THE LAW AND POLICY OF

The World Trade Organization

Since the publication of its first edition, this textbook has been the first choice of teachers and students alike, due to its clear introduction to the basic principles of its trading system and its detailed examination of the law of the World Trade Organization. The third edition continues to explore the institutional and substantive law of the WTO. Material has been restructured to closely align with teaching approaches making it even more user-friendly. It has been updated to incorporate all new developments in the WTO’s ever-growing body of case law. Questions and assignments are integrated to allow students to assess their understanding, while chapter summaries reinforce learning. Chapters end with an exercise reflecting real-life trade problems: these challenge students (and practitioners) and enable them to hone their analytical skills. This title is an essential tool for all WTO law students and will also serve as the practitioner’s introductory guide to the WTO.

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THE LAW AND POLICY OF
The World Trade Organization
Text, Cases and Materials
THIRD EDITION

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Five years have passed since the publication of the second edition of this book and new developments in the law, and in particular the case law, of the WTO called for an updated and fully revised third edition. This third edition has also been restructured with the intention to make it user-friendlier for both students and practitioners. I was very lucky to find Werner Zdouc willing to share the burden of updating, revising and restructuring this book, and become a co-author of the third edition. Werner focused primarily on Chapters 9 (Economic Emergency Exceptions), 10 (Regional Trade Exceptions), 11 (Dumping) and 12 (Subsidies), while I focused on Chapters 1 (International Trade and the Law of the WTO), 2 (The World Trade Organization), 3 (WTO Dispute Settlement), 4 (Most-Favoured-Nation Treatment), 5 (National Treatment), 6 (Tariff Barriers), 7 (Non-Tariff Barriers), 8 (General and Security Exceptions), 13 (Technical Barriers to Trade), 14 (Sanitary and Phytosanitary Measures), 15 (Intellectual Property Rights) and 16 (Future Challenges). However, we both reviewed and signed for all chapters.

This book reflects the current state of WTO law, in respect of both the covered agreements and the rapidly increasing body of panel and Appellate Body reports. While we mention legal issues still to be adjudicated, we do not express any opinion on how these issues should be decided or, more broadly, how WTO law should develop in the future. Where we quote or refer to various and often divergent statements of negotiators, academics or other eminent experts, we do so in order to give the reader a full picture of open debates. It is evident that the description of the current state of WTO law contained in this book is to be attributed to the authors in their private capacity and does not represent the views of the Appellate Body, its Secretariat or the WTO.

As the first and second edition, this third edition has once again benefitted from the advice, comments and suggestions of many. Werner and I owe thanks to Iveta Alexovicová, Maria Alcover, Ujal Singh Bhatia, Kaarlo Castren, Gian Franco Chianale, Claude Chase, Leila Choukroune, Victoria Donaldson, Lothar Ehring,
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With the royalties of the first and second editions of this book, the Maastricht University Fund for Education and Research in International Economic Law (MUFERIEL) was established. Over the last eight years this Fund has allowed Maastricht University to give financial assistance to students and scholars from developing countries. The royalties of the third edition will be used for the same purpose.

PETER VAN DEN BOSSCHE

Geneva, March 2013
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