[redacted]

! " # $ % &' ( )
* &+

http://www.un.org/esa/ffd/

1. SURPLUS STRIPPING

[redacted]

- [1998] 1 CTC 2300 (TCC)

[redacted]

Facts

[redacted]

- US corporat o ! o " ! s Co#
  s#&s ' ar$ (%Co)(") c) c
  Co# ! tr$ % corporat o ! (S#&Co)
- %Co a ! ' S#&co c*as* to carr$ o !
  s ! . &#s ! *ss
  a ! ' S#&co co ! s st o/
)cas)

[redacted]

Facts

[redacted]

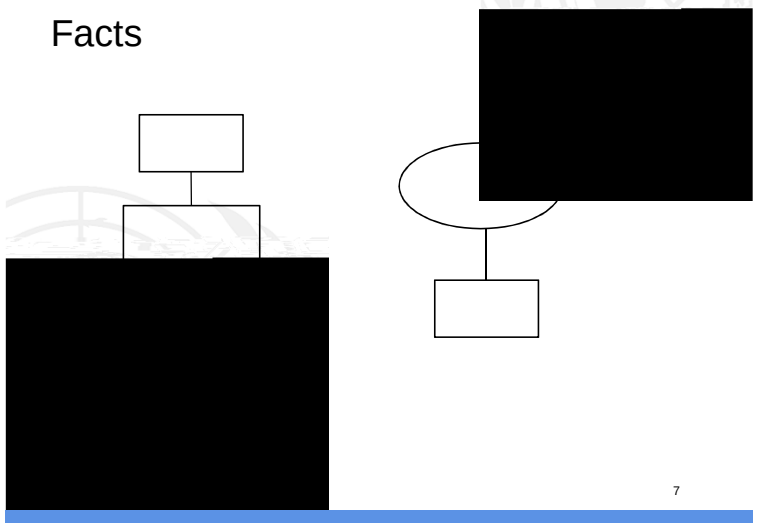
- S) ar*s o/ %Co so-' to R 2 2 (a Co#!
  o " ! * ' &$ /r * ! ' s o/ *3*c#t 4*s o/ US
- R 2 2 &orro " s /ro , t) * &a ! 5 to pa$ U
- P#rc) as* pr c* *+#a-s cas) a ! ' ! *a
  S#&Co
- US corporat o ! .#ara ! t**s a , o# ! t o/ -*as* r*c* 4a&-*s
  a ! ' pa$s R 2 2 s -* a- /**s

[redacted]

#&Co a , a-. a , at* ' " t) R 2 2
* &$ R 2 2 to USCo

[redacted]

Facts



7

R*-*4a!t Tr*at$ Pro4 s o!

- %rt c-* 13› o!-$ r*s '*!c* co#!t
  /ro , ' sposa- o/ s)ar*s #!-*ss
  t)* r 4a-#* pr !c pa--$ /ro , , ,
  ! t)* so#rc* co#!tr$
- %rt c-* 13› co#!tr$! ")c) t)* co , pa!$ pa$! .

9

Tr*at$ Iss#*s

- U! ' *r %rt c-* 13(1)(.a !s o! s) a
  &$ r*s ' *! c* co#! tr$
- 2 *a! ! . o/ B . a !s C ; : o*s B . a !s C
  ' o , *st c -a" or ' o*s t) a4* a tr*
- %rt c-* 10 ' *a-s " t) ' 4 ' *! ' s
  ' s C ; : */ ! *' ! %rt c-* 10(3) to
  at*' as ' 4 ' *! ' s #! ' *r ' o , *st c
  4 ' *! ' s)

13

%r . # , * ! ts

- Ta3pa$*r ar . #*s r*c) aract*r <
  ' 4 ' *! ' #! ' *r G%%R s co! tra
- Pro&-* , > ! o . a ! " as s#&-*ct t
  Co#! tr$ %%s -a" (.*.(. a ! " as ! -) t) *r*/or*(! o
  $
  , *! t> . a ! s ' ** , *'
  *st c -a"
  t t) * &*! */ t o/ t) * r*' #c*'
  ! ' *r %rt c-* 10 ;

11

Tr*at$ Iss#*s

- %rt c-* 3(2)> #! ' */ ! *' t*r
  , *a! ! . #! ' *r ' o , *st c
  t) at t) * tr*at$ s app- *'
- %ss# , * Co#! tr$ %%s G%%R " as
  *r tr*at$ " t) US " as

  <at o! #! ' *r G%%R
  ' ** , ! . pro4 s o! /or
  t c-* 10 ;

17

Tr*at$ Iss#*s

- Ta3pa$*r ar . #*s t) at t) * G%%
  a , *! ' , *! t .513(%) -3 . 33 2 3% 2 4

18

: *c s o!

- Blt "o#-' &* a s#rpr s ! .-$ co ! c-#s
  or ! ' * * ' a ! $ o/ t) * ot) *r co#! tr
) as ta3 tr*at *s(!c-#' ! . t) * US(
  or !a ' 4*rt* ! t-$ &ar . a ! * ' a " a$
  ta3 a4o ' a ! c* or ta3 *4as o ! &$ r*s ' * ! ts o/ tr*at$
  co#! tr *s ! ts o " ! -a " s. It " o#-' &* *+#a-$
  a ! c* sc) * , *s t) at ar*
  #! ' *r * t) *r . * ! *ra- a ! t 0
  or sp*c / c a ! t 0a4o ' a ! c*
  $ Ca ! a ' a ! r*s ' * ! ts(co#-' &*
  #! t$ &$! o ! 0r*s ' * ! ts #! ' *r
  at$. T) at s ! ot ") at tr*at *s

19

: *c s o!

- T) s s ! ot a ! or ' ! ar$ sa-*
- Ba- * ! at o ! C ! %rt c-* 13(1) Bco !
  a- * ! at o ! (a ! ' ! ot o ! * t) at s
  acco , , o ' at o ! part$ as a ! ! t* . ra- part o/ a
  #s.C
  ! ' sC ! %rt c-* 10(3) s &roa '
  pa$, * ! ts

18

: *c s o!

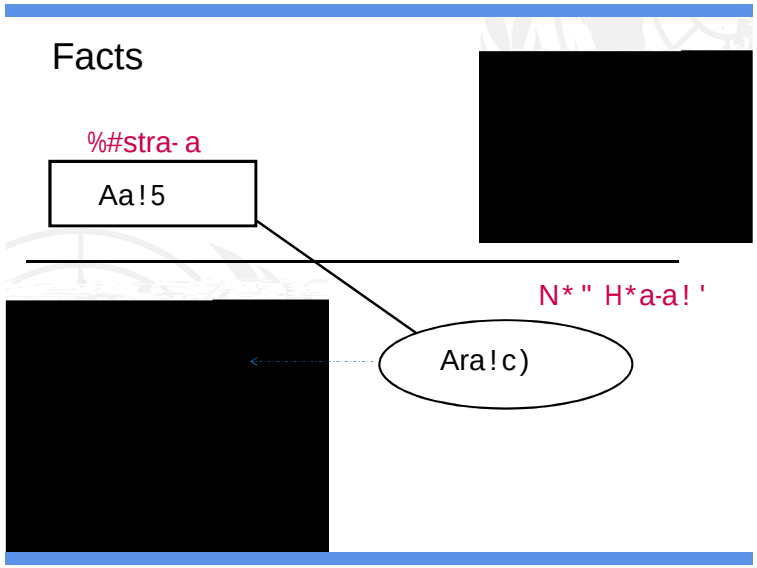
- S#&s*+#* ! t 1997 Protoco- a ! '
  E3p-a ! at o ! ! ' cat*s t) at t) * r
  to app-$ t) * r o " ! a ! t 0a&#s* p
  !) *r* ! t ! t) * tr*at$
  ! str#* ' to pro) & t t) *
  s7(c)-5.49451(a)-4.4408ca/) *T 2 1. 3. 2 7578( ))-4.44019( ) 2 . 2 2 007a 2 007a$

19

I!t*rpr*t 4* or Fact#a- %pp

- U! ' *r !t*rpr*t 4* approac) sta
  app-$ to tra!sact o!s " t)o#t *c
  s#&sta!c* or &#s !*ss p#rpos*
- I/ tr*at *s !t*rpr*t* ' ! sa , * "a$(!o co!/- ct

21


Facts
%#stra- a
Aa!5
N*" H*a-a!'
Ara!c)

:*cso!

33


39