## Subject Index

A	Agreement on Subsidies and
Accession protocols, WTO legal system	Countervailing Measures
agreement, 757–762	(ASCM)/SCMA, 168–169
Article XII, 767	anti-circumvention provision,
China and the Russian Federation,	269–272
752	benefit, 274–276
China-Raw Materials dispute, 770	CIRR, 280
DSB, 752	contingent upon export performance,
economic development needs,	278
764–765	direct transfer of funds, 268-269
'entry fee' and legal status,	enterprise, 283
753–757	export credit, 279, 281
GATT obligations, 767	export industry, 278
general exceptions, 765	findings and consequences, 284-285
historical developments, 762	government action, 277
in international law, 766	grant element, 283
legal status, 753	income/price support, 272-273
Ministerial Conference and the	interim findings, 273
General Council, 762, 763	international undertaking on official
multilateral trading system, 770	export credits, 280
non-discrimination, 765	OECD-arrangement, 282
non-market economy status, 768	prohibited export subsidies, 278
sovereign equality, 764	provision/purchase of goods, 269
subsidiary document, 766	safe harbour provision, 281
trade in goods, services and	soft loan, 279
intellectual property	specificity and test, 276-277, 284
rights/investment, 769	substantive requirements, 267
'WTO-Plus' provisions, 752–753	supplier credit and buyer credit,
African Convention on the	279
Conservation of Nature and Natural	trade sectors, 282
Resources, 943	WTO law, 267–285

'Subject Index'. Journal of World Trade 48, no. 6 (2014): 1295–1322. © 2014 Kluwer Law International BV, The Netherlands

Agricultural negotiations	Korea – Alcoholic Beverages, 333–334
decreasing influence, static coherence,	legal affairs and rules division, 348
1066-1068	marginal and captive consumers, 348
validity, 1064-1066	Philippines – Distilled Spirits, 334–336
Agricultural value chains	relevant market, 325-326
governmental involvement, 980	SSNIP test, 327–329
market-based policy framework,	tastes and habits, 347
971–972	toothless fallacy, 330-332
and multilateral trade rules, 976-979	US – Clove Cigarettes (see US – Clove
procurement and distribution	Cigarettes)
channels, 969	ASEAN Agreement on the Conservation
production and post-production	of Nature and Natural Resources,
activities, 970	943
product transformation, 969	ASEAN Comprehensive Investment
quality incorporation, 969	Agreement, 635, 672, 673
Anti-dumping (AD) and CVD	ASEAN Economic Community (AEC)
investigations	by 2016, 635
during 1982–2013, 845, 846	ASEAN Framework Agreement on the
affirmative rulings, 852	Integration of Priority Sectors, 634
China, 864, 865	ASEAN's economic integration through
concurrent, global use of, 847-849	law
country use, 847, 849	competition policies, 635
global use of concurrent, 847	contemporary Asian regionalism, 643
proliferation, 845	De Facto and De Jure, 638-643
targeted country during 1982–2013,	dispute settlement mechanisms, 640
849–851	East Asian regionalism, 640
WTO consultations during	geostrategic and diplomatic
1995–2013, 852, 853	considerations, 642
WTO dispute settlement body until	and institutional capacities, 640
2013, 847	intensity, trade with ASEAN+1
Anti-export bias of high tariffs, 798–799	partners, 643–651
Appellate Body (AB) report, WTO	internal commitment level, 636
Canada-Renewable Energy, 577	market access agreement, 632–633
Chile – Alcoholic Beverages, 334	plurilateral negotiation settings,
competition law, 324	636–638
cross-price elasticity, 346	production network, 639
dispute settlement system, 326–327,	regional and interregional, 632, 641
349	sensitive domestic industries from
economic approach, 326, 327	non-ASEAN exports, 642
economic evidence, 347	shelter sensitive sectors, 641
GATT, 325	tariff rate protection, 633 ASEAN's plurilateral tariff liberalization
GATT, 325 institutional design, 349	programme 633
HIBERTALIAN ALMENI, JTJ	DIOSTALLING, O.A.

ASEAN's Preferential Trade Agreements (PTAs) cooperation and negotiations, 632 depth of WTO-PLUS commitments, 660–670 economic integration through law (see ASEAN's economic integration through law) horizontal mapping exercise, 632 institutional and private sector capacities, 675–676 internal economic integration, 630, 631 intraregional and interregional trade, 630 investment agreements, 630 market access liberalization, 676 plurilateral negotiation, 631 preliminary conclusions and hypotheses, 651–653 proliferation of cooperation provisions, 659–660 regional obligations, 630 substantive coverage, 654–659 tariff reduction and services trade liberalization schedules, 675 trade and investment negotiations, 677 ASEAN Trade in Goods Agreement (ATIGA), 635 ASEAN trade intensity Australia, 645, 647 China, 645, 651 India, 645, 650 Japan, 645–646 Korea, 645, 649 New Zealand, 645, 648	manufacturing services, 42–43 new perspective, 45–47 ordinary perspective, 44–45 product and activity approaches, 43–44 statistics and principles, 40 transactions in services within current account, 41–42 Balancing tests, regulation of goods Chapeau of Article XX, 408–409 China-Raw Materials dispute, 405 EC-Asbestos, 405 GATT, 406–409 judicial restraint and national sovereignty, 404–405 Korea-Various Measures on Beef, 405–406 language, 405 necessity test, GATT Article XX(a), (b) and (d), 406–408 SPS Agreement, 410 TBT Agreement, 409–410 BATNA. See Best alternative to a negotiated agreement (BATNA) Bay of Bengal Initiative for Multi Sectoral Technical and Economic Cooperation (BIMSTEC), 736–737 Best alternative to a negotiated agreement (BATNA), 1043 BOP. See Balance of payments (BOP) Border management reform, private sector costs, 1171 customs procedure, 1171–1172 environment impacts and quality of trade, 1171
Balance of payments (BOP) firms, 48–49 international transactions, 40–41 maintenance and repair equipments, 42	trade, 1171 international shippers, 1171, 1172 international trade facilitation recommendations and instruments, 1171, 1173–1174 objectives, 1171

specialist services to border agencies,	'state resources', 930
1172, 1174–1175	subsidy laws and control, 917
Business-government partnerships, 801–802	supply-side and narrow definition of the market, 913–914
801-802	
С	WTO dispute settlement organs, 909
Canada concurrent AD and CVD	Canada's Access to Medicines Regime
practices	(CAMR), 91, 92
during 1985–2013, 861, 862	Capital goods vs. consumer goods,
implemented affirmative rulings	839–840
against other countries, 861, 864	Chase and encirclement study (CHESS),
number and percentage of affirmative	507
rulings, 861, 863	China-India free trade agreement bilateral and international relations,
Canada – Renewable Energy	739
AB approach, 917	, 6,
capacity deployment, 897	dispute settlement mechanism, 729–730
claims, 901–902	economic relationship, 733
Court of Justice of the European	non-tariff barrier, 749
Union (CJEU), 927	political and economic relationship,
creation, markets, 914–916	729
dissenter's call to integrity, 906-908	political relations, 730–732
domestic solar industry, 900	PTA, 736
economic misconception, 908-909	Regional Trade Agreement (RTA),
EDF decision, 929	734
feed-in tariff (FIT), 897	WTO negotiations, 738
industrial policy, 898	Chinese state-owned enterprise (SOEs)
legal weakness, 905-906	ASCM, 168–169
litigation strategy, 921-922	challenges, 167–168
local content requirement (LCR), 897	different types, 184
market failures, 926	economic reform, 186–187
national trade remedy, 899	free trade and protectionism, 189
Ontario FIT Programme, 898, 899	function, government, 176–178
panel and appellate body, 902	GATT 1994, 168
pantomime, 924–926	governmental authority, 178-182
policy considerations, 929–930	government control, 173-176
policy narratives, 903-904	impacts, 187–188
principal-agent framework, 923–924	negotiation, 171-173
public action, 918	non-cooperative state-owned firms,
reactions, report, 922–923	184–186
regulatory techniques, 928	public/private body, 169
second economic-legal misconception,	regulation, government's subsidies, 168
910–913	SASAC's supervision, 186
statements in the litigation., 919–921	transactions, 169

US-AD & CVD, 170-171 legitimacy deficit, 251–257 CIRR. See Commercial interest parties' intention, 247 schools, 250 reference rate (CIRR) textual, 250 CITES. See Convention on International Trade in Endangered Species of treaty's provisions, 247 Wild Fauna and Flora (CITES) Vienna convention (see Vienna Climate change mitigation convention) Conference in Cancun (COP 16), WTO negotiation, 248 1008 Concurrent trade defence investigations consequences and causes, global 1982-2013 warming, 1010-1011 anti-dumping, 843 economic incentives, 1012-1013 countervailing duty and safeguards, economic, legal and political debate, duties, anti-dumping, 844 Global Countervailing Duties GHGs (see Greenhouse gas emissions (GHGs)) Database, 844 and international trade regulation (see Consultation, private sector International trade regulation) approaches, 1175-1176 tariff reductions/elimination, 1009 arms-length approaches, 1178 assessment and research, 1178 uncapped products from non-committed countries, 1009 collaborative, 1176-1177 unilateral tariffs, 1008 Member States, 1175 Commercial interest reference rate performance, 1175 responsibility and ownership, (CIRR), 280 1175 Commission on Intellectual Property, Innovation and Public Health unilateral reform measures. (CIPIH), 107-108 1175 Committee on Customs Valuations Convention on International Trade in Endangered Species of Wild Fauna (CCV) CVA, 64, 70-73, 80 and Flora (CITES) structure of WCO, 64, 65 regulation, 437, 452 TCCV, 66-70 VPAs. 454 Committee on Regional Trade CRTA. See Committee on Regional Agreements (CRTA), 1099-1100 Trade Agreements (CRTA) 'Common intention' approach of treaty Customs valuation agreement (CVA) and compliance, 80 interpretation accession protocol, 232-235 function, 64 and GATT, Article VII, 70-73 China-Raw Materials, 231 recognition, transfer pricing, 80 contractarian foundation, 244-247 dispute settlement process, 249 Customs valuation treatment, service domestic legal systems, 249 trade evolutionary, 248 Article VII of GATT, 1119 legal consequences, 248 intellectual assists, 1120

IPR services, 1120-1121	Deep and comprehensive free trade
principle, 1119	agreement (DCFTA), 804-807,
regulation rules, 1119–1120	813–814
software, 1121–1122	Department for International
	Development (DFID), 465
D	Dispute settlement body (DSB), 752
DCFTA. See Deep and comprehensive	Dispute settlement mechanism,
free trade agreement (DCFTA)	China-India FTA
DDA. See Doha Development Agenda	APEC, 743–744
(DDA)	Asian economies, 748
Deceptive practices	binding features, 747-748
Appellate Body, 602	FTA, 745–746
Article XX, 602	legalistic, judicialized/arbitralized
Australian law, 600-601	system, 747
definition, 596-597	NAFTA Free Trade Commission, 743
European Union, 601	non-tariff trade barrier, 739
in GATT, 597–598	non-technical barriers to trade
in TBT Agreement,	(NTBs), 744
603–605	political agenda, 741, 745
US Federal Trade Commission (FTC),	trade and services or measures, 742
599	trade volume and economic activities,
WTO, 596	740
Declaration on Principles for Relations	WTO and NAF, 746
and Comprehensive Co-operation,	Dispute settlement system, e-commerce
733	analysis methodology-four quadrants,
Deconsolidated carbon tariffs. See also	1206-1207
Tariffs	Article 3.2 of DSU, 1203
average simple applied tariffs (%),	Article X:8, WTO agreement, 1197
1027–1028	behaviours, 1203-1205
exporters' total exports to the	constructive ambiguity, 1198
importing countries, 1026-1027	creation of new rights and obligations,
import demand elasticities,	1202–1203
1029–1030	democratic legitimacy, 1197
importing countries' total imports	departing from 'precedent', 1200-1202
from exporters, 1025–1026	judicial law-making, panels and
plurilateral 5% increase in average	appellate body, 1196–1197
simple applied tariff (year 2005),	national jurisdictions, 1199-1200
1033–1034	pre-existing legal rules, 1198
unilateral 5% increase in average	process of re-negotiation, 1198
simple applied tariff (year 2005),	rights and obligations, 1197-1198
1030–1032	security and predictability, multilateral
World Bank WITS SMART model,	trading system, 1205-1206
1029	viability of norms, 1197

Dispute settlement understanding (DSU) public international law, 237 rights and obligations, 242 subsidy, 816 WTO Member, 242	national treatment and most-favoured-nation, 358–368 necessity and proportionality tests, 368–382 negotiations, Uruguay Round, 356
Doha Declaration, 83, 85, 96 Doha Development Agenda (DDA) agriculture negotiations, 977 bottom-up scheduling modalities, 196 business engagement, 1044 effective advocacy, 1044 initial and revised services, 194 liberalize flows, FDI, 1041 mini-ministerial in 2008, 208 mini-ministerial meeting, 194 signalling conference, 195 technical refinements, 204	non-tariff barriers, 354, 431, 432 obligations, 354, 356 precautionary action, 400–404 product/process issues, 410–414 relationships, 420–424 rules, 352 'single undertaking', 356 social welfare perspectives, 431 standards code, Tokyo Round, 355–356 Uruguay Round, separate agreements, 354
2008 WTO Ministerial Meeting, 1045 Domestic regulation of goods, SPS, TBT	variations, 432 violation, 429–431 WTO agreements and provisions,
Agreements and GATT appropriate level/scientific basis, 382–386  Australia–Salmon and EC–Hormones	356–357  DSB. See Dispute settlement body (DSB)  DSU. See Dispute Settlement  Understanding (DSU)
Panels, 429 autonomy, 431 balancing tests, 404–410 Biosafety Protocol, 357	E  E-commerce under WTO's judicial activism
components, 352–353 conditions of application, 415–418 conflicts in WTO law, 424–428 consumer information on origin, 428–429	China-audiovisual services, 1211–1214, 1218–1219 China-payment cards services, 1214–1216, 1219 decision-making, 1191
contracting parties, 354–355 cumulative application and principle of effective interpretation, 418–420 different disciplines categories, 357–358	Doha Round of negotiations, 1190 DSB, 1190, 1191, 1221 electronic supply, 1217 information and communication technology (ICT) sectors, 1191
harmonization, 355, 486–493 internal inconsistencies, 396–399 Marrakesh Agreement, WTO, 352, 353 MRAs, 393–396 national measures, 351–352	internet, 1216 management of international economic order, 1189 measures, 1220–1221 regulatory policy, 1221–1222

implications, 543-545 'reinvigorate' negotiations, 1194-1196 scope, 1219-1220 non-agricultural import tariffs, technological changes (see 540-541 Technological changes, e-commerce) Eurasian customs union and Ukraine, trade facilitation agreement, 1190 803-804 US-Gambling, 1208-1211, 1217-1218 European Union (EU) Timber Economic effects, tied aid Regulation public funds, 263-264 FLEGT Action Plan, 433, 435-437 strategic reaction, 266-267 illegal logging, 433-434 welfare effects, 264-266 Illegal Logging Prohibition Bill, EGS. See Environmental goods and 438-439 services (EGS) Lacev Act, 437-438 Environmental goods and services EU's new FTA adventures (EGS), 1018-1019 competing bilateralism/harmonious EU concurrent AD and CVD practices bilateralism, 548-549 EU-Japan FTA on China, 540-545 during 1988-2013, 858, 859 affirmative rulings against other EU-US FTA on China, 534-540 countries, 858, 861 multilateralism/bilateralism, 526, number and percentage of affirmative 547-548 rulings, 858, 860 negotiations, 546-565 EU-IANUS research project post-Doha period (see Post-Doha in agricultural negotiations (see period) Agricultural negotiations) reform/turning inward, 549-550 agriculture-specific analysis, 1060 TPP on China, 545-546 coalition-building among developing trade liberalizations, 525 countries, 1072-1074 TTIP, 526, 550-551 coherence and international influence, US and Japan, 530-534 Vienna's system of international trade, GATT and WTO trade negotiations, 1068 EU-US FTA on China negotiation competence, 1058-1059 government procurement, 539 processes of change, 1069-1071 rules effect, 538-539 Rome Treaties, 1058 state-owned enterprises, 539-540 trade diversion, 534-538 structure, 1060 Exhaustible natural resource' in WTO in trade negotiations, 1061-1064 Uruguay Round and the Doha Law Development Round, 1059 environmental/biodiversity, 944-945 EU-Japan FTA on China and GATT dispute settlement, Chinese and European exports, Japan 947-959 in 2011, 541-542 global trade governance, 940 Chinese and Japanese exports, EU in international efforts, 942-945 2011, 542–543 International Trade Law, 944-945 international treaties, 942, 944 completion, 540

ITO deliberations, 944 Law of the Sea, 944–945 protection and development, 941 WTO dispute settlement, 942 Exon-Florio Amendment of the Omnibus Trade and Competitiveness Act of 1988, 1138 Exports of goods and services, EU discrepancy, 54 economic sector, 44 exports correlations, 54	marginal, 306 market quantity, 308 Ricardian market, 311 short-run production and views, 309, 310 subsidy analysis, 312 time frame, 307 Food and Agriculture Organization (FAO), 463–464 Food security agricultural marketing system, 973
GDP, 1997–2000, 52–54 trade concentration, 56 types, 54, 55 values, 54	and multilateral trade rules, 977–979 private standards, 979 productivity development, 972 productivity enhancements, 973 quality pest and disease management infrastructure, 974
FAO. See Food and Agriculture	stability, 975–976
Organization (FAO)	structural adjustment strategy, 974
Feed-in tariffs (FIT), 563–564	technical barriers to trade (TBT), 979
Financial incentives	trade-related aspects of food standards,
FIT, 563–564	975
informal requirements, 565 preferential tariff treatment, 564 project financing, 564 Firms	Forest Law Enforcement, Governance, and Trade (FLEGT) Action Plan CITES, 436–437 due diligence obligation, 437
activity perspective, 47 BOP, 48–49 building principles, 47 cross-border traded services, 52–53, 56 current account in France, 50–51 exports of goods and services, EU, 54–56	illegal logging, 435–436 supply chain, 437 VPAs, 435 Wildlife Regulation, 436 Free Trade Agreements (FTAs) economic and non-economic objectives, 126
GATS approach, 57 products' traded and originating sector, 52 statistical or technical biases, 51–52 Fixed costs economics principles, 308 entry fee, 307 firm assumption, 311 forthcoming period, 308 investment, 309	exceptions, 125 global governance debate, 483–484 ISA, 3, 9–10 MFN and outward processing provisions, 128–133 MFN standard, WTO, 124 NGO, 458 onward consumption, 125 OP provisions, 124 origin status, 124–125

principal issues, 127	traditional interpretation, 1224
Qualifying Industrial Zones (QIZs),	US-Wool Shirts and Blouses case, 1231
125–126	WTO rules, 1230
WTO disciplines, 126	GATT. See General Agreement on Tariffs
FTAs. See Free Trade Agreements (FTAs)	and Trade (GATT)
	GATT and CVA
G	international regulation, 70-71
GATS. See General Agreement on Trade	principles, Article VII, 71
in Services (GATS)	provisions, 72–73
GATS Prudential Carve-Out (PCO)	trading States, 71
Appellate Body report, 1231	transaction value, 72
avoiding the Member's commitments,	transfer pricing and mispricing, 70
1228–1229	transparency, 72
burden of proof, 1229	Valuation Code, 71, 72
compatibility of post-crisis regulation,	WTO Agreements, 73
1229–1230	GATT Article XX (G) to trade in
concept of disguised restriction, 1234	natural resources
distinction, exceptions and provisions,	civil environmental organizations and
1231–1233	scholars, 964
economic rationale, 1237-1239	diversified treaty interpretation
features, 1234	scenarios, 959-962
financial services, 1223	economic development level, 965
financial stability, 1245	environmental protection, 965, 966
framework agreement, 1235	multi-tier test, 946-947
GATT Article XX, 1230–1231	policy-making capability, 965
global financial crisis, 1224	WTO dispute settlement, 965
jurisprudence, 1232	WTO rules applicable to trade in
lex specialis, 1245	natural resources, 945-946
negative integration approach, 1235	General Agreement on Tariffs and Trade
negotiating history, 1235–1237	(GATT)
non-exhaustive list of prudential	applicable law, 415–416
reasons, 1227–1228	appropriate level/scientific basis,
policy consequences, 1245	385–386
progressive liberalization and members	balancing tests, 406-409
right, 1235	components, 352–353
provision, 1229	and CVA (see GATT and CVA)
rationale, negotiating history,	harmonization, 393
1239–1244	internal inconsistencies, 399
risk, 1245–1246	MRAs, 395–396
rules, WTO, 1244	necessity and proportionality tests,
scope of the provision, 1224–1227	369–375
structure of, 1233–1234	non-discrimination, 358–362
TISA, 1244–1245	plurilateral negotiation, 1041

precautionary action, 404 product/process issues and	scheduling methods and guidelines, 198, 199
territorial-extraterritoriality, 411–412	Services Sectoral Classification List
rules, 352	W/120, 199
vs. SPS Agreement, 421–423	standstill clauses, 200
vs. TBT Agreement, 423–424	technique, 191
trade in natural resources (see GATT	telecommunications and financial
Article XX (G) to trade in natural	services, 199
resources)	top-down schedule, 217
Uruguay Round, 1040	Uruguay Round schedules and
WTO law, 285–291	subsequent achievements, 208–210
General Agreement on Trade in Services (GATS)	Generalized System of Trade Preferences (GSTP), 736
agriculture, 195	Generics vs. World-scale market
attention and resources, 194	segmentation
automatic coverage of new services,	AIDS, 97
202	anti-competitive conduct, 105-106
bottom-up schedule, 216	CIPIH, 107–108
cross-border exchanges, 192	competition authorities, 106
degrees of political energy and legal	competitors, 104
scrutiny, 203	decision-making processes, 98-99
economic efficiency, 204–208	Doha Declaration, 96
financial services, 197	excessive pricing, 105
government-internal evaluation and	exploit knowledge monopolies,
coordination, 203	104
Hong Kong Ministerial Declaration,	guidelines, 99
198	health products, 109–110
institutional deficiencies, 196	market-driven mechanisms, 88-96,
legal architecture of trade agreements,	110
192	patent protection, 99–100
liberalization, 193, 210	price reductions, 97–98
NAFTA, 191	pro-competition policies, 105, 109
negotiating modalities, 197	pro-trade solutions, 100–104
negotiators, 199	recommendations, WIPO, 108–109
opening government procurement, 203	re-regulatory process, 109 royalty rates, 99
PCO (see GATS Prudential	trade liberalization, 104
Carve-Out (PCO))	TRIPS (see Trade-Related Aspects of
phase-in commitments, 201-202	Intellectual Property (TRIPS))
political impetus, 215–216	voluntary licences, 96–97
positive-list and negative-list	WHO and WIPO, 106
agreements, 196	GHGs. See Greenhouse gas emissions
RTAs, 210–215	(GHGs)

Go Global' policy in China foreign investment	safe levels and precaution principle, 1013–1014
Australia, 1145–1147	Gross Domestic Product (GDP), 485
BITs, 1137	cross Boniestic Product (GBP), 100
Canada, 1142–1145	Н
economic reforms, 1166	Harmonization, SPS Agreement
European Union, 1147–1150	Codex, WOAH and IPPC standards,
FDI, 1165–1166	387–389
OFDI (see Outbound foreign direct	dispute resolution tribunals, 390
investment (OFDI), China)	formulating standards, 389
since 2000, 1127	integration, 390
US (see US foreign investment)	monitoring, Article 3.5, 389
Governmental authority approach,	negotiations, 389–390
Chinese SOEs	sanitary and phytosanitary measures,
burdensome test, 181–182	387
control, 179	subject-matter specialists, 389
non-public and non-private bodies,	subsidiarity, 388
179–180	and TBT, 389
public policy test entangles with the	
'benefit' test, 180–181	I
resolutions, 182-183	Inter-American Tropical Tuna
statute/legal instrument, 178	Commission (IATTC), 502
US-AD & CVD, 178	Internal coordination, 1000-1001
Governmental control approach, Chinese	International Court of Justice (ICJ),
SOEs	Vienna Convention
enterprise's governance, 173-174	jurisdiction, 241
majority-state-share, 173, 174	legal system, 248
object and purpose, 175–176	public international law, 243
public body vs. private body, 174	rules of interpretation, 240
Governmental function approach,	International financial regulation and
Chinese SOEs	derivatives
character, 176	agreement of sale and purchase, 139
delegation requirement, 176	Bretton Woods institutions, 149–150
equivalence between government and	CDOs with CDS, 141–142
public body, 177	cede sovereignty, 159
government-owned entity, 176	central clearing parties (CCPs),
purpose and object, 178	144–145
Greenhouse gas emissions (GHGs)	concept of, 138
changes in atmospheric	economic and legal perspectives, 136
concentrations, 1012	economic law, 160–161
CO2, 1012	employees' rights and the company's
global average temperatures, 1011	obligations, 139
IPCC SRES projects, 1012	exception, 159

exchange traded and OTC, 140	taxation, limits of border tax
feasibility, 137	adjustment, 1019–1020
features, 139	International trade relationship, foreign
financial institutions, 147–149	investment
financial law, 163–164	analysis, 114
formalization and institutionalization,	Article XIV of GATS, 120
160	Article XX of GATT 1994, 118
global financial crisis, 135 and governance, 135	bilateral investment agreements,
Group of 20 (G20) and FSB,	China Raw Materials case, 118
143	complications, 114
heroic efforts of Perseus, 137-138	configuration, 114
human experience-9/11, 135	consequential, 115
implication of standardization	dispute settlement, 116–117
requirements, 145	exceptions, 120
institutional advantages, 151–153	FDI, 115
margin requirement, 144	goods and services, 115
national regulators, 146–147	health and safety standards, 115
netting, 144	jurisprudence, 117
objectives, 140–141	market distortions, 115
risk allocation, 140	non-trade-related concerns, 119
rudimentary inquiry, 140, 141	perspectives, 114
subprime mortgages, 141	self-determination, 115–116
trade law, 161–163	Investor-state arbitration (ISA)
trade promotion vs. financial	annulment procedures, 16
regulation, 153-154	ANZCERTA, 3
trade repositories, 143	AUSFTA, 10
transactions, 139	Australian industry, 8
twenty-first century, 135	BTIs and FTAs, 3, 9-10
WTO, 154–158	Calvo Doctrine, 12
International Law Commission (ILC),	challenges, 12
237, 238, 240, 250, 823, 826, 949	conceptual monism, 14
International trade regulation	decision-making, 16
deconsolidation, bound tariffs,	determinations, 17
1022-1024	dispute resolution, 8
differential reduction, tariffs,	disputes, 6-7, 11
1021–1022	domestic law, 14
exemptions, WTO agreements,	domestic litigation, 17-18
1017–1018	economic and social costs, 9
liberalizing trade measures in EGS,	exclusion, 7–8
1018–1019	exemptions, 3, 24–28
non-discrimination, 1016–1017	functions, domestic courts, 18
notion of tariffs, 1020–1021	global investment market, Australia, 3

international and domestic investment law, 12 investment, 3 jurisdictional rationale, 6 legitimate interests, 4–5 literal interpretation, 15 monist legal system, 12–14 negotiators, 7, 16 objections, 10 rejection, Australia's Policy Statement, 5–8	law-making, 251 liberal trade policies, 257 negotiation principle, 254 open and non-exclusive international regime, 256 origin-seeking retrospective effect, 254 process of international treaty arrangements, 253 rights and obligations, 252 social contract theory, 255
rejection, investor-State dispute mechanism, 10	Local content measures Appellate Body, 578
'rule of law', 18	Canada-Renewable Energy, 554
rules of procedure, 15–16 sovereign immunity, 5	cultural content requirements, 558–559
treaty literalism, 15	exploitation, natural resources,
Western liberal tradition, 15	560–561
Irritual arbitration, 785	financial incentives, 563–565 GATT, 555
J	GATT/TRIMS legality, 581–582
Joint Economic Group (JEG), 731	goods and/or services, 554
Joint Working Group (JWG), 731	government procurement, 562–563
L Legal analysis, WTO litigation courage and legitimacy, 934–935 FIT, 931 gap filling/activism, 932 integrity and coherence, 932–934 legitimate policy concerns, 937 process and methodology, 935–937 regulatory framework, 938	GPA, 556, 580 import licenses, 561–562 licensing, 557–558 permission, investment, 562 recessions, 553 renewable energy, 579, 589–590 taxonomy, 556–557 TRIMs, 555 WTO members, 555
Legislative process and constitutional	M
precedents, 788–789 Legitimacy deficit authoritative interpretation power, 251	MAI. See Multilateral Agreement on Investment (MAI)
continuing treaties, 253 customary rules, 251 'exercise of purity', 256 force of international law, 253 globalization, 257 internal institutional structure, 252	Marginal cost absolute value, 305 buyer/seller, 301 competitive markets, 302, 303 elasticity, 303 marginal change, 302 pass-through rate, 303

specific <i>versus</i> ad valorem calculations, 304	Market Economy Investor Test (MEIP), 927–928
thumb, 304	MEIP. See Market Economy Investor Test
transactional subsidies, 302	(MEIP)
Market access issues	MFN. See Most-Favoured-Nation
China's GATS+ commitments, 713	(MFN)
Demandeurs' market access ambitions,	MFN and outward processing provisions
703	administrative cost, 128
GATS commitments/offers, 708–710	Appellate Body, Turkey-Textiles case,
market access objectives, 703	128–130
multilateral trading system, 723	benefits, third country, 127
PTA commitments, 707	conformity, 128
selected Non-TISA participants,	contractual/autonomous trade, 130
714–717	Draft Bali Ministerial Declaration,
services PTAs (see Services PTAs)	132–133
TISA participants, 687–691, 706	exception, 131
WTO plurilateral requests, 703–705,	FTA, 133
711–712	GATT 1994, 128
Market-driven mechanisms	jurisprudence, 127
anti-market and anti-trade approach,	Kyoto Convention, 132
89–90	preferential rules of origin, 130
CAMR, 91, 92	regulations of commerce, 130-131
CL injunction, export-oriented	standard, 130
elements, 93–95	WTO disciplines, 132
compulsory license, medical	Mispricing and transfer pricing
technologies, 88-89, 92, 93	civil society, 63
developed technology-exporting	consequences, 61, 63
countries, 89	corporate entities, 60-61
double compulsory license, 110	good/service, 61
exceptions and limitations, 93	guidelines, OCED, 62–63
generics manufacturers, 90	international trading system, 61
implementation measures, WIPO,	multinational enterprises, 61
92–93	taxation authority, 62
obstacles, 90	tax effectiveness, 61–62
patent monopoly rights and public	temptation, corporate groups.,
interest, 93	62
procedure, 89	'Mode 5' approach to service trade
pro-trade mechanism, 92	characteristics of, 1114, 1115
remuneration, patent holder, 90	customs valuation treatment,
review, 91	1119–1122
technology-exporting countries, 90	design, R&D, architectural and
unworking agreement, 95	engineering, 1116
workable solution, 95–96	differences, 1118

domestic gross exports in EU27 by	tariff reductions, 1050
industry, 1118	violation, 1085
external competitiveness, 1109	Multilateral Agreement on Investment
GATS's four modes of supply,	(MAI)
1113–1114	DDA, 1044
GATT, 1110–1111	liberalization, 1042
global production and labour division,	MFN tariff reductions, 1050
1109	negotiators of the United States, 1043
global value chains, 1109–1110	political liability, 1042
gross exports, 1112, 1116–1118	trade diplomacy, 1054
growth, goods and commercial	Multilateral trade rules and food security
services 2004–2012, 1111–1112 indirect, 1114, 1119	food safety and quality standards, 978–979
international competition, 1110	predictable access to supply, 978
manufacturing goods, 1110	reduction in tariff barriers, 977-978
mining and agriculture exports, 1118	transaction costs, 978
quantification, 1118-1119	WTO-imposed monetary ceiling, 977
reflects production, 1115-1116	Mutual Recognition Agreements
scope, 1115	(MRAs), domestic goods regulation
servicification, 1110, 1115	The GATT, 395–396
share of service contribution, 1113	SPS Agreement, 394
software, 1119	TBT Agreement, 395
transport equipment, 1118	
world input-output database (WIO,	N
1112	NAFTA. See North American Free Trade
The MOFCOM regulation	Agreement (NAFTA)
foreign trade remedy investigations, 993	NAMA. See Non-agricultural market access (NAMA)
industry associations, 987-989	National Marine Fishery Service
Jiaxing producers, 993–994	(NMFS), 506–507
local government, 989 rights and responsibilities, 989–990	National Treatment (NT), 267, 274, 275, 285, 290, 291
Most-Favoured-Nation (MFN)	Necessity and proportionality tests
agreement's cross-cutting obligation,	GATT, 369–377
196	SPS Agreement, 380–381
financial services, 203	TBT Agreement, 378–380
FTAs, 128–133	NGO. See Non-governmental
national treatment, 205	organization (NGO)
and outward processing provisions (see	Non-agricultural market access
MFN and outward processing	(NAMA), 194, 195
provisions)	Non-governmental organization (NGO)
RTA, 218	accountability regime, 468
scope of, 212	advocacy, 466
scope 01, 212	,, ivo

characteristics, 463	O
consultation, 472-474	ODA. See Official Development
correction, 475–477	Assistance (ODA)
DFID, 465	Official Development Assistance (ODA),
Doha Declaration, 464–465	260, 261, 263, 282
evaluation, 470–472	OPEC. See Organization of the
FAO, 463–464	Petroleum Exporting Countries
FTAs, 458	(OPEC)
global economic governance, 466	Organization for Economic Cooperation
internal legitimacy and accountability, 467	and Development (OECD)/DAC advocacy, 1052–1055
international organizations (IOs),	constructivism, 1043
466	DDA (see Doha Development Agenda
international trade regime, 458	(DDA))
legal and technical trade, 461–462	developing country disengagement,
liberalization, 464	1040
negotiations, international trade,	investment norms, 1041–1044
457–458	MAI (see Multilateral Agreement on
transparency, 469	Investment (MAI))
UNCTAD, 459–460	multilateral economic diplomacy, 1039
WTO, 459–460	rationalist-BATNA explanation, 1043
Non-notified regional trade agreements,	Uruguay Round of trade negotiations,
in Asia-Pacific	1041
agreements binding tariffs, 1090-1091	Organization of the Petroleum
Central Asian countries, 1100	Exporting Countries (OPEC), 940
contracting party's perspectives, 1100	Organized Decision Process (ODP),
economic impact, 1078	507
factual presentations, 1091-1094	Outbound foreign direct investment
identification, 1079	(OFDI)
and notified RTS, 1078	CDB and Exim bank, 1133-1134
outside notification, 1098, 1100	CNOOC, 1128
relationship, 1091	competitive global market, 1131
scope, 1100	developments, 1129-1130
signed without notification,	encouraging capital outflows, 1130
1094–1098	fierce competition in domestic
sources, 1078	markets, 1131
speculation on possible reasons,	financial and non-financial incentives,
1098–1099	1133
transparency mechanism, 1091	flows, 1127-1128
WTO (see WTO in Asia-Pacific)	global financial crisis, 1127
North American Free Trade Agreement	liberalization, 1131–1132
(NAFTA), 191	non-financial support, 1134
NT. See National Treatment (NT)	ONGOING SOE reforms, 1161–1164

policy implications, host countries, 1158–1160	GATT/WTO dispute settlement, 1052
regulation of SOEs in international	MFN tariff reductions, 1050
treaties, 1164–1165	in trade liberalization, 1049
restrictions, 1133	WTO disciplines, 1050
SAFE, 1133	Post-Doha period
SOEs, 1128–1129	China, 528
SOES (see State-owned enterprises	EU-China relations, 529
(SOEs))	EU-Japan, 529–530
SWFs, 1130	EU-Japan free trade negotiation, 528
urbanization and production,	EU-US TTIP, 527–528
1130–1131	FTA or non-FTA strategy, 527
P	'trade, growth and world affairs', 527
	PPP. See Purchasing-Power-Parity (PPP)
Pass-through of subsidies to price	Preferential trade arrangement (PTA),
assessment of the U.S. approach	1086, 1106–1107
(see U.S. approach, subsidies to	Private sector
price)	border management reform (see
competitive markets, 300	Border management reform, private
domestic subsidies, 296	sector)
downward sloping supply, 305–306	conflicting interest, 1182
economic analysis, 295	consultation (see Consultation, private
economy-wide feedback effects, 301	sector)
export subsidies, 315	customs policy making, UK,
external economies, 314	1181–1182, 1185
factors, 300	diversity in trade logistics practices,
fixed costs, 306–312	1178, 1181
institutional and policy, 296	economies of scale, 1182
marginal cost, 301–305	entities, 1178
marginal revenues, 313	influence customs policy, UK, EU and
multiple demand curves, 313, 314	WCO, 1181, 1184
neoclassical models of trade, 301	international supply chain operators,
past theoretical criticism, 295	1179, 1180
single market, 312	responsibilities, export and import,
subsidies, pass-through and trade,	1178–1179
296–300	trade facilitation measures, 1182
trade policy literature, 312	transactional steps, meat imports into
WTO's Antidumping Agreement, 314	the UK, 1181, 1183
People's Republic of China (China) and	Procurement liberalization
the Russian Federation, 752	agreements, EU, 493
Plurilateral (multi-issue) preferential trade	bilateral trade agreements, 490-492
agreements	Colombia's application, 497
disadvantages, 1051	competition policy, 488

coverage, 487	R
DG trade, 499–500	Ranking on the global competitiveness
EU-Central America agreement, 496	index, 811–812
'external governance', 498	RCEP. See Regional Comprehensive
FTAs (see Free Trade Agreements	Economic Partnership Agreement
(FTAs))	(RCEP)
GDP, 485	Regional Comprehensive Economic
government procurement (GP),	Partnership (RCEP), 630
482	Regional Comprehensive Economic
GPA, 486, 494, 495	Partnership Agreement (RCEP),
GP international initiative, 489-490	691
international trade, 485	Regional trade agreements (RTAs)
multilateral rules, 493	CRTA, 1099-1100
USA and EU, 488	database, 1100
Protocols of Accession. See Accession	DCFTA, 804–807
protocols, WTO legal system	EU membership, 807
Public funds, 263-264	Eurasian customs union,
Public-private partnership	803-804
European Commission (EC) approach,	full-fledged MFN clauses, 212
984	government interventions, 207
'quadrilateral coordination' mechanism	individual agreements, 209
(see 'Quadrilateral coordination'	institutional framework, 211
mechanism)	legal architecture, 207
trade barrier investigation mechanism,	methodology and information source,
984–986	1089
WTO members, 983	monitoring system, 1077–1078
Purchasing-Power-Parity (PPP), 811	non-notified (see Non-notified
	regional trade agreements, in
Q	Asia-Pacific)
'Quadrilateral coordination' mechanism	notification requirement, 1078
cooperation of four parties,	phase-in provisions, 202
986–987	problematic scheduling patterns,
design, 997–999	204
external coordination, 999–1000	regulatory interventions, 206
firms preparation, legal defence, 994	scheduling approaches, 214
incentives, 1001–1002	scope and depth of GATS, 210
institutions, 1002–1004	time-consuming, 1101
internal coordination, 1000–1001	top-down and bottom-up agreements,
judicial review, 996	211–214
the MOFCOM regulation, 987–990 retaliatory measure, 995	trading blocs, EU and ECU, 802–803
WTO litigation, 995–996	transparency, 1077
the Zhejiang rules, 990–993	RTAs. See Regional Trade Agreements
the Enteriang rules, 770 773	(RTAs)

S	SPS Agreement. See Sanitary and
Sanitary and phytosanitary measures	phytosanitary measures (SPS)
(SPS) Agreement	Agreement
applicable law, 417–418	SRES. See Special Report on Emissions
appropriate level/scientific basis,	Scenarios (SRES) projects
383–384	Standards and Trade Development
balancing tests, 410	Facility (STDF), 979
harmonization (see Harmonization,	Stare decisis
SPS Agreement)	civil law perspective, 783
internal inconsistencies, 396–399	in the common law and civil law
MRAs, 394	traditions, 775–777
necessity and proportionality tests, 380–382	dispute settlement mechanism (DSM) 777–778
non-discrimination, 366–368	error costs, 779–780
precautionary action, 400-403	irritual arbitration, 785
product/process issues and	labor of judges, 781
territorial-extraterritoriality, 414	law and economics literature, 783–784
vs. TBT Agreement, 420–421	learning by doing, 791-792
violations, 429–430	legislative process and constitutional
SCM. See Subsidies and Countervailing	precedents, 788–789
Measures (SCM) agreement	normative implications, 792–794
Services PTAs	not permitted/prohibited, 782
discretionary licensing decisions,	quasi-agnosticism, 784
702	reliance and planning, 780–781
GATS+ Commitments, 697, 698	stock of precedents, 784–785
index values per PTA Agreement, 699–701	vertical <i>vs.</i> horizontal stare decisis, 790–791
TISA participants, 696	in the WTO, 788
Small but significant non-transitory	State-owned enterprises (SOEs), China
increase in price test (SSNIP test)	economic, social and environmental
demand, product, 328	framework, 1136
expensive product, 327-328	exaggerated threats, 1154-1158
loss of sales, 328-329	foreign investment, 1135
market shares, 327	foreign ownership, 1137
own-price elasticities, 328	government functions, 1135
relevant market, 327	influx of foreign capital, 1135
South Asian Association for Regional	privatized corporate entities, 1136
Cooperation (SAARC) countries,	reciprocity concerns, OFDI, 1136
736	reforms of, 1151-1154
South Asian Free Trade Area (SAFTA), 736	subsidies, privileges and immunities, 1135–1136
Special Report on Emissions Scenarios (SRES) projects, 1012	State trading enterprises (STEs), 286–290, 582–583

Subsidies and Countervailing Measures	food security, 979
(SCM) Agreement	harmonization, 390-392
against actionable subsidies, 830-831	internal inconsistencies, 399
Article 4.7, 583	MRAs, 395
countermeasures, 828	necessity and proportionality tests,
local content measures, 583	378–380
against prohibited subsidies, 829-830	non-discrimination, 364-366
renewable energy, 896	precautionary action, 403-404
vs. the trade effect, 831-832	product/process issues and
WTO, 583–584	territorial-extraterritoriality, 411-413
Subsidies, pass-through and trade	violations, 430-431
CVDs, 299–300	Technical Committee on Customs
emergence, 298–299	Valuations (TCCV)
WTO, 296–298	activity, 66–69
Subsidization of marginal cost, 301-305	analysis, 66
Subsidy-related cases under WTO	customs administration authority,
dispute settlement	69–70
arbitration reports, 817	reports, 64–65
DSU, 816	responsibilities, 65-66
goal of retaliation, 822-823	transfer pricing, 66, 70
inducing compliance, 823-827	valuation, 70
market access, distort resource	Technical regulations
allocation, 815–816	accurate information transmission, 622
retaliation and compensation under	Appellate Body, 615
article 22, 820–822	consumer deception, 595
right to retaliate, 817–820	consumer interests, 593–594
SCM, 816, 817	cross-border transactions, 594
Supply chain councils	deception, competition and consumer
business-government partnerships,	information, 616–618
801–802	deceptive practices, 595–596, 618–619
participation in international and	differentiation, product, 594
production networks, 800-801	DPCIA, 614
_	EC-Seal Products dispute, 611–612
T	'like products', 606–608
Tariffs	market-based approach, 627
deconsolidation of, 1022–1024	Mexican tuna industry, 614
differential reduction, 1021–1022	mutual recognition and flexibility,
notion of, 1020–1021	621–622
Technical Barriers to Trade (TBT)	non-discrimination under TBT Article
Agreement	2.1, 605–606
applicable law, 416–417	product attributes, 623–625
appropriate level/scientific basis, 385	social welfare and cost of information,
balancing tests, 409–410	625–626

TBT, 595	China and the hypothesis of
'treatment less favourable', 608-609	retaliation, 873–875
US-COOL dispute, 609-611	Chinese-specific political system, 876
US-Tuna II, 614	Conduct of Community Interest Test,
WTO panels, 613	867–868
Technological changes, e-commerce cross-border supply of services, 1193	domestic trade politics in China, 871–873
development of ICT, mid-1990s,	The Institutional Framework, 868–869 WTO DSB, 870–871
digital products, 1194	Trade in Services Agreement (TISA)
mode 1 and 2 trade, 1193	bilateral trade, 696
networks, 2000, 1192	domestic services content share in
physical proximity, 1193–1194	exports of goods, 2008, 686, 687
services market, 1192	dynamism and importance, 683
telecommunication services,	exports and imports of services, 692,
1192–1193	693
WTO Work Programme and DDA,	exports of total services, selected
1194	reporters/partners, 2010, 693, 694
Tied aid	growth and development economics,
colonial era, 259	685
economic effects, 263–267	GVCs, 685
facts and numbers, 260-262	and investment patterns, 685
material export subsidy, 262	liberalization modalities and rules
ODA, 260	framework, 683-684
TISA vs. WTO	manufactured product production, 686
GATS protocol' approach, on a MFN	market access commitments, 685, 687
basis, 717–719	Pacific Alliance (PA), 691
plurilateral agreement outside the	preferential trade agreements, 688-690
WTO, 720–721	PTA negotiations on services, 688
plurilateral agreement within the	structure of world trade in goods and
WTO, 720	services, 686
TPPA. See Transpacific partnership	Trade in services and trade of services
agreement (TPPA)	industries
Trade barrier investigation mechanism	balance of payments (see Balance of
in foreign markets, 984	payments)
MOFCOM, 985	cross-border trade in services, 57
TBI procedure, 986	firms (see Firms)
US – Renewable Energy Subsidy case,	GATS, 32
985–986	ICT and dematerialization process, 32
Trade defence investigations by WTO	manufacturing goods, 35–40
members	non-storable and intangible, 31
adoption of the 'Lesser-Duty Rule',	system of national accounts, 32, 57
866–867	telecommunications, 31–32

multilateral single undertaking, 1045–1046  plurilateral (multi-issue) preferential trade agreements, 1049–1052  single-issue multilaterals, 1046 single-issue plurilaterals, 1047–1049  Trade-Related Aspects of Intellectual Property (TRIPS) antitrust exceptions, 105 complex re-engineering process, 83  China initiated against other countries' exports, 1254–1255 complication, 1270–1271 complication, 1270–1271 contribution, global economy, 1276–1277 cooperation, 1254 early warning and exchange system, 1276 economic development and domestic	Trade negotiation, global trade governance	"best information available", 1269 categories of products, 1260
trade agreements, 1049–1052 complication, 1270–1271 single-issue multilaterals, 1046 contribution, global economy, single-issue plurilaterals, 1047–1049 1276–1277  Trade-Related Aspects of Intellectual Property (TRIPS) early warning and exchange system, antitrust exceptions, 105 1276		-
single-issue multilaterals, 1046 contribution, global economy, single-issue plurilaterals, 1047–1049 1276–1277  Trade-Related Aspects of Intellectual cooperation, 1254  Property (TRIPS) early warning and exchange system, antitrust exceptions, 105 1276		-
single-issue plurilaterals, 1047–1049  Trade-Related Aspects of Intellectual  Property (TRIPS)  antitrust exceptions, 105  1276–1277  cooperation, 1254  early warning and exchange system,  1276		-
Trade-Related Aspects of Intellectual cooperation, 1254 Property (TRIPS) early warning and exchange system, antitrust exceptions, 105  1276		- ·
Property (TRIPS) early warning and exchange system, antitrust exceptions, 105 1276	-	
antitrust exceptions, 105 1276		-
*		
complex re-engineering process, 83 economic development and domestic	*	, -
compulsory licensing, 88 industries, 1264–1265		industries, 1264-1265
difficulties, 87–88 emerging market economies,	difficulties, 87–88	emerging market economies,
Doha Declaration, 83, 85 1271–1272	Doha Declaration, 83, 85	1271–1272
drafting, agreement, 82 enterprises perspectives, 1261		enterprises perspectives, 1261
'flexibilities', 84 establishment, 1248		•
health-care and treatment exports and imports development,	health-care and treatment	
infrastructures, 81 1266	•	1200
implementation, 98 framework, 1249		
importers and exporters, 86–87 global economic development and		-
OECD countries, 87 international trade, 1248–1249		
pharmaceutical generics, 84, 85 2013 Global Trade Alert Report, G20		-
pharmaceutical patent protection, members, 1275–1276		
81–82 growth by developing countries, 1262		
policy-making, 84 impact of former trade remedy		-
production capacity, developing investigation, 1271		_
countries, 85–86 Indian exports, 1251–1252		-
public health care, 84–85 initiated by other BRICS members, regulation, 85 1256–1259		•
right to override patents, 85 inter-cooperation in developing	right to override patents, 85	inter-cooperation in developing
transitional periods, 82 countries, 1274	transitional periods, 82	countries, 1274
waiver, 86, 87 internal trade relationship, 1249–1250	waiver, 86, 87	internal trade relationship, 1249-1250
Trade-related investment measures international politics and diplomatic (TRIMS) relationships, 1263–1264		
Article 2 and Annex, 574–575 legal cultures and languages, GATT provision, 575 1267–1269		
government procurement, 576 liberalization, 1249		
Trade remedies, China in the BRICS major exporters and importers, 1250		
annual summits, 1249 members, 1248		
anti-dumping investigations, 1270 "MINT" in 2011, 1274		
anti-dumping measures, Brazil and non-economy status, 1272–1273,	anti-dumping measures, Brazil and	non-economy status, 1272-1273,
Russian, 1251 1272–1274	Russian, 1251	1272–1274

regulatory regime, WTO, 1260	investment, 2
risks, 1274–1275	ISA (see Investor-state arbitration
Russian Federation, 1260-1261	(ISA))
safeguard measures, 1252-1253	MIA, 1, 2
trade remedy measures, 1250-1251,	multilateral investment, 1–2
1253	and NAFTA, 2
transitional product-specific safeguard	negotiations, 2
measures, 1259–1260	trade, 1
World Bank's statistics, 1248	US-Peru, 9–10
WTO rules, 1262-1263	Trans-Pacific partnership PTA (TPP),
Transfer pricing and WTO dispute	630
settlement	Tuna-dolphin revisited
'actual value' of goods, 78-79	CHESS, 507
breach of Article XXIII(1)(b), 77-78	Congress enacted legislation, 505
and CCV, 60	dolphin-safe and non-dolphin safe,
CCV and TCCV (see Committee on	524
Customs Valuations (CCV))	domestic and international agendas
claims, 79–80	and rulings, 521–523
customs valuation, 74, 75	ETP, 502
degree of causation, 79	expert testimony, 520
impairment provision, 76	GATT, 501–502
importing State conducts, 74	IATTC, 502
institutions capacity, 59, 80	initial finding, 506
Members' knowledge, 80	international dolphin protection,
mispricing (see Mispricing and transfer	504–505
pricing)	NFMS, 506-507
nullifying/impairing measures,	NGOs, 502
exporting Member, 78	NOAA, 506–508
remedies, 78	ODP, 507
tax jurisdiction, multinational	panel's analysis, 517-518
enterprises, 73–74	revised regulations, 524
TCCV, 64	unsolicited amicus curiae briefs,
transaction structure, 74-76	520-521
and WCO, 60	US and Mexico, 501
Transpacific Partnership Agreement	US dolphin protection measures,
(TPPA)	502-504
APEC members, 2	WTO dispute, 508-517
bilateral investment agreements, 3	
dispute resolution, 19-23	U
FDI, 2	Ukraine in the world economy
FTA with Malaysia, 3	anti-export bias of high tariffs,
ICSID, 5	798–799
ideological opposition, 10-15	Chile model, 797

concrete policy initiatives and	fixed cost, 316
institutional mechanisms, 796	fragmentary economic analysis, 318
the EU and Russia, 797	industry-level information, 316
pro-government and pro-Russian	input and output prices, 318
groups, 796	theoretical outcomes, 318
from the rapid growth countries,	variable costs, 317
797–798	US – Clove Cigarettes
and regional trade agreements (see	adult consumers, 340
Regional trade agreements)	Border Tax Adjustment, 338
supply chain councils (see Supply chain councils)	competition-based methodology, 340, 342
for trade and business, 799-800	competition law, 323-324
in WTO, 795–796 UN Framework Convention on Climate	competitive/substitutable' products, 342
Change (UNFCCC), 1992	demand-side substitutability, 339
addressing carbon leakage, 1015–1016	Federal Food, Drug and Cosmetic
policies for emissions reduction,	Act, 336–337
1014–1015	hypothetical reactions, 341
United Nations Conference on Trade	interpretation, 343
and Development (UNCTAD),	menthol-and clove-flavoured
463–464	cigarettes, 338-339, 341-342,
The United Nations Convention on the	346
Law of the Sea of 1982	potential smokers, 340-341
(UNCLOS), 943	relationship, 339
United Nations High Level Task Force	tastes and habits, 339
(HLTF), 968	TBT Agreement, 337, 341
Uruguay Round and the Doha	youth and non-youth smokers,
Development Round, 1059	343–344
Uruguay Round of trade negotiations,	US concurrent AD and CVD practices
1041	during 1982–2013, 853–855
US and Japan, FTA adventures	affirmative rulings against other
Chinese intellectuals and media,	countries, 854, 857
533–534	number and percentage of affirmative
marginal impact, 531	rulings, 854, 856
negative impact, 532-533	US dolphin protection measures,
positive impact, 530–531	502-504
TTIP negotiations, 530	US foreign investment
U.S. approach, subsidies to price	Byrd Amendment, 1140
CVD and AD, 315	CATIC-MAMCO transaction,
domestic subsidies, 315	1139–1140
double-count problem, 317	CFIUS review, 1138, 1139
economics, 317	Chinese SOEs and private enterprises,
empirical situation, 319	1140–1141

'covered' foreign investment transaction, 1138–1139 economic protectionism, 1140	legally harvested, 453 VPAs. <i>See</i> Voluntary Partnership Agreements (VPAs)
FINASA, 1138, 1139	W
investment in Chinese firms, 1142	Welfare effects, 264–266
national security, 1138	Western and Central Pacific Ocean
transaction and national security, 1140	(WCP), 512–513
Unocal by CNOOC Ltd., 1141–1142	WIPO recommendations, 108–109
US – Upland cotton	World trade and foreign investment
in article 22.3, 841	advantages, 121
capital goods <i>vs.</i> consumer goods, 839–840	BITS, 122
	disadvantages, 121–122
by complaining party, 836–838 GSM 102 export credit guarantees,	economic system, 111, 112
834	financial crisis, 122
marketing loans and counter-cyclical	FTAs (see Free Trade Agreements
payments, 835–836	(FTAs))
multilateral determination,	historical, 112
non-compliance, 833	individuals/corporations, 112
in subsidy-related cases, 838	institutional architecture, 112, 113
user marketing payments to exporters	legal disputes and applicable
and domestic users, 832	principles, 123–124
withdrawing the inconsistent	liberalization, 112
measures, 833	multilateral, regional and bilateral setting, 111
V	negotiations, 121
Vertical stare decisis vs. horizontal stare	perspective of trade bloc, 120, 121
decisis, 790–791	policy perspectives, 113
Vienna Convention	political and legal, 112-113
Appellate Body's agreement, 241	reciprocity, 111
compulsory jurisdiction, 242	relationship, international trade (see
customary rules of interpretation,	International trade relationship,
235–239	foreign investment)
DSU, 242	transfer of investment, 121, 122
ICJ, 240	WTO disciplines, 122-123
judicial activism, 243	World Trade Organization (WTO)
public international law, 240	Accession Protocol (see Accession
resolution practice, 241	Protocols, WTO legal system)
WTO framework, 243	agreements, 566
Voluntary Partnership Agreements	anti-dumping regime, 242
(VPAs)	Appellate Body, 221, 568–569, 572,
Council Regulation, 435	774
FLEGT Regulation, 436	binding nature of precedents, 773

Canada-Autos, 571	technical regulations and standards,
'common intentions', 244–250	510
dispute resolution practice, 236	US policy, 514
DSM, 774	WCP, 512–513
EC-Aircraft, 571	WTO in Asia-Pacific
evolving process, 222	
C 1	components, trade, 1081–1086
foreign trade, 227	cross-regional agreement, 1088
GATS, 565	elements, 1080
GATT, 573	entities and international membership,
judicial organs, 243	1088, 1104–1105
membership, 232	GATT Article XXIV, 1079, 1084
multilateral trade agreements, 234	geographical scope, 1088
national treatment, 219, 566	meaning of agreements, 1080–1081
open and non-exclusive arrangements,	most-favoured nation (MFN), 1079
253	non-notified trade agreements,
policy considerations, 219	1086–1087
political bodies, 251	non-reciprocal agreements, 1085-1086
private behaviours, 220	NTBs and ORRCs under
private companies, 571	agreements, 1084–1085
public international law, 233	PTAs notification, 1086, 1106-1107
SOE, 570	regional membership in ADB and/or
of stare decisis (see Stare decisis)	ESCAP, 1088
theoretical issues, 231	substantive and procedural
World Trade Report (WTR),	requirements, 1079
945	transparency, 1080
WTO-consistency of EU's Regulation	treatment of tariffs, 1082-1084
EUTR, 440	violation of MFN, 1085
GATT, 440–442	WTO-PLUS commitments
TBT Committee, 439	anti-dumping, countervailing measures,
Trade Policy Review Report, 439	and global safeguard measures, 666
WTO dispute, Tuna-Dolphin revisited	ASEAN-China Framework
AIDCP, 516	Agreement, 2002, 664
Appellate Body's rulings, 510–511	ASEAN-China Investment Agreement,
'circumstances of the case', 511	672
'determinative', 511	ASEAN-Japan PTA, 664
dolphin-safe programme, 515	bilateral safeguard measures, 666
dolphin-safe regime, 511–512	comparative FTA Toolkit, 660
ETP, 513–514	competition policy, 671
GATT's, 517	de jure economic integration, 675
ISO/IEC, 516	'Hoekman Index', 667, 668
'legitimate objectives', 515	intellectual property rights, 669, 670
'legitimate regulatory distinction', 512	investment protection and
TBT, 508–509	liberalization, 671
-,	,

liberalization and integration disciplines, 674 low liberalization commitment, 663 mode 4 services liberalization, 673 regulatory convergence, 665 solid TRIPS-plus legal framework, 670 tariff commitments, 661 tariff elimination coverage, 661, 662 WTO Trade Facilitation Agreement acceptance, developed members, 1281 benefits, 1168 cost of transporting and trading goods, delay-a phase-in period, category B, 1282-1283 draft agreement, 1279, 1281 existence, 1167 Hudec's analysis, 1280 implementation problem, 1281 implications, 1186

legal obligation, category A, 1282 limits and procedures, 1281 negotiations, 1283–1284 notifications of Category A Schedule, 1284–1286 phase-in period, category C, 1283 private sector (*see* Private sector) recommendations, 1168 scope of Articles, 1168–1170 in UK, 1168

## $\mathbf{Z}$

The Zhejiang Rules
anti-dumping actions against local
exports, 992
Department of Commerce in
Provincial Government, 990
to firms and industry, 991, 992
local departments of, 991
MOFCOM regulation, 990
time-limits for, 992–993