



REVIEW OF PRINCIPLES OF QUANTITATIVE RESTRICTIONS ON DISPUTE SETTLEMENT“EU AND US LAWSUIT FOR THE INDONESIAN GOVERNMENT'S NICKEL EXPORT BAN POLICY BY THE WTO DISPUTE SETTLEMENT BODY

Lusi Puspita Sari¹, Ariawan²

^{1,2}Faculty of Law, Universitas Tarumanagara

Corresponding E-mail: ¹lusi.puspitasari999@gmail.com, ²ariawang@fh.untar.ac.id

Abstract

The Government of Indonesia through Regulation of the Minister of Energy and Mineral Resources Number 11 of 2019 concerning the second Amendment to Regulation of the Minister of Energy and Mineral Resources Number 25 of 2018 concerning Coal Mining and Mineral Exploitation (Permen ESDM 11/2019) decided to stop exporting nickel ore from from 1 January 2020. This regulation is considered to violate the Quantitative Restriction Principle in Article XI of the General Agreement on Tariffs and Trade (GATT) and is being demanded by the European Union against the Dispute Settlement Body of the World Trade Organization (DSB WTO). This article analyzes the scope of Article XI of the GATT and the conformity of the nickel ore export ban regulation with justification in the GATT regulatory framework. This article uses a normative juridical approach, namely legal research conducted through research on library materials and secondary data. This research is descriptive analytical in nature that analyzes related legal instruments, to provide a thorough and systematic understanding of the scope and application of the Quantitative Restriction Principle. This study shows the results that the Interpretation of Article XI: 1 GATT, Indonesia's export ban regulations can be said to be incompatible with the principle of a quantitative restriction ban. Indonesia in implementing a nickel ore export ban has a background to maintain Indonesia's nickel supply which has been depleting. Due to the depletion of Indonesia's nickel supply, the government decided to downstream and industrialize nickel ore. This background is in line with the exception in Article XI:2 (a) which allows export restrictions for a country's essential products. Even so, based on Article XI: 2 (a), this export restriction must be implemented temporarily.

Keywords: *Quantitative Restriction Principle, GATT, WTO Dispute Settlement Body.*

1. INTRODUCTION

The government through the Ministry of Energy and Mineral Resources issued ESDM Regulation Number 11 of 2019, which decided to accelerate the ban on nickel ore exports from 1 January 2020. This ban on nickel ore exports is nothing new, in article 103 of Law No. 4 of 2009 concerning Mineral and Coal Mining (hereinafter referred to as Law 4/2009) requires holders of Mining Business Permits (IUP) and Production Operation Special Mining Business Permits (IUPK Operation Production) to process and refine mining products domestically. Furthermore, Article 107 stipulates that refining must be carried out no later than five years after Law 4/2009 was promulgated, which means the nickel export ban will take effect in 2014. These conditions are in the form of an obligation to change the Contract Work Permit (KK) into a Mining Business Permit (IUP) and a Special Mining Business Permit (IUPK). This requirement is followed by the obligation to build a smelter or refinery within five years of the enactment of this regulation. The government's reason for carrying out conditional export relaxation is the consideration of state income, with this the export ban will be adjusted. The continuation of the relaxation carried out by the government was determined in 2018. The Ministry of Energy and Mineral Resources issued

Minister of Energy and Mineral Resources Regulation No. 25 of 2018 concerning the Business of Mineral and Coal Mining (hereinafter referred to as the Minister of Energy and Mineral Resources 25/2018) which stipulates a ban on the export of nickel below a grade of 1.7% starting on January 11, 2022. A year later, through the Minister of Energy and Mineral Resources 11/2019,

In response to this, on 22 November 2019, the European Union has submitted a request for consultation to the WTO Dispute Settlement Body (DSB WTO) with case number DS592. In its demands the European Union claims that Indonesia violated Article XI: 1 of the General Agreement on Tariffs and Trade (GATT) discussing the policy of banning the export of nickel ore and the obligation to process it domestically. Indonesia is considered to have failed to immediately publish the requirements and application of export restrictions and export licenses, thereby hindering the government and traders from adapting to related regulations. Article XI which forms the basis of the lawsuit discusses the Quantitative Restriction Principle, where a quantitative restriction is an action that prohibits or limits a product in export or import activities. The structure of Article XI lays out provisions regarding quantitative restrictions in article XI:1 and also exceptions to quantitative restrictions in article XI:2 which states that:

1. No limitations or constraints, besides taxes, tariffs, or other fees, shall be instituted or maintained by any contracting party on the importation of any product about the borders of any other transmitting party, or on selling or importing for sending of any goods intended for the area of any sharing the other party.
2. The provisions of paragraph 1 of this Article shall not extend to the terms of this Article's first clause do not apply to the items that follow:
 - a) Export restrictions or prohibitions merely apply to avoid or reduce critical deficiencies of food items or other items crucial to the exporting contracting party;
 - b) Import and export prohibitions or restrictions necessary to the application of standards or regulations for the classification, grading, or marketing of commodities in international trade;
3. Import restrictions on any agricultural or fisheries product imported in any form, necessary to the elaboration of standards or regulations for the classification, grading, or marketing of commodities in international
 - a) to regulate the quantity of a similar domestic product that can be traded or produced. This or, if there is no substantial domestic production of identical goods, of domestic goods for which the items being imported may be utilized.
 - b) to take off in a short term an excess of the like domestic goods, or, if there is no significant domestic production of such as goods, of domestic goods for which the imported product can be directly substituted, by making the surplus available to certain groups of domestic customers without charge or at charges under the present market degree; or
 - c) in order to control the amount allowed to be manufactured of any wildlife goods, the manufacturing which depends entirely upon its import; or

The statement "apart from taxes, duties or other fees, whether applied through restrictions, or trade grants or other measures" seems to interpret that actions that are not in the form of prohibitions or restrictions are not included in the scope of Article XI regulations. In the case of Japan-Semi Conductors, the panel conveyed that Article XI of the GATT does not specifically refer to laws or regulations but rather to actions taken, which means that all actions that hinder export or



import actions fall within the scope of Article XI. In Article XI: 2 there are several exceptions to the general prohibition as stated in Article XI: 1. Apart from the special exceptions mentioned above, exceptions to quantitative restrictive measures can also be based on Article XII of the GATT which allows restrictions to maintain the balance of payments, including Article XX (General Exceptions),¹¹ Article XXI (Security Exceptions), and escape clauses or escape clauses in Article XIX. The articles contain exceptions for possible actions that are not in accordance with the GATT.

Even so, quantitative restrictions cannot be made outside the permitted context, and must be progressively reduced and eliminated when they are no longer needed. Based on Article XIII, quantitative restrictions may not be applied in a discriminatory manner. WTO member countries are required to report to the WTO secretariat regarding the ongoing quantitative restriction measures and also their changes periodically, which will then be made a report by the WTO secretariat to be compiled in a quantitative restriction database that can be accessed by the public. The report will be used by the Committee on Market Access in committee meetings, so that member countries have the opportunity to review the quantitative restriction measures implemented and ask questions if necessary. Based on the description above, in the DS592 case which is a demand from the European Union and America in the WTO Dispute Settlement Body regarding the export restriction measures for raw mineral raw materials and nickel ore, there are still pros and cons regarding the validity of Indonesia in carrying out export restriction measures based on the GATT agreement. Furthermore, there is an opinion that the exception provisions for developing countries in the WTO are not effective in practice or in resolving disputes. This is assessed from several indications, one of which is the lack of flexibility for developing countries in implementing WTO provisions and the interests of developing countries that are not protected.

2. RESEARCH METHODS

The type of research used in this research is normative legal research. Normative legal research is legal research that examines written law from various aspects, namely aspects of theory, history, philosophy, comparison, structure and composition, scope and material, consistency, general explanation, and article by article. According to Soerjono Soekanto and Sri Mamudji, normative legal research methods or library law research methods are "methods or methods used in legal research conducted by examining existing library materials." Primary legal materials, namely "binding legal materials". The primary legal materials to be used in this study are General Agreement on Tariffs and Trade and Permen of ESDM 11/2019. Secondary legal materials can be in the form of publications about laws that are not official documents, which have the meaning of "legal materials that provide an explanation of primary legal materials. Publications about law include text books and legal journals". Tertiary legal materials are materials that provide instructions and explanations of primary legal materials and secondary legal materials, which are better known as legal reference materials, such as legal dictionaries and encyclopedias as guidelines in the preparation of scientific papers. The analytical method used is qualitative juridical analysis method, which analyzes in detail the scope of Article XI of the GATT and its exceptions in the practice of dispute settlement of the WTO Dispute Settlement Body (DSB WTO).

3. RESULTS AND DISCUSSION

3.1 Interpretation of Article XI Regarding Quantitative Restrictions in the Practice of Dispute Settlement Body WTO Dispute Settlement

The restriction made by the Indonesian government is to limit export activities for nickel below 1.7%. If analyzed through the interpretation of quotas, namely, restrictions on imports or exports by making the content or maximum amount of a product that is allowed for export or import. The Appellate Body in the US-Gambling case interpreted quotas through a dictionary definition of 'a quantitative limit on the number of service suppliers'. From this interpretation, it can be said that the content limit below 1.7% in Indonesian nickel export regulations can be regarded as a quota. In determining whether an action falls within the scope of Article XI:1 GATT, Article XI:1 the panel uses two steps of analysis, namely (i) whether the plaintiff has shown that the action in question is within the scope of Article XI:1, if it is proven so then they have consider (ii) whether the action in question constitutes a ban or restriction on imports or exports within the scope of Article XI:1. Article XI:1 applies to acts that impose quotas, import or export licenses, as well as other categories stated in the 'other steps'. Through this understanding, it can be concluded that the concept of restriction (or prohibition) on imports (or exports) includes any action that results in any form of restriction imposed on or related to imports (or exports).

Therefore, the nickel export regulations imposed by Indonesia have met the qualifications, namely actions that include banning export activities and producing a limiting effect on exports. Because this regulation has an effect on the smooth trading of nickel ore itself. So what matters more is the nature of the regulation itself, whether the act prohibits or restricts trade, rather than the way the prohibition or restriction is enforced. If the first analysis assesses whether the action falls within the scope of Article XI:1, then the second analysis whether the action in question imposes import bans or restrictions within the scope of Article XI:1. So with that, it must be determined whether the action imposes restrictions (prohibitions) which means export/import activities cannot be carried out at all or restrictions (restrictions) which only provide a limiting effect, so that export/import activities can still be carried out but become more difficult. In this regard, the Appellate Body has also provided a definition of 'prohibition', namely the legal prohibition of certain commodities and while 'restrictions' are something that restricts a person or thing, restrictive actions or limiting legal regulations, and in general something that has the effect of trade restrictions.

Indonesia can be assumed to carry out a ban on nickel ore exports, in which exports cannot be carried out at all. Looking at the regulations made by Indonesia, Indonesia prohibits export activities for nickel below a grade of 1.7% because it has to go through domestic processing. This means that export activities for nickel with a grade below 1.7% (nickel ore) cannot be carried out at all, because it has to go through a domestic process. From the regulatory structure, the Indonesian government's nickel export regulations are more likely to fall into the interpretation of 'prohibition' rather than 'restriction'. Looking at the title of Article XI which uses the term 'quantitative', this implies that the 'restrictions' and 'prohibitions' included in the scope of Article XI are related to limiting the quantity of imported and exported products. So, not all restrictions and prohibitions will fall within the scope of Article XI, but only those that have a limiting effect on imports or exports. Furthermore, the alleged limitations do not need to be proven through the effect of the regulations in question on trade, but rather by the design and structure of the measures in question in the relevant context.



Regarding this matter, we must first look at the regulations governing the act of banning the export of nickel ore. Nickel export regulations in Permen ESDM 11/2019 Article 62A basically only states that the Director General's Recommendation, which is used to obtain Export Approval for the sale of nickel with a grade of <1.7% (less than one point seven percent), is only valid until 31 December 2019. However, Minister of Energy and Mineral Resources No. 11/2019 continued with other regulations that resulted in a ban on the export of nickel ore. Support the regulations in Article 62A Permen ESDM No. 11/2019, Article 3 of Regulation of the Minister of Trade Number 96 of 2019 concerning Provisions for the Export of Processed and Refined Mining Products (hereinafter referred to as Permendag 96/2019) stipulates a ban on exporting nickel ore. In this regard, Article 102 of Law 4/2009 also states that IUP and IUPK holders are required to increase added value in the implementation of mining, processing and refining and utilization of minerals through domestic processing for minerals produced from Indonesia.

Even though there is a change in structure from Law Number 4 of 2009 which was amended through Law Number 3 of 2020 concerning Mineral and Coal Mining (hereinafter referred to as Law 3/2020), because it is considered that it has not addressed legal problems and needs, regulations concerning domestic processing obligations still to be done. Apart from the regulations mentioned above, there are also other regulations which are disputed by the European Union relating to the act of banning the export of nickel ore and domestic processing obligations. These regulations, namely, Minister of Energy and Mineral Resources Number 7 of 2012 concerning Increasing the Added Value of Minerals through Mineral Processing and Refining Activities, along with its revisions in Minister of Energy and Mineral Resources Number 11 of 2012 and Minister of Energy and Mineral Resources Number 20 of 2013,

In essence, this series of regulations was formed to implement a ban on the export of nickel ore, so that nickel exports can be carried out if domestic processing has already been carried out. In analyzing its relation to Article XI:1, this regulation does not need to be assessed separately. If a series of regulations that operate concurrently ultimately have the effect of restricting trade then it is not in accordance with the provisions of the GATT. Panel while assessing whether a measure will have a limiting effect, they are also assessing whether it will limit the competitive opportunities available to product imports (or exports). The panel provides relevance to factors such as the presence of uncertainty in import (or export) activities, whether the action affects investment plans, limits market access for imports (or exports) or makes imports (or exports) expensive or unpredictable, whether it is a disincentive affecting imports (or exports). In this case the Minister of Energy and Mineral Resources No. 11 of 2019, as previously analyzed has the effect of limiting export activities. This nickel export ban regulation also affects investment plans.

This export ban in the short term will indeed limit Indonesia's export activities, but in the long term it will increase investment in building smelters in Indonesia, bearing in mind that there are also domestic processing obligations. With this, Indonesia's downstream industry will certainly increase from before, investment in smelter construction is also affected due to the fact that no nickel ore has been given to other countries, so Indonesia has full authority to process it. Regarding the potential price uncertainty, the EU stated in its request for consultation that the ban on nickel exports from Indonesia has the potential to reduce global nickel supplies and increase the price of nickel ore itself. From a series of qualifications, Article XI has the potential to limit the sovereignty of a country to exploit its natural resources. Article XI:1 is the most influential restrictive regulation, which prohibits member countries from limiting exports through quantitative

or non-tariff limits. While this regulation has several exceptions, none of these exceptions can be used for reasons of advancing the domestic industry.

3.2 Conformity of Permen ESDM 11/2019 with the Exception of Quantitative Restriction Principles

Indonesia in implementing a nickel ore export ban has a background to maintain Indonesia's nickel supply which has been depleting. Due to the depletion of Indonesia's nickel supply, the government decided to downstream and industrialize nickel ore. Based on data from the Ministry of Energy and Mineral Resources, Indonesia's nickel reserves can only meet refining needs for the next 7-8 years. This background is in line with the exception in Article XI:2 (a) which allows export restrictions for a country's essential products. Considering that nickel ore is a strategic natural resource for Indonesia, which is the backbone to support other industrial sectors. Even so, based on Article XI: 2 (a), this export restriction must be implemented temporarily. Indonesia must be able to prove that this action is only being taken temporarily to address urgent critical shortages. Export restrictions do not need to set a clear time limit in advance, but rather this action plan is applied to needs with a limited time duration. In addition, Indonesia also has to prove that the shortage of nickel ore supply is experiencing a "critical shortage" which refers to a shortage in a crucial and very important amount, or a shortage that reaches a very important stage. Moreover, the exceptions in Article XI:2(a) include restrictive measures as well as prohibitions. Other exceptions that are in line with Indonesia's background in imposing a nickel ore export ban are Articles XX (b) and XX (g). With the fact that Indonesia is the third largest polluter country in the world. Of the 85% of emissions produced by Indonesia, mining activities are one of the crucial players in environmental pollution in Indonesia. The phenomenon of environmental damage also causes significant losses in aspects of people's lives, such as food security, health and ecosystems.

The act of banning nickel ore exports can minimize exploitation activities, as well as domestic processing measures can facilitate control regarding permits for mining activities which can later lead to tighter controls on the mining industry system in accordance with an environmental impact analysis (AMDAL). Of course, this action is done in line with Article 8A of Law no. 3/2020, which describes the national Mineral and Coal processing plan in a systematic, integrated, controlled, comprehensive, transparent and accountable manner. This also relates to the exception in Article XX (g), which allows for export bans to be imposed in connection with the conservation of depleted natural resources. Given that the background of the export ban action is to protect Indonesia's nickel reserves, conservation is the right thing to do to achieve this goal. It is necessary to make efficient use of natural resources, so that the extracted resources can be utilized optimally.

This is of course done to achieve the sustainability of nickel natural resources in the long term, which is related to the exception in Article XI: 2 (a). Conservation can also increase efforts to protect natural resources, reduce greenhouse gas emissions, and provide more control in the management of residual mining waste, which is related to XX (b) exceptions regarding environmental sustainability. In enforcing Article XX(b), Indonesia must be able to prove that these actions have made a material contribution to the objectives being achieved, which can be demonstrated through future quantitative projections or qualitative thinking supported by sufficient evidence. Regarding the exceptions in Article XX (g), Indonesia needs to show that the design and structure of this action are related to the conservation that will be carried out. Furthermore,



Indonesia must prove that this action was carried out simultaneously with restrictions on domestic production and consumption, with the aim of limiting raw materials. This does not mean that the measures applied to international and domestic trade must be the same, the most important thing is that there must be fairness (even-handedness) between the two sides. As for the exact form of conservation, the panel can only judge on the basis of the resources at issue in dispute.

It should be remembered that, in seeking justification under Article XX, even if the action has a material contribution to the objectives to be achieved, the member state being the defendant must prove that the measures imposed are the only way to overcome the conditions that occurred. Because, this action will later be compared with alternative actions suggested by the plaintiff. In order to obtain justification under Article XX. Indonesia must also be able to demonstrate that this action is in accordance with the opening regulations of Article XX, which does not allow the action to be applied in a discriminatory manner or in disguised restrictions on international trade. The Panel is of the view that, Article XX(g) cannot be interpreted to permit member countries indirectly to do what is expressly prohibited in Article XX(i). In essence, member countries cannot rely on Article XX(g) as a reason to implement export restrictions against the backdrop of economic development, if doing so increases protection for domestic producers. Furthermore, the argument that export restrictions related to raw materials are needed to support economic progress, which will ultimately improve environmental protection is unjustifiable.

With interpretations from panels that are often considered narrow without considering the objectives of the action, then thoughts arise whether by joining the WTO a country can lose its rights which simultaneously become benefits for other member countries. In the China-Rare Earths example, the panel did not grant China the right to take action for the environment, health and conservation in appropriate cases, while other member countries benefited from it. In the end, exceptions under Article XX GATT cannot be used as justification easily, there are various requirements and analysis in determining them. However, the right for member states to use this exception exists. These rights, of course, may not reduce or eliminate trade obligations for member countries. Although, the exceptions in Article XX are 'limited and conditional', even so the right of member countries to get justification should not be considered as illusory for member countries that carry out trade commitments in the GATT.

4. CONCLUSION

Interpretation/interpretation of Article XI:1 of the GATT, Indonesia's export ban regulations can be said to be incompatible with the principle of a quantitative restriction ban. The ban on the export of nickel ore has met the main qualifications in the scope analysis of Article XI:1 of the GATT, where Indonesia enacts regulations that have a limiting effect on exports. By imposing a ban on the export of nickel ore below a grade of 1.7%, where this grade of 1.7% can be interpreted as the quota referred to in Article XI:1 GATT. The export quota is considered not in accordance with the obligations of members based on Article XI: 1 because it limits export activities. Indonesia in implementing a nickel ore export ban has a background to maintain Indonesia's nickel supply which has been depleting. As a result of the depletion of Indonesia's nickel supply, the government decided to downstream and industrialize nickel ore. This background is in line with the exceptions in Article XI: 2 (a) which allow export restrictions for important products of a country. Considering that nickel ore is a strategic natural resource for Indonesia, which is the backbone to support other industrial sectors. Even so, based on Article XI:

2 (a), this export restriction must be implemented temporarily. Indonesia must be able to prove that this action is only being taken temporarily to address urgent critical shortages.

REFERENCES

- Abdulkadir Muhammad, 2004. *Hukum dan Penelitian Hukum*, Bandung: Citra Aditya.
- Amiruddin dan Zainal Asikin, 2017. *Pengantar Hukum Metode Penelitian*. Jakarta: PT. Raja Grafindo Persada.
- Anisyah Al Faqir, “Mengupas Larangan Ekspor Nikel Indonesia Ke Uni Eropa.”, <https://www.merdeka.com/uang/mengupas-larangan-ekspor-nikel-indonesia-ke-uni-eropa.html> (diakses 20 Juni 2023).
- Izzaty dan Suhartono, “Kebijakan Percepatan Larangan Ekspor Ore Nikel Dan Upaya Hilirisasi Nikel.”, *Info Singkat Bidang Ekonomi dan Kebijakan Publik XI*, no.23 (Desember,2019): 20. http://berkas.dpr.go.id/puslit/files/info_singkat/Info%20Singkat-XI-23-I-P3DI-Desember-2019-221.Pdf (diakses tanggal 19 Juni 2023)
- Jock A. Finalyzson dan Mark W. Zacher, “The GATT and the Regulation of Trade Barrier: Regime Dynamics and Functions”, *International Organization* 35, no. 4 (Autumn, 1981): 565, doi:10.1017/S002081830003424X
- Julia Ya Qin, “Reforming WTO Discipline on Export Duties: Sovereignty over Natural Resources, Economic Development and Environmental Protection,”, *Wayne State University Law School Research Paper*, no. 2012-04 (Maret, 2012): 17, <https://dx.doi.org/10.2139/ssrn.2030477>
- Kementerian ESDM RI. “Bijih Nikel Tidak Boleh Diekspor Lagi per Januari 2020.”, <https://www.esdm.go.id/id/media-center/arsip-berita/bijih-nikel-tidak-boleh-diekspor-lagi-per-januari-2020> (diakses tanggal 20 Juni 2023).
- Lim and Senduk, “The Wages of Belonging: Rare Earths from China, and the Return of GATT À LA CARTE.” *Global Trade and Customs Journal* 9, no. 9, (February 2015): 381.
- Marceau, “WTO and Export Restrictions,” *Journal of World Trade* 50, No. 4, (2016): 570.
- Mavroidis, “Trade in Goods; The GATT and the Other Agreements Regulating Trade in Goods” *OUP Catalogue* (2008).
- Muhammad Wildan, “Larangan Ekspor Nikel Butuh Kepastian Hukum”, *Ekonomi.bisnis.com*, <https://ekonomi.bisnis.com/read/20191030/9/1164978/larangan-ekspor-nikel-butuh-kepastian-hukum>. (diakses 20 Juni 2023).
- Peter M Marzuki, 2015. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group.
- Peter Van den Bossche, *The Law and Policy of the World Trade Organization: Text, Cases and Materials*, (Cambrige: Cambridge University Press, 2021). Soerjono Soekanto dan Sri Mamudji, 2009. *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, PT. Raja Grafindo Persada, hlm. 13.



- Qin, “Reforming WTO Discipline on Export Duties: Sovereignty over Natural Resources, Economic Development and Environmental Protection,”, Wayne State University Law School Research Paper , March 28, 2012, 19.
- Report of Panel DSB WTO, L/6309 - 35S/116, Japan – Trade In Semi-Conductors, 4 May 1998
- Request for consultations by the European Union, WTO, “DS592: Indonesia — Measures Relating to Raw Materials, 22 November 2019
- Request for the establishment of panel by the European Union, WTO, “DS592: Indonesia - Measures Relating to Raw Materials, 15 January 2021
- Soerjono Soekanto, 2018. Pengantar Penelitian Hukum. Jakarta: Universitas Indonesia Press. hlm. 52.
- Thomas et al., The World Trade Organization: Law, Practice, and Policy. (New York: Oxford University Press Inc., 2016)
- Widya, Chrysanti, Riska Andianti, dan Novita Noor Pragesari. Statistik Lingkungan Hidup Indonesia 2019. (November, 2019):20, ISSN 0216-6224.
- WTO Report:
- WTO, “Argentina — Measures Affecting the Export of Bovine Hides and the Import of Finished Leather, WT/DS155/R, Reports of the Panel”, December 19, 2000, para. 4.119.
- WTO, “Argentina – Measures Affecting the Importation of Goods Japan-Trade in Semi-Conductors, WT/DS438/AB/R, Report of the Appellate Body”, January 15, 2015, para. 5.217.
- WTO, “Brazil — Measures Affecting Imports of Retreaded Tyres, WT/DS332/AB/R, Reports of the Appellate Body”, December 3, 2007, para. 7.372
- WTO, “Brazil — Measures Affecting Imports of Retreaded Tyres, WT/DS332/AB/R, Reports of the Appellate Body”, December 3, 2007, para. 151.
- WTO, “Brazil — Measures Affecting Imports of Retreaded Tyres, WT/DS332/AB/R, Reports of the Appellate Body”, December 3, 2007, para. 151. para. 156.
- WTO, “Brazil — Measures Affecting Imports of Retreaded Tyres, WT/DS332/AB/R, Reports of the Appellate Body”, December 3, 2007, paras. 210–211.
- WTO, “China — Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum, WT/DS431/R, Reports of the Panel”, March 26, 2014, paras. 7.544 – 7.550, 7.553-7.554.
- WTO, “China – Measures Relates to the Exportation of Various Raw Materials, WT/DS394/ AB/R -- Reports of the Appellate Body.”, January 30, 2012, para. 320.
- WTO, “China – Measures Relates to the Exportation of Various Raw Materials, WT/DS394/ AB/R -- Reports of the Appellate Body.”, January 30, 2012, paras. 319–320.
- WTO, “China – Measures Relates to the Exportation of Various Raw Materials, WT/DS394/ AB/R -- Reports of the Appellate Body.”, January 30, 2012, para. 320. para. 7.224.
- WTO, “China – Measures Relates to the Exportation of Various Raw Materials, WT/DS394/ AB/R -- Reports of the Appellate Body.”, January 30, 2012, para. 331.
- WTO, “China – Measures Relates to the Exportation of Various Raw Materials, WT/DS394/ AB/R -- Reports of the Appellate Body.”, January 30, 2012, para. 7.386.
- WTO, “Colombia – Indicative Prices and Restrictions on Ports of Entry, WT/DS366/R, ”, April 27, 2009, para. 7.227.
- WTO, “Indonesia- Import Licensing Regimes, Report of the Panel”, December 22, 2016, para 7.46
- WTO, “Japan – Trade In Semi-Conductors, (L/6309 - 35S/116), Report of the Panel”, May 4, 1998

REVIEW OF PRINCIPLES OF QUANTITATIVE RESTRICTIONS ON DISPUTE SETTLEMENT“EU AND US LAWSUIT FOR THE INDONESIAN GOVERNMENT'S NICKEL EXPORT BAN POLICY BY THE WTO DISPUTE SETTLEMENT BODY

Lusi Puspita Sari, Ariawan

WTO, “Request for the establishment of panel by the European Union --“WTO Analytical Index.” 2021.

WTO, “United States — Import Prohibition of Certain Shrimp and Shrimp Products, Report of the Appellate Body”, October 12, 1998, paras. 156–157.

WTO, “United States — Measures Affecting the Cross-Border Supply of Gambling and Betting Services, WT/DS285/AB/R, Report of the Appellate Body”, April 7, 2015, para. 230.

WTO, “United States – Prohibition of Imports of Tuna and Tuna Products Form Canada, L/5198, Report of the Panel”, June 16,1994, para. 4.6.

WTO,“China — Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum,WT/DS431/R, Reports of the Panel”, March 26, 2014, para. 320.

WTO,“China — Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum,WT/DS431/R, Reports of the Panel”, March 26, 2014, paras. 5.111-5.112.