

abus de droit, 61

accession

Cambridge University Press 978-1-107-15798-9 — The Law and Policy of the World Trade Organization 4th Edition Index <u>More Information</u>

INDEX

WTO membership (Anti-Dumping Agreement), 47 'decision' phase, 120 Agreement on Implementation of Article VII of the 'let-us-draft-membership-terms' phase, 119 General Agreement on Tariffs and Trade 1994 'tell-us-about-yourself' phase, 119 (Customs Valuation Agreement), 47 'work-out-with-use-individually-what-you-have-Agreement on Import Licensing Procedures, 47, to-offer' phase, 119 open indefinitely, 118 Agreement on Interpretation and Application of Accession Protocol Articles VI, XVI and XXIII of the General China, economic emergency exceptions, 657 Agreement, 772 legal status, 54 Agreement on Preshipment Inspection, 47, 514 acts of WTO bodies Agreement on Rules of Origin, 47, 458-61 authoritative interpretations, 58 Agreement on Safeguards, 47, 312, 492, 631-4 subsequent agreements, 59 application of measures, 634 technical committees, 59 causation, 643-5 actual value, imported goods, 454 characteristics, 647 ad valorem duty application, non-discriminatory, 649-51 nuisance rather than barrier, 424 compensation, affected members, 653-4 ad valorem import duties, 419 duration, 648-9 adjudication extent of necessity, 651-3 dispute settlement, 187 provisional, 654 Advisory Centre on WTO Law (ACWL), 294, 303 increased imports requirements, 635-9 African, Caribbean and Pacific Group (ACP), 116 notification and consultation, 645-7 Agreement Establishing the Multilateral Trade serious injury requirement, 639-43 Organization, 87 Agreement on Subsidies and Countervailing Measures: Agreement of Trade Facilitation, 48 see SCM Agreement Agreement on Agriculture, 47 Agreement on Textiles and Clothing, 47 domestic support measures, 874-7 Agreement on the Application of Sanitary and due restraint clause, 877 Phytosanitary Measures: see SPS Agreement economic emergency exceptions, safeguard Agreement on the Implementation of Article VII of the measures, 655-7 GATT 1994, 454 export subsidies, 869-74 Agreement on Trade Facilitation, 59, 307, 469, 512 special rules prevail over SCM Agreement, 868 Agreement on Trade in Civil Aircraft, 53 Agreement on Agriculture and the Agreement on Agreement on Trade in Information Technology Textiles and Clothing, 489 Products, 430 Agreement on Expansion in Trade in Information Agreement on Trade in Wine between the European Community and Australia, 38 Technology Products (ITA-II), 59 Agreement on Government Procurement, 53, 92 Agreement on Trade-Related Aspects of Intellectual TBT Agreement, relationship with, 897 Property Rights: see TRIPS Agreement

Agreement on Implementation of Article VI of the

General Agreement on Tariffs and Trade 1994

1057



agricultural subsidies	implementation and enforcement, 285
contentious issue, 867	compensation or retaliation, 289
domestic support measures, 874-7	disagreements, 287-9
exports, 869-74	reasonable time period, 285
Aid for Trade initiative, 112	surveillance, 286
American National Standards Institute, 895	institutional structure, 235
amicus curiae briefs	legal counsel, private, 259-60
Appellate Body, 260–4	mandate, 243-5
Andean Community, 673	members
Annan, Kofi, 30	appointments, 235
Annecy Round of Negotiations, 84	chairperson, appointment, 237
Annex on Financial Services, 617–18	composition, 234
anti-dumping: see dumping	no affiliations. 235
Anti-Dumping Agreement, 698	review proceedings
anti-dumping investigation, 737	deliberations and exchange of views, 283
conduct, 740-6	initiation, 279–81
judicial review, 749	report, adoption, 284
public notice, 746–9	written submissions and oral hearings, 281–3
anti-dumping measures	secretariat, 237
duties, collection and imposition, 750–4	short time frames, 248–51
*	
duties, duration, termination and review,	Appellate Body review proceedings, 278
754-8	arbitration
imposition, 749–50	dispute settlement, 187
price undertakings, 750	Argentina
cumulative analysis, 735–7	anti-dumping measures, 702
developing countries, special and differential	average customs duties, 425
treatment, 763–5	dispute settlement system, 292
domestic industry, 720	articles in short supply, 589–92
definition, 721	ASEAN (Association of Southeast Asian Nations) Free
injury, definition, 723–4	Trade Area (AFTA), 673
material injury, determining, 724-31	ASEAN Free Trade Area (AFTA) Agreement, 672
material injury, threat, 731-2	Associação Brasileira de Normas Técnicas, 895
material retardation, 732	Association of South East Asian Nations
dumping	(ASEAN), 116
definition, 700, 703	audits, external, 159
treatment, 700-1	Australia
export price, 709	anti-dumping measures, 702
fair comparison, export price and normal	compensatory adjustment, 534
value, 710–14	countervailing measures, use, 775
institutional provisions, 759	WTO budget, contributions, 158
Committee on Anti-Dumping Practices, 759	Australia-New Zealand Closer Economic Relations
dispute settlement, 760	Agreement (ANZCERTA), 673
dispute settlement, special and additional rules, 763	authoritative interpretations, 58
dispute settlement, standard of review, 760-3	Azevêdo, Roberto, 7, 13, 19, 29, 100, 101, 110, 142,
investigation	678
initiation, 737-9	
margin, calculation, 714-20	Bali Ministerial Conference
normal value, 705-9	agreement on Doha Round issues, 98
Appellate Body	LFC services waiver, 338
amicus curiae briefs, 260-4	multilateral trade agreements, 48
appeals, hearing and decisions, 236	origin of goods, determining, 461
burden of proof, 256–9	quotas, agricultural products, 490
confidentiality, 251-6	trade facilitation, 511
consultations, 266	Bali Package, 98
due process, 266	Bangladesh
good faith, 264-6	average customs duties, 425



import bans, 589	countervailing measures, use, 774
tariff bindings, 436	dispute settlement system, 292
Barber, Lionel, 6	G-5 membership, 117
Baron de Montesquieu, 24	merchandise, leading exporters/importers, 10
Barshefsky, Charlene, 153	tariff bindings, 436
Berne Convention for the Protection of Literary and	TPRM review, 103
Artistic Works (1971), 51, 1002	WTO budget, contributions, 158
copyright protection, 1013–20	Chinese Taipei
Berne Convention for the Protection of Literary and	anti-dumping measures, against, 703
Artistic Works of 1886, 1002	WTO budget, contributions, 158
Bhagwati, Jagdish, 21, 24, 677	Clinton, Bill, 6
Biennial Technical Assistance and Training Plan	Coase, Ronald, 34
2016–17, 111	Codex Alimentarius Commission, 229, 923, 952
bilateral or regional trade agreements, 37	Codex Stan 94, 923
blue box domestic support measures, 876	Committee on Anti-Dumping Practices, 759
border measures	Committee on Budget, Finance and
MFN treatment obligation, 312	Administration, 157
Brauner, Karl, 143	Committee on Government Procurement, 136
Brazil	Committee on Regional Trade Agreements (CRTA), 135,
anti-dumping measures, 702	676
average customs duties, 425	Committee on Safeguards, 91
dispute settlement system, 292	Committee on Subsidies and Countervailing
G-5 membership, 117	Measures: see Subsidies Committee
simple average applied duty, 446	Committee on Technical Barriers to Trade: see TBT
simple average tariff binding, 446	Committee
WTO budget, contributions, 158	Committee on Trade and Development (CTD),
Bretton Woods Conference, 82	676
burden of proof	Committee on Trade and Environment (CTE), 135
Appellate Body, 256–9	Committee on Trade in Civil Aircraft. 136
national emergencies, compulsory licences, 1039	Common Effective Preferential Tariffs Scheme for the
business confidential information (BCI), 252, 279	ASEAN Free Trade Area (AFTA), 688
business confidential information (BCI), 232, 273	Common Market of Eastern and Southern Africa
Cairns agricultural group, 116	(COMESA), 674
	* **
Cameroon	Common Market of the Caribbean (CARICOM), 673
tariff bindings, 436	comparative advantage theory, 20
Canada	compensation
anti-dumping measures, 702	dispute settlement, 204
average customs duties, 425	dispute settlement, failure to implement
compensatory adjustment, 534	recommendations, 289-91
countervailing measures, use, 774	compulsory licensing
sectoral tariff negotiations, 430	TRIPS Agreement, 1037-41
WTO budget, contributions, 158	computed value, imported goods, 455
Cancún Ministerial Conference, 94, 116	conciliation
carousel retaliation	dispute settlement, 187
dispute settlement, 207	confidentiality
Cartagena Agreement Establishing the Andean	Appellate Body, 251–6
Community, 688	conformity assessment procedures
Chair of the Negotiating Group on Rules, report, 699	TBT Agreement, 887
Chile	consultation
dispute settlement system, 292	dispute settlement, 187
China	consultations, 266
accession negotiations, 122	conducting, 268–70
anti-dumping measures, 702	initiating, 267–8
anti-dumping measures, 702 anti-dumping measures, against, 703	outcomes of, 270
average customs duties, 425	Convention on the Conservation of Migratory Species of
commercial services, leading importers, 10	Wild Animals (CITES), 62, 118
commercial services, reading importers, 10	vviid Aininais (CITES), 02, 110



Convention on the Privileges and Immunities of the	Recommendations with Relation to Articles 2,
Specialised Agencies, 156	5, and Annex 3 to the Agreement, 59
copyright	Decision on the Application and Review of the
business and homestyle exemption, 1019	Understanding on Rules and Procedures
exclusive rights, 1017	Governing the Settlement of Disputes, 54
level of originality or artistic creativity	Declaration on the Contribution of the World Trade
required, 1014	Organization to Achieving Greater Coherence
limited to particular term of protection, 1016	in Global Economic Policymaking, 54
list of protected works, 1014, 1015	Declaration on Trade Measures Taken for Balance of
literary and artistic works, 1015	Payments Purposes ('1979 Declaration'), 662
original works of art and manuscripts, 1016	deductive value, imported goods, 455
overlapping sets of rights, 1015	developed countries
performers, 1020	agricultural subsidies, 867
phonogram producers, 1020	anti-dumping measures, 702
protected works, reproduction, 1018	import duties, 423
sound recordings, 1020	Ministerial Decision on Export Competition, 872
Cotton Four, 117	tariff treatment, additional preferential, 324
Council for Trade in Goods (CTG), 134	TRIPS Agreement
trade procedure simplification, 511	technology assistance and transfer, 1053
Council for Trade in Services (CTS), 134	WTO dispute settlement procedures, use of, 165
service negotiations, 524	developing countries
countervailing duties, 846-7	dispute settlement
conditions fulfilled, 847	legal expertise, 293–4
duration, termination and review, 861-4	special rules, 292
imposition, 773	dumping, special and differential
imposition and collection, 857-61	treatment, 763-5
MFN treatment obligation, 312	economic integration agreements, 692
provisional, imposition, 856	Enabling Clause, special and differential
use, 774-5	treatment, 687–8
countervailing investigations, 847	import duties, 422
conduct, 849-54	intellectual property negotiations, 996
initiation, 847-9	medicines, access to, 1040
judicial review, 855	Ministerial Decision on Export Competition, 872
public notice, 854	non-violation and situation complaints, 1050
voluntary undertakings, 856	Secretariat, apprehensions, 143
Court of First Instance (CFI), 75, 244	special safeguard mechanism (SSM), 657
cross-retaliation	SPS Agreement, special and differential
dispute settlement, 205	treatment, 980-3
cumulative analysis	subsidies, special and differential treatment, 866-7
dumping, 735–7	tariff concession, withdrawal, 449
customary international law	TBT Agreement, special treatment, 928-9
binding on all States, 60	technical assistance, 110-13
rules, 60	WTO dispute settlement procedures, use of, 165
Customs Cooperation Council (CCC): see World Customs	WTO membership, 114
Organization (WCO)	developing-countries
customs duties: see import duties; export duties	anti-dumping measures, 702
customs formalities and procedures, 510-12	quantitative restrictions, rules, 498
	Dillon Round of Negotiations, 84
De Gucht, Karel, 12	directly competitive or substitutable products
Decision Concerning Article XXI of the General	national treatment obligation, 365-6-373
Agreement, 621	discrimination
Decision on Measures in Favour of Least Developed	foreign products, 342
Countries (LDCs), 54, 460	disguised restrictions, 604
Decision on Principles for the Development of	dispute settlement, 165–8
International Standards, Guides and	agreements, clarifying provisions, 190



mandate, scope and nature, 190-3	reports, required content, 230-3
Vienna Convention, Article 31, 193-7	process, 246–7
Vienna Convention, Article 32, 197	amicus curiae briefs, 260-4
Appellate Body, 233	burden of proof, 256-9
membership and structure, 234-7	confidentiality, 251-6
reports, appellate review, 237-43	due process, 266
appellate review proceedings, 278	good faith, 264-6
deliberations and exchange of views, 283	legal counsel, role, 259-60
initiating, 279–81	short time frame, 248–51
report, adoption, 284	several methods, 187
written submissions and oral hearing, 281-3	solutions, mutually acceptable, 189
breaches, remedies, 199	SPS Agreement, 985
compensation, 204	standard of review, 987-9
illegal conduct, cessation, 207	summary, 296-303
reparation, full, 207	TBT Agreement, 931
retaliation, 204–7	TRIPS Agreement, 1049–51
withdrawal, 199-204	WTO members, limited to, 179
consultations, 266	non-party access, 183
conducting, 268–70	right of recourse, 179–83
initiating, 267–8	Dispute Settlement Body (DSB), dispute
outcome, 270	settlement, 763
developing countries	dispute settlement reports, 55–8
legal expertise, 293–4	Dispute Settlement Understanding (DSU), 51, 70, 102,
special rules, 292	167
future challenges, 294–6	Appellate Body, 233
General Council, 209–12	appointments, 235
implementation and enforcement, 285	composition, 234
compensation or retaliation, 289–91	mandate, 243–5
disagreements, 287–9	appellate review proceedings
-	
reasonable time period, 285 surveillance, 286	report, adoption, 284 breaches, remedies, 199
indirect access, 184	compensation, 204
	•
jurisdiction, 168	reparation, full, 207 retaliation, 204–7
compulsory, 168 contentious, 169	
	withdrawal, 199–204
exclusive, 169	clarifying existing provisions, 190
measures subject to, 170–8	mandate, scope and nature, 190–3
jurisdiction	Vienna Convention, Article 31, 193
disputes subject to, 170	Vienna Convention, Article 32, 197
key features	compulsory jurisdiction, 168 consultations
multilateral trading system, security and	
predictability, 185	conducting, 268-70
prompt settlement, 185	outcomes of, 270
single, comprehensive and integrated system, 186	contentious jurisdiction, 169
multilateral, 188–9	customary international law, 60
other bodies involved, 245	developing countries
panel proceedings, 271–2	legal assistance, 293-4
deliberations and internal review, 276-7	special rules, 292
reports, adoption or appeal, 277-8	dispute settlement, failure to implement
written submissions, 273-6	recommendations, 289–91
panels, 212	disputes
composition, 217–20	measures subject to, 170
establishment, 212–17	subject to, 170
mandate, 220–30	exclusive jurisdiction, 169
proceedings, initiation, 272-3	General Council, 209-12



Dispute Settlement Understanding (cont.) implementation and enforcement disagreements, 287–9	domestic industry definition, 640 serious injury, 641
reasonable time period, 285	threat of serious injury, 642
surveillance, 286	domestic production protection
mandate, judicial economy, 225-7	national treatment obligation, 374-6
multilateral settlement, 188-9	droit de suite, 1016
multilateral trading system, security and	DSB: see General Council
predictability, 185	due process
mutually acceptable solutions, 189	Appellate Body, 266
panel proceedings, 271-2	dumping, 41
initiating, 272–3	anti-dumping
panels	special and additional rules, 763
composition, 217-20	standard of review, 760-3
deliberations and internal review, 276-7	anti-dumping duties
establishment, 212–17	MFN treatment obligation, 312
mandate, expert panels, 228–30	anti-dumping investigation, 737
mandate, standard of review, 222-5	conduct, 740-6
mandate, terms of reference, 220	initiation, 737–9
mandate, <i>ultra petita</i> , 227	judicial review, 749
report, adoption or appeal, 277-8	public notice, 746–9
reports, required content, 230-3	anti-dumping measures
written submissions, 273-6	circumvention, 758
process	duties, collection and imposition, 750-4
amicus curiae briefs, 260-4	duties, duration, termination and review, 754-8
burden of proof, 256–9	imposition, 749-50
confidentiality, 251–6	price undertakings, 750
good faith, 264–6	basic elements, 698
legal counsel, role, 259-60	anti-dumping measures, current use, 702-3
short time frame, 248–51	definition, 699, 703
prompt settlements, 185	law, history, 698–9
rules and structure, 52	treatment by WTO, 700-1
several methods, 187	causal link
single, comprehensive and integrated system, 186	demonstrating, 733
subsidies, 866	relevant factors, 733-5
dissimilar taxation	Committee on Anti-Dumping Practices, 759
national treatment obligation, 373-4	cumulative analysis, 735–7
document	determining, 703-5
TBT Agreement, 886	export price, 709
Doha Development Agenda Global Trust Fund, 158;	fair comparison, export price and normal
see also Global Trust Fund	value, 710–14
Doha Ministerial Conference, 93, 94, 663	margin, calculating, 714-20
Standards and Trade Development Facility (STDF), 990	normal value, 705–9
Trade Negotiations Committee (TNC), 136	developing countries, special and differential
Doha Ministerial Decision on Implementation-Related	treatment, 763-5
Issues and Concerns, 59	dispute settlement, 760
Doha Ministerial Declaration, 89, 93	domestic industry
Doha Round Negotiations, 24, 93	domestic industry, definition, 721-3
Bali Package, 98	injury, definition, 723-4
dichotomy of views, 99	material injury, determining, 724-31
issues included, 94	material injury, threat, 731-2
member willingness to continue, 97	material retardation, 732
proceedings, uncertainty, 100	summary, 765–7
Doha Work Programme, 95, 1031	dumping industry
domestic content requirement (DCR) measures, 589	domestic industry, 720



Easter Package, 96, 433	economic integration agreements, 688-9
Economic Community of West African States	level of barriers to trade, 691
(ECOWAS), 673	substantial sectoral coverage, 689
economic emergency exceptions, 659	substantially all discrimination, 690-1
Agreement on Agriculture, safeguard	Ecuador
measures, 655-7	balance-of-payments measures, 660
Agreement on Safeguards, 631-4	tariff surcharges, 660
application of measures, 634	Ehlermann, Claus-Dieter, 233
causation, 643-5	ejusdem generis, 61
characteristics, 647	emergency safeguard mechanism (ESM), 658
application, non-discriminatory, 649-51	Enabling Clause
compensation, affected members, 653-4	developing countries, special and differential
duration, 648–9	treatment, 687-8
extent of necessity, 651-3	GATT 1994, 321
provisional, 654	preferential tariff, additional, 323–5
increased imports requirement, 635-9	preferential tariff, exception, 321-3
notification and consultation, 645-7	regional trade agreements, notification, 692
serious injury requirement, 639-43	Enhanced Integrated Framework for Least-Developed
China Accession Protocol, 657	Countries (EIF), 113
GATS	Enhanced Integrated Framework for Trade-Related
safeguard measures, 658-9	Technical Assistance (EIF), 105
GATS, balance-of-payment measures, 668	enterprise specificity, 795
GATT 1994	Environmental Goods Agreement (EGA), 60, 101
balance-of-payments measures, 659-62	equity capital, subsidies, 789
GATT 1994, Article XIX, 631-4	European Committee for Standardization, 886, 895
application of measures, 634	European Economic Area (EEA), 673
increased import requirements, 636-9	European Free Trade Association (EFTA), 673
GATT 1994, balance-of-payments measures	European Union (EU), 673
nature of, 662-3	anti-dumping measures, 702
procedural issues, 665-7	average customs duties, 425
requirements, 663-5	commercial services, leading importers, 10
summary, 668-9	compensatory adjustment, 534
economic globalisation, 2	countervailing measures, use, 774
benefits and dangers, recognition of, 17	economic globalisation, public survey, 16
buzzword, 3	free trade, benefits study, 22
challenge to make globalisation benefiting all, 30	G-5 membership, 117
concept, 4	merchandise, leading exporters/importers, 10
daily lives, impact on, 4	MFN duty, cotton, 426
dark side, 18	precautionary principle, 967
definition, 4	Real Good Friends of Services (RGF), 101
effects, anxieties about, 16	safeguard measures, 633
forces driving, 5	Seal Regime, 579
foreign direct investment (FDI), impact on, 11	sectoral tariff negotiations, 430
global economy, emergence, 3	Services Schedules, 526
global GDP, ratio of, 8	TARIC database, 422
opponents of, 16	TPRM review, 103
populist rhetoric against, 15	Trade in Services Agreement (TiSA), 524
positive and negative aspects, 18	treaty-consistent interpretation, 71 TRIPS Agreement, acceptance of provisions,
pre-First World War, 5	
problems and dangers, 18 process not irreversible, 6	75
proponents of, 16	waivers and opt-outs, 126 WTO budget, contributions, 158
public opinion, Europe, 16	WTO budget, contributions, 158 WTO membership, 115
street demonstrations against, 14	European Union–South Korea Free Trade
summary, 77–8	Agreement, 672
Jummary, 11-0	Agreement, 0/2



exception rules, 42	economic integration agreements, 688-9
economic interests, 42	developing countries, 692
non-economic values and interests, 42	Labour Markets Integration Agreements, 692
exchange controls, 516	level of barriers to trade, 691
exclusive rights	substantial sectoral coverage, 689
copyright, 1017	substantially all discrimination, 690-1
patents, 1034, 1035	GATT 1994, relationship with, 50
expert review groups, 229, 246	general exceptions, 605–6
export duties, 469	general exceptions, Article XIV
definition, 470	chapeau, 615
purpose, 470	life or health, protection, 614
rules, applicable, 471–3	public morals, protection, 608–12
summary, 476	two-tier test, 606
export price, 709	MFN treatment obligation
normal value, comparison, 710–14	Article II
normal value, margin calculation, 714–20	nature of, 325-7
export subsidies, 802–7	treatment test, 327–38
external measures	deviations, 338-9
national treatment obligation, 346-7	national treatment obligation
	Article XVII, 399–402
fair comparison	Article XVII, commitment, 403–4
dumping, 710–14	Article XVII, like services and service
fallback value, imported goods, 456	suppliers, 405–8
Father Lacordaire, 36	Article XVII, measures by members affecting trade
FDI: see foreign direct investment	in services, 404–5
Food and Agricultural Organization (FAO), 229, 990	Article XVII, test, 402
foreign direct investment (FDI)	Article XVII, treatment no less favourable,
inflows, 11	408-12
liberalisation, impact on economic globalisation, 6	provisions, 49
Forest Stewardship Council (FSC), 896	security exceptions, Article XIV, 623
formula tariff negotiations, 429	GATT
Frederick Agah, Yonov, 143	multilateral trade negotiations, 93
free trade	negotiations, 1947–1994, 84
arguments for	Uruguay Round negotiations, 85
comparative advantage theory, 20	GATT 1947
democracy, promotion of, 24	anti-dumping measures, 698
economists, views of, 19	balance-of-payments measures, 662
higher living standards, 21	customs duties, Round negotiations, 424
international relations, peaceful and	developing countries, tariff concessions, 449
constructive, 24	dispute settlement provisions, 167
mutual understandings, 24	free-trade area, establishment, 687
poverty, reduction, 23	import charges, 464
stronger growth and innovation, 22	imported goods, determination of origin, 458
Friedman, Thomas, 4, 6	incorporated by reference into GATT 1994, 46
Froman, Michael, 22	member expulsion, powers, 150
C F 117	provisions applied through PPA, 83
G-5, 117	quantitative restrictions, prohibition, 489
G-20, 117	report panels, 55
G-90, 117	safeguard measures, selective basis, 649
GATS, 49	subsidies, 771
Annex on Financial Services, 617–18	treaty-consistent interpretation, 72
Article XIX	voluntary export restraints (VERs), 492
negotiations, 522–3	GATT 1994, 44
organisation, 522–3	Article XXIV, free-trade areas
economic emergency exceptions, balance-of-	definition, 686
payments measures, 668	inconsistency, justification, 686
economic emergency exceptions, safeguard measures, 658–9	economic emergency exceptions, 659–62
ilicasuics, 000-9	economic emergency exceptions, Article XIX



increased import requirements, 636-9	internal taxes, 366
economic emergency exceptions, balance-of-payments	no conflict, 48
nature of, 662-3	regional trade exceptions, Article XXIV
economic emergency exceptions, balance-of-	chapeau, 679–80
payments measures	developing countries, special and differential
procedural issues, 665-7	treatment, 687-8
requirements, 663-5	interim agreements, 687
GATS, relationship with, 50	regional trade exceptions, customs unions
general exceptions, Article XX	definition, 681-4
application, 548	rules, 46
articles in short supply, 589-92	security exceptions, Article XXI, 618-19
compliance, 564-73	international peace and security, 622
exhaustible natural resources, conservation, 573-8	national security, 619-22
life or health, protecting, 557-64	SPS Agreement, relationship with, 944
national treasures, protection, 592	structure, 45
nature and function, 547-8	TBT Agreement, relationship with, 898
prison labour, products, 592	General Agreement on Tariffs and Trade 1947, 81
public morals, protection, 578-89	dispute settlement, 167
reliance on, 554	establishment, 82–4
societal values, protecting, 604	General Agreement on Trade in Services: see GATS
two-tier test, 554-5	General Agreement on Tariffs and Trade: see GATT
general exceptions, Article XX chapeau	General Council, 132–4
discrimination, arbitrary or unjustifiable, 595-603	dispute settlement, 209-12
disguised restriction, 604	General exceptions
object and purpose, 593-5	GATS, 605-6
general exceptions, Article XX, 546	Annex on Financial Services, 617-18
MFN treatment obligation, 307	GATS, Article XIV
Article I	chapeau, 615
advantage accorded immediately and	compliance, 612-14
unconditionally, 319-21	life or health, protection, 614
like products, 316-19	public morals, protection, 608-12
measure covered, 311-14	two-tier test, 606
measure granting advantage, 314-15	GATT 1994, Article XX, 547-8
nature of obligation, 307-11	application, 548–54
Enabling Clause, 321	articles in short supply, 589-92
Enabling Clause, preferential tariff, 321	compliance, 564-73
Enabling Clause, preferential tariff,	exhaustible natural resources, conservation, 573-8
additional, 323–5	life or health, protecting, 557-64
multilateral agreements, conflicts with, 48	national treasures, protection, 592
national treatment obligation	prison labour, products, 592
Article III, 342–3	public morals, protection, 578-89
Article III, 1, 2 and 4, 350-1	reliance on, 554
Article III, directly competitive or substitutable	societal values, protecting, 604
products, 365-6	two-tier test, 554-5
Article III, dissimilar taxation, 373-4	GATT 1994, Article XX chapeau, 592-3
Article III, domestic production protection, 374-6	discrimination, arbitrary or unjustifiable, 595-603
Article III, government procurement and	disguised restriction, 604
subsidies, 347-50	object and purpose, 593-5
Article III, in law/in fact discrimination, 345	GATT 1994, Article XX, 546
Article III, internal regulation, 376-81	summary, 624-8
Article III, internal versus border measures, 346-7	general principles of law, 61
Article III, like products, 381–90	abus de droit, 61
Article III, object and purpose, 344-5	ejusdem generis, 61
Article III, test, internal taxation on like	in dubio mitius, 61
products, 351-64	Generalized System of Preferences (GSP) schemes, 322
Article III, treatment no less favourable, 390-9	Geneva Round of Negotiations, 84



geographical indications, intellectual property rights, 1029–33	other duties and charges, 461 definition and types, 462–4
global economy	exemptions, 466-9
emergence, 3	rule, 464–6
international trade	purposes, 422
traditional form, 11	reductions, negotiations, 423
value-added, 11	basic rules, 426–8
Global Review of Aid for Trade, 112	importance as trade barriers, 424-6
global trust fund, 111	previous rounds, 424
global value chains (GVCs), 11	reductions, organisations
proliferation, 12	organisation, 428–36
tariff reductions, 14	summary, 474–6
unbundling of production, 13	tariff binding, 436
globaphiles, 17	Schedule of Concessions, interpretation, 440–2
globaphobes, 17	Schedules of Concessions, 436–40
good faith	tariff concessions, protection, 442
appellate body, 264–6	actually applied, 446
good offices	Article II, First Sentence, 442–6
dispute settlement, 187	withdrawal, 447–50
government loan, subsidies, 789	import substitution subsidies, 1601
Grameen Bank for the Poor, 33 green box domestic support measures, 875	import-licensing procedures, 496–8 in dubio mitius, 61
	in fact discrimination, 309
green room meetings, 153 Group of Latin America and Caribbean Countries	national treatment obligation, 345
(GRULAC), 116	in law discrimination, 309
Guidelines and Procedures for the Negotiations on Trade	national treatment obligation, 345
in Services, 523	inaudita altera parte, 1046
III Scivices, 323	income gap, 2
Hamilton, Alexander, 26	income inequality, 2
Harmonized System, 451–3	India
Havana Charter on an International Trade	anti-dumping measures, 702
Organization, 64	average customs duties, 425
highly sensitive business information (HSBI), 279	balance-of-payments measures, 660
Hong Kong	countervailing measures, use, 774
merchandise, leading importers, 10	dispute settlement system, 292
tariff bindings, 436	G-5 membership, 117
WTO budget, contributions, 158	safeguard measures, 633
Hong Kong Ministerial Conference, 95	simple average applied duty, 446
human rights treaties	simple average tariff binding, 446
WTO law, prevailing over, 67	tariff bindings, 436
	WTO budget, contributions, 158
illegal conduct	WTO law, impact on, 77
dispute settlement, cessation, 207	India-MERCOSUR Preferential Trade Agreement, 672
Implementation of Special and Differential Treatment	Indonesia
Provisions in WTO Agreements and	safeguard measures, 633
Decisions, 123	WTO budget, contributions, 158
import duties, 417	industry protection
ad valorem, 419	restricted trade, 25
definitions, 417–18	ineffective or inappropriate means
freedom to impose, 423	TBT Agreement, 924-5
imposition, 450	infant industry protection
goods, determining origin, 457-61	restricted trade, 26
goods, valuation, 454–7	Informal Business Advisory Body, 138
imposition, goods, classification, 450-3	Informal NGO Advisory Body, 138
National Customs Tariff, 420–2	Institute for Training and Technical Cooperation
non-ad valorem, 419	(ITTC), 112, 144



intellectual property protection	benefits and dangers, recognition of, 17
definition, 994	challenge to make trade benefiting all, 30
trade protection, connection with, 995	developed countries, 9
intellectual property rights	developing countries
acquisition and maintenance, 1047	composition, 10
civil procedures and remedies, 1044-6	share, 10
criminal procedures, 1047	disguised restriction, 604
dispute settlement, 1049-51	economic growth, employment and equality,
exhaustion, 1011–13	promoting, 32
general obligations, 1043-4	economies, dependence on, 9
provisional and border measures, 1046	effects, anxieties about, 16
technical assistance and transfer of	free trade: see free trade
technology, 1053	global GDP, ratio of, 7, 8
transparency, 1049	global value chains (GVCs), 11
international trade, ratio of, 7	proliferation, 12
internal measures	tariff reductions, 14
MFN treatment obligation, 312	unbundling of production, 13
national treatment obligation, 346-7	globaphiles, 17
internal taxes	globaphobes, 17
national treatment obligation, 352-4, 366	government policy, impact on, 14
international agreements	liberalisation, impact on economic globalisation,
WTO Agreement, conflict with, 66-8	magic bullet, not for development, 23
WTO law, sources of, 62–4	merchandise, leading exporters, 10
International Bank for Reconstruction and	not all countries benefiting, 29
Development, 82	opponents of, 16
International Convention for the Protection of	populist rhetoric against, 15
Performers, Producers of Phonograms and	problems and dangers, 18
Broadcasting Organizations of 1961 (Rome	proponents of, 16
Convention), 1002	* *
International Convention on the Harmonized	public opinion, Europe, 16 rules
Commodity Description and Coding System	developing countries, benefits, 37
(HS Convention), 38, 451	observance, 36
International Convention on the Simplification and	rules, reasons for
Harmonization of Customs Procedures (Kyoto	economic relations, equity, 36
Convention), 38	security and predictability, 35
International Court of Justice (ICJ)	societal values, protection and promotion, 35
judgments and advisory opinions, 165	trade-restrictive measures, restraining, 34
international economic law, 37	street demonstrations against, 14
definition, 37	summary, 77–8
International Labour Organization (ILO)	technical barriers to trade (TBT): see TBT
conventions	Trade in Value-Added (TiVA) database, 13
WTO law, prevailing over, 67	trade restrictions: see restricted trade
Decent Work in Global Supply Chains report, 12	traditional form, 11
labour standards, 62	value-added, 11
international law	rapid increase, 12
WTO law, integral part, 65-6	Wolfensohn agenda
International Monetary Fund (IMF), 82	barriers, further reduction, 31
International Organization for Epizootics, 229	development aid, increase, 31
international peace and security, 622	governance, national level, 30
International Plant Protection Convention, 229	internal cooperation, 31
international standards	world merchandise experts, 7
SPS harmonisation, 951-5	International Trade Centre (ITC), 106
international trade	International Trade Organization: see ITO
benefits	International Tribunal for the Law of the Sea (ITLOS)
among nations, 32	judgments and advisory opinions, 165
within nations, 32	ITO, 82-4



Jackson, John, 34, 35, 73 Japan	McKinsey Global Institute Digital Globalization
average customs duties, 425 commercial services, leading importers, 10 compensatory adjustment, 534	The New Era of Global Flows report, 7 Malaysia WTO budget, contributions, 158
merchandise, leading exporters/importers, 10	manufacturing fiction, 1041
sectoral tariff negotiations, 430	Marceau, Gabrielle, 68
TPRM review, 103	market access for non-agricultural products, 95
WTO budget, contributions, 158	market access rules, 39
Joint FAO/WHO Codex Alimentarius Commission,	customs duties, 40
118	non-tariff barriers, 39, 40
justiciability, 623	quantitative trade restrictions, 40
Justiciability, 023	marks of origin, 515
Kennedy Round of Negotiations, 84	Marrakesh Agreement Establishing the World Trade
Ki-moon, Ban, 19	Organization: see WTO Agreement
Korea	maximum retail sales prices (MRSPs), 501
	maximum retail sales prices (WKSFS), 501 mediation
anti-dumping measures, against, 703 merchandise, leading exporters, 10	
~ ·	dispute settlement, 187
WTO budget, contribution, 158 Koskenniemi, Martti, 68	Memoranda of Understanding (MOUs), 106 MERCOSUR, 116
Krugman, Paul, 27	MERCOSUR Agreement, 37, 672
Krugman, raui, 27	
Labour Markets Integration Agreements 602	MERCOSUR Exemption, 599 Mexico
Labour Markets Integration Agreements, 692 Lacarte Muró, Julio, 295	
Lacarte Muro, Juno, 295 Lamy, Pascal, 18, 24, 26, 66, 139, 511	anti-dumping measures, 702
•	average customs duties, 425
LDC services waiver, 338	dispute settlement system, 292
least-developed countries	WTO budget, contributions, 158
Accessions Programme, 121	MFN obligation
Advisory Centre on WTO Law (ACWL), 294	TRIPS Agreement, 1009–11
Decision on Measures in Favour of Least-Developed	MFN treatment obligation, 39, 306
Countries, 54	ad and non-ad valorem duties, 420
drug marketing rights, exemption, 1052	GATS
Enhanced Integrated Framework for Least-Developed	Article II
Countries (EIF), 113	nature, 325–7
Enhanced Integrated Framework for Trade-Related	treatment test, 327–38
Technical Assistance (EIF), 105	deviations, 338–9
medicines, access to, 1040	GATT 1994, 307
official development assistance (ODA), 112	Article I
rules of origin, 460	advantage accorded immediately and
special and differential treatment, 123–5	unconditionally, 319–21
WTO membership, 115	like products, 316–19
Leebron, David, 76	measure covered, 311–14
legal counsel, private	measure granting advantage, 314–15
Appellate Body, 259–60	nature of obligation, 307-11
Lex specialis, 61, 208, 495	Enabling Clause, 321
licensing and assignment, conditions, 1029	Enabling Clause, preferential tariff, 321–3
like products, 812	Enabling Clause, preferential tariff,
MFN treatment obligation, 316–19	additional, 323–5
national treatment obligation, 354-63,	summary, 339–40
381-90	Millennium Development Goals, 2
TBT Agreement, 901–3	Ministerial Conference, 130
linear reduction tariff negotiation, 429	previous sessions, 131
Lipton, David, 7	Ministerial Decision on Export Competition, 872
List, Friedrich, 26	Ministerial Decisions and Declarations, 54
Lord Jordan, 6	Ministerial Declaration on the Expansion in Trade in
lost sales, 825	Information Technology Products, 430



Ministerial Declaration on Trade in Information	summary, 412-14
Technology Products, 430	TRIPS Agreement, 1003-9
monopolies, non-tariff barriers, 539-40	natural resources, conservation, 573-8
Montreal Ministerial Mid-Term Review Conference, 86	Negotiating Group on Non-Agricultural Market Access
Moore, Mike, 152, 153, 157, 294	(NAMA), 431
most-favoured-nation (MFN) treatment obligation: see	Neufeld, Nora, 124
MFN treatment obligation	NGOs: see non-government organisations
Muhammad Yunus, 33	Nicaragua
Multifibre Arrangement (MFA), 490	trade embargo, imposition on, 621
multilateral dispute settlement, 188–9	Nigeria
multilateral environmental agreements (MEAs), 62	average customs duties, 425
WTO agreements, conflicts with, 66	balance-of-payments measures, 660
WTO law, prevailing over, 67	non-ad valorem import duties, 419
multilateral trade agreements, 37, 59	non-discrimination, 305
GATT 1944, conflicts with, 48	non-discrimination rules
GATT 1994, no conflict, 48	most-favoured-nation (MFN) treatment obligation, 3
multilateral trading system, 38	national treatment obligation, 39
dispute settlement system, 185	non-economic interests
M. I.M I.C. C	restricted trade, 28
Nairobi Ministerial Conference, 98	non-government organisations (NGOs)
Nairobi Ministerial Declaration, 99	advice, provision to WTO members, 138
national customs tariff, 420–2	private sector standards, 896
national emergencies, compulsory licensing, 1037-41 national law	WTO, cooperation with, 107–8 non-linear reduction tariff negotiations, 429
	non-product-related processes and production methods
WTO law, place in, 69–71 national security, 619–22	(NPR-PPMs), 318
restricted trade, 28	TBT Agreement, 887
national treasures, protection, 592	non-tariff barriers, 39, 40, 479
national treatment obligation, 39, 306, 341	customs facilities and procedures, 510–12
GATS	exchange controls, 516
Article XVII, 399–402	government procurement laws and practices, 512–14
Article XVII, commitment, 403–4	lack of transparency, 499–504
Article XVII, like services and service	market access barriers, services, 517–18
suppliers, 405–8	definition and types, 518–20
Article XVII, measures by members affecting trade	modification or withdrawal, 532-4
in services, 404–5	negotiations, 521-4
Article XVII, test, 402	rules, 520
Article XVII, treatment no less favourable, 408-12	marks of origin, 515
GATT 1994	national trade measures, unfair application, 504-10
Article III, 342-3	preshipment inspection, 514
Article III, directly competitive or substitutable	quantitative restrictions, 480
products, 365-6-373	customs duties, comparison, 488-9
Article III, dissimilar taxation, 373-4	definition, 480
Article III, domestic production protection, 374-6	developing countries, 498
Article III, government procurement and	distribution of trade rules, 493-6
subsidies, 347–50	import-licensing procedures, 496–8
Article III, in law/in fact discrimination, 345	non-discrimination rule, 493
Article III, internal regulation, 376–81	prohibition, general, 482-8
Article III, internal taxes, 366	rules, 482
Article III, internal versus border measures, 346–7	specific products, 489–91
Article III, like products, 381-90	types, 480–1
Article III, object and purpose, 344–5	voluntary export restraints (VERs), 491
Article III, test, internal taxation on like	services, 534 government procurement laws and practices, 537
products, 351–64 Article III, treatment no less favourable, 390–9	international transfers and payments, 540
Articles III, 1, 2 and 4, 350-1	lack of transparency, 534–5
4 H H C 1 C 3 H H H H A 4 H H H T 1 J J J J J J J J J J J J J J J J J J	14CK 01 HAIISDAICHCY, JJT-J



non-tariff barriers (cont.)	initiation, 272–3
licensing and qualification requirements, 536-7	mandate
monopolies, 539-40	experts, use of, 228-30
professional qualifications, not recognised, 538-9	judicial economy, 225-7
technical standards, 536-7	standard of review, 222-5
trade measures, unfair and arbitrary	terms of reference, 220
application, 535	ultra petita, 227
services schedules, 525	reports
contents and structure, 525-9	adoption or appeal, 277–8
interpretation, 529–31	required contents, 230-3
Uruguay Round commitments, 531	rules and procedure, 271-2
State trading enterprises, operation, 516	written submissions, 273-6
summary, 540-3	Panitchpakdi, Supachai, 106, 138
trade-related investment measures, 516	Paris Convention for the Protection of Industrial
traffic in transit, 515	Property (1967), 51, 229, 1002
non-violation complaint, 180	Paris Convention for the Protection of Industrial
non-successful, 181	Property of 1883, 1002
normal value, 705-9	Parliamentary Conference, 138
export price, comparison, 710-14	Parliamentary Consultative Assembly, 138
export price, margin calculation, 714-20	patents
North American Free Trade Agreement (NAFTA), 15, 37,	compulsory licensing, 1037-41
116, 672, 673	exclusive rights, 1035
Norway	other use, 1038
WTO budget, contributions, 158	protection
	applications, filing, 1035
Observer Governments	exclusive rights, 1034
WTO membership, 118	inventions, excluded, 1034
OECD Arrangement on Guidelines for Officially	requirements, 1033
Supported Export Credits, 62	Pauwelyn, Joost, 67
Office of Economic Cooperation and Development (OECD)	Permanent Group of Experts (PGE), 139, 246, 809, 865 plurilateral agreements, 53, 59
Participation of Developing Countries in Global Value	poverty, 2
Chains paper, 13	eradication, 32
Office of Internal Audit (OIA), 159	market spread, not eliminating, 33
Office of Internal Oversight (OIO), 159	precautionary principle, 967
Official Development Assistance (ODA), 112	relevance, 969
only to the extent necessary	safety valve, as, 968
SPS Agreement, 946	preferential trade agreements (PTAs), 672
Orderly marketing arrangements (OMAs), 632	preshipment inspection, 514
Organisation for Economic Co-operation and	price depression, 824
Development (OECD), 106	price suppression, 824
origin of goods, 457-61	price undercutting, 824
outsourcing, 13	price undertakings, 750
Oxfam	prima facie case
Rigged Rules and Double Standards	dispute settlement, 257
Trade, Globalization, and the Fight Against	private sector standards, 896
Poverty, 17, 23, 30	Procedures for the Circulation and De-restriction of
	WTO Documents, 110
Pakistan	process and production method (ppm), 318
average customs duties, 425	product characteristics
trade policy review, 104	TBT Agreement, 889
Panel on Defining the Future of Trade, 139	product requirements in terms of performance
panels	TBT Agreement, 926
composition, 217-20	product-by-product approach tariff negotiations, 428
deliberations and interim review, 276-7	products, prison labour, 592
establishment, 212–17	prohibited subsidies specificity, 795



protectionism, 29	restrictions on trade: see restricted trade
Protocol of Provisional Application of the General	retaliation
Agreement on Tariffs and Trade (PPA), 83	dispute settlement
protocols of accession, 53	failure to implement recommendations,
public body, definition, 783-7	289-91
public choice theory, 26	suspension of obligations, 204-7
public morals, protection, 578-89, 608-12	revenue generation
publicists, teachings of, 64	restricted trade, 28
Punta del Este Ministerial Declaration, 85	Ricardo, David, 20
,	risk assessment, 955
quad trading group, 117	SPS Agreement, 961
qualifications, foreign, 538–9	definition, 955, 956
quantitative trade restrictions, 40	factors to be considered, 959–60
quantitudité danc résurctions, 10	requirements, 957
Real Good Friends of Services (RGF), 101	types, 957
reciprocal obligations, 67	types, differences, 957
regional specificity, 795	not more trade-restrictive than required, 964–7
regional trade agreements (RTAs), 671	protection, appropriate level, 961–4
proliferation, 673–9	* * *
•	Rodrik, Dani, 6
regional trade exceptions	Rogoff, Kenneth, 15
Article XXIV	Rome Convention for the Protection of Performers,
developing countries, special and differential	Producers of Phonograms and Broadcasting
treatment, 687-8	Organizations (1961), 51
interim agreements, 687	Ruggiero, Renato, 86, 294
Article XXIV, free trade areas	Rules of Conduct for the Understanding on Rules and
definition, 686	Procedures Governing the Settlement of
inconsistency, justification, 686	Disputes, 219
free-trade areas, 685	Russia
GATS, economic integration agreements, 688-9	accession negotiations, 120
developing countries, 692	export duties, imposition, 473
Labour Markets Integration Agreements, 692	MFN status, granting, 128
level of barriers to trade, 691	
substantial sectoral coverage, 689	Samuelson, Paul, 21
substantially all discrimination, 690-1	Saudi Arabia
GATT 1994, Article XXIV	import bans, 589
chapeau, 679–80	WTO budget, contributions, 158
GATT 1994, customs unions, 680	Schedules of Concessions
definition, 681-4	EU Goods Schedule, 436-40
inconsistency, justification for, 684-5	interpretation, 440-2
institutional and procedural matters, 692-4	scientific experts
summary, 694–5	SPS Agreement, dispute settlement, 986-7
relative reciprocity, 427	SCM Agreement, 775
rental rights, 1016	actionable
reparation	multilateral remedies, 844-5
dispute settlement, 207	agricultural subsidies, 868
Resolution 70/1, 1.1	causing injury, 812
international trade, role of, 3	causation, 817
restricted trade	domestic injury, 813–17
arguments for	like product, 812
domestic industries, protection, 25	nullification or impairment, 818
infant industry protection, 26	countervailing duties, 846–7
national security, 28	conditions fulfilled, 847
non-economic interests, protection and	duration, termination and review, 861–4
promotion, 28	imposition and collection, 857–61
revenue, raising, 28	initiation, 847–9
self-sufficiency, 28	countervailing investigations, 849–54
strategic trade policy 27	indicial review 855



SCM Agreement (cont.)	Secretariat of the Convention on Biological
public notice, 854	Diversity, 229
voluntary undertakings, 856	Secretariat of the International Plant Protection
definitions, 773-4	Convention (IPPC), 952
developing countries, special and differential	sectoral tariff negotiations, 430
treatment, 866-7	security exceptions
disciplines imposed on use, 773	GATS, Article XIV, 623
dispute settlement, 866	GATT 1994, Article XXI, 618-19
financial contribution, 776	international peace and security, 622
financial contributions	national security, 619-22
benefit, conferring, 787-94	security exemptions
government, 783–7	summary, 628
government purchases, 779–82	self-sufficiency
income and price support, 783	restricted trade, 28
institutional provisions, 864	separate customs territories
subsidies committee, 865-6	WTO membership, 114
transparency and notification requirements, 864	serious injury, domestic production, 639–43
no preamble or explicit purpose, 772	services
non-actionable, 846	definition, 49
payments funding mechanism, 782	services schedules, 525
prohibitions, 802	contents and structure, 525–9
export subsidies, 802–7	interpretation, 529–31
import substitution, 1601	Uruguay Round commitments, 531-2
multilateral remedies, 808–11	Services Sectoral Classification List, 526
serious prejudice, 818–19	Shark, David, 143
causation and non-attribution, 828–37	Singapore
import displacement, 823	commercial services, leading importers, 10
price undercutting, 824–5	WTO budget, contributions, 158
relevant geographic and product market, 819–23	Singapore Ministerial Conference, 511
temporal scope, 837	situation complaint, 180
threat, 828	never adjudicated, 181
world market share, increase, 827	Smith, Adam, 19
specificity, 794–802	South Africa
SCM Agreements	WTO budget, contributions, 158
countervailing duties, 773	Southern African Development Community (SADC), 673
countervailing investigations, 847	Southern Common Market: see MERCOSUR
direct transfer of funds, 776-7	special safeguard mechanism (SSM), 95, 657
government revenue, 778–9	specialised councils, 134
SDGs: see Sustainable Development Goals	specific trade concerns, 930
Seattle Ministerial Conference, 107, 153	SPS Agreement, 47
Second Protocol to the General Agreement on Trade in	application, 937
Services, 59	entities covered, 941–2
Secondment Programme for Trade Lawyers, 294	measures, 937–41
Secretariat	temporal scope, 942
	dispute settlement, 985
developing countries, apprehensions, 143 Director-General, 140, 143	scientific experts, 986–7
	standard of review, 987-9
divisional structure, 144	harmonisation, goal of, 951-5
duties, 142 honest broker role, 142	other agreements, relationship with, 943
,	0 , 1 ,
internship programme, 144	GATT 1994, 944
location, 140	TBT Agreement, 943
nationalities represented, 144	precautionary principle, 967–73
officials, independent and impartial, 143	provisional measures, 967–73
panels	risk assessment
assistance, giving, 219	definition, 955, 956
nominations, 218	factors to be considered, 959–60
qualified persons, 218	requirements, 957



types, 957	public notice, 854
types, differences, 957	voluntary undertakings, 856
risk management	countervailing measures
not more trade-restrictive than required, 964-7	provisional, imposition, 856
protection, appropriate level, 961-4	current use, 774-5
SPS Committee, 983-5	definition, 773-4
substantive provisions, 944	developing countries, special and preferential
developing countries, special treatment, 980-3	treatment, 866-7
equivalence, recognition of, 973	disciplines imposed on use, 773
no arbitrary or unjustifiable discrimination, 946-50	dispute settlement, 866
only to the extent necessary, 946	financial considerations
regional conditions, adaptation to, 974-6	government purchases, 779-82
right to take, 945	income and price support, 783
transparency and notification, 978-80	payments to funding mechanism, 782
substantive provisions	financial contributions, 776
control, inspection and approval procedures, 976-8	benefit, conferring, 787-94
scientific basis, 946-50	direct transfer of funds, 776-7
summary, 990-1	government, 783-7
TBT Agreement, relationship with, 897	government revenue, 778-9
technical assistance, 989-90	non-actionable, 846
SPS Committee, 91	prohibited, 802
standard, definition, 886	export subsidies, 802-7
Standardization Administration of the People's Republic	import substitution, 1601
of China, 886	multilateral remedies, 808-11
Standards and Trade Development Facility (STDF), 990	rules, 770
standstill bindings, 531	SCM Agreement: see SCM Agreement
State trading enterprises, 516	sensitive matter, 770
Statute of the International Court of Justice, 64	serious prejudice, 818-19
Stephenson, Don, 431	causation and non-attribution, 828-37
Stiglitz, Joseph, 4, 17, 26	effect over time, 839
strategic trade policy	effects, collective analysis, 840-2
restricted trade, 27	import displacement, 823
Stuart Mill, John, 26	information to panel, 843
subsequent agreements, 59	pass-through, 838
subsequent practice	price undercutting, 824-5
definition, 64	relevant geographic and product market, 819-23
subsidiaries	significant, meaning, 825
causing injury, 812	threat, 828
subsidies, 41	world market share, increase, 827
actionable	specificity, 794-802
multilateral remedies, 844-5	Subsidies Committee, 865–6
agricultural: see agricultural subsidies	summary, 877-81
application of either duty or countermeasure	sunset review, 756
possible, 864	Sustainable Development Goals, 2
causing injury	Sutherland Report, 88, 137, 141, 143, 152, 253, 308,
causation, 817	545
domestic industry, 813-17	Sutherland, Peter, 32, 34
like product, 812	Switzerland
nullification or impairment, 818	WTO, privileges and immunities granted to, 157
countervailing duties, 773, 846-7	Sykes, Alan, 28
conditions fulfilled, 847	
duration, termination and review, 861-4	tariff barriers: see export duties; import duties
imposition and collection, 857-61	tariff binding, 436
countervailing investigations, 847	Schedule of Concessions
conduct, 849-54	interpretation, 440-2
initiation, 847-9	Schedules of Concessions
judicial review, 855	EU Goods Schedule, 436-40



tariff concessions	technology
protection, 442	economic globalisation, impact on, 5
Article II, First Sentence, 442–6	Textile Monitoring Body (TMB), 139
duties, difference between, 446	Thailand
withdrawal or modification, 447–50	dispute settlement system, 292
tariff escalation, 425	tariff bindings, 436
tariff quota, 480	threat of serious injury, domestic industry, 642
tariffication process, 490	Tokyo Round of Negotiations, 85
taxed in excess	Torquay Round of Negotiations, 84
national treatment obligation, 363-4	TPRB: see General Council
TBT	Trade Agreement between the United States and
omnipresent, 884	Israel, 37
societal needs, fulfilling, 885	trade barriers, 5
summary, 932–4	Trade Dialogues event, 139
TBT Agreement, 47, 884	Trade Facilitation Agreement (TFA), 92, 124
application, temporal scope, 896	trade in services
entities covered, 895-6	definition, 49
GATT 1994, relationship with, 898	Trade in Services Agreement (TiSA), 60, 101, 524
institutional provisions, 929	trade in value-added: see global value chains (GVCs)
dispute settlement, 931	Trade in Value-Added (TiVA) database, 13
TBT Committee, 930–1	Trade Negotiations Committee
technical assistance, 932	report, Chair of the Negotiating Group on Rules, 699
international standards, based on, 921–2	Trade Negotiations Committee (TNC), 136
ineffective or inappropriate means, 924–5	Trade Policy Review Body (TPRB)
relevance, 1833	basis of reviews, 103
used as a basis, 924	international trading environment, annual
measures, application, 885–95	overview, 104
national treatment/MFN obligations, 899–900	Trade Policy Review Mechanism (TPRM), 44, 52, 102-4
like products, 901–3	trademarks
technical regulation, 901	constituting, 1021
treatment no less favourable, 903-9	definition, 1021
obstacles, not created, 912–13	distinctiveness, requirement, 1021
legitimate objective, fulfilling, 914–16	exceptions, 1026
not more trade-restrictive than necessary, 916–21	exclusive rights, 1024
technical regulation, 913	limited exceptions, 1026
trade-restrictive, 913	non-commercial use, 1024
SPS Agreement and Agreement on Government	protection, unlimited period, 1028
Procurement, relationship with, 897	registration
SPS Agreement, relationship with, 943	denial, 1022
substantive provisions, 925	publication after, 1023
developing countries, special treatment, 928-9	use, condition, 1023
equivalence and mutual recognition, 926	unjustifiable encumbrances, prohibited, 1029
product requirements, terms of performance, 926	well-known, 1026
transparency and notification, 926-8	trade-related investment measures, 516
technical assistance	trade-restrictive
SPS Agreement, 989–90	SPS Agreement, 964–7
TBT Agreement, 932	TBT Agreement, 913, 916–21
technical barriers to trade (TBT): see TBT	traffic in transit, 515
technical barriers to trade (TBT) Agreement: see TBT Agreement	transaction value, imported goods, 454 Transatlantic Trade and Investment Partnership
technical committees, 59	(TTIP), 674
Technical Expert Groups, 246	transfers and payments for services, non-tariff
technical regulation	barriers, 540
TBT Agreement, 885, 887, 890, 901, 913	Trans-Pacific Partnership (TPP) Agreement, 674
technological assistance and transfer	Transparency Mechanism for Regional Trade
TRIPS Agreement, 1053	Agreements, 676, 693



treatment no less favourable	Understanding on Article XXIV of the GATT 1994,
national treatment obligation, 390-9, 408-12	676
TBT Agreement, 903-9	Understanding on Balance of Payments Provisions of
Treaty Establishing the Common Market for Eastern and	the GATT 1994, 659
Southern Africa (COMESA), 688	Understanding on Rules and Procedures for the
Treaty Establishing the Common Market of the South	Settlement of Disputes (DSU), 44
(MERCOSUR), 688	Understanding on the Interpretation of Article II:1(b) of
Treaty on Intellectual Property in Respect of Integrated	the General Agreement on Tariffs and Trade
Circuits of 1989 (IPIC Treaty), 1002	1994, 46
treaty-consistent interpretation doctrine, 71	Understanding on the Interpretation of Article XXIV of
TRIMS Agreement, 47	the GATT 1994, 70
TRIPS Agreement, 50, 1054	Understanding on the Interpretation of Article XXIV of
application	the General Agreement on Tariffs and Trade
substantive scope, 998–1000	1994, 46
temporal, 1000-1	unfair trade, 697
•	•
areas covered, 51	unfair trade rules
developed countries, technology assistance and	dumping, 41
transfer, 1053	subsidies, 41
developing countries, 1051	United Nations
dispute settlement, 1049–51	Agenda for Sustainable Development, 461
enforcement procedures and remedies, 51	Central Product Classification (CPC), 526
general provisions and principles, 1001	WTO, close working relationship with, 157
MFN obligations, 1009-11	United Nations Chief Executives Board (CEB), 106
national treatment obligation, 1003-9	United Nations Conference on Trade and Development
WIPO Conventions, relationship with, 1002	(UNCTAD), 105
intellectual property rights	World Investment Report 2016, 11
acquisition and maintenance, 1047	United Nations Convention on the Law of the Sea, the
civil procedures and remedies, 1044-6	Convention on Biological Diversity, 62
copyright, 1013-20	United Nations Economic and Social Council, 82
criminal procedures, 1047	United Nations High-Level Task Force (HLTF), Global
exhaustion, 1012	Food Security Crisis, 106
general obligations, 1043-4	United States
geographical indications, 1029–33	anti-dumping measures, 702
patents, 1033-42	anti-dumping measures, against, 703
provisional and border measures, 1046	average customs duties, 425
trademarks, 1021–9	commercial services, leading importers, 10
objectives and principles, 996–8	compensatory adjustment, 534
origin of, 995	countervailing measures, use, 774
summary, 1054–6	G-5 membership, 117
	GATT violations, unilateral action, 188
transitional periods, 1051–2	
transparency, 1049	merchandise, leading exporters/importers, 10
TRIPS Council, 1048	precautionary principle, 967
TRIPS Council, 134, 1032, 1040	Real Good Friends of Services, 101
Trump, Donald, 15	safeguard measures, 633
trust funds, 158	sectoral tariff negotiations, 430
Tumlir, Jan, 73	services schedules, 530
Turkey	TPRM review, 103
anti-dumping measures, 702	trade embargo, Nicaragua, 621
safeguard measures, 633	Trade in Services Agreement (TiSA), 524
	treaty-consistent interpretation, 71
Ukraine	World Trade Organization, opposition and support
anti-dumping measures, against, 703	to, 87
balance-of-payments measures, 660	WTO budget, contributions, 158
tariff bindings, 449	WTO law, impact on, 76
tariff surcharges, 660	United States-Colombia Trade Promotion Agreement,
UN: see United Nations	672



Uruguay Round agricultural subsidies, central issue, 867 customs duties, reductions, 429	World Trade Organization: <i>see</i> WTO World Trade Symposium, 2016, 19 World Wildlife Fund, 157
Decision on Trade in Services and the	WTO
Environment, 615	audits, external, 159
GATT 1947 references incorporated into GATT	budget, 157-9
1994, 45	criticisms of, 81
Harmonized System nomenclature, 441	Decision on Notification Procedures for Quantitativ
market access commitments, 531–2	Restrictions, 480
negotiations, 85	decision-making process, 145-6
plurilateral agreements, 53	in practice, 151–2
Quad trading group, 117	participation in, 152–6
rules of origin, need for, 475 Schedules of Concessions, 474	special procedures, 148–51 standard procedure, 146–8
suspension, 86	dispute settlement: see dispute settlement
÷	
tariff concessions, process of verification, 441 tariff negotiations, developed and developing	economic emergency exceptions: see economic emergency exceptions
countries, 427	functions
countries, 127	developing countries, technical assistance,
Vienna Convention on the Law of Treaties, 59, 63, 69,	110–13
896	dispute settlement, 102
Art 31, 193-7	implementation of agreements, 91
Art 32, 197	organisations, cooperation with, 105–10
violation complaint, 181	primary, 90
voluntary export restraints (VERs), 491, 632	Trade Policy Review Mechanism,
voluntary restraint arrangements (VRAs), 632	administration, 102–4
voluntary undertakings, 856	trade rules, negotiations, 91–101
g-,	institutional structure, 128
waivers and opt-outs	committees, 135
WTO membership, 125–8	executive body, lacking, 137-9
Washington Treaty on Intellectual Property in Respect of	General Council, 132–4
Integrated Circuits (1989), 51	judicial, quasi-judicial and non-political
Winzap, Remigi, 434	bodies, 139
withdrawal	Ministerial Conference, 130
dispute settlement, 199-204	Secretariat, 140-4
Wolfensohn, James, 30	specialised councils, 134
international trade, agenda for all	Trade Negotiations Committee (TNC), 136
barriers, further reduction, 31	working parties, 135
development aid, increase, 31	legal status, 156
governance, national level, 30	membership
internal cooperation, 31	accession process, 118-22
Working Party on Professional Services, 136	current, 114-18
Working Procedures for Appellate Review, 278	obligations, waivers and opt-outs, 125
World Bank, 990	special and differential treatment, 123-5
World Customs Organization (WCO), 106, 422, 451	suspension or expulsion, 128
Harmonized System Committee, 453	universal organisation, 113
World Economic Forum	withdrawal, 128
Global Risks 2014 report, 2	objectives, 88–90
World Health Organization (WHO), 990	Public Forum, 109
World Intellectual Property Organization (WIPO), 105	Services Sectoral Classification List, 526
TRIPS Agreement, relationship with, 1002	summary, 159–62
world market share, increase, 827	Tariff Analysis Online, 422
world merchandise exports, 7	Tariff Download Facility, 422
World Organisation for Animal Health (OIE), 952, 990	Trade Dialogues event, 110
Terrestrial Code, 953	trust funds, 158
World Trade Court: see Appellate Body	UN, close working relationship with, 157



1077 Index

WTO Agreement Annexes, 44 Agreement of Trade Facilitation, 48 Agreement on Agriculture, 47 Agreement on Government Procurement, 53 Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, 47 Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade Agreement on Import Licensing Procedures, 47 Agreement on Preshipment Inspection, 47 Agreement on Rules of Origin, 47 Agreement on Safeguards, 47 Agreement on Subsidies and Countervailing Measures, 47 Agreement on Technical Barriers to Trade, 47 Agreement on Textiles and Clothing, 47 Agreement on the Application of Sanitary and Phytosanity Measures, 47 Agreement on Trade in Civil Aircraft, 53 Agreement on Trade-Related Investment Measures, 47 Trade Policy Review Mechanism, 52

international agreements, conflicts with, 66–8 Ministerial Decisions and Declarations. 54

negotiating history, 64 not only source of law, 54 protocols of accession, 53 structure, 43 WTO Agreement on Agriculture, 425 WTO law direct effect, 72 dumping: see dumping economic emergency exceptions: see economic emergency exceptions India, impact on domestic law, 77 international law, integral part, 65-6 national law, place in, 69-71 national legal order, role in, 71-7 reconciling liberalisation, access and nondiscrimination with other societal values, 545 regional trade exceptions: see regional trade exceptions United States, impact on domestic law, 76 WTO rules general exceptions: see General exceptions security exceptions: see Security exceptions Yi Xiaozhun, 143

tariff bindings, 436

7imbahwe