

Subject Index

A

Accountability

- actor behaviour, 785–786
- assessment, 780
- crisis monitoring mechanism, 789
- criteria and process, 789
- description, 778, 785
- G20 promise, 789
- GTA, 794–795
- mechanisms, 784–785
- public governance, 785
- state officials, 781
- TPRM, 788
- vertical and horizontal accountability, 786–787
- WTO and GTA crisis monitoring exercises, 787, 798
- WTO approach, 779

ADA. *See* *Anti-dumping agreement (ADA)*

AfT. *See* *Aid for Trade (AfT)*

Agreement on Subsidies and

Countervailing Measures (SCM Agreement)

- Article 1.1 (a), 968
- definition, 964
- U.S.–*Anti-Dumping and Countervailing Duties*, 964–965
- WTO Anti-Dumping Agreement, 962

Aid for Trade (AfT)

- adjustment to trade, 338–339
- categories, 334

core areas, 333–334

country, income groups and categories, 337

DCs, 328

development, 338

donors and recipients, 335–336

factors, 332

funds, 330

infrastructure and customs administration, 330–331

liberalization, 327–328

liberalization and adjustment, 348–358

MFN, 329–330

policies and regulations, 336–337

political economy, 329

reforms, 328–329

sector-allocable shares of ODA, 334–335

stakeholders, 339–348

‘strategic liberalization’, 331

Anatomy of enabling clause-based RTAs, Asia

features, 1248–1250

GATT Article XXIV, 1245, 1246

intraregional and cross-regional, 1245–1246

non-Asian, 1245

signed by developing countries, 1246–1248

worldwide share, 1245

Anti-dumping agreement (ADA)

Article 17.6, 988–989

- US (*see US-definitive anti-dumping and countervailing duties, China products*)
 - Appellate Body (AB) ruling for US-DOC
 - Awkward outcomes, 1012–1013
 - encouragement, opacity, 1013–1014
 - objectives, SCMA, 1009
 - odds with internal logic of SCMA, 1009
 - onerous test, 1010–1012
 - overreaction, 1014
 - practical implications, 1013
 - Applicability of GATT Article XX in *China-raw materials*
 - analysis, 1402
 - compliance, 1400
 - defined, 1402
 - DSB establishment, WTO, 1399–1400
 - environment (*see* Environmental defences, GATT Article XX)
 - restrictions, exportation, 1400
 - WTO-plus commitments (*see* China's WTO-plus commitments, export duties)
 - WTO-plus obligations, 1400–1041
 - Applicable WTO jurisprudence, environmental PPMs measures
 - design, 1116–1120
 - extraterritorial jurisdiction, 1122–1125
 - GATT Articles III and XI, 1113
 - good-faith principle, 1120–1021
 - interpretation, 1136
 - jurisprudential review, 1111
 - legal standards, 1111
 - likeness test, 1114–1116
 - restrictions, 1125–1127
 - sanitary and phytosanitary measures, 1111–1112
 - TBT Article 2, 1120
 - technical regulations and standards, TBT agreement, 1113
 - US–Malt Beverages and China–Publications*, 1113–1114
 - US–Tuna III* case, 1111
 - Article XX justifications, trade and climate change regimes
 - chapeau, 514–516
 - China-raw materials, 517
 - features, 508–511
 - GATT 1994, 507
 - imputing motives, 507
 - operation, 512
 - public policy objectives, 512–514
 - 'As such' cases, WTO
 - adjudicative practice, 879–880
 - Appellate Body, *US-1916 Act*, 883–884
 - challenges to legislations, 884
 - deference tool, 884–886
 - description, 881
 - EEC-Parts and Components and Thailand-Cigarettes*, 882–883
 - GATT, 881
 - mandatory/discretionary distinction (*see* Mandatory/discretionary distinction)
 - presumption of good faith (*see* Presumption of good faith, WTO)
 - supranational/international tribunals, 880
 - US-Superfund* case, 882
- B**
- Balance of payments
 - Chinese government, 448
 - financial crisis, 450
 - Member States, 449
 - net flows in Billion USD, 448–449
 - Balancing Act, Bananas Saga
 - Africa, Caribbean and Pacific (ACP) EN board, 22
 - description, 18–19
 - early 2009, 19–20
 - multilateral agreement, 20–21
 - products and preference erosion, 21–22
 - US, 22–24
 - Bananas Saga trade war
 - Balancing Act (*see* Balancing Act, Bananas Saga)
 - breakdown of negotiations, 2008, 16–18

- dispute settlement, 5–7
- Geneva agreement on trade, 30–32
- good offices, 12–16
- origins (*see* Origins of problem, Bananas Saga)
- peace dividends (*see* Peace dividends, Bananas Saga)
- tariff-only system, 7–11
- trade conflict, 2
- WTO and GATB, 1
- WTO process (*see* World Trade Organization (WTO), Bananas Saga)
- Basel Committee on Banking Supervision (BCBS)
 - EU reforms, prudential regulation, 1328–1329
 - new Basel III framework, 1326
- Basic fact, ‘as such’ cases
 - discretion of interpretation, 902–903
 - explicit stipulation, 900–901
 - legislations, 902
 - member’s regulatory schemes, 901–902
 - open-ended/ambiguous rule, 903
 - taxonomy of discretion, 899–900
- Battle over tariffs, Pakistan
 - Asian development and World bank, 34
 - direct financial aid, 54
 - economic rationale, 55
 - EU’s GSP scheme (*see* EU’s generalized system of preferences (GSP) scheme)
 - flood recovery, EU’s aid and policy, 36
 - humanitarian proposal, 34
 - import shares, 56
 - objections, India, 34–36
 - political economy (*see* Political economy preferences, Pakistan)
 - trade (*see* EU–Pakistan trade)
 - unilateral and autonomous trade preferences, GSP scheme, 33
 - waiver on tariff preferences, WTO, 56
 - WTO and GATT, 33–34
- Bilateral and regional trade agreements (BRTAs), 84, 89
- Bilateral investment treaties (BITs), 227–228
- BITs. *See* *Bilateral investment treaties (BITs)*
- BRTAs. *See* *Bilateral and regional trade agreements (BRTAs)*
- C**
- Capital Requirements Directive (CRD) IV, 1329–1330
- Capital transactions
 - banking services, 772–773
 - characterization, 744
 - controls, 746
 - definition, 739
 - exchange restrictions, 738–739, 765
 - flows and mode 1 and 3, 765–769
 - flows and mode 2 and 4, 770–771
 - GATS, 764–765
 - IMF and GATS obligations, 744
 - IMF Articles of Agreement, 739–740, 763–764
 - limitations, 771–772
 - loan provided by US Bank, 745
 - payments, 740–741, 747
 - savings account provided by US Bank, 743
 - US credit institution, 741–742
 - WTO jurisdiction, 762–763
- Carbon adjustments in the EU
 - agglomeration economies, 260
 - cap-and-trade scheme, 258
 - carbon leakage, 262–263
 - caveats, 272–273
 - cost component, 253–254
 - data sources and methodology, 264–266
 - description, 249–250
 - ‘emerging economies’, 251–252
 - European Commission’s assessment, 262
 - existing cost advantages, 259
 - export destinations, 276

- fixed plant costs, 259
- 'full EU list', 266
- greenhouse gas emissions, 255
- HS 6-Digit Items, 280–283
- improving data availability, 275
- India's exports, 267
- India's exposure to the EU markets, 270–272
- modelling assumptions, 263
- NACE-4 level, 256–257
- production costs, 258–259
- profit margins, 259–260
- quantitative methodology, 257–258
- reducing carbon emissions, 275–276
- safeguard provisions, 277
- spare international production capacity, 260
- thresholds, 261
- transportation costs, 260
- 'truncated EU list', 267–268
- CERs. *See Certified emissions reductions (CERs)*
- Certified emissions reductions (CERs), 535
- China raising legalism, WTO litigation
 - adopting multilateral system, 1291
 - anti-dumping/countervailing duty measures, US, 1290–1291
 - assertive legalism, 1288
 - attitude, 1288
 - behaviour, dispute initiation, 1289
 - DSM, 1290
 - global trade relations, 1291
 - legal proceeding, 1289
 - offensive position, 1288
 - US, 1291–1292
- China's litigation and complementary interpretation
 - accession protocol and GATT 1994, 1300
 - accession protocol and working party reports, 1294–1295
 - anti-dumping investigations, 1295–1296
 - bilateral activities, 1296
 - disputes, 2006, 1292–1293
 - EC-fasteners*, 1294
 - EU-footwear*, 1294, 1297
 - international rules, 1299
 - lack of positive support, 1299
 - measures, anti-dumping, 1297–1298
 - offensive party, 1300
 - official appraisal, 1301
 - official statements, 1296–1297
 - political considerations, 1300–1301
 - raw materials, GATT Article XX, 1298
 - remedy, 1300
 - US-anti-dumping and countervailing duties*, 1293
 - US-poultry*, 1294
 - US-Tyres*, 1294, 1300
 - WTO-minus obligations and discriminatory treatments, 1295, 1298
- China's recent activism on WTO litigation
 - balanced attitude improvement, win-lose, 1302–1304
 - as complainant, 1283, 1307
 - complementary interpretation (*see* China's litigation and complementary interpretation)
 - cross-border trade, 1306
 - as defendant, 1283, 1307–1308
 - development of participation, 2001–2012, 1283–1284
 - diversification, 1305–1306
 - economic reform and opening up process, 1281
 - government's capacity and competence, 1306
 - industries, 1282
 - initiatives, 1283
 - international trade disputes, 1282
 - legal debates and conflicts, WTO commitments, 1306
 - negotiations, Doha Development Agenda (DDA), 1283
 - performance, 1307
 - procedures, 1287–1288

- rising legalism (*see* China raising legalism, WTO litigation)
- as third party, 1284–1286
- unilateralism, 1282
- utilization multilateral litigation in conjunction, 1304–1305
- China's uncharted free trade agreements (FTA) strategy
 - accession, WTO members, 1199–1200
 - agriculture, 1200
 - Chinese communist party (CCP), 1197
 - common intentions, 1205
 - decision-making, 1198–1199
 - description, 1191–1192
 - design and limitation, 1205
 - early 2007, 1192
 - economic and trade complementarities, 1204
 - exception, 1203
 - Foreign Trade Law (FTL), 1196
 - gradual political decentralization and rapid economic growth, 1198
 - implementation, 1205–1206
 - labour-intensive/resource-intensive products, 1200
 - legislature, 1198
 - market and non-market economy, 1203
 - measures, 1204
 - Ministry of Commerce (MOFCOM), 1196–1197
 - negotiation, ASEAN, 1191, 1200–1201
 - partners selection, 1201–1202
 - perspectives, 1192
 - policy-making mechanism (*see* Trade policy-making mechanism, China)
 - political and economic integration, 1199
 - relevant ministries, MOFCOM, 1197–1198
 - State Council, 1197
 - world's factory, 1200
 - world's trade pattern, 1192
- China's WTO-plus commitments, export duties
 - accession protocol, 1403–1405
 - non-availability of GATT Article XX, 1405–1407
- Commitments on market access and national treatment, GATS
 - business and professional services limitation, mode 1, 1378
 - classification system, service sectors, 1374–1375
 - cross-border supply services, 1379
 - development, offshore industry, 1378–1379
 - DSB, 1375–1376
 - early years, 1375
 - growth of offshore industry, 1378–1379
 - liberalization and tariff concessions, 1380
 - offshore service suppliers limitation, mode 3 and 4, 1378
 - transaction, mode 1 and mode 2, 1376–1377
 - uncertainties, 1377
 - WPEC, 1375
- Committee on Regional Trade Agreement (CRTA)
 - NAFTA, 325
 - WTO, 324–325
- Committee on regional trade agreement (CRTA), 1240
- Committee on trade and development (CTD), 1240
- Common commercial policy (CCP)
 - establishment, 302
 - provisions, 304–305
- Commonwealth of Independent States (CIS)
 - CU members, 465
 - economic and political integration, 463–464
 - treaty, 462
- Comparison of WTO and GTA
 - impact assessments, 806–807

- interpretations, 805–806
 - joint reports, 808
 - number of measures, 802–805
 - Competition policy
 - early activity, 698–699
 - minimal achievement, 704–705
 - OECD, 700–702
 - substance and enforcement, 699–700
 - WTO, 702–703
 - Conformity of preferential rules origin,
 - international law
 - Article XXIV, GATT, 1352–1355
 - Kyoto Convention, 1351–1352
 - restriction, Enabling Clause, 1355–1356
 - WTO agreement, 1352
 - Controversial, TDIs
 - abuse, especially, times of crisis, 66–70
 - competition rules, 63
 - liberalization, 63
 - market regulation, 63
 - markets, 62
 - remedy, trade distortions, 64–66
 - tools, 62–63
 - Council voting on anti-dumping
 - decision-making process, 199–200
 - description, 189–190
 - information (*see* Voting information)
 - petition, 206–207
 - Countervailing duties (CVDs), 532
 - Crisis monitoring mechanism
 - criteria and process, accountability, 789
 - economic models,
 - 792–793
 - factors, 788–789
 - G20 promise, 789
 - measures, WTO monitoring reports,
 - 790–791
 - restrictive measures, 791–792
 - secretariat narrative, 790
 - secretariat process of ‘verification’,
 - 789–790
 - stimulus packages, 793–794
 - TPRM, 787–788
 - Crisis of World Trade Organization (WTO)
 - description, 979–980
 - dispute settlement, 985–986
 - Doha Development Agenda (DDA), 980
 - functions, 980
 - monitoring and surveillance of
 - implementation, 983–985
 - multilateral trade negotiations, 980–983
 - CRTA. *See* Committee on regional trade agreement (CRTA)
 - CTD. *See* Committee on trade and development (CTD)
 - Current transactions
 - Article XI GATS, 751–757
 - IMF Article VIII, Sections 2 and 3,
 - 748–751
 - modes of supply, 757–762
 - CVDs. *See* Countervailing duties (CVDs)
- D**
- DCs. *See* Developing countries (DCs)
 - DDA. *See* Doha Development Agenda (DDA)
 - December 2008 modalities, NAMA
 - ambition, 871–873
 - average reductions, simulations,
 - 864–866
 - consolidated tariff schedule (CTS) files,
 - 864
 - description, 852
 - erosion of non-reciprocal preferences,
 - 859–860
 - extended flexibilities for the FADC’S,
 - 858–859
 - histograms, 866–868
 - LBC’S, 856
 - LDC’S, 857
 - non-tariff barriers (NTBs), 860
 - RAM’S, 857–858
 - sectorals, 864–865
 - simulation, 863
 - SVE’S, 856–857
 - Swiss formula, 852–853
 - tariff-reduction methodologies, 860–863

- Developing countries (DCs)
 - AfT, 329
 - economic development and poverty reduction, 331
 - economic reform, 327
 - physical capacities, 338
 - trade liberalization, 328
 - trade policy, 329
- Disputable interpretation of 'public body', US
 - Article 1, SCMA, 1001–1003
 - coherence and logic, 1003–1005
 - illogical insistence, governmental authority, 1007–1008
 - 'vested with and exercises' *vs.* 'exercises/vested with', 1005–1006
- Dispute settlement body (DSB)
 - complaints, trade policy formation, 1263
 - market access and national treatment, GATS, 1375–1376
 - WTO dispute behaviour, 1276–1277
- Dispute settlement understanding (DSU)
 - Article 11, 989, 990
 - Article 17.6, 990
 - Article 3.2, DSU, 986–988
- Division of labour
 - aircraft industry, 445
 - China and Europe, 446–447
 - China exports, 442–443
 - Chinese exports, 443–444
 - complementarity index, 443
 - European exports, 443
 - pharmaceutical business, 445–446
 - services exports, 447
- Doha Development Agenda (DDA), 652–653
 - implications, WTO-WCO relationship, 822
 - negotiations, 821–822
 - WTO trade facilitation negotiation proposals, 823
- DSB. *See Dispute settlement body (DSB)*
- DSU. *See Dispute settlement understanding (DSU)*
- E**
- E-commerce
 - description, 545–546
 - eBay, 546–547
 - FTAs, 548
 - trade policy (*see* Trade policy)
 - US, 547–548
- Economic agreement 2001, EMU in GCC
 - establishment table, 146–147
 - executive functions, 145
 - implementation, resolution and recommendations, 144–145
 - MUA, 147–148
 - objectives, 146
 - regional cooperation, 143
 - requirements, Art. 4, 143–144
 - Statute of Monetary Council, 148–149
- Economic and Monetary Union (EMU), GCC
 - creation, 143
 - criticisms, 150–152
 - description, 143
 - economic agreement 2001 (*see* Economic agreement 2001, EMU in GCC)
 - single currency, 149–150
- Economic considerations and consumer welfare
 - concept of exhaustion, 676
 - contractual restrictions, 679
 - empirical evidence, 684–688
 - international exhaustion, 677–678
 - IPRs, 676
 - national exhaustion, 679–682
 - regional exhaustion, 682–684
- Economic development and export duties
 - domestic and foreign prices, raw materials, 1163
 - implications, 1169–1170
 - lawful means of restricting exports, WTO agreements, 1168–1169

- legitimacy, 1163
- sovereign rights, natural resources, 1163–1166
- WTO constraints on sovereign right, 1166–1168
- Economic globalization
 - competition policy (*see* Competition policy)
 - description, 695–696
 - foreign direct investment policy (*see* FDI policy)
 - institutionalization and legalization, 721–722
 - international taxation, 711–719
 - OECD (*see* Organization for Economic Co-operation and Development (OECD))
 - policy diffusion, 719–721
- Economic integration agreements (EIAs)
 - CEPAs, 414–415
 - CEPA schedule, 411
 - China's services, 400–402
 - coverage exclusion provisions, 410–411
 - elimination of discrimination, 412–414
 - financial services, 404, 412
 - GATS commitments, 405–406
 - GATS provisions, 409–410
 - GATS schedules, 404–405
 - international, 415–417
 - interpretation, 436–437
 - quantitative considerations, 409
 - requirement on eliminating discrimination, 417–421
 - rules, 398
 - sectoral coverage requirement, 407–408
 - services, 411–412
 - 'substantial sectoral coverage', 403
- Economic Partnership Agreements (EPAs)
 - ACP countries, 324
 - EU development projects, 358
- Economics of currency misalignments
 - in 1967, 1020
 - effect of devaluations, 1020
- Eurozone, 1021
- excessive, 1021
- price adjustments, 1021–1022
- rationale, 1022
- real bound tariffs, 1021
- uniform tariff-cum-subsidy, devaluation amounts, 1020
- EFSA. *See European food safety authority (EFSA)*
- EIAs. *See Economic integration agreements (EIAs)*
- Emission Trading Scheme (ETS), 533
- EMU. *See Economic and Monetary Union (EMU), GCC*
- Enabling clause-based regional trade agreements (RTAs)
 - anatomy (*see* Anatomy of enabling clause-based RTAs, ASIA)
 - CRTA, 1240
 - CTD, 1240
 - implications, 1252–1256
 - outside ASIA, 1243–1245
 - universe, 1241–1242
- Environmental defences, GATT Article XX
 - description, 1413–1414
 - DSB, China-raw materials, 1413
 - inherent and sovereign right, 1416–1418
 - restrictive interpretation, WTO-plus obligations, 1414–1416
 - right to regulate trade, 1418–1423
- Environmental PPMS in WTO, fisheries subsidies
 - allocation of responsibility, 1130–1132
 - assumptions, 1100–1101
 - certification/interaction 'FAO to WTO', 1133–1134
 - certification/interaction, 'WTO to FAO', 1132–1133
- Chair's draft, 1108
- classification, 1102–1103
- Code of Conduct, 1109
- compliance agreement, 1110–1111

- debates on trade and environment, 1106–1108
- definition, OECD, 1102
- developing countries, 1105–1106
- dynamism, 1129–1130
- economic rationale and historical developments, 1100
- fish stocks agreement (FSA), 1110
- good faith, 1129
- import standards, indirect standard-setting body, 1136–1137
- international instruments, 1127
- jurisprudence (*see* Applicable WTO jurisprudence, environmental PPMs)
- participation and transparency, 1128–1129
- price-based, 1136
- process of harmonization, 1100
- protection, 1103–1104
- regulation, 1104–1105
- US–Shrimp*, 1021
- Environmental protection and export duties
 - GATT Article XX, 1170
 - managing negative externalities, 1172–1174
 - partial conservation and incremental improvement, 1171–1172
 - quantitative restrictions, 1170
 - reduce damage, production, 1170
- EPAs. *See* *Economic Partnership Agreements (EPAs)*
- ETS. *See* *Emission Trading Scheme (ETS)*
- EU anti-subsidy investigation against China
 - authorities, 976–977
 - NME anti-dumping methodology, 961
 - policy plans (*see* Policy plans, China)
 - preferential loans, 967–971
 - provision of land-use rights, 971–974
 - requests and application, European Commission, 974–975
- SCM Agreement (*see* Agreement on Subsidies and Countervailing Measures (SCM Agreement))
- EU–Korea FTA
 - description, 311–312
 - discriminatory treatment, 313
 - financial firms, 313–314
 - impacts on third countries, 317–320
 - trade liberalization, 315–317
 - WTO, 315, 321–325
- EU–Pakistan trade
 - in 2004–2009, 41
 - annual growth rates, Pakistan and India, 44–45
 - clothing and textile industry, 40
 - cooperation, 39
 - duty-free access, 39–40
 - exports shares, 2005–2009, 41–44
 - GSP framework, 39
 - Herfindahl index (HI), exports, 46–48
 - values of Pakistan's cotton, T&C exports, 44
- EU reforms, prudential regulation revisit
 - aftermath of crisis
 - accounting equity, 1331
 - BCBS and Basel III framework, 1328–1329
 - build-up of system-wide risks, 1328
 - cooperation, supervisors, 1330
 - counterparty credit risk, 1332
 - CRD IV Directives, 1329–1330
 - effects, financial crisis, 1327
 - liquidity management, 1331–1332
 - new financial architecture, 1328
 - new requirements, banks and investment firms, 1330–1331
 - over-the-counter (OTC) derivative trades, 1332–1333
 - regulation, capital buffers, 1330
 - standardization, CCP, 1333
 - substantive powers transformation, ESAs, 1327–1328
- Euro-Mediterranean partnership
 - Barcelona Agreement, 573, 582
 - business environment, 592

- CGE models, 573–574
 - description, 571–572
 - developing knowledge economics, 591
 - ex-post analyses, 574–575
 - GAFTA, 584–585
 - GDP, 587
 - liberalization of agriculture, 578–579, 589
 - liberalization of services, 590
 - MENA country, 586–587
 - MP countries' exports, 576–577
 - NTBS, 580–581
 - policy recommendations, 588–592
 - potential economic gains, 572–573
 - promoting horizontal integration, 590–591
 - ROOs, 581–582
 - tariff liberalization, 577–578
 - TBTS, 581
 - TRIs, 579, 584
 - European economic area (EEA), 1346–1347
 - European food safety authority (EFSA), 1220–1221
 - EU's generalized system of preferences (GSP) scheme
 - efforts, 55
 - exceptions, 39
 - GATT, 37
 - imports and exports, GSP⁻, 38–39
 - incentive programme, GSP⁺, 38
 - markets access, partner countries, 36
 - modifications, 37–38
 - trade preferences element, 36
 - UNCTAD, Resolution 21, 36–37
 - Exchange rate misalignments and international trade policy
 - Brazil's tariffs, 606–608
 - CEMAP, 626
 - China's devaluation, 611–612
 - China's tariffs, 610–611
 - Cline and Williamson estimation, 600–601
 - concept, 599
 - Credit Suisse Bank estimation, 601
 - diplomats debate, 599
 - estimation, CEMAP, 602–603
 - GATT, 597–598
 - GATT article II, 613–614
 - MFN (*see* Most-Favoured-Nation (MFN))
 - real exchange rate, 620–621
 - tariff averages for Brazil, US and China, 605–606
 - tariff protection, 627–629
 - tariffs levels, 604–605
 - US's tariffs, 609
 - WTO, 599–600
 - Export duties commitments, irrational WTO regime
 - accession protocols, 1152–1154
 - discipline, GATT, 1149–1151
 - exceptions, 1154–1157
 - GATT, 1152
 - non-adjustability, 1157–1160
 - Russia model, 1160–1161
- F**
- FADC's. *See* *Formula Applying Developing Countries (FADC's)*
 - FDI. *See* *Foreign direct investment (FDI)*
 - FDI policy
 - coordination and outreach, 709–710
 - OECD attempts at liberalization, 705–707
 - post-war direct investment, 705
 - Financial flows and trade
 - banking services, 735
 - cost of controls, 735–736
 - current and capital transactions, 736–737
 - description, 733–734
 - 'exchange controls', 735
 - payments and transfers restriction, 738
 - states, 734–735

- WTO Members, 774–775
- Financial innovation and prudential regulation
 - capital and liquidity, 1311
 - capital requirements, 1339–1340
 - description, 1311–1312
 - design, regulatory framework, 1338–1339
 - financial crisis, 1309
 - functional approach, 1340–1341
 - and GATS prudential carve-out, 1335–1338
 - growth (*see* Growth of financial sector)
 - instruments and economic growth, 1310–1311
 - integrated supervision, 1341
 - interaction (*see* Interaction, prudential regulation and financial innovation)
 - liquidity requirements, 1340
 - markets reform, G20, 1310
 - minimize intervention, 1311
 - non-banking institutions and investment banks, 1341–1342
 - prevention, management and resolution of the financial turmoil, 1309–1310
 - reforms, 1341
 - revisits, aftermath of crisis (*see* Prudential regulation revisits, aftermath of crisis)
 - risk, institutions, 1338
 - securitization, 1311
- Fisheries management standards
 - description, 1084–1085
 - efforts, 1085–1086
 - environmental PPMS (*see* Environmental PPMS in WTO, fisheries subsidies)
 - harmonization, 1085
 - legal framework, 1083–1084
 - negotiations, WTO (*see* WTO negotiations on fisheries subsidies)
 - subsidies, SCM agreement, 1083
- Foreign direct investment (FDI)
 - Australia, 239–240
 - BITs, 227–228
 - Canada, 240–241
 - China, 223–224, 233–235
 - Chinese companies, 245–246
 - comparison, 235–236
 - competition law regimes, 232
 - country-specific business rankings, 215, 222–223
 - data and methodology, 231–232
 - descriptive statistics, 219–221
 - institutional frameworks, 229–231
 - investment regimes, 225–226
 - liberalization, 711
 - liberal world order, 246–247
 - MAI, 707
 - MNCs' involvement, 242
 - OECD, 710
 - and policies, 226
 - political choices and strategies, 246
 - protectionism, 224–225
 - rankings and indexes, 215–218
 - regimes, 233, 247–248
 - role, 213–214
 - sector-specific restrictions, 236–238
 - soft power theory, 247
 - sovereignty, security and development, 244
 - UK, 241–242
 - United States, 239
- Foreign Trade Law (FTL), 1196
- Formula Applying Developing Countries (FADC's)
 - extended flexibilities, 858–859
 - Swiss formula (*see* Swiss formula, FADC's)
- Free Trade Agreements (FTAs)
 - authentication and digital signatures, 554–555
 - CCP, 302–303
 - China (*see* China's uncharted free trade agreements (FTA) strategy)
 - consumer protection, 553–554
 - cooperation, 552
 - customs duties on digital goods, 549–550

- description, 301–302
 - EU–Korea (*see* EU–KOREA FTA)
 - FDI, 305
 - key criteria, 309
 - legal basis and policy formulation, 304–309
 - Member States, 307–308
 - ‘most favoured nation’ treatment for digital products, 550–551
 - new market, 310–311
 - ‘ordinary legislative procedure’, 306–307
 - patent protection (*see* Patent protection in FTAs)
 - policy priorities, 309
 - public procurement, 311
 - QMV, 307
 - RTAs, 302, 303–304
 - tax carve-out, 551–552
 - trade policy committee, 306
 - transparency in governance, 552–553
 - US–Jordan, 548
 - Free Trade Area of the Asia-Pacific (FTAAP), 383–384
 - FTAAP. *See* Free Trade Area of the Asia-Pacific (FTAAP)
 - FTAs. *See* Free trade agreements (FTAs)
- G**
- GAFTA. *See* Genuine horizontal integration (GAFTA)
 - GATS and offshoring, trade revolution
 - anti-offshoring sentiments, 1366–1367
 - assumption, 1396
 - business process and knowledge-process services, 1366
 - commitments (*see* Commitments on market access and national treatment, GATS)
 - domestic regulators and jurisdiction, 1367
 - double taxation agreements, 396
 - e-commerce, 1396
 - exceptions, 1385–1387
 - government procurement restrictions, 1388–1389
 - immigration restrictions, 1389–1391
 - information technology, 1366
 - liberalize trade, 1368
 - market access, 1369–1371
 - multilateral negotiations, WTO
 - plurilateral agreements, 1394–1395
 - NASSCOM, 1367
 - national treatment, 1372–1374
 - non-discriminatory restrictions (*see* Non-discriminatory restrictions, GATS and offshoring)
 - offshore industry, 1396
 - outsourcing, 1365
 - plurilateral agreement, trade services, 1397–1398
 - private sector and cross-border trade, 1395–1396
 - regulations, 1368–1369
 - in 1980s, developed and developing countries, 1367–1368
 - tax restrictions, 1391–1393
 - trade 2.0, 1368–1369
 - WPEC, 1393–1394
 - GATS-minus commitments
 - access commitments, 1045
 - analyses, 1046–1047
 - anatomy, 1078–1079
 - Article V, 1048, 1051–1055
 - coordinated action, WTO, 1075–1077
 - GATT, 1046
 - general provisions and horizontal commitments, 1061–1063
 - implications, 1046
 - market access and national treatment, 1049–1050
 - measures, 1049
 - observations, 1072
 - remedies and persistent risks, 1073–1075

- requirement, treatment and obligation, MFN, 1050–1051
- RTAs, 1067–1071
- substantial sectoral and modal patterns, 1063–1067
- third-party MFN clauses, 1059–1060
- transaction and broad modal, 1048–1049
- treatment, WTO, 1055–1058
- types, 1060–1061
- WTO system, 1047
- GATT. *See General Agreement on Tariffs and Trade (GATT)*
- GATT accession
 - Article XXXIII, 944
 - contracting parties, 944
 - creation, 942, 944
 - formal accession method, 946–947
 - GATT/WTO accession process, 943
 - industrial countries, 945
 - non-discriminatory principle, 944–945
 - non-market economies, 946
 - power configuration, 943–944
 - tariff reduction, 942
 - Uruguay Round, 946–947
- GATT 1994 and WTO agreement
 - Article XX, 1407
 - China's accession protocol, 1409
 - implications, 1411–1413
 - 'systemic' approach, 1410
 - violations of obligations falling outside GATT, 1410
 - WTO-plus provisions, 1408–1409
- GCC. *See Gulf Cooperation Council (GCC)*
- General Agreement on Tariffs and Trade (GATT)
 - accession (*see* GATT accession)
 - Article XX, environmental protection and export duties, 1170
 - direct and indirect taxes, 498–499
 - discipline, export duties commitments, 1149–1151
 - EU's GSP scheme, 37
 - GHG (*see* Greenhouse gas (GHG))
 - less favourable treatment, 502–503
 - non-price based internal regulation, 500–501
 - road reform, 1182–1184
 - SCM, 499
- General Agreement on Trade in Services (GATS)
 - burden of proof, 431–432
 - China's EIA schedules, 434–436
 - China's services, 402–403
 - context, 423–424
 - EIAs, 397–398
 - elimination of discrimination, 428–429
 - flexibility, 429–430
 - international trade, 399–400
 - practicality, 432–433
 - soft interpretation, 430–431
 - substantial sectoral coverage, 421–422, 426–428
 - VCLT, 422–423
 - WTO members, 425
- Genetically modified organisms (GMOs)
 - authorization
 - application, 1222–1223
 - cultivation, 1222
 - deliberate release, environment, 1225–1226
 - food/feed marketing, 1223–1225
 - individual member states policies, 1230–1231
 - labelling and traceability, 1230
 - legislative approval process post-treaty
 - Lisbon, 1227–1230
 - legislative approval process pre-treaty
 - Lisbon, 1226–1227
 - Member State (MS), 1222
 - types, 1222
- Genetically modified (GM) products and EU
 - anti-GM movement, 1210
 - BSP negotiations, 1213–1214
 - GATT, Uruguay Round agreements, 1208

- importers and exporters rights, 1215
 - management of renewable resources, 1214–1215
 - market access limits, 1210
 - multilateral environmental agreement (MEAs), 1213
 - multilateral trade negotiations, Uruguay
 - precautionary principle, 1212–1213
 - protection, human, animal and plant life, 1209
 - risk analysis framework (RAF), 1210–1211
 - scientific rationality approach, 1211–1212
 - SPS measures, 1208–1209
 - strong and weak commitments, 1209–1210
 - Geneva Agreement on Trade in Bananas (GATB), 1
 - Genuine horizontal integration (GAFTA), 584–585
 - GHG. *See Greenhouse gas (GHG)*
 - Global Trade Alert (GTA)
 - accountability regime, 787, 794–795
 - database, 795–796
 - description, 794
 - discriminatory intervention, 797
 - measures, financial crisis, 796, 797
 - process assumption, 795
 - v.* WTO financial crisis monitoring, 798–799
 - Greenhouse gas (GHG)
 - border and internal measures, 489
 - climate change context, 488
 - climate change mitigation policies, 497
 - imported like/directly competitive products, 497–498
 - likeness, products, 493–494
 - Panel and Appellate Body, 489–490
 - PPMs, 495–496
 - price-based, 490–492
 - production process, 496
 - WTO rules, 488–489
 - Growth of financial sector
 - agreement, liberalizing financial services, 1312
 - communications and information technology, 1312
 - empirical analyses, 1313
 - financial crisis of 2007–2009, 1314
 - IMF and WTO, 1312
 - infrastructure, 1313
 - Internet-based banking services, 1312
 - micro-and macro-prudential rules, 1314–1316
 - regulation, 1313–1314
 - GTA. *See Global Trade Alert (GTA)*
 - Gulf Cooperation Council (GCC)
 - agreements and FTA establishment, 122
 - aim and objectives, 124
 - cooperation, 122
 - customs union and common market, 122
 - economic agreement 1981, 137–141
 - economic agreement 2001, 141–142
 - EMU (*see* Economic and Monetary Union (EMU), GCC)
 - history, 122–123
 - legal foundations (*see* Legal foundations, GCC)
 - MUA, 122–123
 - recommendations, 153–154
 - structure, 124
 - WTO (*see* WTO and GCC)
- ## H
- Harmonization
 - international exhaustion of rights, 691
 - legal and economic issues, 688–689
 - national exhaustion of rights, 690–691
 - patent exhaustion, 689
 - Harmonized System (HS) Convention
 - argumentation and statement, 829
 - description, 828–829
 - EC-Chicken Cuts* Panel, 830–833
 - WTO adjudicator, 830

I

ICSID. *See International Centre for Settlement of Investment Disputes (ICSID)*

IMF. *See International monetary fund (IMF)*

Implications of proliferation enabling
 clause-based RTAs, multilateralism
 contracting parties and, 1256
 developing countries,
 1252–1253
 effects, 1253
 GATT Article XXIV, 1253, 1256
 impacts, 1257
 Malaysia–India FTA, 1256
 systemic, 1252
 transparency disciplines, 1253–1255
 unexpected, 1252

Interaction, prudential regulation and
 financial innovation
 achievements, 1318
 design and regulators, 1319
 dramatic effects, 1318–1319
 dynamic process, 1317
 global action, 1319
 intermediaries and investors, 1318
 investor demand, 1317
 market discipline, 1320–1321
 post-crisis, 1317–1318
 review and jurisdictions, 1320
 risk and instruments, 1317

Interest group influence on WTO dispute
 behaviour
 appeal, 1275
 arbitrator/retaliation, 1275
 China trade, 1261–1262
 complainant's, hypothesis 1, 1273
 cooperation, 1262
 creation, 1262
 data and methods, 1268–1271
 defendant's, hypothesis 2, 1273–1274
 democracies and non-democracies, 1276
 description, 1263
 domestic sources, 1276
 DSB, 1276–1277

 effects of, 1262–1263
 legal capacity, 1263
 literature, 1263, 1276
 objectives, 1262
 pre-panel stage, 1274
 resolution stages, 1995–2002, 1271–1272
 state-specific groups, different dispute
 stages, 1274
 trade dispute's progression effects, 1273
 trade policy formation (*see* Trade policy
 formation)
 US and EU involvement, 1276
 variables control, 1275–1276

International Centre for Settlement of
 Investment Disputes (ICSID), 83

International monetary fund (IMF), 1312

International organizations (IOs)
 acts, 843–845
 architecture, 842–843
 issue of uneven treatment, 837–838
 WTO treaty language, 838–840

International regulation of fisheries
 subsidies
 domestic price, 1087
 economic reasons, 1088
 economics literature, 1086–1087
 implications of export, 1087–1088
 industrial policy, 1087
 justification, 1088
 SCM agreement Article 3, 1088

International taxation
 achievements and limits, 718–719
 looms, 712
 model tax treaty, 712–713
 OECD, 711–712
 tax competition project, 714–718
 transfer pricing and electronic commerce,
 713–714

Interpretation, TRIPS and TRIPS-plus
 description, 157–158
 and FTAs (*see* TRIPS and FTAs)
 patent (*see* Patent protection)
 public health (*see* Public health)

WTO dispute settlement, 156

Investor-state arbitration (ISA) in bilateral and regional treaties, Australia

- assessment, net costs and benefits, 87
- BITs and ICSID, 83–84
- BRTAs and dispute resolution, 84, 89
- business, 93
- Calvo Doctrine, 90
- Commission's Report, 85
- compensation, 95
- competition, 119
- corporate investors and lawyers, 93–94
- 'creeping'/'indirect' expropriation, 92
- in defence, 110–112
- development, 84–85
- dispute resolution mechanisms, 96–97
- domestic court and proceedings, 92, 112–116
- economic and political benefits, 91
- economic merits of trade, 88–89
- effects, foreign investors, 87
- efficiency, economics, 119
- expropriation of foreign investment, 119
- foreign direct investment (FDI), 85
- forum shopping and insurance schemes, 94–95
- functional objections, 107–108
- government programs, 91–92
- hybrid public-private system, 87–88
- impact, 86
- indirect costs, 87
- international investment agreement, 83
- legal protection, 90–91
- litigation costs, 89–90
- local markets and capital exports
 - protection, 120
- market failures, 89
- multi-lateral investment, 85
- negotiation, 94
- perception, 120
- political risks and protection, 92
- precedents setting (*see* Precedents setting, Australian productivity Commission)

- prevention and avoidance, disputes, 117–118
- principled objections, investment (*see* Principled objection, international investment arbitration)
- procedures and outcomes, 96
- public health and safety, 88
- public-private attribution (*see* Public-private attribution, investment arbitration)
- reciprocal benefits, developing states, 91
- rejection, 94
- rule of law, 93
- social and economic benefits, 91
- state sovereignty, 118
- TPPA, 88
- UN Charter, Art. 2(4), 96
- UNCITRAL Rules, 90
- value of, 86

IOs. *See* *International organizations (IOs)*

ISA. *See* *Investor-state arbitration (ISA)*

L

LBC. *See* *Low binding coverage (LBC)*

LDCs. *See* *Least developed countries (LDCs)*

Least developed countries (LDCs), 351, 857

Legal foundations, GCC

- Charter, 135
- economic agreement 1981, 135–136
- economic agreement 2001, 136
- MUA, 136

Liberalization and adjustment, AfT

- bilateral trade policies, 357–358
- DCs, 355–356
- EPAs, 358
- governments, 354
- internal adjustment costs, 354–355
- LDCs, 350–351
- macroeconomic factors, 350
- political economy context, 348
- sectors/infrastructure, 348–349

- self-determination and sovereign power, 351–352
- social safety nets, 352–353
- training trade officials, 349–350
- Lobbying and anti-dumping policy, EU
 - balanced information, producers and consumers, 187–188
 - in Brussels, 188
 - council voting (*see* Council voting on anti-dumping)
 - economic incentives, 188
 - hypothesis, 193–194
 - information on country distribution, filing firms, 189
 - meaning, 187
 - measures, US, 189
 - post-war period, 189
 - public choice, 190–192
 - trade theory with heterogeneous firms, 192–193
 - WHO petitions (*see* WHO petitions)
- Low binding coverage (LBC)
 - developing countries, 856
 - reduction-to-average methodology, 869–870

M

- Mandatory/discretionary distinction
 - Appellate Body, 891
 - cause of confusion, 893–894
 - China-Intellectual Property Rights* case, 891–892
 - deference tool, 880–881
 - description, 886
 - position of panel, 892–893
 - presumption of good faith, 894–895
 - reformulation, 910–911
 - as a ‘threshold consideration’, 886–888
 - US-Corrosion-Resistant Steel Sunset Review*, 890–891
 - US-Section 301* case, 888–890

- Methods of tariff reductions, NAMA
 - ‘all to zero’, 851
 - description, 850–851
 - ‘linear formula’, 851
 - ‘preference on applied tariff’ s’, 851–852
 - ‘reduction through bands’, 851
 - ‘request and offer’ method, 852
 - ‘Swiss formula’, 851
 - ‘targeted average’, 851
- MFN. *See* Most-Favoured-Nation (MFN)
- Misaligned currencies as countervailable subsidies
 - Argentina case-measures affecting imports of footwear, textiles, apparel and other items, 1040
 - benefit (*see* Misaligned currency benefits exporters)
 - China, 1020
 - claims, 1017
 - countervailable subsidies (*see* Misaligned currencies as countervailable subsidies)
 - definition, ASCM, 1023
 - deviation, 1018
 - Dominican Republic-measures affecting the importation and internal sale of cigarettes, 1039–1040
 - economic imbalances and WTO rules, 1017–1018
 - economics (*see* Economics of currency misalignments)
 - European Communities-measures concerning meat and meat products (hormones), 1035
 - exports, 1022
 - financial contribution, 1023–1027
 - GATT Article XV, 1037–1038
 - GATT rules, 1019
 - IMF, 1038–1039
 - imposing countervailing duties, WTO, 1022–1023

- income/price support, 1027–1028
- India–quantitative restrictions on imports of agricultural, textile and industrial products, 1039
- Japan–measures affecting consumer photographic film and paper, 1035
- lawful and unlawful devaluations, 1019
- process before WTO, 1035–1040
- specificity, 1033–1035
- undervalued currency and exchange rate system, 1018
- United States–import prohibition of certain shrimp and shrimp products, 1040
- Misaligned currency benefits exporters adjustment, 1029
- anti-dumping and countervailing duties, US, 1030
- domestic investigation, 1032
- estimation, equilibrium exchange rate and amount of countervailing duties, 1031–1032
- exchanging profits in foreign currencies, 1029
- financial contribution, 1028–1029
- governmental measures, 1028
- huge profits and material injury, 1029
- jurisprudence, WTO, 1030
- methodology, 1033
- quantification, 1029
- traditional methodology, 1031
- Monetary Union agreement (MUA), 122–123, 147–148
- Most-Favoured-Nation (MFN)
 - bilateral trade agreements, 1239
 - Chinese Market, 617–618
 - exchange rate system, 615
 - guarantees, 615
 - principle, 614
 - reciprocity and fuller participation, 1240
 - tariff profile, 616
 - third-party MFN clauses, 1059–1060
 - US market, 616–617
- MUA. *See Monetary Union agreement (MUA)*
- Multilateral Agreement on Investment (MAI)
 - feature, 708
 - NAFTA dispute, 708–709
 - NGO, 708
 - TRIMs, 707
- N**
- NAMA. *See Non-Agricultural Market Access (NAMA)*
- NASSCOM. *See National Association of Software and Services Company (NASSCOM)*
- National Association of Software and Services Company (NASSCOM), 1367
- National Economic Research Associates (NERA), 662–663
- NERA. *See National Economic Research Associates (NERA)*
- New Basel III framework, prudential regulation revisites aftermath of crisis
 - in 2007, 1322
 - banks regulation, 1321
 - BCBS and Financial Stability Board, 1326
 - build-up of leverage, financial system, 1321
 - capital-market-related activities, 1323
 - capital requirements, banks, 1322
 - countercyclical buffer, 1323
 - global liquidity standards, 1324–1325
 - international cooperation and information exchange, 1326
 - Lehman Brothers and Landsbanki of Iceland, 1326–1327
 - minimum standards, 1323–1324
 - non-bank, pension funds and asset, 1321
 - private equity firms, 1321
 - proposals, solid risk management, 1326–1327

- resilience increases, 1327
 - system-wide risk, 1322–1323
 - NME. *See Non-Market Economy (NME)*
 - Non-Agricultural Market Access (NAMA)
 - cushions, 873
 - December 2008 modalities (*see* December 2008 modalities, NAMA)
 - market access and economic development, 875
 - modalities, implementation, 847–848
 - multilateral trade liberalization, 875–376
 - national tariff lines, 850
 - and past trade negotiations, 874–875
 - tariff reductions, methods, 850–852
 - timeline of NAMA negotiation, 848–850
 - and trade flows, 874
 - v.* WTO members, 873–874
 - Non-discriminatory restrictions, GATS and offshoring
 - electronic supply services, 1383–1384
 - foreign service suppliers, 1380
 - harmonization, Members' standards and policy, 1381
 - host-country market, 1381
 - international standards, 1385
 - multilateral disciplines, Article VI, 1381–1382
 - procedural standards, 1381
 - professional services, 1380
 - protection, local consumers, 1382
 - public and business-self-regulation, 1382–1383
 - trade obstacle, 1380
 - voluntary standards, Article 4, 1384–1385
 - Non-Market Economy (NME), 961, 962, 975
 - Non-preferential rules of origin (NPROO), 1344
 - Non-tariff barriers (NTBS)
 - ad-valorem equivalents, 580
 - description, 580–581
 - NPROO. *See Non-preferential rules of origin (NPROO)*
 - NTBS. *See Non-tariff barriers (NTBS)*
- O**
- Organization for Economic Co-operation and Development (OECD)
 - Competition Law and Policy Committee, 700
 - and economic globalization, 696–698
 - Japanese market, 701
 - Origins of problem, Bananas Saga
 - ACP and third countries, 3
 - adoption, 2
 - bilateral and multilateral trade relations, 5
 - CMOB, 3
 - Dollar bananas, 3
 - free movement of goods, 2
 - imports, 4
 - non-ACP banana imports, 3–4
 - Single European Act, 2
- P**
- Parallel imports
 - description, 657–658
 - developed and developing country, 666
 - economic considerations and consumer welfare (*see* Economic considerations and consumer welfare)
 - harmonization (*see* Harmonization)
 - legitimacy, 658–659
 - Member States, 693
 - NERA, 662–663
 - passive and active, 664–665
 - 'principle of exhaustion'/'first sale doctrine', 670–676
 - products, 667
 - rationale, 663–664
 - TRIPS Agreement, 668–670
 - type of goods, 665
 - Patent protection in FTAs
 - compulsory licensing, 171–172
 - description, 172

- establishment, 156
- exemptions, 173–174
- extensive protection, 173
- implication, 174–176
- intellectual property holders and of users, 172
- liberalize trade, and intellectual property protection, 168
- market access opportunity,
 - export-oriented industries, 170–171
- measures, 155–156
- negotiations, 169
- normal TRIPS compliance, 169
- patents protections (*see* Patent protection in FTAs)
- pharmaceutical, 170
- restriction, 173
- second-use and bans parallel imports, 170
- TRIPS (*see* TRIPS and FTAs)
- Peace dividends, Bananas Saga
 - ACP, 28
 - consumers, EU, 29
 - EU, 27–28
 - Latin American suppliers, 28–29
 - WTO, 29–30
- Policy implications of WTO export-duty economic development (*see* Economic development and export duties)
- environmental protection (*see* Environmental protection and export duties)
- freedom to levy, 1162–1163
- generating revenue, 1162
- historical perspective, 1162
- objectives, 1162
- Policy plans, China
 - ‘five-year plan’, 963–964
 - full official translation, 965
 - GOC, 965
 - and government ownership, 962
 - illegitimacy of facts available, 965–967
 - The Law on Legislation of the People’s Republic of China, 963
 - request of the European Commission, 963
 - SCM Agreement, 964
 - U.S.-*Anti-Dumping and Countervailing Duties*, 964–965
- Political economy preferences, Pakistan
 - benefits, six HS63 tariff lines, 50
 - disadvantages, India’s, 48, 49
 - EU proposal, 48–49
 - EU’s unilateral preferences and India’s objections, 52
 - GSP-allowing countries and concessions, 53–54
 - HS eight-digit product codes, 49–50
 - India’s top twenty exports and datas, 50
 - lack of export readiness, 53
 - T&C in HS61, HS62 and HS63, export, 48
 - top twenty exports, 49
 - twenty-six tariff lines, 49
 - value and rank of exports from Pakistan and India, 51–52
- Post-moratorium EU regulatory
 - environment, GMOs
 - authorization process, 1216–1218
 - political precaution, 1218
 - procedure, 1218–1219
 - social rationality approach, 1218
 - traceability and labelling, 1215
- PPPs. *See* Public-private partnerships (PPPs)
- Precedents setting, Australian productivity Commission
 - description, 97–98
 - disputes settlement, trade and investment, 97–98
 - investors expectation and information, foreign courts, 99
 - protection, abroad investments, 99–100
- Preferential loans
 - bank ownership, 968
 - illegitimacy of facts available, 970–971
 - publicly available information, GOC, 969

- request of the European Commission, 967
- unreasonable workload, 969
- Preferential rules of origin, ASEAN's RTAs
 - adoption, product-specific rules, 1359–1360
 - ASEAN India-FTA, 1361–1362
 - ASEAN-Japan CEPA, 1361
 - broader implication, multilateral harmonization, 1358
 - China FTA, 1360
 - coequal rules, 1359
 - economic development, 1358
 - facilitating intra-RTA trade, 1356–1357
 - free trade area, 1359
 - general rule and PSR, 1362–1363
 - intra-ASEAN trade, 1359
 - Korea FTA, 1360–1361
 - NPROO, 1357–1358
 - requirements, 1358–1359
 - substantial transformation, 1356
 - WTO, 1363
- Presumption of good faith, WTO
 - basic fact, 'as such' cases, 899–903
 - description, 895
 - in domestic laws and adjudications, 897
 - international adjudications, 897–898
 - the panel and Appellate Body, 896–897
 - presumed fact, 'as such' cases, 903–904
 - principle of good faith, 895–896
 - rebuttable presumption (*see* Rebuttable presumption of good faith)
- Principled objection, international
 - investment arbitration
 - complexity of law, 105–106
 - dispute resolution, local/domestic courts, 100
 - high/upper-middle income states, 106
 - ICSID, 106
 - institutions, 101–102
 - jurisprudence, 103–105
 - low/low-middle income states, 106–107
 - private hearings and confidential awards, 103
 - privileges, 100
 - regulation, 102–103
 - rule of law, 100–101
 - state sovereignty, domestic and foreign investors, 100
- Proliferation of bilateral trade agreements, Asia
 - CRTA and CTD, 1240
 - description, 1241
 - developing countries, 1257
 - features, 1256
 - GATT Article I, 1239
 - GATT Article XXIV, 1240
 - implications (*see* Implications of proliferation enabling clause-based RTAs, multilateralism)
 - regional cooperation, 1258
 - regionalism, 1250–1252
 - region-wide trade, 1256–1257
 - RTAs (*see* Enabling clause-based regional trade agreements (RTAs))
 - treatment, MFN, 1239
 - WTO, 1239–1240
- Protectionism
 - accountability mechanisms, 784–785
 - definition, 779
 - 'double movement', 782
 - G20 leaders, 780–781
 - global financial crisis, 777–778
 - implications of the dog not barking, 799–801
 - macro approach, 779–780
 - national circumstances, 783
 - price shocks, 781–782
 - 'protectionist policies', 779
 - recession/financial crisis, 780
 - restraints, 782
 - social response to economic stress, 782
 - state officials, 781
 - structure of the world economy, 783

- systemic factors, 783–784
- Provision of land-use rights
 - documentation, GOC, 972
 - illegitimacy of facts available, 972–974
 - request of the European Commission, 971–972
 - unreasonable requests, 972
 - US-Steel Plate*, 974
- Prudential regulation revisits, aftermath of crisis
 - EU reforms (*see* EU reforms, prudential regulation revisit aftermath of crisis)
 - new Basel III framework (*see* New Basel III framework, prudential regulation revisits aftermath of crisis)
 - US reforms, 1333–1335
- Public health
 - compulsory licensing, 179–183
 - description, 176
 - flexibility, FTAs, 176–179
 - non-derogation provisions, FTAs, 184–186
 - side letters, 183–184
- Public-private attribution, investment arbitration
 - Aguas del Tunari S.A. v. Republic of Bolivia*, 109
 - consequences debilitation ICSID, 110
 - description, 108
 - participation and costs, 108–109
 - publish reports, ICSID proceedings, 109
 - Suez Sociedad General de Aguas de Barcelona S.A. and Vivendi Universal S.A. v. the Republic of Argentina*, 109–110
- Public-private partnerships (PPPs), 343

Q

- QMV. *See* Qualified majority vote (QMV)
- Qualified majority vote (QMV), 307
- Quality management, TDIs
 - communication development, stakeholders, 75–76

- conditions, 70–71
- diverging interpretations and mistakes, 73
- public sector, 71–72
- requirements, 74–75
- rights of defence, without prejudice, 73–74

R

- RAM'S. *See* Recently acceded members (RAM'S)
- Rare earths dispute* case, WTO rules
 - in 1990, 1175
 - China-raw materials, 1175
 - controversy, 1175–1176
 - government and public responses, 1176–1178
- Rebuttable presumption of good faith
 - Appellate Body member, 904–905
 - burden of proof, 907–908
 - 'clear and convincing' standard, 905–906
 - description, 898
 - evidentiary technique, 908–909
 - express interpretation, 906
 - mandatory/discretionary distinction, 907
 - 'presumptions of fact', and 'legal presumptions', 897–898
 - standard of proof, 905
 - tactical burden of the respondent, 908
- Recently acceded members (RAM's), 857–858
- Reforming WTO discipline, export duties
 - China-raw materials dispute, 1147–1148
 - description, 1149
 - four tiers, Members, 1161–1162
 - 'ironclad' discipline, 1148
 - irrational (*see* Export duties commitments, irrational WTO regime)
 - lack of recognition, 1186
 - lack of security and stability, access, 1148, 1185

- levy of, 1186
 - obligations, 1186
 - policy implications (*see* Policy implications of WTO export-duty)
 - restrictions, 1148, 1185
 - roads (*see* Road reform, WTO export duties)
 - state of affairs, 1148–1149
 - systematic change, 1185–1186
 - unequal rights and obligations, 1186
 - Regionalism, ASEAN
 - AJCEP Agreement, 390
 - EHP, 390
 - emerging centrality, 379–382
 - TPPA (*see* Trans-Pacific Partnership Agreement (TPPA))
 - USSFTA, 392
 - Washington, 378–379
 - Regional trade agreements (RTAs)
 - compensation, 472–474
 - external trade with third countries, 471–472
 - GATS-minus commitments, 1067–1071
 - non-members, 470–471
 - origin, ASEAN's (*see* Rules of origin (ROO), in ASEAN's RTAs)
 - principles, 468–469
 - requirements and trade remedies, 474–477
 - 'substantially all the trade', 477–479
 - trade remedies, 479–483
 - types, 302
 - Regional trade integration, Ukraine
 - CIS, 462–465
 - description, 461–462
 - European, 465–467
 - FTA, 467–468
 - Road reform, WTO export duties
 - China, 1184–1185
 - description, 1178
 - GATT framework, 1182–1184
 - import tariffs, 1180–1181
 - regulation, 1178–1179
 - stand-alone export concessions, 1181–1182
 - ROO. *See* Rules of origin (ROO)
 - RTAs. *See* Regional trade agreements (RTAs)
 - Rules of origin (ROO)
 - in ASEAN's RTAs
 - Article XXIV, GATT, 1344
 - China FTA, 1348
 - conformity (*see* Conformity of preferential rules origin, international law)
 - design, 1344
 - free-trade area, 1347
 - hubs, 1345–1346
 - Japan CEPA, 1348
 - Korea FTA, 1347–1348
 - multilateral trading system, WTO, 1343
 - NPROO, 1344
 - pan-Euro-Med rules, EEA, 1346–1347
 - protection, domestic industries, 1344–1345
 - Regional Value Content (RVC) test, 1347
 - regulations, 1343–1344
 - survey, 1345
 - tariff treatment, 1344
 - trade-distorting effects, 1348–1350
 - justification, 581
 - Palermo Declaration, 582
- S**
- Scientific risk assessment guidance, EU
 - GMOs
 - authorization process, 1219
 - classifications, 1219
 - comparative approach, 1219–1220
 - conventional counterpart, 1220
 - description, 1219
 - jurisdiction, EFSA, 1220–1221
 - product safety, 1221
 - SDT. *See* Special and Differential Treatment (SDT)
 - Sino-European partnership

- balance of payments, 447–450
 - commerce, 441
 - description, 439
 - division of labour, 442–447
 - economic and political principles, 455–456
 - globalization, 441–442
 - government-controlled capital transfers, 453
 - markets, 452–453
 - phased, politically coordinated deregulation, 454
 - pretend, persist, panic and protect, 454–455
 - profitable trade, 440–441
 - trade wars, 453–454
 - twin distortions, 450–452
 - Small and Vulnerable Economies (SVE'S)
 - bound tariff, 859
 - developing countries, 856
 - reduction-to-average methodology, 868–8870
 - tiers, 856–857
 - Special and differential treatment (SDT), 345
 - Stakeholders, AfT
 - civil society, 341–342
 - decision-making process, 339
 - donor governments, 339–340
 - institutions/programmes, 345
 - Paris Declaration, 340
 - poverty reduction strategy papers, 340–341
 - PPPs, 343
 - private sector, 342–343
 - sanitary and phytosanitary, 347–348
 - SDT, 345
 - SMEs, 342
 - TPRM, 345–346
 - WTO, 344
 - Subsidies and countervailing measures (SCMA)
 - Article 1, 1001–1003
 - objectives, 1009
 - odds with internal logic, 1009
 - Subsidies, trade and climate change regimes
 - actionable, 529–530
 - agreement on agriculture, 531–532
 - CERs, 535
 - CVDs, 532
 - definition, 528–529
 - ETS, 533–534
 - green in SCM, 531
 - prohibited, 530–531
 - SCM Agreement, 528
 - TRIPS Agreement, 536
 - types, 526–527
 - WTO, 527–528
 - Supply chain harmonization
 - export barriers, 563–564
 - friction and barriers for small business, 566–567
 - import barriers, 564
 - security/tracking, 564–565
 - shipping costs, 565–566
 - SVE'S. *See Small and Vulnerable Economies (SVE'S)*
 - Swiss formula, FADC's
 - anti-concentration clause, 854–855
 - characteristics, 853–854
 - coefficient and flexibilities, 854
 - coefficients, 869
 - sectorals, 855–856
 - simulation, 852–853
 - unbound tariff lines, 855
- T**
- TDIs. *See Trade defence instruments (TDIs)*
 - Technical Barriers to Trade (TBT)
 - Article XX, 518–520
 - harmonization of national standards, 524–525
 - labelling, 523–524
 - presumption of WTO, 525–526
 - regulations, 520–521

- Third country dumping
 - AD actions, 635–636, 646–648
 - CVD actions, 636
 - DDA, 652–653
 - elaboration in the anti-dumping agreements, 639–642
 - evolution of GATT Article VI:5, 637–639
 - export price collusion, 648–650
 - FTA, 645–646
 - national laws, 642–644
 - rationale and problems, 650–652
- Third-party MFN clauses, 1059–1060
- Total quality management (TQM), EU
 - evolutionary process, 2008, 77–78
 - progress, 78–79
 - success factors, 79–80
 - TDI, 76–77
- TPRM. *See Trade Policy Review Mechanism (TPRM)*
- Trade and climate change regimes
 - Article XX justifications, 506–518
 - carbon footprint, 539
 - climate change mitigation, 537
 - GATT, 487
 - GATT Article XI, 503–506
 - GHG emission polices, 486, 538
 - industries, 486
 - national and international policies, 485
 - subsidies, 526–532
 - TBT (*see* Technical Barriers to Trade (TBT))
 - WTO rules, 486–487
- Trade and Investment Framework Agreement (TIFA)
 - US-ASEAN framework agreement, 386
 - WTO member, 374
- Trade defence instruments (TDIs)
 - conditions, 70–71
 - controversial (*see* Controversial, TDIs)
 - description, 62
 - multilateral negotiations, WTO level, 61–62
 - open international trade, global, 80–81
 - protection, WTO members, 62
 - quality management (*see* Quality management, TDIs)
 - TQM, EU (*see* Total quality management (TQM), EU)
- Trade implications of EU, genetically modified organisms (GOMs)
 - authorization (*see* Genetically modified organisms (GMOs) authorization)
 - crops growth, 1207–1208
 - 2003 dispute, US and Canada, 1208
 - domestic management and imports, 1237
 - guidance, scientific risk assessment (*see* Scientific risk assessment guidance, EU GMOs)
 - implications, 1234–1236
 - obligations, 1237
 - post-moratorium EU (*see* Post-moratorium EU regulatory environment, GMOs)
 - products (*see* Genetically modified (GM) products and EU)
 - 2010 regulation on cultivation, member states, 1233–1234
 - safeguard measures, 1231–1232
- Trade policy
 - copyright, 562–563
 - global cybersecurity, 567–568
 - international copyright exhaustion, 559–560
 - internet intermediaries, 560–562
 - most favoured nation status and national treatment for digital services, 557–558
 - non-discrimination for digital products and services, 558–559
 - remote mobile payments, 569–570
 - supply chain harmonization (*see* Supply chain harmonization)
 - uniform payments, 568–569
- Trade policy formation
 - aggressive multilateralism, 1263

- competitiveness, 1266
 - creation, WTO, 1263–1264
 - dispute resolution process and possible outcomes, 1266–1268, 1267
 - DSB complaints, 1263
 - fair trade rules, 1265
 - government structure and policymakers, 1264
 - industry, 1265–1266
 - legal boundaries, WTO, 1265
 - lobbying, 1264–1265
 - post-war period, 1264
 - realm of democratic regimes, 1264
 - relationships, 1265
 - Trade policy-making mechanism, China
 - consultative, 1195
 - development, 1194–1195
 - equal consultation, 1195
 - guiding principles, 1193
 - mutual benefit and win-win outcomes, 1193–1194
 - politicization, 1195–1196
 - Trade Policy Review Mechanism (TPRM), 345–346, 787–788
 - Trade Restrictiveness Indexes (TRIs), 579
 - Transitional product-specific safeguard provisions (TSPs)
 - ‘a heroic statement of principle’, 933
 - Article 2.2 of the SA, 917–918
 - concessions and obligations under GATT 1994, 921–922
 - general safeguards, 915
 - ‘globalization’/‘outsourcing’, 935–936
 - gray-area measures, 920
 - ‘material injury’, 918–919
 - mechanism, 916–917
 - procedural requirement provisions, 920–921
 - regulatory balance, 934
 - safeguard regime, 919
 - TSM applications, general conditions, 917
 - United States-Tyre case*, 923
 - voluntary trade action, 922
 - Transitional safeguard measure (TSM)
 - China’s accession, 916
 - general safeguard measure (GSM), 914
 - most-favored-nation (MFN) principle, 914–915
 - safeguard measures, 915
 - TSP (*see* Transitional product-specific safeguard provisions (TSPs))
 - WTO, 913–914
 - Trans-Pacific Partnership Agreement (TPPA)
 - FTAAP, 383–384
 - FTA networks, 382–383
 - IPR provisions, 385
 - TIFA, 386–389
 - WTO-plus obligations, 385–386
 - TRIPS and FTAs
 - choice of forum and rules, 158–160
 - compliance and TRIPS-plus standards, 169–170
 - development, 166–168
 - impacts, 160–162
 - minimum standards, 168
 - object and purpose, 164–166
 - relationships, 162–164
 - ‘Truncated EU list’
 - carbon adjustments, 268
 - India’s exports, 269–270
 - items corresponding, 268–269
 - sectors, 267–268
- U**
- Ukraine
 - CIS, 458–459
 - description, 457–458
 - integration opportunities, 460
 - parliamentarians, 459–460
 - regional trade integration (*see* Regional trade integration, Ukraine)
 - United States International Trade Commission (USITC)

- causation, 928–931
 - description, 923
 - domestic market disruption, 923
 - increase in imports, 924–927
 - United States-Tyre case*, TSPs
 - alleged market disruption, 931–932
 - Appellate Body rulings, 926
 - Article XXIII:1 of the GATT 1994, 923–924
 - China's claims, 925–926
 - domestic product support, 928
 - heightened requirement, 926–927
 - investigation, USITC, 923
 - issues of the case, WTO Panel, 924
 - non-attribution requirement, 929–930
 - outcome, 934–935
 - post hoc* clarifications, 930–931
 - quantity of subject imports, 924–925
 - safeguard measure, 932
 - 'significant cause', 930
 - state of competition, 928–929
 - three-year remedy, 932–933
 - U.S. legislation, 927
 - US-ASEAN FTA
 - anti-dumping actions, 370–371
 - bilateral TIFA approach, 373–376
 - description, 367–368
 - economic and geopolitical, 369
 - gross domestic product, 369
 - integration, 371
 - legal frameworks and geopolitical obstacles, 372–373
 - Myanmar Dilemma, 376–378
 - Philippines and Thailand, 371–372
 - regional forum, 371
 - regionalism (*see* Regionalism, ASEAN)
 - service and investment barriers, 370
 - US-definitive anti-dumping and countervailing duties, China products*
 - AB elevation, SCMA and renders, 993–996
 - AB invents, SCM agreement, 992–993
 - ILC draft articles interpret WTO agreement, 996–1001
 - interpretation, legal and practical implications (*see* Appellate Body (AB) ruling for US-DOC)
 - public body (*see* Disputable interpretation of 'public body', US)
 - US-Korea FTA
 - free information flow, 556
 - open access, 555–556
 - US reforms, prudential regulation revisit
 - aftermath of crisis
 - Basel II framework, 1333
 - Collins Amendment, Basel III rules, 1334
 - Dodd-Frank Act and Basel III rules, 1334–1335
 - risk identification and management, FSOC, 1334
 - stakeholders and instruments, 1333–1334
- V**
- VCLT. *See* *Vienna Convention on the Law of Treaties (VCLT)*
 - Vienna Convention on the Law of Treaties (VCLT), 422–423
 - Voting information
 - abolishing anti-dumping tariff, 205
 - abstentions, 206
 - anti-dumping cases, 200
 - behaviour, basic members, 201–202
 - country distribution, 203–205
 - liberalization, 205
 - Member States, 200
 - Poland and Lithuania, 205–206
- W**
- WHO petitions
 - country distributions, 195–198
 - legislations, 194–195
 - missing information and branch organizations, 198–199

- Work Programme on Electronic Commerce (WPEC), 1375, 1393–1394
- World Customs Organization (WCO). *See* *WTO-WCO*
- World Trade Organization (WTO)
- accession (*see* WTO accession)
 - Bananas Saga
 - certification process, 24–26
 - documents initialization, 2009, 26–27
 - and GATB, 1
 - GATT Council note for GATB, 24
 - battle over tariffs, Pakistan, 33–34
 - cooperation, 344
 - crisis of (*see* Crisis of World Trade Organization (WTO))
 - CRTA, 324–325
 - dispute settlement (*see* WTO dispute settlement)
 - EU's FTA policy, 304
 - export duties commitments (*see* Export duties commitments, irrational WTO regime)
 - GATS-minus commitments, 1047, 1055–1058, 1075–1077
 - and GCC (*see* WTO and GCC)
 - grouping countries, 323
 - historical institutionalism, 940–941, 955–956
 - imposing countervailing duties, 1022–1023
 - institutional asymmetry and change, 939
 - integrity, 956–957
 - intellectual property protection, 315
 - jurisprudence, 1030
 - Lisbon Treaty, 322–323
 - MFN Clause, 321
 - misaligned currencies, 1035–1040
 - NTBs, 313
 - political bargaining, 938
 - presumption of good faith (*see* Presumption of good faith, WTO)
 - rare earths dispute (*see* *Rare earths dispute* case, WTO rules)
 - reforms (*see* Reforming WTO discipline, export duties)
 - road reform (*see* Road reform, WTO export duties)
 - RTAs, 322
 - rule-based system, increased legalization, 937
 - rules and economic imbalances, 1017–1018
 - TSM (*see* Transitional safeguard measure (TSM))
 - TSP (*see* Transitional product-specific safeguard provisions (TSPs))
 - waiver on tariff preferences, 56
- WPEC. *See* *Work Programme on Electronic Commerce (WPEC)*
- WTO. *See* *World Trade Organization (WTO)*
- WTO accession
- Article XXXIII under GATT and Article XII, 948
 - 'core privileges', 953
 - economic vulnerability, 955
 - entry, 952
 - and GATT (*see* GATT accession)
 - institutional dynamics, 951–952
 - institutional shift, 938–939
 - intellectual commentary, 938
 - legalization, 949
 - liberalization, 953–954
 - 'Memorandum of the Foreign Trade Regime', 951
 - negotiations, 953
 - political bargaining, 938
 - procedures, 949–950
 - quantitative transformation, 950
 - special and differential treatment (SDT), 954–955
 - 'universality', 949
 - US treats negotiations, 952
 - vulnerable states, 952–953
 - Working Parties, 950

- WTO and GCC
 - Article XII, 130–131
 - Article XXIV, 131
 - aspirational language, 128
 - BoP trade measures, 131–132
 - economic integration, 125, 127–128
 - exceptions, 128–129
 - free trade, Article XXIV of GATT, 129–130
 - global economic governance, 132–134
 - globalization and economic restrictions, 125
 - international economic order, 127
 - Korean Beef* case, 131
 - liberalization, intra-regional trade, FTA, 126
 - MSN treatment of imports, 128
 - MUs and GATT, 126–127
 - PTAs, 126, 127
 - scope and effects, EMU, 126
 - trade unification, 124–125
- WTO dispute settlement
 - anti-dumping agreement, 988–989
 - anti-dumping and countervailing duties, China products (*see* US-definitive anti-dumping and countervailing duties, China products)
 - appellate body activism, 989–991
 - description, 985–986
 - safeguard, DSU, 986–988
- WTO-minus obligations and discriminatory treatments, 1295, 1298
- WTO negotiations on fisheries subsidies
 - Code of Conduct, FAO, 1094–1095
 - Committee on Trade and Environment (CTE), 1094
 - Doha Ministerial Declaration, 1095–1096
 - fisheries-specific adverse-effects test, 1096, 1135
 - international regulation, 1086–1088
 - management, Chair's Draft of 2007 and reactions, 1097–1110, 1136
 - negative effects, 1096
 - non-product-specific disciplines, 1086
 - policy responses, overexploitation of fish resources, 1089–1094
 - prohibitions, 1096
 - scientific parameters, biological status, 1097
- WTO-WCO
 - architecture of IOs, 842–843
 - CCC, 816–817
 - classification of goods, 818–819
 - customs valuation and rules of origin, 820–821
 - DDA, 821–823
 - dispute settlement (*see* WTO dispute settlement)
 - institutional foundations and intensity of trade linkage, 840–842
 - IOs' acts, 843–845
 - issue of uneven treatment, 837–838
 - linkage, 817
 - peculiarity, 846
 - subject-matter linkage, 836
 - WTO treaty language, 838–840