Subject Index

A	anti-circumvention, 338–340
African, Caribbean and Pacific (ACP)	burden on domestic industry, 346
Article XXIV GATT, 720	currency devaluation
ECOWAS, 721, 722	dumping of sterling, 335-336
EPAs, 719, 720	general, 335
interim agreements, 721	current legislation, 331-332
Agriculture in EU-Canada trade	duration of anti-dumping duties, 341
agreement	early legislation, 328-331
CETA	fasteners investigations and reviews,
anti-dumping/countervailing duty,	342–343
452	frozen chicken products, 343-344
biotechnology products, 452-453	frozen potato chips, 344–345
environment and trade, 451-452	imports from Hong Kong, 337
geographical indications, 448-450	industry concentration, 338
product safeguards, 444	institutions
regulation, wines and spirits sale,	board of trade and industry,
446–448	326–327
rules of origin, 445-446	customs, 327
subsidies, 444–445	'ITAC,' 327–328
tariff reduction, 439-441	minister of trade, 328
trade and sustainable development,	judicial review, 341-342
450–451	lack of substantive (judicial) and
TRQs, 441–444	prompt review, 349
food trade, 438	lack of transparency, 346-347
liberalization, international trade,	lack of WTO-consistent injury and
438–439	causality determinations, 348
negotiations, 437–438	low level of WTO participation,
protection, 438	340–341
restrictions, 438	political intervention and unclear
trade policy, 438	decision-making rules, 348
Anti-dumping in South Africa	regulations and agreement, 349

'Subject Index'. Journal of World Trade 49, no. 6 (2015): 1123–1150. $\@$ 2015 Kluwer Law International BV, The Netherlands

services, 336	lack of standing of private parties,
soda ash, 345-346	290–292
statistics, 332–333	WTO DSM, 285–289
traditional users, 325	mobility implicit, 307
uneconomic competition resulting	multilateral trading system, 307
from wars, 336–337	origins and development
Anti-Dumping Review Panel (ADRP),	features, 280
979	foundation, 279-280
Appellate Body (AB)	framework Agreements, 281-282
absence of legal impediments,	Member States, 280
875–877	political and economic
aforementioned provisions, violation	cooperation, 280–281
of, 875	realism and pragmatism, 280
Article 3.10 DSU	sentiment, 280
Estoppel principle, 887–889	performance, 278
invocation of, 'procedural' good	political interferences, 308
faith, 886-887	practice and procedure
procedural' good faith, 880-884	non-adjudicatory mechanisms,
'substantive' and 'procedural' good	284–285
faith, 879–880	panel proceedings, 282-284
waiving DSU rights, 884-886	Protocol, 282
DSU, 874	reposition, 307
of WTO, 873	rule-based system
Appellate body members (ABMs)	challenges, 297–298
function, 694–695	opportunities, 297
nomination, 690	rule of law, 296
remuneration, 693-694	strengths
ASEAN free trade area dispute	disputes resolution, 303
settlement mechanism	eliminate political interferences,
AEC, 278–279	dispute settlement process, 302
arbitration	establishment, ASEAN arbitration
Charter, 300	centre, 302–303
effectiveness, 300–301	private party participation, 301-302
EU law, 299	weaknesses
legalistic elements, 299-300	arbitration, AEC, 306-307
procedure, 300	bias and suspicions of Member
resolution, 298	States, 306
establishment, 277	enforcement of an arbitral award,
framework agreements, 277-278	304–305
informality, 307	limitations, 303
limitations and constraints, 279	New York Convention, 303
'ASEAN Way' politicization,	participation, private parties,
293–296	305-306

recognition, arbitral award, 304 state immunity, 305 World Trade Organization, 278 Australian Customs and Border Protection Service (Australian Customs), 978 Australia's anti-dumping and countervailing laws and practice AD Commission, 978–979 Administrative Decisions (Judicial Review) Act 1975, 979 ADRP, 979 ADRP, 979 Australian Customs and Border Protection Service (Australian Customs), 978 ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulation), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 gATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 B Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Buyer-driven chains, 934 Canadian Border Services Agency (CBSA), 985 Catch—XXI' situation and security exceptions abuse of right/bargaining, 908–911 economic sanctions under international trade (WTO) law, 894–895 Cauthomalian Revolution, 893 GATT, 892 ITO, 892 logical dilemma/paradoxical situation, 891 scope and security exceptions, 895–896 unilateral restrictive measures Council Decision 2014/145/CFSP, 898 Council Decision 2014/145/CFSP, 898 Council Decision 2014/512/CFSP, 898 Bedward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060 negotiations with Bahrain, 1061	public policy exception, 303-304	С
state immunity, 305 World Trade Organization, 278 Australian Customs and Border Protection Service (Australian Customs), 978 Australia's anti-dumping and countervailing laws and practice AD Commission, 978–979 Administrative Decisions (Judicial Review) Act 1975, 979 ADRP, 979 ADRP, 979 ADRP, 979 AUSTRALIAN CUSTOMS, 978 ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulation), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism ps. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 (CBSA), 985 Catch-XXI' situation and security exceptions abus of right/bargaining, 908–911 economic sanctions under international trade (WTO) law, 894–895 Euromaidan Revolution, 893 GATT, 892 logical dilemma/paradoxical situation, 891 scope and security exceptions, 895–896 unilateral restrictive measures Council Decision 2014/145/CFSP, 898 S98–899 Council Decision 2014/386/CFSP, 898 898–899 Council Decision 2014/386/CFSP, 898 898–899 CLVs, 897 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 'special economic measures, 901 TFEU, 897–898 Ulkraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Caribbean Basin Initiative, 1061–1062 ILO standards, 1060		Canadian Border Services Agency
World Trade Organization, 278 Australian Customs and Border Protection Service (Australian Customs), 978 Australia's anti-dumping and countervailing laws and practice AD Commission, 978–979 Administrative Decisions (Judicial Review) Act 1975, 979 ADRP, 979 ADRP, 979 Australian Customs and Border Protection Service (Australian Customs), 978 ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Castoms Basin Initiative, 1061–1062 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Castomission, 978 Catch-XXI' situation and security exceptions abuse of right/bargaining, 908–911 economic sanctions under international trade (WTO) law, 894–895 Euromaidan Revolution, 893 GATT, 892 ITO, 892 logical dilemma/paradoxical situation, 891 scope and security exceptions, 895–896 unilateral restrictive measures Council Decision 2014/145/CFSP, 898–899 Council Decision 2014/512/CFSP, 898–899 Council Decision 2014/512/CFSP, 898 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Catch XXI' situation abuse of right/bargaining, 908–91 economic sanctions under international trade (WTO) law, 894–895 Curromaidan Revolution, 893 GATT, 892 ITO, 892 Customs Act 1975, 979 GATT, 892 Council Decision 2014/145/CFSP, 898 898 Council Decision 2014/512/CFSP, 898 Beyone decurity exceptions, 891 Council Decision 2014/51	-	
Australian Customs and Border Protection Service (Australian Customs), 978 Australia's anti-dumping and countervailing laws and practice AD Commission, 978–979 Administrative Decisions (Judicial Review) Act 1975, 979 ADRP, 979 AUSTRALIAN CUSTOMS, 978 ADRP, 979 AUSTRALIAN CUSTOMS, 978 AUSTRALIAN CUSTOMS, 978 ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 AD Commission, 978 CEUTOM ATRIPS, 893 GATT, 892 ILOUS (ATT, 892 ILOUS (ATT, 892 ILOUS (AST, 892 ILOUS (AST, 893 GATT, 892 ILOUS (AST, 892 ILOUS (AST, 893 GATT, 892 ILOUS (BATT, 893 International trade (WTO) law, 894–895 Euromaidan Revolution, 893 GATT, 892 ILOUS (BATT, 892 ILOUS (AST, 893 GATT, 892 ILOUS (BATT, 892 ILOUS (BATT, 893 International trade (WTO) law, 894–895 ILOUS (ATT, 892 ILOUS (BATT, 892 ILOUS (BATT, 892 ILOUS (BATT, 893 International trade (WTO) law, 894–895 ILOUS (BATT, 892 ILOUS (B	•	
Protection Service (Australian Customs), 978 Australia's anti-dumping and countervailing laws and practice AD Commission, 978–979 Administrative Decisions (Judicial Review) Act 1975, 979 ADRP, 979 ADRP, 979 AUSTRALIAN CUSTOMS, 978 CUSTOMS, 978 ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 CATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Administrative Decisions (Judicial Revolution, 893 GATT, 892 ITO, 892 logical dilemma/paradoxical situation, 891 scope and security exceptions, 895–896 unilateral restrictive measures Council Decision 2014/145/CFSP, 898–899 Council Decision 2014/386/CFSP, 898–899 Council Decision 2014/512/CFSP, 898 domestic markets, stabilization of, 902 IEEPA, 899 LCVs, 897 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 'special economic measures,' 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060		•
Customs), 978 Australia's anti-dumping and countervailing laws and practice AD Commission, 978–979 Administrative Decisions (Judicial Review) Act 1975, 979 ADRP, 979 ADRP, 979 Australian Customs and Border Protection Service (Australian Customs), 978 ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 economic sanctions under international trade (WTO) law, 894–895 Euromaidan Revolution, 893 GATS and TRIPS, 893 Euromaidan Revolution, 893 GATT, 892 ITO, 892 logical dilemma/paradoxical situation, 891 scope and security exceptions, 895–896 unilateral restrictive measures Council Decision 2014/145/CFSP, 898 898 Council Decision 2014/145/CFSP, 898–899 Council Decision 2014/386/CFSP, 898–899 LCVs, 897 Decision 2014/145/CFSP, 898 Bod domestic markets, stabilization of, 902 IEEPA, 899 LCVs, 897 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 'special economic measures,' 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060	Protection Service (Australian	-
countervailing laws and practice AD Commission, 978–979 Administrative Decisions (Judicial Review) Act 1975, 979 ADRP, 979 Australian Customs and Border Protection Service (Australian Customs), 978 ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Review) Act 1975, 979 GATT, 892 InTO, 892 logical dilemma/paradoxical situation, 891 scope and security exceptions, 895–896 unilateral restrictive measures Council Decision 2014/145/CFSP, 898–899 Council Decision 2014/386/CFSP, 898–899 Council Decision 2014/512/CFSP, 898–899 LCVs, 897 Council Decision 2014/512/CFSP, 898–899 LCVs, 897 LCVs, 897 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 'special economic measures,' 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060	Customs), 978	economic sanctions under
AD Commission, 978–979 Administrative Decisions (Judicial Review) Act 1975, 979 ADRP, 979 ADRP, 979 Australian Customs and Border Protection Service (Australian Customs), 978 ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 B Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 E EUromaidan Revolution, 893 GATS and TRIPS, 893 GATT, 892 ITO, 892 logical dilemma/paradoxical situation, 891 scope and security exceptions, 895–896 unilateral restrictive measures Council Decision 2014/145/CFSP, 898–899 Council Decision 2014/512/CFSP, 898–899 Council Decision 2014/512/CFSP, 898–899 LCVs, 897 Council Decision 2014/512/CFSP, 898 B98 domestic markets, stabilization of, 902 IEEPA, 899 LCVs, 897 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 'special economic measures,' 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060	Australia's anti-dumping and	international trade (WTO) law,
Administrative Decisions (Judicial Review) Act 1975, 979 ADRP, 979 AUSTRALIAN CUSTOMS and Border Protection Service (Australian Customs), 978 ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism ps. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 ADTT, 892 ITO, 892 IGATT, 892 ITO, 892 IGATT, 892 ITO, 892 ISATT, 892 ITO, 892 ICO, 892 Iogical dilemma/paradoxical situation, 891 scope and security exceptions, 895 eunilateral restrictive measures Council Decision 2014/145/CFSP, 898–899 Council Decision 2014/386/CFSP, 898–899 Council Decision 2014/386/CFSP, 898–899 Council Decision 2014/386/CFSP, 898–899 LCVs, 898 Beach and TRIPS, 892 ITO, 892 Ido, 891 scope and security exceptions, 891 suplementality exceptions, 891 suplementality exceptions, 99	countervailing laws and practice	894–895
Review) Act 1975, 979 ADRP, 979 AUSTRALIAN CUSTOMS and Border Protection Service (Australian Customs), 978 ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 ILO standards, 1060 ICUSTOMS ACT, 892 ITO, 892 logical dilemma/paradoxical situation, 891 clogical dilemma/paradoxical situation, 891 logical dilemma/paradoxical situation, 891 clogical dilemma/paradoxical situation, 891 copic and security exceptions, 896 unilateral restrictive measures Council Decision 2014/386/CFSP, 898 domestic markets, stabilization of, 902 LCVs, 897 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 'special economic measures,' 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060	AD Commission, 978–979	'Euromaidan Revolution, 893
ADRP, 979 Australian Customs and Border Protection Service (Australian Customs), 978 ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 ILO standards, 1060 ITO, 892 logical dilemma/paradoxical situation, 891 scope and security exceptions, 891 Council Decision 2014/145/CFSP, 898–899 Council Decision 2014/386/CFSP, 898–899 Council Decision 2014/512/CFSP, 898–899 Council Decision 2014/512/CFSP, 898–899 LCVs, 898 domestic markets, stabilization of, 902 IEEPA, 899 LCVs, 897 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 'special economic measures,' 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060	Administrative Decisions (Judicial	GATS and TRIPS, 893
Australian Customs and Border Protection Service (Australian Customs), 978 ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 logical dilemma/paradoxical situation, 891 scope and security exceptions, 895–896 unilateral restrictive measures Council Decision 2014/145/CFSP, 898 Council Decision 2014/386/CFSP, 898 Council	Review) Act 1975, 979	GATT, 892
Protection Service (Australian Customs), 978 ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 seve China, Australia's council Decision 2014/145/CFSP, 898 Council Decision 2014/386/CFSP, 898 Council Decision 2014/38/CFSP, 898 Council Decision 2014/386/CFSP, 898 Council Decision	ADRP, 979	ITO, 892
Customs), 978 ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Sustoms Act 1901 (Customs Act), 988 S898 Council Decision 2014/386/CFSP, 898 Council Decision 2014/512/CFSP, 898-899 Council Decision 2014/512/CFSP, 898 Council Decision 2014/512/CFSP, 898 Council Decision 2014/386/CFSP, 898 Council Decision 2014/386/CFSP, 898-899 Council Decision 2014/386/CFSP, 898 Council Decision 2014/38/CFSP, 898 Council Decision 2014/38/CFSP, 898 Council Decision 2014		logical dilemma/paradoxical situation,
ChAFTA, 975–976 China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Resultations Act), 898 Council Decision 2014/386/CFSP, 898 Council Decision 2014/386/CFSP, 898 Council Decision 2014/386/CFSP, 898-899 Council Decision 2014/386/CFSP, 898 Council Decision 2014/512/CFSP, 898 C	Protection Service (Australian	891
China (see China, Australia's anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Louncil Decision 2014/386/CFSP, 898 Council Decision 2014/386/CFSP, 898–899 Council Decision 2014/512/CFSP, 898 Co	Customs), 978	scope and security exceptions,
anti-dumping and countervailing laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Council Decision 2014/386/CFSP, 898 Council Decision 2014/386/CFSP, 898–899 Council Decision 2014/512/CFSP, 898 EEPA, 899 FIEEPA, 99 FIEEPA,	ChAFTA, 975–976	895–896
laws and practice) Customs Act 1901 (Customs Act), 978 Customs Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Regulation, 262 Council Decision 2014/386/CFSP, 898–899 Council Decision 2014/512/CFSP, 898–899 Council Decision 2014/512/CFSP, 898–899 Council Decision 2014/512/CFSP, 898 6 Bipartisan Tariff (Anti-Dumping) Act domestic markets, stabilization of, 902 FEPA, 899 FEPA, 898 FEPA, 899 FEPA, 899 FEPA, 899 FEPA, 896 FEPA, 899 FEPA, 896 FEPA, 899 FEPA, 899 FEPA, 896 FEPA, 899 FEPA, 898 FEPA, 899 FEPA, 89 FEPA, 89 FE		unilateral restrictive measures
Customs Act 1901 (Customs Act), 978 Gustoms Regulations 1926 (Customs Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Customs Regulation 2014/386/CFSP, 898–898 Council Decision 2014/386/CFSP, 898–898 Council Decision 2014/386/CFSP, 898–898 Council Decision 2014/386/CFSP, 898–898 Council Decision 2014/386/CFSP, 898–899 Council Decision 2014/386/CFSP, 898–898 Council Decision 2014/386/CFSP, 898–899 Council Decision 2014/512/CFSP, 898–898 LCVs, 897 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 'special economic measures,' 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060	1 0	Council Decision 2014/145/CFSP,
Customs Regulations 1926 (Customs Regulation), 978 Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Customs Regulations 1926 (Customs 898–899 Council Decision 2014/512/CFSP, 898 LCVs, 899 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 'special economic measures,' 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060	* '	
Customs Regulations 1926 (Customs Regulation), 978 Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Council Decision 2014/512/CFSP, 898 898 domestic markets, stabilization of, 902 LCVs, 897 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 'special economic measures,' 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060		
Regulation), 978 Customs Tariff (Anti-Dumping) Act 1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 REPA, 899 902 LCVs, 897 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 Special economic measures, 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060		
1975 (Dumping Duty Act), 978 GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 LCVs, 899 IEEPA, 899 LCVs, 897 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 responding fee, imported motor vehicles, 896 RF Government, 902 Visual economic measures, 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060	- · · · · · · · · · · · · · · · · · · ·	
GATT/WTO negotiations, 978 protectionism, 976–977 TMRO, 979 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 LCVs, 899 LCVs, 897 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 Special economic measures, 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060		domestic markets, stabilization of,
protectionism, 976–977 TMRO, 979 OFAC, 900 recycling fee, imported motor vehicles, 896 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 LCVs, 897 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 Special economic measures, 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060		
TMRO, 979 OFAC, 900 recycling fee, imported motor vehicles, 896 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 OFAC, 900 recycling fee, imported motor vehicles, 896 RF Government, 902 'special economic measures,' 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060	-	
recycling fee, imported motor vehicles, 896 Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 RF Government, 902 Special economic measures, '901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060	-	
Backward linkages, 918, 934 Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 RF Government, 902 'special economic measures,' 901 TFEU, 897–898 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060	TMRO, 979	
Bilateralism vs. multilateralism cherry-picking behaviour, trade liberalization, 262 Ukraine crisis, context of, 903 Ukraine crisis, context of, 904 Ukraine c	В	
cherry-picking behaviour, trade liberalization, 262 discriminatory tariff liberalization, 261 duty-free trade, 262 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Liberalization, 262 Ukraine crisis, context of, 903 United States' in Executive Order (EO), 899–900 WTO multilateral agreements, 904–908 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060		RF Government, 902
liberalization, 262 discriminatory tariff liberalization, 261 Cunited States' in Executive Order (EO), 899–900 Uty-free trade, 262 Guty-free trade, 262 Guty		'special economic measures,' 901
discriminatory tariff liberalization, 261 duty-free trade, 262 juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Muthority Caribbean Basin Initiative, 1061–1062 ILO standards, 1060		TFEU, 897–898
261 (EO), 899–900 duty-free trade, 262 WTO multilateral agreements, juggernaut effect, 262–263 904–908 trade agreements, 260 Chile and Singapore FTAs Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 ILO standards, 1060		Ukraine crisis, context of, 903
juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Act of 2002, 1058–1060 Act of 2002, 1058–1060 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 LO standards, 1060	261	
juggernaut effect, 262–263 trade agreements, 260 Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Chile and Singapore FTAs Caribbean Basin Initiative, 1061–1062 ILO standards, 1060	duty-free trade, 262	WTO multilateral agreements,
Bipartisan Trade Promotion Authority Act of 2002, 1058–1060 Caribbean Basin Initiative, 1061–1062 ILO standards, 1060		
Act of 2002, 1058–1060 ILO standards, 1060		Chile and Singapore FTAs
Act of 2002, 1058–1060 ILO standards, 1060	•	Caribbean Basin Initiative, 1061–1062
Buyer-driven chains, 934 negotiations with Bahrain, 1061		ILO standards, 1060
	Buyer-driven chains, 934	negotiations with Bahrain, 1061

report on Jordanian labor rights, 1063	natural assets, 501
China, Australia's anti-dumping and	optimal natural capital stock,
countervailing laws and practice	499–500
extension of statutory timeframes,	private sector, 501
1002–1004, 1006–1010	programme, 498
individual dumping margin	relationship, man-made and natural
free trade with China, 1000	capital, 500
in power transformers, 996–1000	economic development, 501–503
LTAR (see Less than adequate	environmental
remuneration (LTAR))	impact, 504-505
PMS (see Particular market situation	policy, 506–508
(PMS))	technologies, 514
sampling	green trade liberalization, 515
free trade with China, 1002	mining and processing, 514
known data approach, 1001	resource efficiency, 514
PIR, 1001, 1002	sustainable development within and
Sinks Investigation, 1001–1002	without WTO
269TACAA and 269TACAB of	commercial recycling, 510
Customs Act, 1000	ecological integration and
SCM Agreement, 979	economic management, 512–513
WTO AD Agreement, 979	environmental problem, 510
China's judicial review system	general principle, 508
administrative cases, international	liberalization of EGS, 511–512
trade, 864–865	over-exploitation of natural
legal instruments, 862	resources, 510
revision of national trade law,	protection, 508–509
862–864	Rio+20 summit in 2012, 509, 514
trade laws and administrative trade,	trade restrictions, 509–510
861	Common Agricultural Policy (CAP) and
WTO agreement, 861	UN
China's rare earth industry	adoption of appropriate national
economic analysis, sustainable	policies, 711
development	agricultural subsidies, 733
'adjusted net savings approach,' 498	agri-food production, 701
assumption, 499	developing countries
capital stock, 498	Article 39(1), 712–713
costs-benefits approach, 500	import regime, 715–717
environmental degradation, 499	instruments, 717–719
GCS, 500–501	organization, 713
growth, 499	Single Farm Payment (SFP), 714
'Hartwick rule,' 498	special arrangements with the ACP
income, 498	719–722
loss, 498	, . , ,

transferability of instruments, 722 direct and indirect roles, 700 divine retribution, 706 EU external economic policy, 701 global partnership, 730 ICESCR, 708–710 international community, 711	2005 WTO Ministerial Declaration, 731 Competition in global trade system anti-competitive behaviour, 407 DCFTA, 435 early initiatives, 412 FTAs
justice of social institutions, 712	antitrust laws with signatories, 426
lack of availability, 708	competition policy, 416–417
LDCs, 732	cooperation, 426
MDGS to the SDGS	Doha Development Round, 417
broad development goals, 702	EU agreements, 417
concentration and effort, 704 encouraging, 705	facilitate relations between antitrust agencies, 428
impressive economic growth, 705	management plans, DG COMP's,
international community, 702, 703	416
national policies, 706	negotiations, 417-418
world's food insecurity, 704	political economy, 426-427
PCD, 701	post-global-Europe, 421-425
policy coherence, EU and the SDGS	regional negotiations, 429
Action Plan's twin-track approach,	regulatory export of own
725	model/approximation, 429-430
agriculture negotiations, 726 consumption patterns, 727	support trade enhancing objectives, 429
cotton production, 725	symbolism, 427
impact of biofuel production, 728	traditional, 418-421
legislative proposal, 729	globalization and effects
objectives, 725	DG COMP, 410
public conference in 2012, 729	economic, 409
Renewable Energy Directive, 727, 728	enforcement, international competition law, 409, 411
Rural Development Regulation, 724	intensifies and jeopardizes competition, 410
trade and development policy,	international cooperation, 410
723	liberalization, 410
trade distortion, 724	political order, 409
WTO agriculture negotiations, 724	ICN, 436
primary and overarching objective,	implications
700	beneficial and neutral/destruction
1996 Rome Declaration on World Food	for trade liberalization, 433-435
Security, 709	legal value, 430-433
TFEU, 701	management plans, DG-COMP,
1996 World Food Summit, 711	407–408

proliferation and multi-polar	bilateral and multilateral treaties, 85
environment, 411–412	investor state arbitration (ISA)
regulation, 408	adoption, 87–89
RTA signatories, 436	Chinese approach, 93–94
trade negotiations, 436	foreign investors protection,
WTO	85
antitrust laws, 415	Latin American Countries, South
Commission's proposal, EU, 413	Africa and Australia, 91-93
developing countries, 414-415	negotiators, international
2001 Doha round, 413	investment agreements, 86
domestic enforcement obligations,	trade disputes, 86
414	US, Canada and the EU,
EU Member States, 412-413	90–91
industrial policy, 415	ISA mechanism, 115
lack of openness and accountability,	multilateral framework, 86
416	public interest
negotiations, 415-416	and foreign investment law (see
regulatory cost, 414	'Public interest' and foreign
Singapore issues, 413–414	investment law)
Customs Act 1901 (Customs Act),	Joseph Charles Lemire v. Ukraine,
978	107-108
Customs Regulations 1926 (Customs	jurisprudence, 116
Regulation), 978	Lone Pine v. Canada and Windstream
Customs Tariff (Anti-Dumping) Act	Energy v. Canada, 106–107
1975 (Dumping Duty Act), 978	Phillip Morris v. Uruguay and Philip
	Morris v. Australia, 103–106
D	regulatory actions, 115-116
Directorate-General Competition	Siemens AG v. Argentine Republic,
(DG-COMP), 407–408	108–109
Dispute resolution in investment treaties	Técnicas Medioambientales TECMED,
balancing of 'interests'	S.A. v. The United Mexican States,
contracts, 111	109–110
creation, public interest exceptions	Dispute settlement mechanism
clause, 112–113	chart, 850–851
environmental protection and	global economy, stability of, 850
safety, 111	trade law enforcement practices,
harmonization, 111–112	China as third party, 852–853
multinational corporation actions,	trade remedy dispute decisions,
111	860–861
protection, 111	trade rules
public health, 111	China as complainant,
sub-provision by GATT Article	857–859
XX and Art. XIV, 113–115	China as respondent, 853–857

Dispute Settlement Understanding	standard terms of reference, Panel,
(DSU)	519
analysis, WTO jurisprudence on sequencing	TBT Agreement, Art. 2.1 and 2.12, 522
application of concessions, 529	violations, GATT Art. III.4 and
Australia Leather Subsidies, 532	XX, 519
Canada–Brazil Aircraft case, 532	Disputes involving Canada and
compliance Panel' mechanism,	renewable energy
529	measures supporting renewable energy
EC Bananas III, 530–531	qualify as 'subsidies'
Marrakesh Agreement, 532	existence of benefit, 1111–1113
multilateral determination,	existence of benefit, 1111 1113 existence of financial contribution,
compliance, 528	1110–1111
obligation, Art. 23.2, 532	'subsidies' on renewable energy
recourse to dispute settlement	justified?
procedures, Art.21.5, 532	Canada-Feed-In Tariff Program and
SCM Agreement, 528–529	Canada-Renewable Energy,
US-FSC case, 532	1113
US-import measures, 531–532	China–Publications and Audiovisual
VCLT, 529–530	Products, 1115
EC Bananas dispute, 517–518	GATT and ASCM, 1114
EU'S complaint against Indonesia	Domestic value-added, 918, 926–928
AB report, US-Continued	Double counting, WTO
Suspension case, 524	Appellate Body
act or omission, 525	assumption, 'same situation' in
DSB acceptance, 524-525	Article VI:5, 229–230
inconsistency, measure at issue with	CVD and ADD imposition, NME
WTO, 526–528	methodology, 228–229
measure at issue, 525-526	interpretation of export
third party interest, 526	subsidization, 228-229
US-Clove Cigarettes case, 524	NME methodology, 230
provisions, 517	Report, 231
reforms, 517, 533–535	export performance, 232
resolution, 535-537	and GATT Art. VI:5, 226
US–Clove Cigarettes	implementation, 251
appeal, 521-522	import duty refund, 232
compliance, 522-524	issues, 225
consultations, Indonesia, 519	MEs and double remedies (see Market
FFDCA, 519	economies (MEs) and double
Panel report, 520-521	remedies)
prohibition of sale, 519	non-market economies,
sanitary and phytosanitary measure,	225–226
519	perspectives, 251

SCM Agreement, 223	model structure and scenario
USDOC, 251	development
VAT refund, 232	impacts of regulatory delays, 1029 market clearing conditions, 1028
E	scenarios, 1029-1030
Economic impacts of regulatory delays on trade and innovation	regulatory approval, asynchrony, and potential innovation slow-down
benefits from first generation biotech soybeans	asynchronous national approvals, 1023–1024
introduction of RR technology, 1016	regulatory approval decisions, 1022–1023
Roundup Ready [™] (RR) soybeans,	regulatory delays, 1011–1012, 1014
1015	timely approvals of new biotech traits
soymeal, 1017	1013
biotechnology pipeline in soybeans	timely introduction of new biotech
effectiveness of glyphosate, 1020	crops, 1012
High Oleic acid Soybeans (HOS)	trade restrictions, 1011
versions, 1019	EU ETS in Aviation under the TBT
HT trait varieties, 1022	agreement
omega-3 fatty acids, 1020	Article III:2 GATT, 793
recently approved biotech soybean	Article 18 of Directive 2008/101/EC
varieties, 1017–1018	791
viral, fungal, bacterial, and	Article XX GATT, 783
nematode infections, 1018–1019	broad interpretation, 787
yield losses, 1021	competent authorities, 791
empirical results	Directive 2008/101/EC, 782
change in production:ARG, BRA	ICAO, 782
& USA, 1031	internal charge, 792
changes in producer and consumer	internal measure affecting trade in
surpluses, 1032, 1034–1035	goods, 794–795
cost of slower innovation,	interpretation, 787
1036–1037	legalization, 785
oilseed price changes, 1031, 1032	literal interpretation, 790
soybean price changes from baseline, normal v. slower	non-product-related PPMs, 785
adoption path, 1032–1033	NPR-PPM regulations, 784, 785
total economic impacts, 1038–1039	practical implications
estimating cost of delayed adoption	Article 2.1, 799–801
due to asynchronous approvals	Article 2.2 and the necessity test,
disability-adjusted life years	802–803
(DALYs), 1026	purposes of contextual interpretation, 788
HT varieties, 1027	technical regulation, 783, 786
use of glyphosate, 1026–1027	binding nature, 798–799
071	Difficing flattic, 170 177

identifiable product/group of products, 796–797	impacts and import policy on exports, 54–56
laying down product characteristics/PPMs, 797–798	performance and imports of intermediates, 52, 53
teleological interpretation, 789	policy implication, 52
transparency requirement, 789	productivity, 52
treaty interpretation rules, 788	protection of property rights, 51
European neighbourhood policy (ENP)	reforms, 51
and Israel	reliability of electricity, 51
action plan, 620-621, 640	restrictions, 57
customs procedures, 642	road infrastructure, 51
e-commerce issues, 640	tax, 57
economic integration, 621, 640	trade developing and emerging
initiatives, 619–620	economies, 51
lack of progress, 641	T.
OECD, 642	F
reforms, dispute settlement	Fast-track legislation efforts and the
mechanism, 642	U.S.: Jordan FTA 1998 ILO Declaration on
trade in goods	
agricultural, 631	Fundamental Principles and Rights
customs procedures, 624–626	at Work, 1056–1057
public procurement and rules of	105th Congress (1997–1998), 1056 106th Congress (1999–2000), 1056
competition, 631–632	time-line of the U.S.Trade and Labor
rules of origin-diagonal	Approach (1992–2013), 1058
cumulation, 628–630	Uruguay Round bill, 1055
rules of origin-relaxation, 626–628	U.S.–Jordan FTA, 1057
technical barriers, 622–624	Fire safety standards in garment
trade in services	factories, Bangladesh
aviation agreements, 634–636	accidents, 154
FP6 and FP7, 637	buildings, 154
GATS, 633	compliance of measures, WTO laws
Horizon 2020 R&D programme,	AB in Canada-Autos, 161–162
637–639	Brazil-Retreaded Tyres, 169–170
liberalization, 633	certification system, 170–171
mutual recognition, professional	consultation with the management,
services, 633 Executive Order (EO), 899–900	169
• • •	discrimination, 164–165
Export-led growth strategy developing and emerging countries,	EC-Asbestos, 161
51	EC-Tariff Preferences, 165–166
diversification, 50, 52	exception, GATT Art. XX,
global value chains (GVCs), 52	162–164
heterogeneous-firm models, 57	extra-territorial trade sanctions, 171
necesses and models, 37	

GATT Art. XI, 160	governments action, 47
judicial/quasi-judicial process, 167	guidance from WHO, 44
jurisdiction, 163	ingredients, 25
Kimberley Process Certification	measures, 47
Scheme, 171	obligations, 21–22
Korea-Various Measures on Beef, 168	packaging and labelling, 25-26
labour rights, 171–172	plain packaging measures, 20
liberalization of cross-border trade,	tax measures, 24–25
162	TBT Agreement, 23-24, 45
MFN treatment, 160	TPP rules, 45
national fire laws, 165	TRIPS agreement, 24
non-compliant factory, 160, 161	France's transport equipment sector,
non-discrimination, 166	937–938, 949
product, 160, 161	
protection of works, 168-169	G
public morals, 167–168	GATS and internet gambling
three-tier test, 164	conditions and limitations, market
trade restrictions, 162-163	access, 459–460
US-Gambling, 169	dispute settlement
US-Gasoline, 164, 165	compensation, 489-492
US-Shrimp, 163, 165-167	consultations, 461–462
violation of MFN treatment, 161	guidance, reform proposals,
waiver, 170	490–491
export, 154	jurisdiction, WTO, 489
ILO, 155, 156	record, 488–489
maintenance, 154	reforms, 489
policy aspects of restrictions	remedies, 492-493
cost of compliance, 158-159	and sanctions, 491, 492
imports, 159	US-Gambling case, 488, 493
protection, 160	DSU rules and procedures, immediate
stakeholders, 158	settlement, 462
trade restrictive measure, 157-158	EC-Bananas III, 461
reports, 153	equal treatment and
responsibilities, 155	non-discrimination, 458–459
trade restrictions, 156–157	establishment, 459
tragic death of workers, 172	general obligations and specific
Foreign value-added, 926-928	commitments, 460
Framework Convention on Tobacco	laws in US (see Internet gambling
Control (FCTC) and trade rules	laws in US)
advertising, 26	liberalization, 457–458
dispute settlement, 44	market access and national treatment,
enforcement provisions, 47	461
GATT, 23	modes of supply of services, 459

Panel/AB decisions, 465–469	WPPS, 954
principles	domestic services and services
Arts. XVI and XVII, 486	suppliers, 952
burden of proof, 482	obligations, 952
discrimination, 487	policy objectives, 952
domestic regulation, 485	regulatory intervention, 951
exceptions, 481	WTO agreements, 953
framework, 480	Global supply chains, 915–917, 927
GATT Art. XX, 482	Global value chain (GVC) map
government intervention, 484-485	advantages, 916
guidelines, 487	countries position
limitations, 483	backward linkages, 918
market access rule, 482-483	developing economies, 920
measures, 486	domestic export structure, 920
Members protection, Art. XX:2,	endowment structure, 923
487	factors associated, 921-923
national treatment provisions,	FDI, 925
480–481	forward linkages, 918
non-discrimination clauses, 484	GDP, 923
provisions, 480	Logistics Performance index,
public morals and public order,	924
482	NTBs, 924
quantitative limitations, 483-484	OECD, 917–918
regulation, 481	participation and distance from
right to conduct, 488	demand in GVC, 917-919
trade investment flows, 480, 484	physical capital, 923
transparency, 480	PMR, 924
WTO jurisprudence, 485	PTAs, 925
regulatory framework, 460–461	R&D, 925
service growth, 457	scale and location, 917
suspension of concessions, 462	STRI, 924
US-Gambling, 459, 461	structural factors, 920
General Agreement on Tariffs and Trade	Trading across Borders, 924
(GATT), 892	traditional and regulatory barriers,
General Agreement on Trade in Services	924
(GATS)	traditional trade policies, 921
Articles XIV and VI	upstream (downstream) activities,
Accountancy Disciplines, 954–955	919
Appellate body, 954	U-shaped relationship, 923
exceptions <i>versus</i> obligation rules,	country's location, 916
956–957	FDI, 915–916
scope of, 955–956	global supply chains, 916
WPDR, 955	new policy measures, 916–917

sector-related analysis France's transport equipment sector, 937–938 Italy's machinery and equipment sector, 935–937, 945–946 Latvia's Wood, paper and paper products sector, 934–935, 945–946 R.CA, 932–933	measurement, 71 positive productivity, 71, 77 productivity impact of offshoring, 71, 74–77 international trade, 57 liberalization, 78 political economy, 50 productivity impact, 58–67 reforming, 49–50
Spain and Italy, 917	surveys, 78
trade policy, 915	trade liberalization, 49, 50, 71
transportation and information and communication technology, 916	World Bank Group Trade Strategy, 49 WTO, 78
value-added	Information Technology Agreement
components, 926	(ITA), 936
matrix, 926–927	Innovation and trade. See Economic
participation index, 928–931	impacts of regulatory delays on
policies, 927–931 Government of China (GOC), 981–982	trade and innovation International Competition Network
GVC-related revealed comparative	(ICN), 436
advantage (RCA), 932–933	International Emergency Economic
**	Powers Act (IEEPA), 899
H 1948 Havana Charter for an	International investment law system
International Trade Organization,	assumption, 220 corporations, 218, 220
1051	development, domestic systems, 221
Hollow structural sections (HSS	discrimination, 221
investigation), 982	domestic law principles, 211
Hot rolled coil (HRC), 982	domestic policies, 218
Hot rolled plate steel (Plate steel investigation), 982	economic welfare gains, 221
investigation), 762	foreign investment
I	auto industry, 215 company lobbies, 213
Importing growth	discrimination and prejudice,
direct impact, 57	companies, 214
empirical literature, 57 export (see Export-led growth	and domestic, 215
strategy)	economic nationalism, 213
goods and services	encouragement, 213 expropriation, 213
export performance, 71	global economy, 214
impacts, 77–78	nationality, 215
intermediates and export	obligations, 214
performance, 71, 73	shareholder nationality, 215-216

treatment of, 213–214 western companies, 214–215 framework, 211	beyond the Chile and Singapore FTAs, 1060–1064 bipartisan Trade Promotion
implications, 220	Authority Act of 2002,
international judicial review, 216–217	1058–1060
NAFTA agreement, US, 211	deepening of the trade and labor
neutrality, 220	approach: The May 10th Agreement
obligations, 218–219 property rights and discourage	<i>a</i> nd Beyond May 10th Agreement, 1064–1066
expropriation, 217	pending FTAS with Colombia,
protections, 217–218	Panama and South Korea,
reforms, 219	1066–1069
responsibility, foreign investors, 218	divided government, party affiliation
scope and boundaries, constitutional	and interest groups, 1048-1051
function, 219	North American Free Trade
tariffs, 221	Agreement (NAFTA), 1047–1048
transparency and good governance,	struggle over trade and labor
218	approach: NAFTA and beyond
International Law Association (ILA),	fast-track legislation efforts and the
838 International Trade Operation (ITO)	U.S.: Jordan FTA, 1055–1058 North American Agreement on
International Trade Organization (ITO), 892	labor cooperation, 1052–1055
Internet gambling laws in US	prehistory of trade and labor
Federal Laws	standards, 1051-1052
IGBA, 473–474	Latvia's Wood, paper and paper products
IHA, 474	sector, 934–935, 945–947
The Travel Act, 472	Least restrictive alternative test (LRAT),
The Wire Act, 470–472	958, 962–965, 972
prohibition of, 469 regulation, 469	Legitimation of WTO judicial power dispute settlement system (DSS)
State Laws	adjudicators, 561
consumers, 574	conscious judicial choice,
legality, 574	561–562
the UIGEA 2006, 475–479, 577–579	expressive and substantive forms,
US-Gambling dispute, 470	542
website operators, 469	judicial choices, 544
Italy's machinery and equipment sector,	jurisprudence, 541-542, 561
935–937, 945–946, 948	jurisprudential and rhetorical legitimacy, 561–562
L	legitimacy-enhancing elements,
Labor standards in U.S. trade politics	542, 588–589
consolidation of trade and labor	national and international level,
approach:TPA and beyond	587

non-WTO international law sources, 562–563 practitioner, 541 stakeholders' reactions, 543 TBT cases, 540 'trade-and' disputes, 540–541 US-Clove cigarettes (see US-Clove cigarettes) US-related disputes, 540 US-Shrimp (see US-Shrimp) 'trade-and' disputes DSS, 550–553 GATT Tina rulings, 548–549 international courts, 547–548 non-trade, 548 normative and social dimensions, 545 political and moral theory, 545 process, adjudicative institutions, 546 public concerns and criticism, multilateral trade system, 549 'right to rule,' 545 social, 545 values, 549–550 Less than adequate remuneration (LTAR) free trade with China, 995 GWA's submissions, 994 HRC prices, 994 HSS Review, 992	calculation, dumping and subsidy margin, 233 domestic subsidies affecting cost of production of exports AD perspectives, 235 Appellate Body's presumption, 234 calculation, dumping margin, 236–237 construction of normal value, 236 CVD calculation, 235, 237 domestic sales, 234 input subsidy–electricity, 233–234 OCT test, 235 selling price and values, 235–236 double counting issues, 245 DSB ruling, 245 export price, 233 rejection of domestic selling price, AD Agreement AD Agreement, 240 CNV method, 239–241 costing information, 237–238 CVD calculation, 238–239 dumping margin calculation, 240 OCT test, 239 sales information, 238 scope of PUC adjustments, 243–244 calculation, AD margin, 243 CVD calculation, 242–243
-	_
provision of raw materials at prices, 991–993 US–Softwood Lumber IV, Appellate Body's rulings, 993 WTO jurisprudence, 992	domestic sales data, 242 manufacture, 241–242 subsidy, 233 May 10th Agreement, 1064–1066 Most-favoured nation (MFN) and
Light Commercial Vehicles (LCVs), 897	anti-dumping norms in WTO Law
Logistics Performance Index, 924, 935	conflicts
M	EC-Bananas, 180 Marrakesh Agreement, 179
Market-based measure (MBM), 782 Market economies (MEs) and double remedies	vs. non-discrimination, 177–178 norms principles, 181–182 relationship, 174

treatment requirements, 173 US-Gasoline, 180 costs and efforts, 194 EC-Fasteners, 193–194 EC-Tariff Preferences, 195 EU-Footwear, 173–174, 192–193 exception and special-case exception/ autonomous right	legitimate objectives, 959–960 LRAT, 962–965 suitability test: balancing process, 960–962 GATS (see General Agreement on Trade in Services (GATS)) obligation burden of proof, 967–968
Canada–Aircraft, 191 Canadian Pork case, 190 GATT 1994 Art.VI, 189 Korea–Dairy Safeguards and	definition of legitimate objectives, 967 necessity test per se, 968 negotiations, 970–972
India–Quantitative Restrictions, 191 Thailand–H-Beams, 190–192 United States–DRAMs, 190 violation of GATT Art. I:1, prima	wording, 966 WPDR negotiations, 968–970 Negotiations on multilateral GI register Article 23.4 of TRIPS, 1088
facie case, 190 GATT Art. I:1 and Art. VI:1–2, 182–183	Bali Ministerial and beyond, 1098–1099 collapsed 2008 Mini-Ministerial, 1097
implementation, AD duties and MFN rule, 175–177 measures, 195–196 permissive <i>vs.</i> prescriptive norm	Doha Ministerial Declaration (DMD), 1088 Doha Round, 1087 the 2011 'Dreft Composite Text' 1008
dispute settlement system, 184 EC-Hormones, 188–189 EC-Tariff Preferences, 187–188	the 2011 'Draft Composite Text,' 1098 Draft Modality Text on TRIPS Related Issues (W/52), 1096–1097 EU's 'New Thinking,' 1093–1094
exception (affirmative defence) vs. autonomous right, 184–187 GATT 1994 Art. I:1, 183	key negotiating proposals EU proposal, 1089–1091 Hong Kong, China proposal,
sustainable economic development, 195 Vienna Convention, 194 WTO Agreement	1092–1093 'Joint Proposal,' 1091–1092 'Joint Proposal Group,' 1089 lead-up to July 2008 WTO
objectives, 197 preamble, 194–195	Mini-Ministerial, 1095–1096 Non market economies (NMEs) methodology, 227, 228, 230–233
Necessity test and Trade in Services exception Article XX GATT, 957 cost/benefit analysis or proportionality stricto sensu test, 958	Non-market Economy (NME), 991 Non-tariff Barriers (NTBs), 924 North American Agreement on labor cooperation non-governmental organizations (NGOs), 1053

North America Agreement on Labor	Policy Coherence for Development
Cooperation (NAALC), 1054-1056	(PCD), 701
The Omnibus Trade and	Power transformers
Competitiveness Act of 1988, 1052	accelerated review, 998-1000
	individual dumping margin, 996-998
O	Preferential trade agreements (PTAs)
Ordinary course of trade (OCT) test,	dispute settlement mechanism, WTO,
235	351–352
Organisation for Economic	EU and the US, 352-353
Co-operation and Development	framework, 352
(OECD), 917–918	interpreting data
_	forum-diversion, 357-358
P	NAFTA, 358–360
Particular market situation (PMS)	on-going WTO disputes, 356
determination	in principle, few(er) disputes,
ARW Review, 985	355–356
Australian authorities, 987	TPP negotiations, 356
benchmark price, 987–990	and litigation behaviour, 353
categories, 982	negotiations
CBSA, 985	EU trade, 354, 355, 369
domestic selling price, 986	US trade, 355, 369
GOC, 981–984, 987	post-WTO
HSS Review, 984–985	EU trade agreements, 354, 363
POI, 985	participation, 354
price of raw materials, 985–986	US as complainant against PTA
PV modules or panels, 987	partners, 354, 366–367
269TAC(2)(a)(ii), 981	US as respondent against PTA
TMRO, 986, 987	partners, 354, 367–369
TMRO Review, 984, 985	US trade agreements, 354,
WTO tribunals, 980	363–364
free trade with China, 991	pre-WTO
section 269TAC(2)(a)(ii), 980	creation, 354
section 269TAC(2)(c), 980	EU as complainant against PTA
section 269TAC(1) Customs Act,	partners, 354, 364
980	EU as respondent against PTA
Pending FTAS with Colombia, Panama	partners, 354, 365
and South Korea	NAFTA partners, 354
Action Plan Related to Labor Rights,	proliferation, 351
1068	WTO disputes
Tax Information Exchange	dispute settlement mechanism, 357
Agreement, 1068–1069	361, 372
Trade Adjustment Assistance (TAA),	initiated per period, 361, 370
1067	pre-and post-WTO, 361, 370-372

Preliminary Information Request (PIR), 1001, 1002 Private regulation adjudication bodies, 323	Procedural good faith clear statement, 880–884 invocation of, 886–887 substantive and, 879–880
adoption, standards, 311	waiving DSU rights, 884-886
blaming and shaming method, 317	Product Market Regulations (PMR),
challenges, food supply chain,	924, 925, 930
315–316	Protected Designations of Origin
classification of standards	(PDOs) scheme, 1080
forms, 314	'Public interest' and foreign investment
impact on the supply chain,	law
313–314	Australia, 99–102
regulatory substance, 315	bilateral and multilateral trade
effect, 323	agreements, 94
EU law	China, 97–99
competition, 320–321	developed and developing nations, 94
fundamental freedoms legislation,	harmonization and standardization, 94
321	US
soft, 320	CFIUS, 95–97
governance	Foreign Investment and National
businesses, 323	Act 2007, 95
industrial chain, 317	R
procedures, 311 government, 317	Really Good Friends' of services, 970
impacts, private standards on society,	Regionalism vs. multilateralism
311–312	bilateralism (see Bilateralism vs.
inter-and supranational law, 311	multilateralism)
and law, 318–319	CGE framework, 263
market-based governance procedures,	EU labour displacement index,
310	269–270
'public law effect,' 317-318	EU structural change index, 268-269
risk, 310–311	EU (bilateral) trade policy
safety, 309-310	Commission's position, 256
scope and impact on the supply	FTAs, 256, 257
chains	GTAP model, 259–260
codes of conduct, 311	India, 257, 259
written requirements, 311	intrablocs trade share, 258
standard-setters and enforcers,	low natural trade costs, 258
310	MERCOSUR, 258–259
standards on society, 311	multilateral rule-making, 256
WTO law	negotiations, 256–257 USA, 257
market access effect, 322–323	EU welfare impact, 267–268
market closure effect, 322	200 wenaie impact, 207 200

explanations, 254	role of the relevant market,
FTAs and free trade	767–768
EU export changes, 272-273	SCM Agreement, 772-774
EU output changes, 271-272	national energy policies, 762
export shares, 271	potential scope and design, 758
sectors, EU export, 273	production/demand, 762
GTAP database aggregation,	relevant market, 758
263–265	specificity, 761
impact of FTAs, 263	WTO law, 758, 759
implementation, 265	Renewable energy and WTO
literature, 254	Agreement on Subsidies and
proliferation of bilateral agreements, 253–254	Countervailing Measures (ASCM), 1105
proliferation of FTAs, 274	climate change, 1104
simulations, 265	disputes involving Canada and
standard model, 265–266	renewable energy
USA and MERCOSUR, 268	measures supporting renewable
welfare gains/losses, trade policy	energy qualify as 'subsidies,'
agreement, 267	1109–1113
World Bank data, 265	'subsidies' on renewable energy
Renewable energy and subsidies	justified?, 1113–1116
advantages, 758	Intergovernmental Panel on Climate
Canada	Change (IPCC), 1104
benefit analysis, 765-767	rules on subsidies, 1105
facts of the case and legal	WTO disputes involving subsidies in
problems, 762–764	renewable energy sector
financial contribution, 764	Canada–Feed-In Tariff Program and
subsidizing entity, 765	Canada–Renewable Energy,
elements	1107
benefit analysis, 761	Dispute Settlement Body (DSB),
financial contribution, 760	1106
subsidizing entity, 760–761	European Union and Certain Membe
far-reaching consequences, 779	States–Certain Measures Affecting
justification of environmental subsidies	the Renewable Energy Generation
Article XX GATT, 776–777	Sector, 1108–1109
GATT, trade restrictive, 776	India–Certain Measures Relating to
green-light clause, 777-778	Solar Cells and Solar Modules,
market delineation approaches	1109
comparative analysis, 774–775	United States Trade Representative
determination of likeness under	(USTR), 1108
GATT, 770–771	Russian SPS legal and regulatory
relevant market in antitrust law,	frameworks in SPS area
768–769	dual system of SanPin, 810-811

EU Rapid Alert System for Food and Feed (RASFF), 811 International Plant Protection Convention (IPPC), 812 Limit of Determination (LOD), 811 Working Party Report, 809 WTO's Agreement on Technical Barriers to Trade (TBT Agreement), 810 'zero tolerance' or 'zero MRLs,' 811	practical implementation in CU in relation to trade with third countries European and Mediterranean Plant Protection Organisation (EPPO), 823 Regulation on Phytosanitary Control, 823 SPS Agreement (1997 version), 822 Russian SPS legal and regulatory
S	frameworks in SPS area, 809–812
Sanitary and phytosanitary (SPS)	SPS measures in
measures	Kazakhstan, 825–827
Commonwealth of Independent States	Kyrgyz Republic, 827–828
(CIS), 807	SPS-related legislation of Belarus, 812
CU legislation on sanitary for food of	subjects of Russian Federation
non-animal origin and phytosanitary	implement sanitary and
measures	phytosanitary measures, 812-813
Certification of Conformity and	WTO's 'SPS Agreement,' 806
Development of Technical Regulations, 818–819	Services Restrictiveness Index (STRI),
competent authorities and other	924, 937
SPS Regulatory Bodies in CU	Small-and medium-sized enterprises
Members and Kyrgyz Republic,	(SMEs), 934 State responsibility and
821–822	government-affiliated entities
CU Decisions on the Development	act or omission, 117–118
and Harmonization of SPS	analysis, ILC Art. 4, 127
Legislation, 819-820	exceptions, 117
CU Technical Regulations, 814	focus on the functions being carried
EurAsEC Technical Regulations,	out, 139–142
815	2001 ILC Draft Articles, 118-120
sanitary requirements of the CU	interaction with private sector,
relevant to food of non-animal	150–151
origin, 816–817	jurisprudence
Technical Regulations Related to the Supply Chain (Food of	international economic law, 122
Non-animal Origin), 817	pre-existing 'dichotomy, 121
Tier Carnet agreement, 815	'State organ,' ILC Art. 4, 123–127
CU's Technical Regulations, 807	misconceived transplant, totality of circumstances test
GOST (State Standard System), 806	cultural and/or societal contexts,
Organisation for Security and	139
Cooperation in Europe (OSCE),	governmental authority, 137–138
808	Hamester v. Ghana, 139

private action, 137 private action119, 137 public bodies, 138 SCM Agreement, 138–139 societal and cultural contexts, ILC Art. 8, 138 misplaced inquiry on government ownership China's outward FDI by company types as of End of 2010, 135 dispute settlement proceedings,	142–143 Suitability test: balancing process Appellate Body, 960 Colombia–Ports of Entry, 962 cost-benefit test, 961 EC–Seal Products, 961 trade v. non-economic, 961 and weighs, 960, 961 T Tariff rate quotas (TRQs), 441–444 TBEA Shenyang Transformer Group Co.
WTO, 129–130 evidence, 127 explicitly, Art. 5, 127 guideline, 128	Ltd (TBEA), 996–999 Technical Barriers to Trade (TBT) Agreement, 959, 965–968, 972
implicitly, Art. 8, 127 private corporations, 128 relationship, 128–129	The Illegal Gambling Business Act (IGBA), 473–474 The International Trade Administration
SCM Agreement and jurisprudence, 130–132 WTO Appellate Body,	Commission (ITAC), 327–328, 349, 350 The McKinley Tariff Act of 1890, 1051 The National Industrial Recovery Act of
<i>U.SAD/CVD</i> , 133–137 private entity, 150	1933, 1051
purpose, 'state organs,' 150 systemic implication, 120–121	Tobacco and international trade : FCTC conference
treaty interpretation and implementation, state organ action or omission, 145 dissociating <i>de facto</i> governmental agency, 144–145 entity's action, 145 examination, governmental function, 148–149 formulation, rights and obligations	carving-out tobacco products, 667 Conference of the Parties (COP), 667 conflicting obligations, 666 investment regimes, 668–670 legally-binding obligations, 667 legal status of FCTC COP decisions Article 23.5, 670 authority, 673
of contracting parties, 143 guidance, 143 negotiation and application, 146 official legislative scheme and governmental structure, 145 private and governmental action, 146–147 relationship, 147–148 Vienna Convention, Art. 31,	binding obligations, 673 interim financial mechanism, 672 international environmental agreements, 671 international obligations, 674 international organizations, 671 language, 674–675 rules, 670 principle, 666

products, free trade agreements,	hard law v. soft law, 39-44
681–683	measures (see Tobacco measures in
progressive liberalization, 666	trade complaints)
WTO and dispute settlement	plain packaging measure, 37
mechanisms	resolution, treaty conflicts, 37-39
article, 675–676	treaties, 36–37
Article 3.3, 679	Trade Agreement on Services (TISA),
assessment, 681	953, 970–972
conflict of jurisdictions, 675	Trade and tobacco cooperation
international tribunals, 676-677	guidance from health authorities, 33
interpretation and application, 677	interpretation, international law
jurisdiction, 679	Appellate Body, 36
obligations, 678	Canada/U.SHormones Suspension
panel ruling, 680	cases, 31
panel's jurisdiction, 680	dispute settlement, WTO, 33-35
parallel/sequential proceeding, 677	DSU Article 3.2, 31
Tobacco measures in trade complaints	EC-Seal Products, 31
FCTC obligations, 30	FCTC, 34
GATT/WTO, 27–29	impacts, 33
health advocates, 29	TBT agreement, 34–35
national treatment, 28	U.SCotton Yarn, 32
obligations, 27	VCLT Art.31, 32–33
protectionism, 27	violation, WTO obligations, 35-36
quality and quantity, 28–29	WTO law, 34
TBT Agreement, 30–31	WTO membership, 33
Thailand–Cigarettes, 27–29	Trade Measures Review Officer
U.S.–Clove Cigarettes, 29–30	(TMRO), 979
Tobacco regulation and international law	Trade Policy Review Mechanism
and economic agreements, 19	(TPRM), 861, 867–868
evaluation	Trade-related aspects of intellectual
'carving-out' products, 45-46	property (TRIPS)
non-discrimination principle, TBT	Australia–Tobacco Plain Packaging, 736,
Agreement, 46	754
public health, 46–47	disputes and trade law
measures, WTO, 19	applicability, GATT basic
TPP, 19	principles, 739
and trade	Canada–Pharmaceutical Patents,
cooperation (see Trade and tobacco	741
cooperation)	discrimination, 740–741
evaluation, 44–47	DSU, 738–739
FCTC (see Framework Convention	general exceptions, Article XX of
on Tobacco Control (FCTC) and	GATT, 740
trade rules)	integration, 742–743

interpretation of minimum	WTO agreement, 735-736
standards, 741–742	Transatlantic trade and investment
jurisprudence, GATT, 739-740	partnership (TTIP) in ISDS
MFN treatment, 740	BITs network
minimum standards of protection,	agreement on investment, 201
741	EU Member States, 203
procedural issues, 742	European integration, 203
public international law, 737	MAI, 202
transparency, 740	NAFTA Agreement, 201
treaty interpretation, 737–738, 742	post-Bali work programme, 202
WTO agreements, 742	source, 201
European Union and the	transfer of competence, foreign
Netherlands–Seizure of Generic	direct investment, 202–203
Medicines in Transit, 736	CETA agreement, 200
jurisprudence, 736–737	foreign investor, 199
legitimate expectations, 736	functions, EU Council, 200
trademark exceptions, 754–755	national courts, 204-206
US Copyright Act, Sec. 110(5)	political support, 199-200
allocation of the burden of proof,	protection, Asian investors, 209
745–747	public consultation, 200
economic value, legitimate interests	reforms, 206–208
of right holders, 753–754	rule of law, 204
GATT jurisprudence, 751	UNCTAD report, 201
hybrid approach, 737	US position, 208–209
incompatibility, 745	WTO, 209
intellectual property law and trade	Trans Pacific Partnership (TPP), 19, 45
law sources, 745	
justification, 750	U
limitations and exceptions,	United States–Anti-Dumping and
copyright owners, 749–750	Countervailing Measures (China)
measures, 743	AD deposit rates, 246
minimum standards of copyright	Appellate Body
protection, 743	assumptions, 231–232
'minor reservations' or 'minor	decision, 244–245
exceptions, 744	domestic subsidies, 231
non-discrimination in trade,	double remedies, 224, 227
GATT, 750	obligation, GATT Art. VI:5, 227
panel report, 755	obligation of conduct, investigating
panel's interpretation and	authorities, 227–228
application, 744–745	Report, 231
rejection, 747–749	subsidy, 227
three-step test, 743–744	application, CVD and ADD, 224, 227
trade effects, 751–753	228

CIT, 246–247	vertical, 580–581
CVD investigation, 247	judgment, 565
decision, 244–245	judicial exercise, WTO Members,
export subsidies, 227	565–566
NMEs	legitimacy challenges, DSS, 566
caveats and burden of proof, 248	non-trade element, 564
-	
CVD investigations, 245–246	TBT Agreement
domestic subsidy on the export	'balancing' approach, 568–570
price, 247–248	General Exceptions Clause, 570–576
estimation, 248	
guidance, 231	trade interest and health policy, 564 trade liberalization and Members'
limitation, domestic subsidies, 247	
OTR Tire case, 249–250	right, 565
USDOC's approach, 247, 250	US Federal Food, Drug and Cosmetic
violation of Art. 19.3, 250	Act (FFDCA), 519
USDOC, 246, 247	US-Gambling
US-Clove cigarettes	Antigua consultation with legal
AB Member, 564–565	instruments, 465–466
analysis, 542–543	business targeting, 464
challenges, AB Member, 564–565	dispute settlement system, WTO, 464
control activities, 566–567	economic crisis, 463
DSS, 567–6568	licensing and taxing, industry, 463
'explanatory paragraphs'	online, 463
AB report, 581–582	Panel/AB decisions, 464–469
AB ruling, 585–587	regulations, GATS, 463
clarifications, 583–584	US-Shrimp
communication, 583	AB's legitimating exercise, 554–556
DSS, 585, 587	"acrobatic" interpretation, DSU, 554
implementation, 586	GATT True 15
justificatory discourse with multiple	GATT-Tuna rulings, 554
audiences, 584–585	multilateral trade regime, 557
language, 582–583	non-WTO international law sources,
political ramifications, 586–587	562–563
pre-emptive strike, 584	politically crafted decision, AB, 557
rationale, 582, 583	trade and non-trade policies, 557
WTO official observations, 588	trade liberalization, 557
facts of case, 563–564	trade values, 557
functions, WTO DSS, 553–554	U.S.–Steel Safeguards
institutional sensitivity	complainants and substantive interest,
authority allocation problems, 576	China, 6
horizontal, 577–580	consultations, 5, 8, 13
stylistic and substantive forms,	full Panel and Appellate Body
576–577	proceedings, 5–6

Panel Report, 13	principles, modern Customs
participants, 1–2	administrations, 374
procedure law' of the WTO, 6	research outcomes
QUARD, 6	application, 391
questions on the facts, 2	customs treatment of low value
restriction, import of steel products, 1	goods, 398
third parties, 7	customs valuation rules, 403
training, 5	deferred payments of duties and
USITC Report, 2	taxes, 400, 401
WTO DSU, 6–7	de-minimis thresholds, 399-400
WTO obligations, 5	DHL Express practice, 390
US Treasury's Office of Foreign Assets	documentation, 400–401
Control (OFAC), 900	electronic exchange of information 404
W	establishment, compatible
WCO immediate release guidelines	information systems, 404
ATF, 374–376	examination, customs authorities,
binding instruments, 376	403
data collection and initial analysis	'Ideal WCO Member' score, 390,
ATF adoption, 390	391, 404
centralized clearance, 389	implementation of, 392–396
countries and territories covered by	limited implementation, 404–405
research, 388-389	measures, trade facilitation, 400
distribution of questionnaire, 388	OECD estimates, trade facilitating
post-clearance audits, 389	measures, 402
stages, 389	physical release of goods, 400
uniform application of customs law,	pre-advise measures, importers,
389	402–403
DHL Express, 375	purpose, 396
features of the Customs behaviour,	risk management, 403
376	self-assessment and periodic
implementation, 376	recapitulation, imports,
informative index, DHL express	401–402
ATF, Art. 7.1, 379	state of remuneration, 403-404
categories, 378–379	trade facilitation agenda, 398
creation, 378	transit simplifications, 402
domains, 379-387	trade facilitating tool, 374
fundamental principles, 378	WTO Agreement on Trade
research, 378	Facilitation, 373–374
mapping exercise, UNECE,	Working Party on Domestic Regulation
374–375	(WPDR), 955, 968–970
methodology of research, 377-378	Working Party on Professional Services
OECD paper, 375	(WPPS), 954, 969

World Trade Organization (WTO). See also China's judicial review system; Dispute settlement mechanism China's foreign trade, legalization of ambiguous and unspecific provisions, 846–847 annexed agreements, 843 hierarchical structure of, 844–845 institutionalization of, compliance review, 848–850 legislative inaccuracies, 847 legislative loopholes, 846 market-economy-based legal framework, 844 China's trade institutions, 840–843 'consistent interpretation' and 'judicial comity' principles, 839 CPC, 837 FDI, 866 legal and judicial remedies, 839 193 Member States, the rule of law, 838 69th Conference of ILA, 838 TRPM, 865–866 WTO AD Agreement, 979 WTO battle over multilateral GI register Convention on Biological Diversity (CBD), 1074 GI debates economics, 1083–1087 history, 1076–1079 legal way, 1079–1083	Doha Ministerial Declaration (DMD), 1088 Doha Round, 1087 the 2011 'Draft Composite Text,' 1098 Draft Modality Text on TRIPS Related Issues (W/52), 1096–1097 EU's 'New Thinking,' 1093–1094 key negotiating proposals, 1089–1093 lead-up to July 2008 WTO Mini-Ministerial, 1095–1096 Non-Agricultural Market Access (NAMA), 1073 Trade Facilitation Agreement (TFA), 1073 Uruguay Round (1986–1994) negotiations, 1074 WTO membership, 1073–1074 WTO compensation mechanism applications of the MFN provisions agreements, 648 monetary compensation, 650–652 products/sectors, 648–650 constraints, 646–648 Doha Round negotiations, 643–644 GATT Arts. XXII and XXIII, 645 DSU Arts. 3.7, 22.1and 26.1, 646 rules, 645 trade concessions, 645 lack of neutral procedure, level of
World Intellectual Property Organization (WIPO), 1076 intellectual property rights (IPRs) issues, 1074 negotiations on multilateral GI register Article 23.4 of TRIPS, 1088 Bali Ministerial and beyond, 1098–1099 collapsed 2008 Mini-Ministerial, 1097	nullification/impairment arbitral/panel procedure, 659 arbitral tribunal/panel procedure, 659–661 disclosed information, 658–659 independent, 661–662 negotiations, 658–659 lack of standard for the level arbitration practice and jurisprudence, 656–657

EC-Hormones, 655	nomination, 686–687
'equivalence,' 656	Panellists' classification, 687
guidelines, 656	during the period 1995-2014,
Japan-Alcoholic Beverages II, 655	687–688
lack of neutral procedure, 658–662	remuneration, 688-689
negotiation, 656	Black cat and white cat,
retrospective basis, 657-658	695–697
suspension of concessions, 655	clerks
US Copyright Act, Sec. 110(5),	AB-stage, 695
655, 656	panel-stage, 695
US-Upland Cotton, 655	legalization, 685
proposals, WTO Members, 644	WTO Ministerial decision on
reforms, 662–663	preferential RoO for LDCs
rulings and recommendations, 643	CRO meeting
temporary	Canadian imports from LDCs and
EC-Hormones, 653-654	GSP utilization rates, 607, 608
Japan-Alcoholic Beverages II, 652	changes, 606
measures, 652	EU reform in art of apparel and
Turkey-Textiles, 652	clothing sector, 608
US-Gambling, 654–655	global value chains, 607
US-Upland Cotton, 654	non-traditional products utilization
violation and non-violation cases,	rates, EU, 608-609
652–653	trade preferences, 607
WTO dispute settlement in China	transparency and out-reach
academic research and school	exercise, 606
teaching, 12	US GSP and AGOA, 608-610
cases, 13–18	world's economy, 607
claims for 2006-2011 period, 8-10	progress, 611-616
consultations, 8, 10–11	proposal
file independent cases, 7	administration, 601
participants, 1–2	Bali Decision, 594
rule of law, 11–12	Bangladesh, 594
specialized training, 4–5	concepts, 598
symposium in Beijing, 4	content, 594
third party cases, 7	decision, 595-597
training course, 3–4	declarations of principles and
USITC Report, 2	statements, 592, 593
U.S.–Steel Safeguards (see U.S.–Steel	DFQF, 592–593
Safeguards)	EU reform, 594, 595
WTO Judges	Generalized System of Preference
appointment	(GSP), 592
ABMs, 690–695	implementation, 592
function, 689–690	LDC package, 595

level of thresholds, value added calculation, 600 method of calculation, 598-599 negotiations, 597 Nepal, 593, 594 preference-giving countries, 593 product specific rules for specific sectors, 600-601 simple and transparent, 592 statement of the NAMA chair, 2007, 593 transportation costs, 599-600 US and Japan, 597 WTO document, Nepal, 594 value of the decision on way foward Agreement on Rules of Origin (ARO), 602 calculation, Ad valorem percentages, 603-604 Common Declaration, 602-603 cumulation, 605 documentary requirements, 605 guidance, 603 Kyoto Conventions, 602 manufacturing capacity, 604 multilateral trading system, 602 PTAs, 606 statements, 605 substantial/sufficient transformation, 604 transparency, 603