disputing Party shall make its best efforts to release to the public any written submission, written version of an oral statement, and written response to a request or question from the panel, as soon as</p>	<p><b>Article 12 Panel Procedures</b></p> <p>1. Panels shall follow the Working Procedures in Appendix 3 unless the panel decides otherwise after consulting the parties to the dispute.</p> <p>2. Panel procedures should provide sufficient flexibility so as to ensure high-quality panel reports, while not unduly delaying the panel process.</p> <p>3. After consulting the parties to the dispute, the panelists shall, as soon as practicable and whenever possible within one week after the composition and terms of reference of the panel have been agreed upon, fix the timetable for the panel process, taking into account the provisions of paragraph 9 of Article 4, if relevant.</p> <p>4. In determining the timetable for the panel</p>	<p><b>第十二条 小委員会の手続</b></p> <p>1.小委員会は、紛争当事国と協議の上別段の決定を行う場合を除くほか、附属書三に定める検討手続に従う。</p> <p>2.小委員会の手続は、その報告を質の高いものとするために十分に弾力的なものであるべきであるが、小委員会の検討の進行を不当に遅延させるべきでない。</p> <p>3.小委員会の委員は、紛争当事国と協議の上、適当な場合には第四条 9 の規定を考慮して、実行可能な限り速やかに、可能な場合には小委員会の構成及び付託事項について合意がされた後一週間以内に、小委員会の検討の日程を定める。</p> <p>4.小委員会は、その検討の日程を決定する</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>possible after they are filed and, if not already released, will release all such documents by the time the final panel report is issued;</p> <p>(陳述書の早期公開、遅くとも最終報告までに)</p> <p>(e) that the panel shall consider requests from non-governmental entities located in the territory of any disputing Party to provide written views regarding the dispute that may assist the panel in evaluating the submissions and arguments of the disputing Parties; (非政府組織からの要請の考慮)</p> <p>(f) the protection of confidential information;</p> <p>(g) that written submissions and oral arguments shall be made in English, unless the disputing Parties agree otherwise; and</p> <p>(陳述書及び口頭弁論は英語で行う)</p> <p>(h) that unless otherwise agreed by the disputing Parties, hearings shall be held in the capital of the responding Party.</p> <p>(公聴会は被申立国の首都で行う)</p>	<p>process, the panel shall provide sufficient time for the parties to the dispute to prepare their submissions.</p> <p>5. Panels should set precise deadlines for written submissions by the parties and the parties should respect those deadlines.</p> <p>6. Each party to the dispute shall deposit its written submissions with the Secretariat for immediate transmission to the panel and to the other party or parties to the dispute. The complaining party shall submit its first submission in advance of the responding party's first submission unless the panel decides, in fixing the timetable referred to in paragraph 3 and after consultations with the parties to the dispute, that the parties should submit their first submissions simultaneously. When there are sequential arrangements for the deposit of first submissions, the panel shall establish a firm time-period for receipt of the responding party's submission. Any subsequent written submissions shall be submitted simultaneously.</p> <p>7. Where the parties to the dispute have failed to develop a mutually satisfactory solution, the panel shall submit its findings in the form of a written report to the DSB. In such cases, the report of a panel shall set out the findings of fact, the applicability of relevant provisions and the basic rationale behind any findings and recommendations that it makes. Where a</p>	<p>に当たり、紛争当事国に対し、自国の意見を準備するために十分な時間を与える。</p> <p>5.小委員会は、当事国による意見書の提出について明確な期限を定めるべきであり、当事国は、その期限を尊重すべきである。</p> <p>6.各紛争当事国は、意見書を事務局に提出するものとし、事務局は、当該意見書を速やかに小委員会及びその他の紛争当事国に送付する。申立国は、申立てを受けた当事国が最初の意見書を提出する前に自国の最初の意見書を提出する。ただし、小委員会が、3 の検討の日程を定めるに当たり、紛争当事国と協議の上、紛争当事国がその最初の意見書を同時に提出すべきである旨を決定する場合は、この限りでない。最初の意見書の提出について順序がある場合には、小委員会は、申立てを受けた当事国の意見書を当該小委員会が受理するための具体的な期間を定める。二回目以降の意見書は、同時に提出される。</p> <p>7.紛争当事国が相互に満足すべき解決を図ることができなかった場合には、小委員会は、その認定を報告書の形式で紛争解決機関に提出する。この場合において、小委員会の報告には、事実認定、関連規定の適用の可能性並びに自己が行う認定及び勧告の基本的な理由を記載する。紛争当事国間で問題が解決された場合には、小委員会</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>settlement of the matter among the parties to the dispute has been found, the report of the panel shall be confined to a brief description of the case and to reporting that a solution has been reached.</p> <p>8. In order to make the procedures more efficient, the period in which the panel shall conduct its examination, from the date that the composition and terms of reference of the panel have been agreed upon until the date the final report is issued to the parties to the dispute, shall, as a general rule, not exceed six months. In cases of urgency, including those relating to perishable goods, the panel shall aim to issue its report to the parties to the dispute within three months.</p> <p>9. When the panel considers that it cannot issue its report within six months, or within three months in cases of urgency, it shall inform the DSB in writing of the reasons for the delay together with an estimate of the period within which it will issue its report. In no case should the period from the establishment of the panel to the circulation of the report to the Members exceed nine months.</p> <p>10. In the context of consultations involving a measure taken by a developing country Member, the parties may agree to extend the periods established in paragraphs 7 and 8 of Article 4. If, after the relevant period has elapsed, the consulting parties cannot agree that the consultations have concluded, the Chairman of the DSB shall decide, after consultation with the parties, whether to</p>	<p>の報告は、当該問題に関する簡潔な記述及び解決が得られた旨の報告に限定される。</p> <p>8.小委員会の検討期間(小委員会の構成及び付託事項について合意がされた日から最終報告が紛争当事国に送付される日まで)は、手続を一層効率的にするため、原則として六箇月を超えないものとする。緊急の場合(腐敗しやすい物品に関する場合等)には、小委員会は、三箇月以内に紛争当事国に対しその報告を送付することを目標とする。</p> <p>9.小委員会は、六箇月以内又は緊急の場合には三箇月以内に報告を送付することができないと認める場合には、報告を送付するまでに要する期間の見込みと共に遅延の理由を書面により紛争解決機関に通報する。小委員会の設置から加盟国への報告の送付までの期間は、いかなる場合にも、九箇月を超えるべきでない。</p> <p>10.当事国は、開発途上加盟国がとった措置に係る協議において、第四条の 7 及び 8 に定める期間を延長することについて合意することができる。当該期間が満了した場合において、協議を行っている国が協議が終了したことについて合意することができないときは、紛争解決機関の議長は、当該協議を行っている国と協議の上、当該</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>extend the relevant period and, if so, for how long. In addition, in examining a complaint against a developing country Member, the panel shall accord sufficient time for the developing country Member to prepare and present its argumentation. The provisions of paragraph 1 of Article 20 and paragraph 4 of Article 21 are not affected by any action pursuant to this paragraph.</p> <p>11. Where one or more of the parties is a developing country Member, the panel's report shall explicitly indicate the form in which account has been taken of relevant provisions on differential and more-favourable treatment for developing country Members that form part of the covered agreements which have been raised by the developing country Member in the course of the dispute settlement procedures.</p> <p>12. The panel may suspend its work at any time at the request of the complaining party for a period not to exceed 12 months. In the event of such a suspension, the time-frames set out in paragraphs 8 and 9 of this Article, paragraph 1 of Article 20, and paragraph 4 of Article 21 shall be extended by the amount of time that the work was suspended. If the work of the panel has been suspended for more than 12 months, the authority for establishment of the panel shall lapse.</p>	<p>期間を延長するかしないか及び、延長するときは、その期間を決定する。更に、小委員会は、開発途上加盟国に対する申立てを検討するに当たり、開発途上加盟国に対し、その立論を準備し及び提出するために十分な時間を与える。第二十条及び第二十一条 4 の規定は、この 10 の規定の適用によって影響を受けるものではない。</p> <p>11.一又は二以上の当事国が開発途上加盟国である場合には、小委員会の報告には、紛争解決手続の過程で当該開発途上加盟国が引用した対象協定の規定であって、開発途上加盟国に対する異なるかつ一層有利な待遇に関するものについていかなる考慮が払われたかを明示するものとする。</p> <p>12.小委員会は、申立国の要請があるときはいつでも、十二箇月を超えない期間その検討を停止することができる。この場合には、8 及び 9、第二十条並びに第二十一条 4 に定める期間は、その検討が停止された期間延長されるものとする。小委員会の検討が十二箇月を超えて停止された場合には、当該小委員会は、その設置の根拠を失う。</p>
<p><b>Article 28.14: Role of Experts (専門家の役割)</b> At the request of a disputing Party or on its own initiative, the panel may seek information and</p>	<p><b>Article 13 Right to Seek Information</b></p> <p>1. Each panel shall have the right to seek</p>	<p><b>第十三条 情報の提供を要請する権利</b></p> <p>1.各小委員会は、適当と認めるいかなる個</p>



<p>technical advice from any person or body that it deems appropriate, provided that the disputing Parties so agree and subject to such terms and conditions as the disputing Parties may agree. The disputing Parties shall have an opportunity to comment on any information or advice so obtained.</p> <p>(適当と認める個人、団体に情報及び技術上の助言を要請する権利を持つ)</p>	<p>information and technical advice from any individual or body which it deems appropriate. However, before a panel seeks such information or advice from any individual or body within the jurisdiction of a Member it shall inform the authorities of that Member. A Member should respond promptly and fully to any request by a panel for such information as the panel considers necessary and appropriate. Confidential information which is provided shall not be revealed without formal authorization from the individual, body, or authorities of the Member providing the information.</p>	<p>人又は団体に対しても情報及び技術上の助言の提供を要請する権利を有する。この場合において、小委員会は、いずれかの加盟国の管轄内にある個人又は団体に対して情報又は助言の提供を要請するに先立ち、当該加盟国の当局にその旨を通報する。加盟国は、小委員会が必要かつ適当と認める情報の提供を要請した場合には、速やかかつ完全に応ずるべきである。提供された秘密の情報は、当該情報を提供した個人、団体又は加盟国の当局の正式の同意を得ないで開示してはならない。</p>
<p><b>Article 28.15: Suspension or Termination of Proceedings</b> (手続きの中断あるいは終結)</p> <p>1. The panel may suspend its work at any time at the request of the complaining Party or, if there is more than one complaining Party, at the joint request of the complaining Parties for a period not to exceed 12 consecutive months. The panel shall suspend its work at any time if the disputing Parties so request. In the event of such a suspension, all relevant time-frames set out in this Chapter and in the Rules of Procedure shall be extended by the amount of time that the work was suspended. If the work of the panel has been suspended for more than 12 consecutive months, the authority for establishment of the panel shall lapse unless the disputing Parties agree otherwise.</p> <p>(申立国から要請があれば連続して 12 ヶ月間中断、</p>	<p>2. Panels may seek information from any relevant source and may consult experts to obtain their opinion on certain aspects of the matter. With respect to a factual issue concerning a scientific or other technical matter raised by a party to a dispute, a panel may request an advisory report in writing from an expert review group. Rules for the establishment of such a group and its procedures are set forth in Appendix 4.</p> <p>Article 14 Confidentiality</p> <p>1. Panel deliberations shall be confidential.</p> <p>2. The reports of panels shall be drafted without the presence of the parties to the dispute in the light of the information provided and the statements made.</p>	<p>2.小委員会は、関連を有するいかなる者に対しても情報の提供を要請し、及び問題の一定の側面についての意見を得るために専門家と協議することができる。小委員会は、一の紛争当事国が提起した科学上又は技術上の事項に関する事実に係る問題については、専門家検討部会からの書面による助言的な報告を要請することができる。専門家検討部会の設置のための規則及び同部会の手続は、附属書四に定める。</p> <p>第十四条 秘密性</p> <p>1.小委員会の審議は、秘密とされる。</p> <p>2.小委員会の報告は、提供された情報及び行われた陳述を踏まえて起草されるものとし、その起草に際しては、紛争当事国の出席は、認められない。</p>

<p>それを超えれば、パネル消滅)</p> <p>2. The panel shall terminate its proceedings where the disputing Parties jointly request it to do so. (紛争国双方が合意すれば終結)</p> <p><b>Article 28.16: Initial Report (第一次報告)</b></p> <p>1. The report of the panel shall be drafted without the presence of any Party. (報告書は紛争国の関与無しで)</p> <p>2. The panel shall base its report on the relevant provisions of this Agreement, the submissions and arguments of the disputing Parties and any third Parties, and on any information or advice put before it pursuant to Article 28.14 (Role of Experts). At the joint request of the disputing Parties, the panel may make recommendations for the resolution of the dispute. (本協定、紛争国の討論、専門家のアドバイスを元に)</p> <p>3. The panel shall present to the disputing Parties <b>an initial report within 150 days after the last panellist is appointed</b>. In cases of urgency, including those related to perishable goods, the panel shall endeavour to do so <b>within 120 days after the last panellist is appointed</b>. (最後のパネリスト任命後 150 日以内に第一次報告、腐敗し易い物品は 120 日以内に)</p> <p>4. The initial report shall contain: (報告書内容)</p> <p>(a) findings of fact; (事実の調査)</p> <p>(b) the determination of the panel as to whether: (決定)</p> <p>(i) the measure at issue is inconsistent with the obligations under this Agreement; (本協定の義務違</p>	<p>3. Opinions expressed in the panel report by individual panelists shall be anonymous.</p> <p><b>Article 15 Interim Review Stage</b></p> <p>1. Following the consideration of rebuttal submissions and oral arguments, the panel shall issue the descriptive (factual and argument) sections of its draft report to the parties to the dispute. Within a period of time set by the panel, the parties shall submit their comments in writing.</p> <p>2. Following the expiration of the set period of time for receipt of comments from the parties to the dispute, the panel shall issue an interim report to the parties, including both the descriptive sections and the panel's findings and conclusions. Within a period of time set by the panel, a party may submit a written request for the panel to review precise aspects of the interim report prior to circulation of the final report to the Members. At the request of a party, the panel shall hold a further meeting with the parties on the issues identified in the written comments. If no comments are received from any party within the comment period, the interim report shall be considered the final panel report and circulated promptly to the Members.</p> <p>3. The findings of the final panel report shall include a discussion of the arguments made at the interim review stage. The interim review stage</p>	<p>3.小委員会の報告の中で各委員が表明した意見は、匿名とする。</p> <p><b>第十五条 検討の中間段階</b></p> <p>1.小委員会は、書面及び口頭陳述による反論を検討した後、その報告案のうち事実及び陳述に関する説明部分を紛争当事国に送付する。当事国は、小委員会が定める期間内に、自国の意見を書面により提出する。</p> <p>2.小委員会は、紛争当事国からの意見の受理に係る定められた期間の満了の後、中間報告(説明部分並びに小委員会の認定及び結論から成る。)を当事国に送付する。当事国は、小委員会が加盟国に最終報告を送付する前に中間報告の特定の部分を検討するよう要請することができる。その要請は、小委員会が定める期間内に、書面によって行われる。小委員会は、当事国の要請がある場合には、その書面の中で明示された事項に関し、当事国との追加的な会合を開催する。要請のための期間内にいずれの当事国も要請を行わなかった場合には、中間報告は、小委員会の最終報告とみなされ、速やかに加盟国に送付される。</p> <p>3.小委員会の最終報告の認定には、検討の中間段階で行われた陳述における議論を含める。中間段階での検討は、第十二条 8</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>反への措置)</p> <p>(ii) a Party has otherwise failed to carry out its obligations under this Agreement; or (義務の不履行)</p> <p>(iii) a disputing Party's measure is causing nullification or impairment in the sense of Article 28.3(c) (Scope); (申出国の措置が、無効化と侵害に)</p> <p>(c) any other determination requested in the terms of reference; (委任事項で要求される他の決定)</p> <p>(d) recommendations, if the disputing Parties have jointly requested them, for resolution of the dispute; and (複数の申出国の要求があればその解決の推薦)</p> <p>(e) the reasons for the findings and determinations. (調査結果と決定の理由)</p> <p>5. In exceptional cases, if the panel considers it cannot release its initial report within 150 days, or within 120 days in cases of urgency, it shall inform the disputing Parties in writing of the reasons for the delay together with an estimate of the period within which it will issue its report. Any delay shall not exceed a further period of 30 days unless the disputing Parties otherwise agree. (150 日又は 120 日以内に報告できない時に通知、延長して 30 日以内に報告)</p> <p>6. Panellists may furnish separate opinions on matters not unanimously agreed. (満場一致でない異なる見解の提出もある)</p> <p>7. A disputing Party may submit written comments to the panel on its initial report within 15 days of the presentation of the report or within such other period as the disputing Parties may agree. (申立国は報告後 15 日以内に意見を出せる)</p> <p>8. After considering any written comments by the disputing Parties on the initial report, the panel</p>	<p>shall be conducted within the time-period set out in paragraph 8 of Article 12.</p>	<p>に定める期間内に行う。</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------	--------------------

<p>may modify its report and make any further examination it considers appropriate. (申出国の異議を検討し修正することができる)</p> <p><b>Article 28.17: Final Report (最終報告)</b></p> <p>1. The panel shall present a final report to the disputing Parties, including any separate opinions on matters not unanimously agreed, within 30 days of presentation of the initial report, unless the disputing Parties otherwise agree. The disputing Parties shall release the final report to the public within 15 days thereafter, subject to the protection of confidential information.</p> <p>2. No panel may, either in its initial report or its final report, disclose which panellists are associated with majority or minority opinions. (第一次報告書提出後 30 日以内に)</p>	<p><b>Article 16 Adoption of Panel Reports</b></p> <p>1. In order to provide sufficient time for the Members to consider panel reports, the reports shall not be considered for adoption by the DSB until 20 days after the date they have been circulated to the Members.</p> <p>2. Members having objections to a panel report shall give written reasons to explain their objections for circulation at least 10 days prior to the DSB meeting at which the panel report will be considered.</p> <p>3. The parties to a dispute shall have the right to participate fully in the consideration of the panel report by the DSB, and their views shall be fully recorded.</p> <p>4. Within 60 days after the date of circulation of a panel report to the Members, the report shall be adopted at a DSB meeting (7) unless a party to the dispute formally notifies the DSB of its decision to appeal or the DSB decides by consensus not to adopt the report. If a party has notified its decision to appeal, the report by the panel shall not be considered for adoption by the DSB until after completion of the appeal. This adoption procedure is without prejudice to the right of Members to</p>	<p><b>第十六条 小委員会の報告の採択</b></p> <p>1.小委員会の報告は、加盟国にその検討のための十分な時間を与えるため、報告が加盟国に送付された日の後二十日間は紛争解決機関により採択のために検討されてはならない。</p> <p>2.小委員会の報告に対して異議を有する加盟国は、小委員会の報告を検討する紛争解決機関の会合の少なくとも十日前に、当該異議の理由を説明する書面を提出する。</p> <p>3.紛争当事国は、紛争解決機関による小委員会の報告の検討に十分に参加する権利を有するものとし、当該紛争当事国の見解は、十分に記録される。</p> <p>4.小委員会の報告は、加盟国への送付の後六十日以内に、紛争解決機関の会合において採択される(注)。ただし、紛争当事国が上級委員会への申立ての意思を同機関に正式に通報し又は同機関が当該報告を採択しないことをコンセンサス方式によって決定する場合は、この限りでない。紛争当事国が上級委員会への申立ての意思を通報した場合には、小委員会の報告は、上級委員会による検討が終了するまでは、同</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>express their views on a panel report.</p> <p>(TPP には上級委員会規定がない)</p> <p>Article 17 Appellate Review Standing Appellate Body</p> <p>1. A standing Appellate Body shall be established by the DSB. The Appellate Body shall hear appeals from panel cases. It shall be composed of seven persons, three of whom shall serve on any one case. Persons serving on the Appellate Body shall serve in rotation. Such rotation shall be determined in the working procedures of the Appellate Body.</p> <p>2. The DSB shall appoint persons to serve on the Appellate Body for a four-year term, and each person may be reappointed once. However, the terms of three of the seven persons appointed immediately after the entry into force of the WTO Agreement shall expire at the end of two years, to be determined by lot. Vacancies shall be filled as they arise. A person appointed to replace a person whose term of office has not expired shall hold office for the remainder of the predecessor's term.</p>	<p>機関により採択のために検討されてはならない。この 4 に定める採択の手続は、小委員会の報告について見解を表明する加盟国の権利を害するものではない。</p> <p>注： 紛争解決機関の会合が 1 及びこの 4 に定める要件を満たす期間内に予定されていない場合には、この目的のために開催される。</p> <p>第十七条 上級委員会による検討 常設の上級委員会</p> <p>1.紛争解決機関は、常設の上級委員会を設置する。上級委員会は、小委員会が取り扱った問題についての申立てを審理する。上級委員会は、七人の者で構成するものとし、そのうちの三人が一の問題の委員を務める。上級委員会の委員は、順番に職務を遂行する。その順番は、上級委員会の検討手続で定める。</p> <p>2.紛争解決機関は、上級委員会の委員を四年の任期で任命するものとし、各委員は、一回に限り、再任されることができる。ただし、世界貿易機関協定が効力を生じた後直ちに任命される七人の者のうちの三人の任期は、二年で終了するものとし、これらの三人の者は、くじ引で決定される。空席が生じたときは、補充される。任期が満了しない者の後任者として任命された者の任期は、前任者の任期の残余の期間とする。</p>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



	<p>3. The Appellate Body shall comprise persons of recognized authority, with demonstrated expertise in law, international trade and the subject matter of the covered agreements generally. They shall be unaffiliated with any government. The Appellate Body membership shall be broadly representative of membership in the WTO. All persons serving on the Appellate Body shall be available at all times and on short notice, and shall stay abreast of dispute settlement activities and other relevant activities of the WTO. They shall not participate in the consideration of any disputes that would create a direct or indirect conflict of interest.</p> <p>4. Only parties to the dispute, not third parties, may appeal a panel report. Third parties which have notified the DSB of a substantial interest in the matter pursuant to paragraph 2 of Article 10 may make written submissions to, and be given an opportunity to be heard by, the Appellate Body.</p> <p>5. As a general rule, the proceedings shall not exceed 60 days from the date a party to the dispute formally notifies its decision to appeal to the date the Appellate Body circulates its report. In fixing its timetable the Appellate Body shall take into account the provisions of paragraph 9 of Article 4, if relevant. When the Appellate Body considers that it</p>	<p>3.上級委員会は、法律、国際貿易及び対象協定が対象とする問題一般についての専門知識により権威を有すると認められた者で構成する。上級委員会の委員は、いかなる政府とも関係を有してはならず、世界貿易機関の加盟国を広く代表する。上級委員会のすべての委員は、いつでも、かつ、速やかに勤務することが可能でなければならない。また、世界貿易機関の紛争解決に関する活動その他関連する活動に常に精通していなければならない。上級委員会の委員は、直接又は間接に自己の利益との衝突をもたらすこととなる紛争の検討に参加してはならない。</p> <p>4.紛争当事国のみが、小委員会の報告について上級委員会への申立てをすることができる。第十条 2 の規定に基づき小委員会に提起された問題について実質的な利害関係を有する旨を紛争解決機関に通報した第三国は、上級委員会に意見書を提出することができるものとし、また、上級委員会において意見を述べる機会を有することができる。</p> <p>5.紛争当事国が上級委員会への申立ての意思を正式に通報した日から上級委員会がその報告を送付する日までの期間は、原則として六十日を超えてはならない。上級委員会は、その検討の日程を定めるに当たり、適当な場合には、第四条 9 の規定を考慮する。上級委員会は、六十日以内に報</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>cannot provide its report within 60 days, it shall inform the DSB in writing of the reasons for the delay together with an estimate of the period within which it will submit its report. In no case shall the proceedings exceed 90 days.</p> <p>6. An appeal shall be limited to issues of law covered in the panel report and legal interpretations developed by the panel.</p> <p>7. The Appellate Body shall be provided with appropriate administrative and legal support as it requires.</p> <p>8. The expenses of persons serving on the Appellate Body, including travel and subsistence allowance, shall be met from the WTO budget in accordance with criteria to be adopted by the General Council, based on recommendations of the Committee on Budget, Finance and Administration.</p> <p>Procedures for Appellate Review</p> <p>9. Working procedures shall be drawn up by the Appellate Body in consultation with the Chairman of the DSB and the Director-General, and communicated to the Members for their information.</p> <p>10. The proceedings of the Appellate Body shall be confidential. The reports of the Appellate Body shall be drafted without the presence of the parties to the</p>	<p>告を作成することができないと認める場合には、報告を送付するまでに要する期間の見込みと共に遅延の理由を書面により紛争解決機関に通報する。第一段に定める期間は、いかなる場合にも、九十日を超えてはならない。</p> <p>6.上級委員会への申立ては、小委員会の報告において対象とされた法的な問題及び小委員会が行った法的解釈に限定される。</p> <p>7.上級委員会は、必要とする適当な運営上の及び法律問題に関する援助を受ける。</p> <p>8.上級委員会の委員の旅費、滞在費その他の経費は、予算、財政及び運営に関する委員会の勧告に基づいて一般理事会が採択する基準に従い、世界貿易機関の予算から支弁する。</p> <p>上級委員会による検討に関する手続</p> <p>9.上級委員会は、紛争解決機関の議長及び事務局長と協議の上、検討手続を作成し、加盟国に情報として送付する。</p> <p>10.上級委員会による検討は、秘密とされる。上級委員会の報告は、提供された情報及び行われた陳述を踏まえて起草される</p>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>dispute and in the light of the information provided and the statements made.</p> <p>11. Opinions expressed in the Appellate Body report by individuals serving on the Appellate Body shall be anonymous.</p> <p>12. The Appellate Body shall address each of the issues raised in accordance with paragraph 6 during the appellate proceeding.</p> <p>13. The Appellate Body may uphold, modify or reverse the legal findings and conclusions of the panel.</p> <p>Adoption of Appellate Body Reports</p> <p>14. An Appellate Body report shall be adopted by the DSB and unconditionally accepted by the parties to the dispute unless the DSB decides by consensus not to adopt the Appellate Body report within 30 days following its circulation to the Members (8).This adoption procedure is without prejudice to the right of Members to express their views on an Appellate Body report.</p> <p>Article 18 Communications with the Panel or Appellate Body</p>	<p>ものとし、その起草に際しては、紛争当事国の出席は、認められない。</p> <p>11.上級委員会の報告の中で各委員が表明した意見は、匿名とする。</p> <p>12.上級委員会は、その検討において、6の規定に従って提起された問題を取り扱う。</p> <p>13.上級委員会は、小委員会の法的な認定及び結論を支持し、修正し又は取り消すことができる。</p> <p>上級委員会の報告の採択</p> <p>14.紛争解決機関は、上級委員会の報告を、加盟国への送付の後三十日以内に採択し(注)、紛争当事国は、これを無条件で受諾する。ただし、同機関が当該報告を採択しないことをコンセンサス方式によって決定する場合は、この限りでない。この 14 に定める採択の手続は、上級委員会の報告について見解を表明する加盟国の権利を害するものではない。</p> <p>注： 紛争解決機関の会合がこの期間内に予定されていない場合には、この目的のために開催される。</p> <p>第十八条 小委員会又は上級委員会との接触</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>1. There shall be no ex parte communications with the panel or Appellate Body concerning matters under consideration by the panel or Appellate Body.</p> <p>2. Written submissions to the panel or the Appellate Body shall be treated as confidential, but shall be made available to the parties to the dispute. Nothing in this Understanding shall preclude a party to a dispute from disclosing statements of its own positions to the public. Members shall treat as confidential information submitted by another Member to the panel or the Appellate Body which that Member has designated as confidential. A party to a dispute shall also, upon request of a Member, provide a non-confidential summary of the information contained in its written submissions that could be disclosed to the public.</p>	<p>1.小委員会又は上級委員会により検討中の問題に関し、小委員会又は上級委員会といずれか一方の紛争当事国のみとの間で接触があってはならない。</p> <p>2.小委員会又は上級委員会に対する意見書は、秘密のものとして取り扱われるものとするが、紛争当事国が入手することができるようにする。この了解のいかなる規定も、紛争当事国が自国の立場についての陳述を公開することを妨げるものではない。加盟国は、他の加盟国が小委員会又は上級委員会に提出した情報であって当該他の加盟国が秘密であると指定したものを秘密のものとして取り扱う。紛争当事国は、また、加盟国の要請に基づき、意見書に含まれている情報の秘密でない要約であって公開し得るものを提供する。</p>
<p><b>Article 28.18: Implementation of Final Report (最終報告の実施)</b></p> <p>1. The Parties recognize the importance of prompt compliance with determinations made by panels under Article 28.17 (Final Report) in achieving the aim of the dispute settlement procedures of this chapter, which is to secure a positive solution to disputes (締約国はパネルの決定に従うことを理解する)</p> <p>2. If in its final report the panel determines that: (下記を決定するならば)</p> <p>(a) a measure at issue is inconsistent with a Party's</p>	<p>Article 19 Panel and Appellate Body Recommendations</p> <p>1. Where a panel or the Appellate Body concludes that a measure is inconsistent with a covered agreement, it shall recommend that the Member concerned (9) bring the measure into conformity with that agreement (10). In addition to its recommendations, the panel or Appellate Body may suggest ways in which the Member concerned could implement the recommendations.</p>	<p><b>第十九条 小委員会及び上級委員会の勧告</b></p> <p>1.小委員会又は上級委員会は、ある措置がいずれかの対象協定に適合しないと認める場合には、関係加盟国(注 1)に対し当該措置を当該協定に適合させるよう勧告する(注 2)。小委員会又は上級委員会は、更に、当該関係加盟国がその勧告を実施し得る方法を提案することができる。</p> <p>注 1： 「関係加盟国」とは、小委員会又は上級委員会の勧告を受ける紛争当事国</p>

<p>obligations under this Agreement; (係争中の措置が締約国の義務違反である)</p> <p>(b) a Party has otherwise failed to carry out its obligations under this Agreement; or (又は義務の遂行ができない)</p> <p>(c) a Party's measure is causing nullification or impairment in the sense of Article 28.3(c) (Scope); the responding Party shall, whenever possible, eliminate the non-conformity or the nullification or impairment. (締約国の措置が無効化と侵害であり、被申出国がそれを除外する)</p> <p>3. Unless the disputing Parties decide otherwise, the responding Party shall have a reasonable period of time in which to eliminate the non-conformity or nullification or impairment if it is not practicable to comply immediately. (被申出国が、すぐに不適合又は無効化と侵害を排除できなければ、妥当な期間を有する)</p> <p>4. The disputing Parties shall endeavour to agree on the reasonable period of time. Where the disputing Parties fail to agree on the reasonable period of time within 45 days of the presentation of the panel's report under Article 28.17.1 (Final Report), any disputing Party may, within 60 days of the presentation of the panel's report under Article 28.17.1 (Final Report), refer the matter to the panel chair to determine the reasonable period of time through arbitration. (同意に努力すべきだが、報告書提出から 45 日以内に同意ができなければ、60 日以内にパネル議長に妥当な期間決定の仲裁を行うことを任せる)</p> <p>5. The panel chair shall take into consideration as a</p>	<p>2. In accordance with paragraph 2 of Article 3, in their findings and recommendations, the panel and Appellate Body cannot add to or diminish the rights and obligations provided in the covered agreements.</p> <p><b>Article 20 Time-frame for DSB Decisions</b></p> <p>Unless otherwise agreed to by the parties to the dispute, the period from the date of establishment of the panel by the DSB until the date the DSB considers the panel or appellate report for adoption shall as a general rule not exceed nine months where the panel report is not appealed or 12 months where the report is appealed. Where either the panel or the Appellate Body has acted, pursuant to paragraph 9 of Article 12 or paragraph 5 of Article 17, to extend the time for providing its report, the additional time taken shall be added to the above periods.</p> <p><b>Article 21 Surveillance of Implementation of Recommendations and Rulings</b></p> <p>1. Prompt compliance with recommendations or</p>	<p>をいう。 注 2： 千九百九十四年のガットその他の対象協定についての違反を伴わない問題に関する勧告については、第二十六条を参照。</p> <p>2. 小委員会及び上級委員会は、第三条 2 の規定に従うものとし、その認定及び勧告において、対象協定に定める権利及び義務に新たな権利及び義務を追加し、又は対象協定に定める権利及び義務を減ずることはできない。</p> <p><b>第二十条 紛争解決機関による決定のための期間</b></p> <p>紛争解決機関が小委員会を設置した日から同機関が小委員会又は上級委員会の報告を採択するために審議する日までの期間は、紛争当事国が別段の合意をする場合を除くほか、原則として、小委員会の報告につき上級委員会への申立てがされない場合には九箇月、申立てがされる場合には十二箇月を超えてはならない。小委員会又は上級委員会が第十二条 9 又は第十七条 5 の規定に従い報告を作成するための期間を延長する場合には、追加的に要した期間が、前段に定める期間に加算される。</p> <p><b>第二十一条 勧告及び裁定の実施の監視</b></p> <p>1. 紛争解決機関の勧告又は裁定の速やか</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p>guideline that the reasonable period of time should not exceed 15 months from the presentation of the panel's final report to the disputing Parties under Article 28.17.1 (Final Report). However, that time may be shorter or longer, depending upon the particular circumstances.</p> <p>(その妥当な期間は最終報告書から 15 ヶ月を超えてはならない。</p> <p>6. The panel chair shall determine the reasonable period of time within 90 days of the date of referral to the panel chair pursuant to subparagraph 4.</p> <p>(パネル議長は 4 で規定された妥当な期間を 90 日以内に決めなければならない。</p> <p>7. The disputing Parties may agree to vary the procedures set out in paragraphs 4 to 6 of this article for the determination of the reasonable period of time.</p> <p>(申出国は、4 から 6 までの手順で決められた期間を変える事に同意しなければならない)</p>	<p>rulings of the DSB is essential in order to ensure effective resolution of disputes to the benefit of all Members.</p> <p>2. Particular attention should be paid to matters affecting the interests of developing country Members with respect to measures which have been subject to dispute settlement.</p> <p>3. At a DSB meeting held within 30 days (11) after the date of adoption of the panel or Appellate Body report, the Member concerned shall inform the DSB of its intentions in respect of implementation of the recommendations and rulings of the DSB. If it is impracticable to comply immediately with the recommendations and rulings, the Member concerned shall have a reasonable period of time in which to do so. The reasonable period of time shall be:</p> <p>(a) the period of time proposed by the Member concerned, provided that such period is approved by the DSB; or, in the absence of such approval,</p> <p>(b) a period of time mutually agreed by the parties to the dispute within 45 days after the date of adoption of the recommendations and rulings; or, in the absence of such agreement,</p> <p>(c) a period of time determined through binding</p>	<p>な実施は、すべての加盟国の利益となるような効果的な紛争解決を確保するために不可欠である。</p> <p>2.紛争解決の対象となった措置に関し、開発途上加盟国の利害関係に影響を及ぼす問題については、特別の注意が払われるべきである。</p> <p>3.関係加盟国は、小委員会又は上級委員会の報告の採択の日の後三十日以内に開催される紛争解決機関の会合において、同機関の勧告及び裁定の実施に関する自国の意思を通報する(注)。勧告及び裁定を速やかに実施することができない場合には、関係加盟国は、その実施のための妥当な期間を与えられる。妥当な期間は、次の(a)から(c)までに定めるいずれかの期間とする。</p> <p>注 紛争解決機関の会合がこの期間内に予定されていない場合には、この目的のために開催される。</p> <p>(a) 関係加盟国が提案する期間。ただし、紛争解決機関による承認を必要とする。</p> <p>(b) (a)の承認がない場合には、勧告及び裁定の採択の日の後四十五日以内に紛争当事国が合意した期間</p> <p>(c) (b)の合意がない場合には、勧告及び</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>arbitration within 90 days after the date of adoption of the recommendations and rulings (12). In such arbitration, a guideline for the arbitrator (13) should be that the reasonable period of time to implement panel or Appellate Body recommendations should not exceed 15 months from the date of adoption of a panel or Appellate Body report. However, that time may be shorter or longer, depending upon the particular circumstances.</p>	<p>裁定の採択の日の後九十日以内に拘束力のある仲裁によって決定される期間(注1)。仲裁が行われる場合には、仲裁人(注2)に対し、小委員会又は上級委員会の勧告を実施するための妥当な期間がその報告の採択の日から十五箇月を超えるべきではないとの指針が与えられるべきである。この十五箇月の期間は、特別の事情があるときは、短縮し又は延長することができる。</p>
	<p>4. Except where the panel or the Appellate Body has extended, pursuant to paragraph 9 of Article 12 or paragraph 5 of Article 17, the time of providing its report, the period from the date of establishment of the panel by the DSB until the date of determination of the reasonable period of time shall not exceed 15 months unless the parties to the dispute agree otherwise. Where either the panel or the Appellate Body has acted to extend the time of providing its report, the additional time taken shall be added to the 15-month period; provided that unless the parties to the dispute agree that there are exceptional circumstances, the total time shall not exceed 18 months.</p>	<p>注 1： 紛争当事国が問題を仲裁に付した後十日以内に仲裁人について合意することができない場合には、事務局長は、十日以内に、当該当事国と協議の上仲裁人を任命する。</p> <p>注 2： 仲裁人は、個人であるか集団であるかを問わない。</p> <p>4.紛争解決機関による小委員会の設置の日から妥当な期間の決定の日までの期間は、小委員会又は上級委員会が第十二条 9 又は第十七条 5 の規定に従いその報告を作成する期間を延長した場合を除くほか、十五箇月を超えてはならない。ただし、紛争当事国が別段の合意をする場合は、この限りでない。小委員会又は上級委員会がその報告を作成する期間を延長する場合には、追加的に要した期間が、この十五箇月の期間に加算される。ただし、合計の期間は、紛争当事国が例外的な事情があることについて合意する場合を除くほか、十八箇月を超えてはならない。</p>

	<p>5. Where there is disagreement as to the existence or consistency with a covered agreement of measures taken to comply with the recommendations and rulings such dispute shall be decided through recourse to these dispute settlement procedures, including wherever possible resort to the original panel. The panel shall circulate its report within 90 days after the date of referral of the matter to it. When the panel considers that it cannot provide its report within this time frame, it shall inform the DSB in writing of the reasons for the delay together with an estimate of the period within which it will submit its report.</p> <p>6. The DSB shall keep under surveillance the implementation of adopted recommendations or rulings. The issue of implementation of the recommendations or rulings may be raised at the DSB by any Member at any time following their adoption. Unless the DSB decides otherwise, the issue of implementation of the recommendations or rulings shall be placed on the agenda of the DSB meeting after six months following the date of establishment of the reasonable period of time pursuant to paragraph 3 and shall remain on the DSB's agenda until the issue is resolved. At least 10 days prior to each such DSB meeting, the Member concerned shall provide the DSB with a status</p>	<p>5. 勧告及び裁定を実施するためにとられた措置の有無又は当該措置と対象協定との適合性について意見の相違がある場合には、その意見の相違は、この了解に定める紛争解決手続の利用によって解決される。この場合において、可能なときは、当該勧告及び裁定の対象となった紛争を取り扱った小委員会(この了解において「最初の小委員会」という。)にその意見の相違を付することができる。最初の小委員会は、その問題が付された日の後九十日以内にその報告を加盟国に送付する。最初の小委員会は、この期間内に報告を作成することができないと認める場合には、報告を送付するまでに要する期間の見込みと共に遅延の理由を書面により紛争解決機関に通報する。</p> <p>6. 紛争解決機関は、採択された勧告又は裁定の実施を監視する。加盟国は、勧告又は裁定が採択された後いつでも、これらの実施の問題を同機関に提起することができる。勧告又は裁定の実施の問題は、同機関が別段の決定を行う場合を除くほか、3の規定に従って妥当な期間が定められた日の後六箇月後に同機関の会合の議事日程に掲げられるものとし、当該問題が解決されるまでの間同機関の会合の議事日程に引き続き掲げられる。関係加盟国は、これらの各会合の少なくとも十日前に、勧告又は裁定の実施の進展についての状況に関する報告を書面により同機関に提出する。</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>report in writing of its progress in the implementation of the recommendations or rulings.</p> <p>7. If the matter is one which has been raised by a developing country Member, the DSB shall consider what further action it might take which would be appropriate to the circumstances.</p> <p>8. If the case is one brought by a developing country Member, in considering what appropriate action might be taken, the DSB shall take into account not only the trade coverage of measures complained of, but also their impact on the economy of developing country Members concerned.</p>	<p>7.問題が開発途上加盟国によって提起されたものである場合には、紛争解決機関は、同機関がその状況に応じて更にいかなる適当な措置をとり得るかを検討する。</p> <p>8.問題が開発途上加盟国によって提起されたものである場合には、紛争解決機関は、同機関がいかなる適当な措置をとり得るかを検討するに当たり、申し立てられた措置の貿易に関する側面のみでなく、関係を有する開発途上加盟国の経済に及ぼす影響も考慮に入れる。</p>
<p><b>Article 28.19: Non-Implementation – Compensation and Suspension of Benefits</b> 未実施（代償及び利益の停止）（利益→給付とします）</p> <p>1. The responding Party shall, if so requested by the complaining Party or Parties, enter into negotiations with the complaining Party or Parties within 15 days of receipt of such request, with a view to developing mutually acceptable compensation, in circumstances where:</p> <p>（要求後 15 日以内の被申立国と申立国の協議）</p> <p>a) the responding Party has notified the complaining Party or Parties that it does not intend to eliminate the non-conformity or the nullification or impairment; or</p> <p>（被申立国の不適合、無効化、侵害の排除拒否）</p> <p>b) following the expiry of the reasonable period of time established in accordance with Article 28.18</p>	<p><b>Article 22 Compensation and the Suspension of Concessions</b></p> <p>1. Compensation and the suspension of concessions or other obligations are temporary measures available in the event that the recommendations and rulings are not implemented within a reasonable period of time. However, neither compensation nor the suspension of concessions or other obligations is preferred to full implementation of a recommendation to bring a measure into conformity with the covered agreements. Compensation is voluntary and, if granted, shall be consistent with the covered agreements.</p> <p>2. If the Member concerned fails to bring the measure found to be inconsistent with a covered</p>	<p><b>第二十二条 代償及び譲許の停止</b></p> <p>1.代償及び譲許その他の義務の停止は、勧告及び裁定が妥当な期間内に実施されない場合に利用することができる一時的な手段であるが、これらのいずれの手段よりも、当該勧告及び裁定の対象となった措置を対象協定に適合させるために勧告を完全に実施することが優先される。代償は、任意に与えられるものであり、また、代償が与えられる場合には、対象協定に適合するものでなければならない。</p> <p>2.関係加盟国は、対象協定に適合しないと認定された措置を当該協定に適合させ又</p>

<p>(Implementation of Final Report), there is disagreement between the disputing Parties as to whether the responding Party has eliminated the non-conformity or the nullification or impairment; (妥当な期間終了後の確認)</p> <p>2. A complaining Party may suspend benefits in accordance with paragraph 2bis if that complaining Party and the responding Party have: (双方が下記であれば、被申立国は 2bis に従って給付を保留する)</p> <p>(a) been unable to agree on compensation within 30 days after the period for developing such compensation has begun; or (代償が始まった後 30 日以内の代償に同意できない)</p> <p>(b) agreed on compensation but the relevant complaining Party considers that the responding Party has failed to observe the terms of the agreement. (被申立国が合意期間を監察できないと申立国が考慮したとしても代償に同意する)</p> <p>2bis. A complaining Party may, at any time after the conditions set out in paragraph 2 are met in relation to that complaining Party, provide written notice to the responding Party that it intends to suspend the application to the responding Party of benefits of equivalent effect. The notice shall specify the level of benefits that the Party proposes to suspend.[2] (等価の給付適用の中断を意図している被申立国への申立国からの書面による給付のレベル通知)</p> <p>The complaining Party may begin suspending benefits 30 days after the later of the date on which it provides notice under this paragraph or the panel issues its determination under paragraph 5, as the</p>	<p>agreement into compliance therewith or otherwise comply with the recommendations and rulings within the reasonable period of time determined pursuant to paragraph 3 of Article 21, such Member shall, if so requested, and no later than the expiry of the reasonable period of time, enter into negotiations with any party having invoked the dispute settlement procedures, with a view to developing mutually acceptable compensation. If no satisfactory compensation has been agreed within 20 days after the date of expiry of the reasonable period of time, any party having invoked the dispute settlement procedures may request authorization from the DSB to suspend the application to the Member concerned of concessions or other obligations under the covered agreements.</p> <p>3. In considering what concessions or other obligations to suspend, the complaining party shall apply the following principles and procedures:</p> <p>(a) the general principle is that the complaining party should first seek to suspend concessions or other obligations with respect to the same sector(s) as that in which the panel or Appellate Body has found a violation or other nullification or impairment;</p> <p>(b) if that party considers that it is not practicable or effective to suspend concessions or other obligations with respect to the same sector(s), it may seek to suspend concessions or other obligations in other sectors under the same</p>	<p>は前条 3 の規定に従って決定された妥当な期間内に勧告及び裁定に従うことができない場合において、要請があるときは、相互に受け入れることができる代償を与えるため、当該妥当な期間の満了までに申立国と交渉を開始する。当該妥当な期間の満了の日の後二十日以内に満足すべき代償について合意がされなかった場合には、申立国は、関係加盟国に対する対象協定に基づく譲許その他の義務の適用を停止するために紛争解決機関に承認を申請することができる。</p> <p>3.申立国は、いかなる譲許その他の義務を停止するかを検討するに当たり、次に定める原則及び手続を適用する。</p> <p>(a) 一般原則として、申立国は、まず、小委員会又は上級委員会により違反その他の無効化又は侵害があると認定された分野と同一の分野に関する譲許その他の義務の停止を試みるべきである。</p> <p>(b) 申立国は、同一の分野に関する譲許その他の義務を停止することができず又は効果的でないと認める場合には、同一の協定のその他の分野に関する譲許その他の義務の停止を試みることができる。</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>case may be. (申立国が通知した後 30 日に給付の中断を始めることができる)</p> <p>3. Compensation and the suspension of benefits and the payment of a monetary assessment shall be temporary measures. None of these measures is preferred to full implementation through elimination of the non-conformity or the nullification or impairment. Compensation, and suspension of benefits and the payment of a monetary assessment shall only be applied until such time as the responding Party has eliminated the non-conformity or the nullification or impairment, or a mutually satisfactory solution is reached. (代償、給付と金融査定の支払いの中断は一時的な方法、相互に満足する解決に向かうこと)</p> <p>4. In considering what benefits to suspend pursuant to paragraph 2, the complaining Party shall apply the following principles and procedures: (給付中断の手順)</p> <p>(a) it should first seek to suspend benefits in the same subject matter as that in which the panel has determined non-conformity or nullification or impairment to exist;</p> <p>(b) if it considers that it is not practicable or effective to suspend benefits in the same subject matter and that the circumstances are serious enough, it may suspend benefits in a different subject matter. The communication pursuant to paragraph 2 in which it announces such a decision shall indicate the reasons on which it is based; and</p> <p>(c) in applying the principles set out in subparagraphs (a) and (b), the complaining Party</p>	<p>agreement;</p> <p>(c) if that party considers that it is not practicable or effective to suspend concessions or other obligations with respect to other sectors under the same agreement, and that the circumstances are serious enough, it may seek to suspend concessions or other obligations under another covered agreement;</p> <p>(d) in applying the above principles, that party shall take into account:</p> <p>(i) the trade in the sector or under the agreement under which the panel or Appellate Body has found a violation or other nullification or impairment, and the importance of such trade to that party;</p> <p>(ii) the broader economic elements related to the nullification or impairment and the broader economic consequences of the suspension of concessions or other obligations;</p> <p>(e) if that party decides to request authorization to suspend concessions or other obligations pursuant to subparagraphs (b) or (c), it shall state the reasons therefor in its request. At the same time as the request is forwarded to the DSB, it also shall be forwarded to the relevant Councils and also, in the case of a request pursuant to subparagraph (b), the relevant sectoral bodies;</p> <p>(f) for purposes of this paragraph, “sector” means:</p>	<p>(c) 申立国は、同一の協定のその他の分野に関する譲許その他の義務を停止することができず又は効果的でなく、かつ、十分重大な事態が存在すると認める場合には、その他の対象協定に関する譲許その他の義務の停止を試みることができる。</p> <p>(d) (a)から(c)までの原則を適用するに当たり、申立国は、次の事項を考慮する。</p> <p>(i) 小委員会又は上級委員会により違反その他の無効化又は侵害があると認定された分野又は協定に関する貿易及び申立国に対するその貿易の重要性</p> <p>(ii) (i)の無効化又は侵害に係る一層広範な経済的要因及び譲許その他の義務の停止による一層広範な経済的影響</p> <p>(e) 申立国は、(b)又は(c)の規定により譲許その他の義務を停止するための承認を申請することを決定する場合には、その申請においてその理由を示すものとする。当該申請は、紛争解決機関への提出の時に、関連する理事会に対しても及び、(b)の規定による申請の場合には、関連する分野別機関にも提出する。</p> <p>(f) この3の規定の適用上、</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>shall take into account:</p> <p>(i) the trade in the good, the supply of the service or other subject matter in which the panel has found the non-conformity or nullification or impairment, and the importance of such trade to that Party;</p> <p>(ii) that goods, all financial services covered under Chapter 11 (Financial Services), services other than such financial services and each section in Chapter 18 (Intellectual Property), are each distinct subject matters; and</p> <p>(iii) the broader economic elements related to the nullification or impairment and the broader economic consequences of the suspension of benefits.</p> <p>5. If the responding Party considers that:</p> <p>(被申立国の対応)</p> <p>(a) the level of benefits proposed to be suspended is manifestly excessive or the complaining Party has failed to follow the principles and procedures set out in paragraph 4; or</p> <p>(b) it has eliminated the non-conformity or the nullification or impairment that the panel has determined to exist;</p> <p>it may, within 30 days after the complaining Party provides notice under paragraph 2, request that the panel be reconvened to consider the matter. The responding Party shall deliver its request in writing to the complaining Party. The panel shall reconvene as soon as possible after delivery of the request and shall present its determination to the disputing Parties within 90 days after it reconvenes to review a request under subparagraph (a) or (b), or within</p>	<p>(i) with respect to goods, all goods;</p> <p>(ii) with respect to services, a principal sector as identified in the current “Services Sectoral Classification List” which identifies such sectors; (14)</p> <p>(iii) with respect to trade-related intellectual property rights, each of the categories of intellectual property rights covered in Section 1, or Section 2, or Section 3, or Section 4, or Section 5, or Section 6, or Section 7 of Part II, or the obligations under Part III, or Part IV of the Agreement on TRIPS;</p> <p>(g) for purposes of this paragraph, “agreement” means:</p> <p>·</p> <p>(i) with respect to goods, the agreements listed in Annex 1A of the WTO Agreement, taken as a whole as well as the Plurilateral Trade Agreements in so far as the relevant parties to the dispute are parties to these agreements;</p> <p>(ii) with respect to services, the GATS;</p> <p>·</p> <p>(iii) with respect to intellectual property rights, the Agreement on TRIPS.</p>	<p>(i) 物品に関しては、すべての物品を一の分野とする。</p> <p>(ii) サービスに関しては、現行の「サービス分野分類表」に明示されている主要な分野(注)のそれぞれを一の分野とする。 注 サービス分野分類表(文書番号 MTN・GNS—W—二〇の文書中の表)は、十一の主要な分野を明示している。</p> <p>(iii) 貿易関連の知的所有権に関しては、貿易関連知的所有権協定の第二部の第一節から第七節までの規定が対象とする各種類の知的所有権のそれぞれ並びに第三部及び第四部に定める義務のそれぞれを一の分野とする。</p> <p>(g) この3の規定の適用上、</p> <p>(i) 物品に関しては、世界貿易機関協定附属書一 A の協定の全体(紛争当事国が複数国間貿易協定の締約国である場合には、当該複数国間貿易協定を含む。)を一の協定とする。</p> <p>(ii) サービスに関しては、サービス貿易一般協定を一の協定とする。</p> <p>(iii) 知的所有権に関しては、貿易関連知的所有権協定を一の協定とする。</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p>120 days for a request under subparagraphs (a) and (b). If the panel determines that the level of benefits proposed to be suspended is manifestly excessive, it shall determine the level of benefits it considers to be of equivalent effect.</p> <p>(被申出国の通知配達後 30 日以内にパネルの再招集、90 日以内にパネルは申出国に通知、(又は被申出国の通知から 120 日以内)</p> <p>6. Unless the panel has determined that the responding Party has eliminated the non-conformity or the nullification or impairment, the complaining Party may suspend benefits up to the level the panel has determined under paragraph 5 or, if the panel has not determined the level, the level the complaining Party has proposed to suspend under paragraph 2bis. If the panel determines that the complaining Party has not followed the principles and procedures set out in paragraph 4, the panel shall set out in its award the extent to which the complaining Party may suspend benefits in which subject matter in order to ensure full compliance with the principles and procedures set out in paragraph 4. The complaining Party may suspend benefits only in a manner consistent with the panellist's award.</p> <p>(申立国の対応)</p> <p>7. The complaining Party may not suspend benefits if, within 30 days after it provides written notice of intent to suspend benefits or, if the party is reconvened under paragraph 5, within 20 days after the panel provides its determination, the responding Party provides written notice to the complaining Party that it will pay a monetary</p>	<p>4. The level of the suspension of concessions or other obligations authorized by the DSB shall be equivalent to the level of the nullification or impairment.</p> <p>5. The DSB shall not authorize suspension of concessions or other obligations if a covered agreement prohibits such suspension.</p> <p>6. When the situation described in paragraph 2 occurs, the DSB, upon request, shall grant authorization to suspend concessions or other obligations within 30 days of the expiry of the reasonable period of time unless the DSB decides by consensus to reject the request. However, if the Member concerned objects to the level of suspension proposed, or claims that the principles and procedures set forth in paragraph 3 have not been followed where a complaining party has requested authorization to suspend concessions or other obligations pursuant to paragraph 3(b) or (c), the matter shall be referred to arbitration. Such arbitration shall be carried out by the original panel, if members are available, or by an arbitrator (15) appointed by the Director-General and shall be completed within 60 days after the date of expiry of the reasonable period of time. Concessions or other obligations shall not be suspended during the course of the arbitration.</p> <p>7. The arbitrator (16) acting pursuant to paragraph</p>	<p>4.紛争解決機関が承認する譲許その他の義務の停止の程度は、無効化又は侵害の程度と同等のものとする。</p> <p>5.紛争解決機関は、対象協定が禁じている譲許その他の義務の停止を承認してはならない。</p> <p>6.2 に規定する状況が生ずる場合には、申請に基づき、紛争解決機関は、同機関が当該申請を却下することをコンセンサス方式によって決定する場合を除くほか、妥当な期間の満了の後三十日以内に譲許その他の義務の停止を承認する。ただし、関係加盟国が提案された停止の程度について異議を唱える場合又は申立国が 3 の(b)若しくは(c)の規定により譲許その他の義務を停止するための承認を申請するに当たり 3 に定める原則及び手続を遵守していなかったと関係加盟国が主張する場合には、その問題は、仲裁に付される。仲裁は、最初の小委員会(その委員が職務を遂行することが可能である場合)又は事務局長が任命する仲裁人(注)によって行われるものとし、妥当な期間が満了する日の後六十日以内に完了する。譲許その他の義務は、仲裁の期間中は停止してはならない。</p> <p>注： 仲裁人は、個人であるか集団であるかを問わない。</p> <p>7.6 の規定に従って職務を遂行する仲裁人</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>assessment. The disputing Parties shall consult, beginning no later than ten days after the responding Party, with a view to reaching agreement on the amount of the assessment. If the Parties are unable to reach an agreement within 30 days after consultations begin and are not engaged in discussions regarding the use of a fund under paragraph 8, the amount of the assessment shall be set at a level, in U.S. dollars, equal to 50 percent of the level of the benefits the panel has determined under paragraph 5 to be of equivalent effect or, if the panel has not determined the level, 50 percent of the level that the complaining Party has proposed to suspend under paragraph 2.</p> <p>(被申立国はパネルの決定の 20 日以内に、申立国に支払いの金融査定について書面で通知、それを受けて申出国は 10 日以内に協議を始める。30 日以内に金融査定に合意がない場合は、パネル決定の 50%)</p> <p>8. If a monetary assessment is to be paid to the complaining Party, then it shall be paid in U.S. currency, or in an equivalent amount of the currency of the responding Party or in another currency agreed to by the disputing Parties in equal, quarterly installments beginning 60 days after the responding Party gives notice that it intends to pay an assessment. Where the circumstances warrant, the disputing Parties may decide that an assessment shall be paid into a fund designated by the disputing Parties for appropriate initiatives to facilitate trade between the Parties, including by further reducing unreasonable trade barriers or by assisting carrying out its obligations under this Agreement.</p>	<p>6 shall not examine the nature of the concessions or other obligations to be suspended but shall determine whether the level of such suspension is equivalent to the level of nullification or impairment. The arbitrator may also determine if the proposed suspension of concessions or other obligations is allowed under the covered agreement. However, if the matter referred to arbitration includes a claim that the principles and procedures set forth in paragraph 3 have not been followed, the arbitrator shall examine that claim. In the event the arbitrator determines that those principles and procedures have not been followed, the complaining party shall apply them consistent with paragraph 3. The parties shall accept the arbitrator's decision as final and the parties concerned shall not seek a second arbitration. The DSB shall be informed promptly of the decision of the arbitrator and shall upon request, grant authorization to suspend concessions or other obligations where the request is consistent with the decision of the arbitrator, unless the DSB decides by consensus to reject the request.</p> <p>8. The suspension of concessions or other obligations shall be temporary and shall only be applied until such time as the measure found to be inconsistent with a covered agreement has been</p>	<p>(注)は、停止される譲許その他の義務の性質を検討してはならないが、その停止の程度が無効化又は侵害の程度と同等であるかないかを決定する。仲裁人は、また、提案された譲許その他の義務の停止が対象協定の下で認められるものであるかないかを決定することができる。ただし、3 に定める原則及び手続が遵守されていなかったという主張が仲裁に付された問題に含まれている場合には、仲裁人は、当該主張について検討する。当該原則及び手続が遵守されていなかった旨を仲裁人が決定する場合には、申立国は、3 の規定に適合するように当該原則及び手続を適用する。当事国は、仲裁人の決定を最終的なものとして受け入れるものとし、関係当事国は、他の仲裁を求めてはならない。紛争解決機関は、仲裁人の決定について速やかに通報されるものとし、申請に基づき、当該申請が仲裁人の決定に適合する場合には、譲許その他の義務の停止を承認する。ただし、同機関が当該申請を却下することをコンセンサス方式によって決定する場合は、この限りでない。</p> <p>注： 仲裁人は、個人、集団又は最初の小委員会の委員(仲裁人の資格で職務を遂行する。)のいずれであるかを問わない。</p> <p>8.譲許その他の義務の停止は、一時的なものとし、対象協定に適合しないと認定された措置が撤回され、勧告若しくは裁定を実施しなければならない加盟国により利益</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>(被申立国の分割払いの協議)</p> <p>9. At the same time as the payment of its first quarterly installment, the responding Party shall provide to the complaining Party a plan of the steps it intends to take to eliminate the non-conformity or the nullification or impairment.</p> <p>10. A responding Party may pay a monetary assessment in lieu of suspension of benefits for a maximum of 12 months from the date on which it has provided written notice under paragraph 7 unless the complaining Party agrees to an extension.</p> <p>11. A responding Party seeking an extension shall make a written request no later than 30 days before the expiration of the 12 month period. The disputing Parties shall determine the length and terms of any extension, including the amount of the assessment.</p> <p>12. The complaining Party may suspend the application to the responding Party of benefits in accordance with paragraph 6, if:</p> <p>(a) the responding Party fails to make a payment or fails to make the payment under paragraph 13 after electing to do so;</p> <p>(b) the responding Party fails to provide the plan as required under paragraph 9; or</p> <p>(c) the monetary assessment period, including any extension, has elapsed and the responding Party has not yet eliminated the non-conformity or the nullification or impairment.</p>	<p>removed, or the Member that must implement recommendations or rulings provides a solution to the nullification or impairment of benefits, or a mutually satisfactory solution is reached. In accordance with paragraph 6 of Article 21, the DSB shall continue to keep under surveillance the implementation of adopted recommendations or rulings, including those cases where compensation has been provided or concessions or other obligations have been suspended but the recommendations to bring a measure into conformity with the covered agreements have not been implemented.</p> <p>9. The dispute settlement provisions of the covered agreements may be invoked in respect of measures affecting their observance taken by regional or local governments or authorities within the territory of a Member. When the DSB has ruled that a provision of a covered agreement has not been observed, the responsible Member shall take such reasonable measures as may be available to it to ensure its observance. The provisions of the covered agreements and this Understanding relating to compensation and suspension of concessions or other obligations apply in cases where it has not been possible to secure such observance (17).</p>	<p>の無効化若しくは侵害に対する解決が提供され又は相互に満足すべき解決が得られるまでの間においてのみ適用される。紛争解決機関は、前条 6 の規定に従い、採択した勧告又は裁定の実施の監視を継続する。代償が与えられ又は譲許その他の義務が停止されたが、措置を対象協定に適合させるための勧告が実施されていない場合も、同様とする。</p> <p>9.対象協定の紛争解決に関する規定は、加盟国の領域内の地域又は地方の政府又は機関によるこれらの協定の遵守に影響を及ぼす措置について適用することができる。紛争解決機関が対象協定の規定が遵守されていない旨の裁定を行う場合には、責任を有する加盟国は、当該協定の遵守を確保するために利用することができる妥当な措置をとる。代償及び譲許その他の義務の停止に関する対象協定及びこの了解の規定は、対象協定の遵守を確保することができなかった場合について適用する。(注)</p> <p>注： 加盟国の領域内の地域又は地方の政府又は機関がとる措置に関するいずれかの対象協定の規定が、この 9 の規定と異なる規定を含む場合には、当該対象協定の規定が優先する。</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>13. If the responding Party notified the complaining Party under paragraph 7 regarding the possible use of a fund and the disputing Parties have not agreed on the use of a fund within 3 months of the date of the responding Party's notice, and this time period has not been extended by agreement of the disputing Parties, the responding Party may elect to make the monetary assessment payment equal to 50 per cent of the amount determined under paragraph 5. If this election is made the payment must be made within nine months of the responding Party's notice under paragraph 7 in U.S. currency, or in an equivalent amount of the currency of the responding Party or in another currency agreed to by the disputing Parties. If the election is not made, the complaining Party may suspend the application of benefits in the amount determined under paragraph 5 at the end of the election period.</p> <p>14. The complaining Party shall accord sympathetic consideration to the notice by the responding Party regarding the possible use of the fund referred to in paragraphs 8 and 13.</p> <p><b>Article 28.20: Compliance Review</b> (遵守の見直し)</p> <p>1. Without prejudice to the procedures in Article 28.19 (Non-Implementation – Compensation and Suspension of Benefits), if the responding Party considers that it has eliminated the non-conformity or the nullification or impairment found by the panel, it may refer the matter to the panel by</p>	<p><b>Article 23 Strengthening of the Multilateral System</b></p> <p>1. When Members seek the redress of a violation of obligations or other nullification or impairment of benefits under the covered agreements or an impediment to the attainment of any objective of the covered agreements, they shall have recourse to, and abide by, the rules and procedures of this Understanding.</p> <p>2. In such cases, Members shall:</p> <p>(a) not make a determination to the effect that a violation has occurred, that benefits have been nullified or impaired or that the attainment of any objective of the covered agreements has been impeded, except through recourse to dispute settlement in accordance with the rules and procedures of this Understanding, and shall make any such determination consistent with the findings contained in the panel or Appellate Body report adopted by the DSB or an arbitration award rendered under this Understanding;</p> <p>(b) follow the procedures set forth in Article 21 to determine the reasonable period of time for the Member concerned to implement the recommendations and rulings; and</p> <p>(c) follow the procedures set forth in Article 22 to determine the level of suspension of concessions or other obligations and obtain DSB authorization in accordance with those procedures before</p>	<p><b>第二十三条 多角的体制の強化</b></p> <p>1.加盟国は、対象協定に基づく義務についての違反その他の利益の無効化若しくは侵害又は対象協定の目的の達成に対する障害については是正を求める場合には、この了解に定める規則及び手続によるものとし、かつ、これらを遵守する。</p> <p>2.1 の場合において、加盟国は、</p> <p>(a) この了解に定める規則及び手続に従って紛争解決を図る場合を除くほか、違反が生じ、利益が無効にされ若しくは侵害され又は対象協定の目的の達成が妨げられている旨の決定を行ってはならず、また、紛争解決機関が採択する小委員会又は上級委員会の報告に含まれている認定又はこの了解に従って行われた仲裁判断に適合する決定を行う。</p> <p>(b) 関係加盟国が勧告及び裁定を実施するための妥当な期間の決定に当たっては、第二十一条に定める手続に従う。</p> <p>(c) 譲許その他の義務の停止の程度の決定に当たっては、前条に定める手続に従うものとし、関係加盟国が妥当な期間内に勧告及び裁定を実施しないことに対応して</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>providing written notice to the complaining Party or Parties. The panel shall issue its report on the matter within 90 days after the responding Party provides notice.</p> <p>(被申立国の不適合、無効化、侵害の排除を考慮したとパネルから見られる場合、パネルから書面で通知、被申立国からの通知後 90 日以内にパネルは報告書を発行)</p> <p>2. If the panel decides that the responding Party has eliminated the non-conformity or the nullification or impairment, the complaining Party or Parties shall promptly reinstate any benefits suspended under Article 28.19 (Non-Implementation – Compensation and Suspension of Benefits).</p> <p>Section B: Domestic Proceedings and Private Commercial Dispute Settlement</p> <p>(被申立国が排除を決定すれば、申立国は、中断したあらゆる利益を復活する)</p> <p><b>Article 28.21: Private Rights (私権)</b></p> <p>No Party may provide for a right of action under its domestic law against any other Party on the ground that a measure of the other Party is inconsistent with its obligations under this Agreement, or that the other Party has otherwise failed to carry out its obligations under this Agreement.</p> <p>(締約国は、他の締約国の措置が本協定の義務と矛盾すること、あるいは他の締約国が本協定に基づく義務を遂行できないことに対し、自国の国内法の下で請求権を提供できない。)(次のように解釈すべきか?→相手国の違反行為に対して自国内で請求できない→</p>	<p>suspending concessions or other obligations under the covered agreements in response to the failure of the Member concerned to implement the recommendations and rulings within that reasonable period of time.</p> <p><b>Article 24 Special Procedures Involving Least-Developed Country Members</b></p> <p>1. At all stages of the determination of the causes of a dispute and of dispute settlement procedures involving a least-developed country Member, particular consideration shall be given to the special situation of least-developed country Members. In this regard, Members shall exercise due restraint in raising matters under these procedures involving a least-developed country Member. If nullification or impairment is found to result from a measure taken by a least-developed country Member, complaining parties shall exercise due restraint in asking for compensation or seeking authorization to suspend the application of concessions or other obligations pursuant to these procedures.</p> <p>2. In dispute settlement cases involving a least-developed country Member, where a satisfactory solution has not been found in the course of consultations the Director-General or the Chairman of the DSB shall, upon request by a least-developed country Member offer their good offices, conciliation and mediation with a view to assisting the parties to settle the dispute, before a</p>	<p>対象協定に基づく譲許その他の義務を停止する前に、同条に定める手続に従って紛争解決機関の承認を得る。</p> <p><b>第二十四条 後発開発途上加盟国に係る特別の手続</b></p> <p>1.後発開発途上加盟国に係る紛争の原因の決定及び紛争解決手続のすべての段階において、後発開発途上加盟国の特殊な状況に特別の考慮が払われるものとする。加盟国は、特に、この了解に定める手続に従って、後発開発途上加盟国に係る問題を提起することについて妥当な自制を行う。無効化又は侵害が後発開発途上加盟国によってとられた措置に起因すると認定される場合には、申立国は、この了解に定める手続に従って代償を要求し又は譲許その他の義務の履行を停止するための承認を申請することについて、妥当な自制を行う。</p> <p>2.後発開発途上加盟国に係る紛争解決の事案において、満足すべき解決が協議によって得られなかった場合には、事務局長又は紛争解決機関の議長は、後発開発途上加盟国の要請に基づき、小委員会の設置の要請が行われる前に、当事国が紛争を解決することを援助するために、あつせん、調停又は仲介を行う。事務局長又は同機関の議</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>ISDS に訴える→第 28.22 条)</p> <p><b>Article 28.22: Alternative Dispute Resolution</b> (裁判外紛争解決)</p> <p>1. Each Party shall, to the maximum extent possible, encourage and facilitate the use of arbitration and other means of alternative dispute resolution for the settlement of international commercial disputes between private parties in the free trade area. (仲裁や私的団体間の世界商業紛争の調停への裁判外紛争解決の利用の推奨)</p> <p>2. To this end, each Party shall provide appropriate procedures to ensure observance of agreements to arbitrate and for the recognition and enforcement of arbitral awards in such disputes.</p> <p>3. A Party shall be deemed to be in compliance with paragraph 2 if it is a party to and is in compliance with the 1958 United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards. (2 項の遵守は 1958 年国連「外国仲裁判断の承認及び執行に関する条約」に遵守すると見なされること)</p> <p>1958 年国連条約 (ニューヨーク条約) <a href="http://www.jcaa.or.jp/arbitration/rules.html">http://www.jcaa.or.jp/arbitration/rules.html</a></p> <p><i>[1] Parties shall, in the case of proposed measures, make every effort to make any request under this provision within 60 days of the publication of the proposed measure, without prejudice to the right to make such requests at any time</i></p>	<p>request for a panel is made. The Director-General or the Chairman of the DSB, in providing the above assistance, may consult any source which either deems appropriate.</p> <p><b>Article 25Arbitration</b></p> <p>1. Expeditious arbitration within the WTO as an alternative means of dispute settlement can facilitate the solution of certain disputes that concern issues that are clearly defined by both parties.</p> <p>2. Except as otherwise provided in this Understanding, resort to arbitration shall be subject to mutual agreement of the parties which shall agree on the procedures to be followed. Agreements to resort to arbitration shall be notified to all Members sufficiently in advance of the actual commencement of the arbitration process.</p> <p>3. Other Members may become party to an arbitration proceeding only upon the agreement of the parties which have agreed to have recourse to arbitration. The parties to the proceeding shall agree to abide by the arbitration award. Arbitration awards shall be notified to the DSB and the Council or Committee of any relevant agreement where any Member may raise any point relating thereto.</p> <p>4. Articles 21 and 22 of this Understanding shall apply mutatis mutandis to arbitration awards.</p>	<p>長は、その援助を与えるに当たり、適当と認めるいかなる者とも協議することができる。</p> <p><b>第二十五条 仲裁</b></p> <p>1.紛争解決の代替的な手段としての世界貿易機関における迅速な仲裁は、両当事国によって明示された問題に関する一定の紛争の解決を容易にすることを可能とするものである。</p> <p>2.仲裁に付するためには、この了解に別段の定めがある場合を除くほか、当事国が合意しなければならず、当該当事国は、従うべき手続について合意する。仲裁に付することについての合意は、仲裁手続が実際に開始される前に十分な余裕をもってすべての加盟国に通報される。</p> <p>3.他の加盟国は、仲裁に付することについて合意した当事国の合意によってのみ仲裁手続の当事国となることができる。仲裁手続の当事国は、仲裁判断に服することについて合意する。仲裁判断は、紛争解決機関及び関連する協定の理事会又は委員会(加盟国が仲裁判断に関する問題点を提起することができる理事会又は委員会)に通報される。</p> <p>4.第二十一条及び第二十二条の規定は、仲裁判断について準用する。</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><i>[2] For greater certainty, the phrase “the level of benefits that the Party proposes to suspend” refers to the level of concessions under this Agreement the suspension of which a complaining Party considers will have an effect equivalent to that of the non-conformity, or nullification or impairment in the sense of Article 28.3(c) (Scope), determined to exist by the panel in its final report issued under Article 28.17.1 (Final Report).</i></p>	<p>Article 26</p> <p>1. Non-Violation Complaints of the Type Described in Paragraph 1(b) of Article XXIII of GATT 1994</p> <p>Where the provisions of paragraph 1(b) of Article XXIII of GATT 1994 are applicable to a covered agreement, a panel or the Appellate Body may only make rulings and recommendations where a party to the dispute considers that any benefit accruing to it directly or indirectly under the relevant covered agreement is being nullified or impaired or the attainment of any objective of that Agreement is being impeded as a result of the application by a Member of any measure, whether or not it conflicts with the provisions of that Agreement. Where and to the extent that such party considers and a panel or the Appellate Body determines that a case concerns a measure that does not conflict with the provisions of a covered agreement to which the provisions of paragraph 1(b) of Article XXIII of GATT 1994 are applicable, the procedures in this Understanding shall apply, subject to the following:</p> <p>(a) the complaining party shall present a detailed justification in support of any complaint relating to a measure which does not conflict with the relevant covered agreement;</p> <p>(b) where a measure has been found to nullify or</p>	<p>第二十六条</p> <p>1. 千九百九十四年のガット第二十三条 1(b)に規定する類型の非違反措置に関する申立て</p> <p>千九百九十四年のガット第二十三条 1(b)の規定がいずれかの対象協定について適用され又は準用される場合において、小委員会又は上級委員会は、紛争当事国が、いずれかの加盟国が何らかの措置(当該対象協定に抵触するかしないかを問わない。)を適用した結果として、当該対象協定に基づき直接若しくは間接に自国に与えられた利益が無効にされ若しくは侵害されており又は当該対象協定の目的の達成が妨げられていると認めるときに限り、裁定及び勧告を行うことができる。問題が同条 1(b)の規定の適用又は準用に係る対象協定に抵触しない措置に関するものである旨を当該紛争当事国が認め、かつ、小委員会又は上級委員会がその旨を決定する場合には、その限度において、この了解に定める手続は、次の規定に従って適用される。</p> <p>(a) 申立国は、当該対象協定に抵触しない措置に関する申立てを正当化するための詳細な根拠を提示する。</p> <p>(b) ある措置が当該対象協定に違反する</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



	<p>impair benefits under, or impede the attainment of objectives, of the relevant covered agreement without violation thereof, there is no obligation to withdraw the measure. However, in such cases, the panel or the Appellate Body shall recommend that the Member concerned make a mutually satisfactory adjustment;</p> <p>(c) notwithstanding the provisions of Article 21, the arbitration provided for in paragraph 3 of Article 21, upon request of either party, may include a determination of the level of benefits which have been nullified or impaired, and may also suggest ways and means of reaching a mutually satisfactory adjustment; such suggestions shall not be binding upon the parties to the dispute;</p> <p>(d) notwithstanding the provisions of paragraph 1 of Article 22, compensation may be part of a mutually satisfactory adjustment as final settlement of the dispute.</p> <p>2. Complaints of the Type Described in Paragraph 1(c) of Article XXIII of GATT 1994</p> <p>Where the provisions of paragraph 1(c) of Article XXIII of GATT 1994 are applicable to a covered agreement, a panel may only make rulings and recommendations where a party considers that any benefit accruing to it directly or indirectly under the relevant covered agreement is being nullified or impaired or the attainment of any objective of that</p>	<p>ことなく、当該対象協定に基づく利益を無効にし若しくは侵害し又は当該対象協定の目的の達成を妨げていることが認定された場合には、関係加盟国は、当該措置を撤回する義務を負わない。この場合において、小委員会又は上級委員会は、当該関係加盟国に対し相互に満足すべき調整を行うよう勧告する。</p> <p>(c) 第二十一条 3 に規定する仲裁は、同条の規定にかかわらず、いずれかの当事国の要請に基づき、無効にされ又は侵害された利益の程度についての決定を含むことができるものとし、かつ、相互に満足すべき調整を行う方法及び手段を提案することができる。これらの提案は、紛争当事国を拘束するものであってはならない。</p> <p>(d) 代償は、第二十二条 1 の規定にかかわらず、紛争の最終的解決としての相互に満足すべき調整の一部とすることができる。</p> <p>2. 千九百九十四年のガット第二十三条 1(c)に規定する類型に関する申立て</p> <p>千九百九十四年のガット第二十三条 1(c)の規定がいずれかの対象協定について適用され又は準用される場合において、小委員会は、当事国が、同条 1 の(a)及び(b)の規定が適用される状態以外の状態が存在する結果として、当該対象協定に基づき直接若しくは間接に自国に与えられた利益</p>
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>Agreement is being impeded as a result of the existence of any situation other than those to which the provisions of paragraphs 1(a) and 1(b) of Article XXIII of GATT 1994 are applicable. Where and to the extent that such party considers and a panel determines that the matter is covered by this paragraph, the procedures of this Understanding shall apply only up to and including the point in the proceedings where the panel report has been circulated to the Members. The dispute settlement rules and procedures contained in the Decision of 12 April 1989 (BISD 36S/61-67) shall apply to consideration for adoption, and surveillance and implementation of recommendations and rulings. The following shall also apply:</p> <p>(a) the complaining party shall present a detailed justification in support of any argument made with respect to issues covered under this paragraph;</p> <p>(b) in cases involving matters covered by this paragraph, if a panel finds that cases also involve dispute settlement matters other than those covered by this paragraph, the panel shall circulate a report to the DSB addressing any such matters and a separate report on matters falling under this paragraph.</p> <p>Article 27 Responsibilities of the Secretariat</p> <p>1. The Secretariat shall have the responsibility of assisting panels, especially on the legal, historical</p>	<p>が無効にされ若しくは侵害されており又は当該対象協定の目的の達成が妨げられていると認めるときに限り、裁定及び勧告を行うことができる。問題がこの 2 の規定の対象となる旨を当該当事国が認め、かつ、小委員会がその旨を決定する場合には、その限度において、この了解の手続は、小委員会の報告が加盟国に送付される時以前のものに限って適用される。勧告及び裁定の採択のための検討、監視及び実施については、千九百八十九年四月十二日の決定(ガット基本文書選集(BISD)追録第三十六卷六十一ページから六十七ページまで)に含まれている紛争解決の規則及び手続が適用される。次の規定も、また、適用される。</p> <p>(a) 申立国は、この 2 の規定が対象とする問題に関して行われる陳述を正当化するための詳細な根拠を提示する。</p> <p>(b) 小委員会は、この 2 の規定が対象とする問題に係る紛争解決の事案において、当該事案がこの 2 の規定が対象とする問題以外の問題に関係すると認める場合には、それぞれの問題に関する別個の報告を紛争解決機関に送付する。</p> <p>第二十七条 事務局の任務</p> <p>1.事務局は、取り扱う問題の特に法律上、歴史上及び手続上の側面について小委員</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>and procedural aspects of the matters dealt with, and of providing secretarial and technical support.</p> <p>2. While the Secretariat assists Members in respect of dispute settlement at their request, there may also be a need to provide additional legal advice and assistance in respect of dispute settlement to developing country Members. To this end, the Secretariat shall make available a qualified legal expert from the WTO technical cooperation services to any developing country Member which so requests. This expert shall assist the developing country Member in a manner ensuring the continued impartiality of the Secretariat.</p> <p>3. The Secretariat shall conduct special training courses for interested Members concerning these dispute settlement procedures and practices so as to enable Members' experts to be better informed in this regard.</p> <p>APPENDIX 1</p> <p>AGREEMENTS COVERED BY THE UNDERSTANDING</p> <p>(A) Agreement Establishing the World Trade Organization</p> <p>(B) Multilateral Trade Agreements Annex 1A: Multilateral Agreements on Trade in Goods Annex 1B: General Agreement on Trade in Services</p>	<p>会を援助し並びに事務局としての支援及び技術的支援を提供する任務を有する。</p> <p>2.事務局は、加盟国の要請に基づき紛争解決に関し加盟国を援助するに当たり、開発途上加盟国に対し紛争解決に関する追加的な法律上の助言及び援助を与える必要が生ずる可能性がある。事務局は、このため、要請を行う開発途上加盟国に対し、世界貿易機関の技術協力部門の能力を有する法律専門家による援助を利用することができるようにする。この専門家は、事務局の公平性が維持されるような方法で開発途上加盟国を援助する。</p> <p>3.事務局は、関心を有する加盟国のために、当該加盟国の専門家が紛争解決のための手続及び慣行に関して理解を深めることができるように、これらに関する特別の研修を実施する。</p> <p>附属書一</p> <p>この了解が対象とする協定</p> <p>(A) 世界貿易機関を設立する協定</p> <p>(B) 多角的貿易協定 附属書一 A 物品の貿易に関する多角的協定 附属書一 B サービスの貿易に関する一般</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>Annex 1C: Agreement on Trade-Related Aspects of Intellectual Property Rights</p> <p>Annex 2: Understanding on Rules and Procedures Governing the Settlement of Disputes</p> <p>(C) Plurilateral Trade Agreements Annex 4: Agreement on Trade in Civil Aircraft Agreement on Government Procurement International Dairy Agreement International Bovine Meat Agreement</p> <p>The applicability of this Understanding to the Plurilateral Trade Agreements shall be subject to the adoption of a decision by the parties to each agreement setting out the terms for the application of the Understanding to the individual agreement, including any special or additional rules or procedures for inclusion in Appendix 2, as notified to the DSB.</p> <p>APPENDIX 2</p> <p>SPECIAL OR ADDITIONAL RULES AND PROCEDURES CONTAINED IN THE COVERED AGREEMENTS</p> <p>Agreement Rules and Procedures</p> <p>Agreement on the Application of Sanitary and Phytosanitary Measures 11.2</p>	<p>協定 附属書一 C 知的所有権の貿易関連の側面に関する協定</p> <p>附属書二 紛争解決に係る規則及び手続に関する了解</p> <p>(C) 複数国間貿易協定 附属書四 民間航空機貿易に関する協定 政府調達に関する協定 国際酪農品協定 国際牛肉協定</p> <p>この了解は、複数国間貿易協定については、各協定についてのこの了解の適用の条件(附属書二に規定する特別又は追加の規則及び手続等)に関し当該協定の締約国が採択する決定に従って適用されるものとし、その決定は、紛争解決機関に通報される。</p> <p>附属書二</p> <p>対象協定に含まれている特別又は追加の規則及び手続</p> <p>規則及び手続</p> <p>衛生植物検疫措置の適用に関する協定 第十一条 2</p>
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>Agreement on Textiles and Clothing 2.14, 2.21, 4.4, 5.2, 5.4, 5.6, 6.9, 6.10, 6.11, 8.1 through 8.12</p> <p>Agreement on Technical Barriers to Trade 14.2 through 14.4, Annex 2</p> <p>Agreement on Implementation of Article VI of GATT 1994 17.4 through 17.7</p> <p>Agreement on Implementation of Article VII of GATT 1994 19.3 through 19.5, Annex II.2(f), 3, 9, 21</p> <p>Agreement on Subsidies and Countervailing Measures 4.2 through 4.12, 6.6, 7.2 through 7.10, 8.5, footnote 35, 24.4, 27.7, Annex V</p> <p>General Agreement on Trade in Services XXII:3, XXIII:3</p> <p>Annex on Financial Services 4 Annex on Air Transport Services 4 Decision on Certain Dispute Settlement</p> <p>Procedures for the GATS 1 through 5</p> <p>The list of rules and procedures in this Appendix includes provisions where only a part of the provision may be relevant in this context.</p>	<p>繊維及び繊維製品(衣類を含む。)に関する協定 第二条の 14 及び 21、第四条 4、第五条の 2、4 及び 6、第六条の 9 から 11 まで、第八条の 1 から 12 まで 貿易の技術的障害に関する協定 第十四条の 14.2 から 14.4 まで、附属書二</p> <p>千九百九十四年のガット第六条の実施に関する協定 第十七条の 17.4 から 17.7 まで 千九百九十四年のガット第七条の実施に関する協定 第十九条の 3 から 5 まで、附属書二の 2(f)、3、9 及び 21 補助金及び相殺措置に関する協定 第四条の 4.2 から 4.12 まで、第六条 6.6、第七条の 7.2 から 7.10 まで、第八条 8.5、第十条注、第二十四条 24.4、第二十七条 27.7、附属書五</p> <p>サービスの貿易に関する一般協定 第二十二条 3、第二十三条 3</p> <p>金融サービスに関する附属書 4 航空運送サービスに関する附属書 4 サービス貿易一般協定に係る特定の紛争</p> <p>解決手続に関する決定 1 から 5 まで</p> <p>この附属書に掲げる規則及び手続は、その一部のみが対象協定に含まれている特別又は追加の規則及び手続に該当し得るものを含む。</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>Any special or additional rules or procedures in the Plurilateral Trade Agreements as determined by the competent bodies of each agreement and as notified to the DSB.</p> <p>APPENDIX 3 WORKING PROCEDURES</p> <p>1. In its proceedings the panel shall follow the relevant provisions of this Understanding. In addition, the following working procedures shall apply.</p> <p>2. The panel shall meet in closed session. The parties to the dispute, and interested parties, shall be present at the meetings only when invited by the panel to appear before it.</p> <p>3. The deliberations of the panel and the documents submitted to it shall be kept confidential. Nothing in this Understanding shall preclude a party to a dispute from disclosing statements of its own positions to the public. Members shall treat as confidential information submitted by another Member to the panel which that Member has designated as confidential. Where a party to a dispute submits a confidential version of its written submissions to the panel, it shall also, upon request of a Member, provide a non-confidential summary of the information contained in its submissions that could be disclosed to the public.</p> <p>4. Before the first substantive meeting of the panel with the parties, the parties to the dispute shall</p>	<p>複数国間貿易協定の特別又は追加の規則及び手続は、各協定の権限を有する内部機関が決定し、かつ、紛争解決機関に通報する規則及び手続とする。</p> <p>附属書三 検討手続</p> <p>1.小委員会は、その検討において、この了解の関連規定に従う。更に、次の検討手続が適用される。</p> <p>2.小委員会の会合は、非公開とする。紛争当事国及び利害関係を有する当事国は、小委員会により出席するよう招請された場合に限り、その会合に出席する。</p> <p>3.小委員会の審議及び小委員会に提出された文書は、秘密のものとして取り扱われる。この了解のいかなる規定も、紛争当事国が自国の立場についての陳述を公開することを妨げるものではない。加盟国は、他の加盟国が小委員会に提出した情報であって当該他の加盟国が秘密であると指定したものを秘密のものとして取り扱う。紛争当事国は、秘密の意見書を小委員会に提出した場合には、加盟国の要請に基づき、当該意見書に含まれている情報の秘密でない要約であって公開し得るものを提供する。</p> <p>4.紛争当事国は、小委員会が当該紛争当事国との間で行う第一回の実質的な会合の</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>transmit to the panel written submissions in which they present the facts of the case and their arguments.</p> <p>5. At its first substantive meeting with the parties, the panel shall ask the party which has brought the complaint to present its case. Subsequently, and still at the same meeting, the party against which the complaint has been brought shall be asked to present its point of view.</p> <p>6. All third parties which have notified their interest in the dispute to the DSB shall be invited in writing to present their views during a session of the first substantive meeting of the panel set aside for that purpose. All such third parties may be present during the entirety of this session.</p> <p>7. Formal rebuttals shall be made at a second substantive meeting of the panel. The party complained against shall have the right to take the floor first to be followed by the complaining party. The parties shall submit, prior to that meeting, written rebuttals to the panel.</p> <p>8. The panel may at any time put questions to the parties and ask them for explanations either in the course of a meeting with the parties or in writing.</p> <p>9. The parties to the dispute and any third party invited to present its views in accordance with</p>	<p>前に、問題の事実関係及び自国の主張を示す意見書を小委員会に提出する。</p> <p>5.小委員会は、当事国との間で行う第一回の実質的な会合において、申立国に自国の立場を表明するよう求める。申立てを受けた当事国は、その後、同一の会合において、自国の立場を表明することを求められる。</p> <p>6.すべての第三国(紛争について利害関係を有することを紛争解決機関に通報した加盟国)は、小委員会の第一回の実質的な会合中に特別に開催される会議において自国の立場を表明するよう、書面によって招請される。すべての第三国は、当該特別に開催される会議の全期間出席することができる。</p> <p>7.正式の反論は、小委員会の第二回の実質的な会合において行われる。申立てを受けた当事国は、最初に発言する権利を有し、その後に申立国が続く。当事国は、反論を、当該会合の前に書面によって小委員会に提出する。</p> <p>8.小委員会は、いつでも、当事国との会合において又は書面により、当事国に質問し及び当事国に説明を求めることができる。</p> <p>9.紛争当事国及び第十条の規定に従って自国の立場を表明するよう要請された第</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



	<p>Article 10 shall make available to the panel a written version of their oral statements.</p> <p>10. In the interest of full transparency, the presentations, rebuttals and statements referred to in paragraphs 5 to 9 shall be made in the presence of the parties. Moreover, each party's written submissions, including any comments on the descriptive part of the report and responses to questions put by the panel, shall be made available to the other party or parties.</p> <p>11. Any additional procedures specific to the panel.</p> <p>12. Proposed timetable for panel work:</p> <p>(a) Receipt of first written submissions of the parties:</p> <p>(1) complaining Party: (2) Party complained against: 3-6 weeks 2-3 weeks</p> <p>(b) Date, time and place of first substantive meeting with the parties; third party session: 1-2 weeks</p> <p>(c) Receipt of written rebuttals of the parties: 2-3 weeks</p>	<p>三国は、その口頭による陳述を書面にしたものを入手することができるようにする。</p> <p>10.5 から 9 までに規定する表明、反論及び陳述は、透明性を確保するために、当事国の出席しているところで行われる。更に、各当事国の意見書(小委員会の報告の説明部分に関する意見、小委員会による質問に対する回答等から成る。)については、他の当事国が入手することができるようにする。</p> <p>11.(小委員会に関する特別の追加の手続がある場合には、その手続)</p> <p>12.小委員会の検討の日程案</p> <p>(a) 当事国の最初の意見書の受理</p> <p>(i) 申立国 三週間から六週間 (ii) 申立てを受ける当事国 二週間から三週間</p> <p>(b) 当事国との間で行う第一回の実質的な会合及び第三国のために特別に開催される会議の日時及び場所 一週間から二週間</p> <p>(c) 当事国の書面による反論の受理 二週間から三週間</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>(d) Date, time and place of second substantive meeting with the parties: 1-2 weeks</p> <p>(e) Issuance of descriptive part of the report to the parties: 2-4 weeks</p> <p>(f) Receipt of comments by the parties on the descriptive part of the report: 2 weeks</p> <p>(g) Issuance of the interim report, including the findings and conclusions, to the parties: 2-4 weeks</p> <p>(h) Deadline for party to request review of part(s) of report: 1 week</p> <p>(i) Period of review by panel, including possible additional meeting with parties: 2 weeks</p> <p>(j) Issuance of final report to parties to dispute: 2 weeks</p> <p>(k) Circulation of the final report to the Members: 3 weeks</p> <p>The above calendar may be changed in the light of unforeseen developments. Additional meetings with the parties shall be scheduled if required.</p>	<p>(d) 当事国との間で行う第二回の実質的な会合の日時及び場所 一週間から二週間</p> <p>(e) 報告の説明部分の当事国への送付 二週間から四週間</p> <p>(f) 報告の説明部分についての当事国の意見の受理 二週間</p> <p>(g) 中間報告(認定、結論等から成る。)の当事国への送付 二週間から四週間</p> <p>(h) 当事国が中間報告の一部を検討するよう要請するための期限一週間</p> <p>(i) 小委員会による検討(当事国との間で行うことのある追加の会合を含む。)の期間 二週間</p> <p>(j) 最終報告の紛争当事国への送付 二週間</p> <p>(k) 最終報告の加盟国への送付 三週間</p> <p>(a)から(k)までに定める日程は、予見されなかった事態の進展を踏まえて変更することができる。要請がある場合には、当事国との追加の会合が予定される。</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>APPENDIX 4 EXPERT REVIEW GROUPS</p> <p>The following rules and procedures shall apply to expert review groups established in accordance with the provisions of paragraph 2 of Article 13.</p> <p>1. Expert review groups are under the panel's authority. Their terms of reference and detailed working procedures shall be decided by the panel, and they shall report to the panel.</p> <p>2. Participation in expert review groups shall be restricted to persons of professional standing and experience in the field in question.</p> <p>3. Citizens of parties to the dispute shall not serve on an expert review group without the joint agreement of the parties to the dispute, except in exceptional circumstances when the panel considers that the need for specialized scientific expertise cannot be fulfilled otherwise. Government officials of parties to the dispute shall not serve on an expert review group. Members of expert review groups shall serve in their individual capacities and not as government representatives, nor as representatives of any organization. Governments or organizations shall therefore not give them instructions with regard to matters before an expert review group.</p> <p>4. Expert review groups may consult and seek information and technical advice from any source they deem appropriate. Before an expert review</p>	<p>附属書四 専門家検討部会</p> <p>第十三条 2 の規定に基づいて設置される専門家検討部会(この附属書において「部会」という。)については、次に定める規則及び手続を適用する。</p> <p>1.部会は、小委員会の権限の下に置かれる。部会の付託事項及び詳細な作業手続は、小委員会が決定するものとし、また、部会は、小委員会に対して報告を行う。</p> <p>2.部会には、問題となっている分野において専門的な能力及び経験を有する者のみが参加することができる。</p> <p>3.紛争当事国の国民は、紛争当事国の合意がある場合を除くほか、部会の構成員となることはできない。ただし、他の者では遂行することができない特別な科学上の専門知識が必要であると小委員会が認める場合は、この限りでない。紛争当事国の公務員は、部会の構成員となることはできない。部会の構成員は、政府又は団体の代表としてではなく、個人の資格で職務を遂行する。したがって、政府又は団体は、部会に付託された問題につき、部会の構成員に指示を与えてはならない。</p> <p>4.部会は、適当と認めるいかなる者とも協議し、並びにこれらの者に対して情報及び技術上の助言の提供を要請することがで</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>group seeks such information or advice from a source within the jurisdiction of a Member, it shall inform the government of that Member. Any Member shall respond promptly and fully to any request by an expert review group for such information as the expert review group considers necessary and appropriate.</p> <p>5. The parties to a dispute shall have access to all relevant information provided to an expert review group, unless it is of a confidential nature. Confidential information provided to the expert review group shall not be released without formal authorization from the government, organization or person providing the information. Where such information is requested from the expert review group but release of such information by the expert review group is not authorized, a non-confidential summary of the information will be provided by the government, organization or person supplying the information.</p> <p>6. The expert review group shall submit a draft report to the parties to the dispute with a view to obtaining their comments, and taking them into account, as appropriate, in the final report, which shall also be issued to the parties to the dispute when it is submitted to the panel. The final report of the expert review group shall be advisory only.</p>	<p>きる。部会は、いずれかの加盟国の管轄内にある者に対して情報又は助言の提供を要請するに先立ち、当該加盟国の政府にその旨を通報する。加盟国は、部会が必要かつ適当と認める情報の提供を要請した場合には、速やかかつ完全に応ずる。</p> <p>5.紛争当事国は、部会に提供されるすべての関連情報(秘密の性質を有するものを除く。)を取得する機会を有する。部会に提供された秘密の情報は、当該情報を提供した政府、団体又は個人の正式の同意を得ないで開示してはならない。当該情報の開示が部会に対して要求された場合において、当該情報の部会による開示について同意が得られないときは、当該情報を提供した政府、団体又は個人は、当該情報の秘密でない要約を提供する。</p> <p>6.部会は、紛争当事国に対し、その意見を得るために報告案を送付し、適当な場合には、最終報告(小委員会に提出される際に紛争当事国にも送付される。)において当該意見を考慮に入れる。部会の最終報告は、助言的なものにとどまる。</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

出典

TPP USTR

<https://ustr.gov/sites/default/files/TPP-Final-Text-Dispute-Settlement.pdf>

WTO

[https://www.wto.org/english/tratop\\_e/dispu\\_e/dsu\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/dsu_e.htm)

経済産業省

[http://www.meti.go.jp/policy/trade\\_policy/wto/wto\\_agreements/marrakech/html/wto17m.html#05](http://www.meti.go.jp/policy/trade_policy/wto/wto_agreements/marrakech/html/wto17m.html#05)

引用資料

TRIPS 理事会における第 64 条の議論

[http://www.jpo.go.jp/shiryou/toushin/chousa/pdf/tripschousahoukoku/22\\_2.pdf](http://www.jpo.go.jp/shiryou/toushin/chousa/pdf/tripschousahoukoku/22_2.pdf)

ウィーン条約（第 31 条）

<http://www.ioc.u-tokyo.ac.jp/~worldjpn/documents/texts/mt/19690523.T1J.html>

外国仲裁判断の承認及び執行に関する条約（ニューヨーク条約）

<http://www.jcaa.or.jp/arbitration/rules.html>