

# Articles

## HUMAN HEALTH ISSUES IN MAJOR WTO DISPUTE CASES

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### ABSTRACT

*This paper explores major dispute cases on issues of human life and health handled by WTO panels and the Appellate Body. After a brief review of major WTO agreements, the writer discusses the Brazilian Tyres Case in which the Appellate Body endorsed a qualitative approach in deciding whether a measure in question is “necessary”. In this respect, this ruling is probably one of the most important ones in the history of WTO jurisprudence. Then follow reviews and discussions of the EC/Hormones Case and the EC/GMO Case in which the Appellate Body spoke on burden of proof issues. In the view of this writer, the burden of proof rule enunciated in those decisions may be too heavy on claimants. Lastly the writer mentions potential tensions between WTO agreements and other international agreements on human life and health issues.*

**KEYWORDS:** *protecting human life and health, the GATT 1994, the SPS Agreements, the TBT Agreement, Brazilian Tyres Case, EC/Hormones Case, EC/GMO Case, burden of proof, the WTO dispute settlement procedure, Cartagena Protocol, United Nations Biodiversity Convention*

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