

# Subject Index

## A

- Abuja Treaty, 534, 536–538, 550, 557, 1103
- Accelerated Industrial Development of Africa (AIDA), 557
- Acron and Dorogobuzh v. Council*, 718, 720
- Action Plan on Boosting Intra-African Trade (BIAT Action Plan), 537
- ADR. *See* Alternative Dispute Resolution (ADR), WTO
- Advisory Center on WTO Law (ACWL), 339
- African Business Council (ABC), 543
- African Economic Community (AEC), 534
- African Growth and Opportunity Act (AGOA), 177
- African Trade Forum (ATF), 543
- African Trade Observatory (ATO), 543
- Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA), 463
- 2010 Agreement on Government Procurement (AGP), 854
- Agreement on Labour and Employment Cooperation, 174
- Agreement on Subsidies and Countervailing Measures (SCM Agreement). *See* Agriculture and SCM Agreement, WTO
- Agriculture and SCM Agreement, WTO
- actionable subsidies, 19–20
- Article 21.1 of Agriculture Agreement, 9, 16–17
- Chile–Price Band System*, 13–14, 20
- EC–Bananas III*, 12–13
- EC–Sugar Subsidies*, 15
- lex specialis* rule, 16
- US–Upland Cotton*, 14–15, 20
- categories of hierarchy rule, 9–11
- export subsidies, 17–20
- import substitution subsidies, 17, 20
- scheduled export subsidy entitlements, Nairobi Decision, 8
- Agri-food trade, ASEAN’s promotion of SPS transparency
- AMS, 886
- strongest performers of WTO, 893–894
- weakest performers of WTO, 894
- bilateral free trade agreements
- with Japan, 905–906
- Malaysia bilateral FTAs, 904–905
- Singapore’s bilateral FTAs, 903–904
- conditioning factors
- crisis situations, 898
- irregular practices, 896–897
- lack of willingness, 895–896
- missing national entities, 895
- exports and imports of goods, 886
- GDP, 885
- NHSIL’S fundamental ideas, 888–889
- obligations
- designation of authorities, 889–890
- publishing SPS measures, 890–891
- regular and emergency SPS measures, 891–893
- RTAs
- ‘ASEAN+1’ RTAs, 901–902
- ATIGA, 900–901
- discriminatory system, 902
- solutions and recommendations, 906–907
- Aid for Trade (AFT) and Trade Facilitation Agreement (TFA)

- correlations, 969
- CRS category, 954–955
- developing countries' strategies, 935
- Marrakech agreement, 937
- reduction of trade costs
  - agglomeration-creating effects, 941
  - country classification, 940
  - intra-African trade, 941
  - LLDCs, 938
  - market power, 941
  - outcomes, country category, 939
  - soft institutional and regulatory infrastructure, 942
  - volume of trade, 940
- Rostovian 'take-off' growth, 936
- Alternative Dispute Resolution (ADR), WTO
  - good offices, conciliation, and mediation, 94–97
  - mediation procedure, SPS Agreement
    - ban on fishery product imports, Japan and South Korea, 115
    - comparison with consultation under DSU, 113–114
  - Decision, 105–106
  - measures on citrus canker, Argentina and the EC, 101
  - nature of member participation, 106–107
  - operation and implementation, periodic review of, 114
  - performance of Chairperson's good offices, 103–104
  - Recommended Procedure for ad hoc Consultations, 104
  - restrictions on bovine semen imports, Canada and India, 99–101
  - restrictions on wheat and oilseeds, US and Poland, 101–102
  - revised Recommended Procedure, 104–105
  - role of the Facilitator, 108–109, 114
  - specific trade concerns (STCs), 102–103
  - steps in, 110–113
  - transparency and confidentiality, 107–108
  - restrictions on tuna exports, Thailand, Philippines and EC, 97–99
- American Recovery and Reinvestment Act (ARRA), 846–847, 853–854
- Anti-circumvention rules (AC)
  - anti-dumping (AD)
    - investigations and measures, EU, 392–395
    - and dumping evidence test, remedial effect, 413–415
  - assembly operations, 391
  - China-Autos* case, 396
  - ex-post proportionality of, 415–416
  - highly potential protectionist use of, 396–397
  - law and economics of proportionality
    - content test, assembly operations, 405–406
    - legal test, 406–407
    - like product test and slightly modified/modified products, 404–405
    - trade diversion and circumvention, missing test, 407–413
  - principle of proportionality, 397
  - Starway* case, 397
  - trans-shipping goods, 391
  - WTO rules, 398
- Anti-Counterfeiting Trade Agreement (ACTA), 1071
- Anti-dumping (AD), economic incentives
  - ad-valorem anti-dumping duty, 400
  - assembly operations, 401
  - diversion of trade flows, 398, 402
  - duty levels and import values, 402
  - EU rules' capacity, 403
  - fiscal evasion, 399
  - principle of proportionality, 403
  - quality of enforcement, 400

- slightly modified product, 401
- tariff evasion, 399
- trade deflection, 403
- trans-shipment, 401
- APEC Wine Regulatory Forum, 499, 507
- ARRA. *See* American Recovery and Reinvestment Act (ARRA)
- Article XX(d), obligations under the GATT 1994, 922
  - alternative measures, 926
  - chapeau of Article XX, 926–927
  - contribution, 924
  - GATT-consistent law, 922–923
  - importance, 924–925
  - secure compliance, 923
  - trade restrictiveness, 925–926
- ASEAN Committee on Sanitary and Phytosanitary Measures (AC-SPS), 1015
- ASEAN Consultative Committee on Standards and Quality (ACCSQ), 1015
- ASEAN Economic Community (AEC), 998
- ASEAN Free Trade Area (AFTA), 149, 254, 261, 998
- ASEAN+ 1 FTAs, RCEP agreement
  - ASEAN and ASEAN+ 1 FTAs, comparative analysis
    - areas, 262–263
    - characteristics, 273–274
    - investment liberalization, 271–272
    - other areas of economic cooperation, 272–273
    - provisions, 263–264
    - share of ASEAN's trade with its FTA partners, 2012, 261–262
    - trade in goods (*see* Trade in goods (TIG), ASEAN and ASEAN+1 FTAs)
    - trade in services, 269–271, 288
  - Asian economic integration, 256, 257
  - Asia-Pacific Trade Agreement (APTA), 257
  - bilateral and regional trade agreement, 257–258
  - CEP agreements, 256
  - differences, structure and growth strategies, 259–260
  - economic cooperation initiatives, 258
  - GDP growth rate, 2000–2014, 257, 259
  - income, ASEAN countries income, 256–257
  - motivations, 257
  - negotiation areas, 255
  - objective of, 255
  - regional groupings share in world GDP, 257, 258
  - state of new regionalism Asia, 275–278
- ASEAN Harmonized Tariff Nomenclature (AHTN), 1002
- ASEAN Member States (AMS), 150, 268, 481, 886, 1012
- ASEAN Trade in Goods Agreement (ATiGA), 900–901
  - economic integration, 997
  - goods liberalization
    - 1992 ASEAN CEPT to the 2009 ATiGA, 1000–1001
    - integration scope and depth, 999–1000
  - non-tariff barriers, elimination of
    - NTM, 1010
    - quantitative restrictions, removal of, 1011–1015
    - TBT and SPS trade barriers, removal of, 1015–1019
  - rules of origin, 1007–1010
  - schedules, exceptions and modification of, 1022–1027
  - tariff barriers, elimination of
    - MFN treatment, 1006
    - product coverage and schedules, 1002–1004
    - reciprocity limitations, 1004–1006
    - tariff lines, 1002

trade remedies  
     anti-dumping and countervailing duties, 1020  
     economic integration, 1019  
     safeguard measures, 1021–1022  
 Asia-Pacific Economic Cooperation (APEC), 478  
 Association of Official Agricultural Chemists (AOAC), 518  
 Athens Stock Exchange, 200  
 ATiGA. *See* ASEAN Trade in Goods Agreement (ATiGA)  
 Audiovisual sector, OTT services  
     free-zone of domestic regulation, 40–41  
     leaked TiSA text on localization requirements  
     local presence, 41–42  
     systematic issues of GATS, 43–44  
 Australia–Japan FTA, 157, 159  
 Australia’s Water Efficiency Labelling and Standards (WELS) scheme, 781

## B

Bali Concord, 1011, 1015  
 Bangkok Declaration, 1015  
 Barcelona Process, 448, 458, 459  
 Berlin Declaration, 472  
 Bioequivalence, 914, 915  
 Boost Intra-African Trade (BIAT), 536  
 Borderless global economy, 794  
 Bovine spongiform encephalopathy (BSE), 62–63, 99–100  
 Brazilian Association of Cotton Producers (ABRAPA), 661  
 Brazilian Center of International Relations (CEBRI), 654  
 Brazilian Soluble Coffee Industry Association (ABICS), 664  
*Brazil v. Aircraft* case, 647, 656, 659

## C

Cambodia, Laos, Myanmar/Burma and Vietnam (CLMV), 1001

*Canada v. Aircraft* case, 647, 656  
 Capacity-Delivery Gap  
     institutional perspective  
     Expectations-Capacity gap, 468–469  
     intergovernmental and non-unitary nature, EU, 467–468  
     weakening of the EU, 470  
 moral and legal-political perspectives  
     politics and trade link, 471–474  
     weakening moral obligation, 470  
 trade perspectives  
     bargaining powers, imbalance of, 465  
     consequentialism, 464  
     doubtful trade obligation, 466–467  
     external spillovers, 465–466  
     international negotiation processes, 464  
     protectionist European pressures, 465  
     self-interest based behaviour, 465  
 ‘21st Century Maritime Silk Road’ (CMSR), 734  
 CFIUS. *See* Committee on Foreign Investment in the United States (CFIUS)  
 CFTA. *See* Continental free trade area (CFTA)  
 Change of Tariff Classification (CTC) rule, 1008  
 Child labour, 177, 178, 186  
 China–ASEAN FTA, 739  
 China–Australia FTA, 737, 740, 752–754  
*China–Bicycle parts* case, 405  
*China–Broiler Products*, 721  
 China–Canada BIT, 80, 742–744, 752  
 China–Iceland FTA, 739  
 China–Japan–South Korea Investment Agreement, 736, 740, 742–744  
 China–Korea FTA  
     border measures and behind-the-border regulatory issues, 418  
     challenges of negotiation  
     market liberalization, 421–422

- regulatory cooperation and coherence, 422–424
- sectoral challenges, 424–425
- economic size, 418
- rule implementation and interpretation
  - challenges, 429–431
  - concurrent application, 426–428
  - domestic rules, 431
  - inter-chapter relationship, 428–429
  - international rules, 431–433
- services and investment, negotiations on, 419–421
- WTO law
  - anti-dumping and countervailing duties, 437
  - Committee on Investment, 444
  - direct application, 440
  - electronic commerce, 441
  - general provisions, 436
  - import licensing, 437
  - incorporated WTO rules, 435
  - interpreting rights and obligations, 435
  - investor-state disputes, 444
  - jurisprudence, 442
  - language, 439
  - Safeguards Agreement, 438
  - specific provisions, 437
  - TRIPS Agreement, 437, 438
  - VCLT, 441
  - WTO-plus obligations, 441
- China-Kyrgyzstan BIT, 740
- China-Pakistan FTA, 739
- China's FDI policy
  - host and home country, 117
- Negative List Approach
  - National Treatment (NT), 117, 125
  - opening and market access, 120
  - in SHPFTZ (*see* Shanghai Pilot Free Trade Zone (SHPFTZ) Negative List Approach)
  - transparency, 118
- Positive List Approach
  - changes, administrative procedures, 125
  - developments, transparency, 124
  - economic development and institutional reform, 118
  - FDI laws, 119, 123
  - FIEs, 118, 123
  - GDP growth, 118, 119
  - 2015 Guiding Directory, 119–123
  - investment environment, improvement of, 124
  - modern regime, 125
  - negotiations with US for BIT, 124–125
  - opening-up to foreign investment, 119
  - process of liberalization, 118
  - unification of tax system, 123–124
- China-South Korea FTA, 737
- China's Protocol of Accession, WTO anti-subsidy law on price comparability ASCM (Article 14) and CAP (Section 15 (b))
  - Article VI, GATT, 873
  - basic applicability model in 2001, 875
  - beneficial potential of, 882–883
  - calculation of benefit, 871
  - indefinite prerequisites, 879
  - interdependency of, 869
  - NMES methodology in anti-subsidy investigations, 870, 872, 874, 881
  - prerequisites of, 878
  - provisions for anti-subsidy investigations, 871–872
  - substantive legal contents of applicability models, 878–879
  - trade disputes, 870
  - US-ADD and CVD (China)*, 870, 871, 874, 876–877, 880
  - US approach to countervailing duty calculation, 880

- US-Softwood Lumber IV*, 870, 873–876, 884
- country-specific legal rules on trade remedies, 868–869
- prevalent applicability model, other DSB jurisprudence, 877
- China-Switzerland FTA, 174, 739
- China-Uzbekistan BIT, 741, 743
- Closer Economic Relation (CER), 254
- Codex Alimentarius Commission (CAC), 432, 501
- Committee on Foreign Investment in the United States (CFIUS)
  - Article XXI, GATT
    - China-Raw Materials* case, 216
    - Falkland Islands incident, 215
    - general exception, 216
    - historical context, 214
    - national emergency in Nicaragua, 215
    - United States and Czechoslovakia trade dispute, 214
- Circuit Court decision, 194
- covered transaction, 200
- establishment, 1975, 197
- FDI, 195–196
- FINSA, 199
- M&A and investment transactions, 199
- members, 197
- Omnibus Trade and Competitiveness Act, 197–198
- RALLS V. CFIUS* (see *RALLS V. CFIUS*)
- Committee on Regional Trade Agreements (CRTA), 1063
- Committee on Resolution of Conflicts (CETCOIT), 601
- Common Agricultural Policy (CAP), 503, 658
- Common Market for Eastern and Southern Africa (COMESA), 175, 535
- Comprehensive Africa Agriculture Development Programme (CAADP), 558
- Comprehensive Economic and Trade Agreement (CETA), 498, 530
- Comprehensive Economic Partnership in East Asia (CEPEA), 478
- Computable general equilibrium (CGE) model, 329, 1054
- Consumer advocacy groups, 59–60
- Consumer price index (CPI), 414
- Consumer Product Safety Act, 59
- Consumer Protection Basic Law, 59
- Continental free trade area (CFTA)
  - Africa's regional integration process, 535
  - haphazard process, 535
  - mandate for, 537–539
  - negotiation and establishment
    - consolidation process, RECs, 552
    - Continental Customs Union, 553
    - draft documentation, 550
    - financial and capacity needs, 550
    - tariff liberalization commitments, 553
    - and TFTA negotiations processes, 551–552
- objectives and guiding principles for negotiation
  - COMESA Council Decision, 547
  - comprehensive trade agreement, 545
  - de jure and de facto market access, 546
  - developmental integration strategy, 548
  - Lagos Plan of Action, 550
  - liberalization process, 547
  - Member states, 549
  - MFN provisions, 546
  - principles, 549
  - substantial liberalization, 545
  - trade integration, 545
- pan-African market (see Pan-African market)
- roadmap and architecture
  - acquis communautaire*, 541
  - AU Summit, 542
  - convergence process, 539

- dispute settlement mechanism, 543
- implementation process, 543, 544
- monitoring and evaluation mechanism, 543
- negotiations architecture, 542
- organigram, 539
- reporting obligations, 541
- Tripartite negotiations, 540
- RTAs, 533, 536
- Corporate social responsibility (CSR) standards, 175
- Cost adjustment methodology, 1043
- Cotonou Agreement, 97, 175
- Credit Reporting System (CRS), 936
- Customs Green Lane, 1011
- Customs Procedures and Trade Facilitation (CPTF), 421
- Customs Technical Committee (CTC), 543
- D**
- Data localization
  - mandatory data localization on local servers, 314
  - national security motives, 314
  - Russian Federation (*see* Russian Federation, data localization requirements)
- Declaration on the Protection and Promotion of the Rights of Migrant Workers, 173
- Defense Production Act (DPA) of 1950, 196
- Department of Defense (DOD), 201
- Department of Trade and Industry (DTI), 543
- Discrete-time transition model, 959
  - continuous phenomenon, 959
  - logit estimates, customs for imports and exports, 961
  - TFA, 962–963
  - Weibull distribution for baseline hazard, 959
- Dispute Settlement Body (DSB), 290, 369, 436, 891
- Dispute Settlement Understanding (DSU), WTO, 93
  - ADR (*see* Alternative Dispute Resolution (ADR), WTO)
  - Article 1.2, hierarchy rule, 11
- Doha Declaration, 485
- Doha Development Agenda (DDA), 973
- Doha Round, 67–68, 490, 493, 937, 1068, 1128
- Dominican Republic–Central America–United States Free Trade Agreement (CAFTA-DR), 181–182
- Dual-pricing mechanism, 709
- Duty-free, quota-free (DFQF) market access, 936
- E**
- Early Harvest Programme (EHP), 265
- East African Community (EAC), 535
- East Asia Free Trade Area (EAFTA), 478
- Eastern Tropical Pacific (ETP), 981
- E-commerce products, WTO agreements
  - classification
    - GATT, 801–802
    - WTO, 799–801
  - different nature, 814–815
  - digital age, 793–795
  - GATS concepts implications, 802–804
    - and anti-competitive behaviour, 809
    - concept of likeness, 807–808
    - modes of supply, 805–806
    - principle of technological neutrality, 806–807
    - principles on domestic regulations, 804
    - protection of privacy and public morals, 808–809
  - goods and services
    - characteristics comparison, 810–811
    - means of delivery or content, 811–812

- practical advantages, 812
- issues related relationships, 815–816
- market access commitments, 813–814
- policy analysis of WTO documents, 797–799
- WTO and electronic commerce, 795–797
- Economic and Monetary Community of Central Africa (CEMAC), 535
- Economic Community of West African States (ECOWAS), 175
- Economic Partnership Agreements (EPAs), 173, 174, 548
- Effective technological measures (ETMs), 1072, 1077
- Encrypted satellite transmissions and television signals, 1077–1078
- Energy Strategy 2030, 706, 710
- Environmental measures, extra-jurisdictional effects
  - existing balancing requirements
    - Article XX(b) and (g), GATT, 619
    - exclusion of disguised discrimination, 623–626
    - necessity test (*see* Necessity test)
    - ‘relating to’ analysis, 622–623
  - regulatory autonomy, 614–615
  - trade restrictions and extra-jurisdictional effects
    - ‘extra-jurisdictional effects’, 616–618
    - GATT and WTO disputes, 618
    - overlapping jurisdiction, 615–616
  - two-sided constellation (*see* Two-sided constellation)
- EU exports and uptake of preferences
  - effectiveness of trade liberalization, assessment of, 219
- EU PURs
  - by partner country, 2013, 227–229
  - partner country markets and vice versa in 2013, 223
  - regression outcomes, fractional logit model, 240–243, 246–252
  - multilateral negotiations, reciprocal
    - bilateral FTAs, 219
    - non-reciprocal bilateral FTAs, 219
  - overview of the data, 220–221
  - preference utilization rate by other metrics
    - average and median value of EU MS exports flows at 8-digit level, 232
  - EU MS and preferential margin, 2013, 234, 235
  - EU MS and the potential duty savings, 2013, 238–240
  - EU MS and value threshold, 2013, 232, 233
  - EU MS export flows at 8-digit level by value thresholds, 230, 231
  - preferential margins *v.* MFN rate, 232
  - rules of origin (RoO) requirements, 230
  - value threshold and preferential margin, 2013, 236, 237
- PUR of EU exports in partner country markets
  - average PUR of EU exports, 2008–2013, 221–223
  - definition, 221
  - Harmonised System (HS) sections, 2013, 223–226
  - unilateral preference schemes, 219
- European Alcohol Policy Alliance, 515
- European Communities v. Export Subsidies on Sugar (Brazil)*, 658–660
- European Communities v. Measures Affecting Soluble Coffee*, 664–666
- European Economic Community (EEC), 447
- European-Israeli trade relations
  - bilateral and regional legal relations, 448
- Capacity-Delivery Gap (*see* Capacity-Delivery Gap)
- diplomatic relations, 447
- Expectations-Delivery Gap (*see* Expectations-Delivery Gap)



- European Mediterranean Policy. *See*  
Barcelona Process
- European Neighbourhood Policy (ENP),  
457–464
- European Parliamentary Research Service,  
1035
- EU–South Africa FTA, 174
- Even-handedness test, 982
- Expectations–Delivery Gap  
Association Agreement (1995), 456–457  
association/preferential agreements  
(1957–1970)  
Arab factor, 453  
Customs Union/Free Trade Area,  
452  
economic and military aid, 450  
EEC tariff policy, 450  
European integration process, 453  
GATT-compatible trade mechanism,  
451  
Israeli decision-makers, 451, 453  
limited trade agreement, 455  
Mixed Committee, 455  
negotiations, 454  
non-preferential trade concessions,  
454  
*Quai d'Orsay*, 452  
symbolic gestures, 453
- ENP  
Action Plans, 458  
approximation of laws, 463  
Barcelona Process, 458  
differentiated principle, 464  
dispute settlement mechanism, 461  
EC Commission, 460  
Essen Declaration, 459  
people-to-people interactions, 459  
pro-competition provisions, 461  
public procurement, 463  
tariff and non-tariff barriers, 460  
trade benefits, 462
- Export restrictions, WTO  
export duties in accession protocols
- Afghanistan, 580–581  
Article VIII, GATT 1994, 578, 580  
Article XX, GATT 1994, 578  
Bulgaria, 577  
China's Accession Protocol, 576, 578  
Croatia, 578  
Kazakhstan, 580  
Lao People's Democratic Republic,  
580  
Mongolia, 577  
Montenegro, 579  
Russian Federation, 579–580  
Saudi Arabia, 578  
Tajikistan, 580  
Ukraine, 579  
Vietnam, 578
- legal provisions and jurisprudence  
exceptions in Article XX, GATT  
1994, 566–567  
export duties/tariffs, 566  
quantitative export restrictions,  
565–566
- market failures, 564
- multilateral systemic issues  
agricultural products, 581–583  
environmental protection, 584–585  
sustainable development, 583–584
- natural resources (*see* Natural resources,  
export restrictions)
- TPR articles, 563
- F**
- FACB. *See* Freedom of association and  
collective bargaining (FACB)
- Fair Package and Labeling Act, 59
- Federal Aviation Administration (FAA),  
201
- Food and Agriculture Organization (FAO),  
1127
- Food Crisis (2007–2008), 581–582
- Food Safety Cooperation Forum, 514
- Food security amendments  
agriculture

- food security policies, 1113–1114
    - implicated provisions of, 1114–1115
  - constraints accompanying exemption
    - food security stockpiles, 1129
    - review mechanism, 1129–1130
  - distortion, 1120–1121
  - green box amendment
    - legitimate counter subsidy, 1124–1126
    - minimal distortion standard, 1123–1124
  - improved rules for better disclosures, 1128
  - limit on administered price, 1126–1127
  - normative justification, 1118, 1130–1131
    - political context, 1115–1117, 1121–1122
  - technical and rules-based amendments, 1118–1119
- Forced labour, 177, 178
- Forced migration, 178
- Foreign-invested enterprises (FIEs), 118, 136, 699
- Foreign Investment and National Security Act (FINSa), 2007, 199
- Foreign Investment Law (FIL), 137
- Freedom of association and collective bargaining (FACB), 594–596
- Free on Board (FOB), 1009
- Free Trade Area of the Americas (FTAA), 1070
- Free trade areas (FTAs), 534
- Free trade zones (FTZs), 423
- G**
- Generalized System of Preferences (GSP), 992, 1087
- Global Anti-Dumping Database, 1036
- Globalizing national regulation for international trade
  - Appellate Body, 972
  - environment and development, 973–974
  - non-discrimination test, 972
  - structure of the article, 976
  - tests of regulatory rationality (*see* Situational discrimination test, regulatory rationality)
  - uniqueness *v.* market integration, 975–976
- Global value chains (GVCs), 483, 557
- Global wine sector
  - foundations, 499–500
  - harmonization, agents
    - EU model of, 503–504
    - MERCOSUR, 504
    - OIV, 502
    - WTO, 500–502
- oenological practice and conformity assessment
  - cross-border regulatory coherence, 522
  - EU and MERCOSUR, 521, 523
  - EU-bilateral Agreements, 525
  - European Commission, 521–522
  - neo-liberal agenda, 524
  - OIV standards on, 523, 524
  - WWTG Agreement, 525
- ontology, 526
- regulation disparity
  - definition, 508
  - health and quality, 510–511
  - light wine, 512
  - low alcohol, 512
  - non-alcoholic, 512
  - OIV definition, 509
  - wine based beverage, 510
- Good Manufacturing Practices (GMP), 1016
- Governments, CAPs trade issues
  - acceptance of foreign results, 787–789
  - barriers
    - delays and burdens, 781–782
    - duplication, 779–780
    - frequency, quantity/period of validity of CAPs, 780–781
    - proportionality of CAP, 778–779

- criteria, 777
- international standards, guides and recommendations, 786
- issues of concern, 776
- non-discrimination, 784–785
- transparency
  - clarification, 783
  - longer transition period, 783–784
  - notification, 782–783
- Gross domestic product (GDP), 337, 475, 937
- Gulf Cooperation Council (GCC), 779
- H**
  - Hanoi Plan of Action, 1015
  - Harmonized System (HS), 434, 815, 834, 1008
  - High Level African Trade Committee (HATC), 538
  - Highly Indebted Countries (HIC), 951
  - Horizon 2020 Agreement, 463
- I**
  - ILO Committee of Experts (CEACR), 180
  - ILO Declaration on Fundamental Principles and Rights at Work, 171, 174–175
  - Import content test, 405
  - 1969 Industrial Relations Ordinance, 179
  - Information and Communication Technology (ICT), 1003
  - Injury and dumping test, 397
  - Inner and outer-FTAs conflict
    - common parties
      - ASEAN countries, 149–150
      - RCEP, 150
      - TPP, 150
    - coordination schemes, contents of, 163–165
    - disparate dispute settlement mechanisms, 148
    - FTA-FTA conflict, similar to, 148
    - mega-FTAs, 148
    - methods, geographically overlapping FTAs
      - consideration of general principles of international law, 148, 159, 163
      - consultation, common parties, 148, 159, 163
      - substantive provisions to address overlap issues, 156–158, 162–163
    - VCLT Article 30, 159–163
    - “WTO *v.* FTA” and “FTA *v.* FTA”, 154–156
  - procedural and operational issues, 148, 153–154
  - substantive and normative issues, 148
    - intellectual property protection, 152
    - non-trade/trade-related, 152–153
    - service sector, 151
    - trade liberalization for goods, 150–151
    - trade rules, 151–152
  - WTO-FTA conflict, similar to, 148
- Input dumping, 716
- Institute of Studies on Trade and International Negotiations (ICONE), 653–654
- Intergovernmental Authority on Development (IGAD), 1102
- Inter-Ministerial Foreign Trade Chamber (CAMEX), 652
- International Bank for Reconstruction and Development (IBRD), 1125
- International Centre for Settlement of Investment Disputes (ICSID), 741
- International Court of Justice (ICJ), 373
- International Digital Economy Agreement (IDEA), 328
- International Electrotechnical Commission (IEC), 434, 790
- International Investment Agreements (IIA), 186
  - ASEAN community, 176
  - Bangladesh, 175
  - effective adherence to, 182

- employment-related clauses and commitments, 174–175
- Ethiopia, 175
- EPA between EU and ACP, 174
- Ghana, 175
- ISDS, 174
- mega-regionals, 174
- South Africa, 175–176
- International Laboratory Accreditation
  - Cooperation and International Accreditation Forum (ILAC/IAF), 790
- International Labour Standards (ILS), 186
  - effective adherence to, 179–180, 182–185, 187
  - FDI, 172
  - governance priority conventions, 171
  - ILO core labour standards, 171, 180
  - investment location and production decisions, 172
  - labour costs, increase in, 172, 179
  - ratification, 172
  - South–South treaties, 172
- International Monetary Fund (IMF), 432, 1125
- International Organization for Standardization (ISO), 434, 518
- International Plant Protection Convention (IPPC), 432, 501
- 2016 International Procurement Instrument (IPI), 865
  - amendments to the 2012 initiative
    - ad hoc implementation, difficulties, 848–849
  - Commission Work Programme (CWP), 2015, 850
  - draft regulation, 848
  - EU exports, third-country restrictions, 848
  - GATT Procurement Codes, 847
  - mandatory price penalty, 848
  - Member State level and Council, reactions, 849–850
  - problematic interpretative ambiguities, 849
  - WTO Revised GPA's Works Programmes, 847
- evolution of
  - Article 1, 851
  - Article 4, 852
  - Article 5, 852
  - Article 7, 853
  - Article 12 IPI, 851
  - 'Buy America' model under the ARRA, 846–847, 853–854
  - economic incentives, 852
  - EU policies, 852–853
  - non-transparent price negotiation, 853
  - price adjustment measure, 851–852
  - revised EU procurement directives, 850
  - WTO GPA and GATT Article III.8 (a), 850
- GATT
  - ASCM Article 3, 861
  - Canada–Feed-in Tariffs (FIT)* programme, 859–861
  - government procurement rules, 858–859
  - small medium enterprise promotion, 861–864
- reciprocity under the WTO GPA
  - government procurement concessions, 855
  - international procurement agreements, 855
  - market access reciprocity, 856
  - penetration ratios, EU and US, 856
  - schedules, EU 857–858
  - unconditional MFN, 855, 856
- International Telecommunication Union (ITU), 434
- International Textile, Garment & Leather Workers' Federation (ITGLWF), 179–180

International Trade Centre (ITC)  
 Trademap database, 1036  
 International Trade Committee (INTA),  
 591  
 Internet, 313–314, 1076–1077  
 Internet Access Service Provider (IASP),  
 806  
 Internet Corporation for Assigned Names  
 and Numbers (ICANN), 1077  
 Internet Service Providers (ISPs), 1076  
 Investor–state dispute settlement (ISDS),  
 174, 425, 488  
 2016 IPI Amended Proposal. *See* 2016  
 International Procurement Instrument  
 (IPI) Amended Proposal  
 Istanbul Program of Action (IPoA), 936

## J

Japan–U.S. Trade Principles for ICT  
 Services, 36, 37, 42

## K

Kazakhstan, WTO dispute settlement. *See*  
 Participation constraints in WTO dis-  
 pute settlement, Kazakhstan  
 Korean War, 196

## L

Labour Committee, 176  
 Labour Inspection Convention (1947), 180  
 Labour standards  
 DESTA database, 170  
 developing countries, RTA, 173–174  
 ILO conventions, 171  
 ILS ratification, 172  
 mutual recognition agreement, 178  
 Labour unions, 58  
 Lagos Plan of Action, 1103  
 Landlocked Least Developed Countries  
 (LLDCs), 936, 938  
 Law for Protection of Entrepreneurs’  
 Rights, 324  
 Least-developed countries (LDCs), 1065

Legitimate regulatory distinction test, 989  
 Less favorable treatment, GATS Article  
 XVII, 843  
 aims and effects test, 836  
*Argentina–Financial Services*, 838–839  
 detrimental effect, 838  
*Dominican Republic–Cigarettes*, 837  
*EC–Bananas III*, 837  
*EC–Biotech*, 837  
*EC–Seal Products*, 838  
 cross-border regulatory diversity,  
 836  
 de facto discrimination, 835, 836  
 de jure discrimination, 835, 836  
 ‘stems exclusively from a legitimate reg-  
 ulatory distinction’  
*Argentina–Financial Services*, 840  
 asymmetric impact test, 841  
*EC–Seal Products*, 840  
 multilateral negotiations, liberaliza-  
 tion, 841  
 necessity test, 841  
 origin neutral measure, 840, 841  
 TBT agreement in *US–Clove*  
*Cigarettes*, 839–840

Like product test, 397  
 Lisbon Agreement, 178  
 Local content rule, 1008  
 Logistics Performance Index (LPI), 268,  
 948  
 Low income countries (LIC), 583, 949,  
 952

## M

Maastricht Treaty, 52  
 Market access and national treatment,  
 GATS (Articles XVI and XVII)  
*Argentina–Financial Services* Panel Report,  
 824–825  
*China–Electronic Payments Services* Panel,  
 823–825  
 discriminatory and nondiscriminatory  
 measures, 819, 821–822

- Doha Development Agenda (DDA),
  - services negotiations, 822
- level of liberalization, 821, 822
- none commitments, 822, 823
- schedules of commitments, 822
- 2001 Scheduling Guidelines, 824
- specific limitation, 822, 823
- unbound commitment, 822–824
- Uruguay Round negotiations, 822
- US–Gambling*, 824, 825
- Market Economy Status (MES), China
  - AD action on trade, 1036–1038
  - approach and methodology, 1035–1036
  - challenges of modelling impacts, 1054–1056
  - EU's imports, AD duties, 1039–1042
  - political economy of MES in EUROPE, 1056–1057
  - regulation on dumping and Chinese transition-period
    - European Commission, 1034
    - indepth impact assessment, 1034
    - NME status, 1031
    - non-market economies, 1035
    - preliminary assessment, 1032
    - TTIP negotiations, 1034
    - WTO Members, 1030
  - trading relationships
    - anti-subsidy investigations, 1053
    - EU experience with former communist countries, 1042–1044
    - experience of countries which have accorded MES, 1044–1050
    - Switzerland, 1050–1053
- Market economy treatment (MET), 1031
- 'Market Power Europe' (MPE), 589
- Marrakesh Agreement, 819
- Mathews v. Eldridge*, 207
- Maximum residue limits (MRLs), 501, 512–515
- Medicines Act, 913, 921
- Medsafe, 913, 915, 923
- Megaphone policy, 472
- Mercosul Trade Commission (MTC), 523
- Methanex Corporation v. USA*, 748
- Migrant worker, protection of, 178
- Migration Policy Framework, 558
- Millenium Development Goals (MDGs), 936
- Minimal trade-distorting effect, 1122
- Minimum price undertakings (MPUs), 1041
- Monrovia Declaration of Commitment, 1102
- Montreal Protocol, 60
- Most-favoured nation (MFN), 419, 566, 707, 819, 820, 923, 981, 1005
- Mutual recognition agreements (MRAs), 178, 773, 946, 1016
- N**
- National employment policies, international regulatory framework
  - consumer preferences, 177–178
  - Design of Trade Agreements (DESTA), 170
  - interactive social policy-making, 168
  - IIA (*see* International Investment Agreements (IIA))
  - ILS (*see* International Labour Standards (ILS))
- preferential incentives and unilateral sanctions
  - goods and services, import markets for, 177
  - tariff reductions, 176
- private interests and regulators, 168
- Regional Trade Agreements (RTA), 186
  - developing countries, 173–174
  - effective adherence to, 181–182
  - EU, EPA, 173
  - USA, 172–173
- small, locally operating enterprises, 167–168
- WTO non-discrimination rules and commitments, MRA, 178

- National Traffic and Motor Vehicle Safety Act, 59
- National treatment and GATS (Article XVII), 819–820
- likeness of services and/or service suppliers, 842–843
- adoption of merged test, 830
- alternative test, 830, 831
- Argentina-Financial Services*, 831–833, 835
- Article III GATT, 829
- Canada-Auto* Panel Report, 831
- China-Electronic Payment* Panel, 828–829, 831, 835
- China-Publications and Audiovisual Products*, 831, 832
- cumulative test, 830, 831
- disjunctive test, 830, 831
- domestic and foreign services and suppliers, 829
- EC-Asbestos*, criteria, 832–835
- EC-Bananas III* Panel Report, 831
- mode of supply, 830
- US-Clove Cigarettes*, Appellate Body reports, 833
- US-Gambling* Panel Report, 830, 833–834
- market access (Article XVI) (*see* Market access and national treatment, GATS (Articles XVI and XVII))
- measures, ‘affecting trade in services’, 842
- ‘GATS’, 827–828
- ‘trade in services’, 825–827
- ‘no less favorable treatment’ (*see* Less favorable treatment, Article XVII GATS)
- Natural resources, export restrictions
- Article XI of GATT 1994, 568–569
- exceptions in Article XX, GATT 1994
- Article XX(b), GATT 1994, 570–572
- Article XX(g), GATT 1994, 573–575
- export duties/tariffs, 570
- GATT Article XI:2(a) *v.* GATT Article XX, 575–576
- Necessity test, 413, 911
- contribution, 620
- risks of non-fulfilment, 622
- trade restrictiveness *v.* less restrictive alternatives, 620–622
- value of environmental protection, 619–620
- Negative List Approach, SHPFTZ.
- See* Shanghai Pilot Free Trade Zone (SHPFTZ) Negative List Approach
- New Partnership for Africa’s Development (NEPAD), 1097
- New Zealand biological pharmaceuticals, TRIPS
- caveat, 911
- conflicting interests, 910
- data protection
- alternative methods of, 931
- role of, 930–931
- definitions
- biological and chemical entities, 913
- biosimilar pathway, 914–915
- data exclusivity, 912–913
- data protection, 912
- generics and biosimilars, 913–914
- safety and efficacy data, 912
- IPRs, 909
- law in New Zealand, 915–916
- legal issue, 911
- obligations under the GATT 1994
- appropriate level of protection, 927–930
- Article XI: 1, 919–921
- Article XX, 921–922
- Article XX(d) (*see* Article XX(d), obligations under the GATT 1994)
- onus of proof, 930
- Preferential Trade Agreements, 931–933
- TRIPS Article 39.3, 916–918

Non-Agricultural Market Access (NAMA), 104

Non-tariff barriers (NTBs), 48–49, 899

Non-tariff measures (NTMs), 425, 940, 1010

## O

OECD Model Tax Convention, 324–325

OECD Trade Facilitation Indicators, 964–968

Official Development Assistance (ODA), 936

Old BITs

add national treatment

ad hoc arbitration, 752

Article 2 of TRIMS, 747

bilateral appellate review, 752–754

BITs, China and SREB Countries, 746–747

China-Iceland BIT, 746

China-Macedonia BIT, 746

China-Saudi Arabia BIT, 746

China-UK BIT, 746

China-Yemen BIT, 746

China-Yugoslavia BIT, 746

ICSID arbitration, 752

institutional arbitration, 752

national treatment standard, 749–750

pre-establishment stage, 750–751

scope of investment arbitration, 751–752

Polish definitions

ICSID, 741

investment, 740–743

investor, 744–746

Omnibus Trade and Competitiveness Act of 1988, 197

One Belt and One Road' Initiative, 733

Open Skies Agreement, 463

Ordinary least squares (OLS), 343

Organisation for Economic Co-operation and Development (OECD), 1044, 1069, 1120

Organization of African Unity (OAU), 535, 1102

Organization of Vine and Wine (OIV), 499, 502

Over-the-Top (OTT) services, GATS framework

audiovisual sector, impact on (*see*

Audiovisual sector, OTT services)

chat applications, 23

content, 23

TV services, 24–25, 28–29

telecom sector, impact on (*see* Telecom sector, OTT services)

voice and messaging services

CPC, 25–27

Line, 23, 28

W/120 classification, 27

WeChat, 23, 24, 27–28

WhatsApp, 23, 24, 28

Oxfam, 662

## P

Pan-African market

African initiatives and programmes, 557–558

CFTA framework agreement

continental market integration, 557

principle of decision-making, 554

principles of variable geometry, 554

rules, principles and disciplines of, 556

single undertaking, 555

Tripartite negotiations, 554

Uruguay Round, 555

Participation constraints in WTO dispute settlement, Kazakhstan

control variables, 346

data analysis

correlation and regression analyses, 349–354

graphical analysis, 347–349

dependent variable, 344

estimated benefits

average net exports/imports, 355



- exporters' actual and regression-predicted GDP values, 357–358
- importers' actual and regression-predicted GDP values, 357
- regression model equation, 356
- independent variables, 344–346
- Kazakhstani Customs Union tariff, 335
- legal capacity
  - power considerations, and dispute settlement, 339–341
  - and power hypotheses, 341–343
  - and power politics, 336
- methodology, 343–344
- participation of developing countries, 338
- Patent protection gap, 925
- Permanent Court of Arbitration (PCA), 373
- Peru-US FTA, 182
- Preference utilization rate (PUR) of EU exports. *See* EU exports and uptake of preferences
- Preferential trade agreements (PTAs), 176–177
  - copyrights and related rights, 1078–1079
  - Doha Round of the WTO, 1062
  - enforcement of IPR provisions, 1082–1083
  - genetic resources and traditional knowledge, 1081–1082
  - impact of IPRS on, 1063–1066
  - IPR protection requirements, 1062
  - pharmaceuticals and agricultural chemicals, 1079–1080
  - public health issues, 1080–1081
  - TRIPS-Plus agenda, US trade policy
    - congressional powers, 1067
    - difficulties, multilateral level, 1068–1070
    - implementation, trade agreements, 1066
    - inconsistent IPR practices, Latin American countries, 1072–1073
    - market access and pressures, domestic industry, 1071–1072
    - regional efforts, 1070–1071
- US-Latin America
  - obligations on collateral IPR agreements, 1074–1076
  - patent and marketing approval applications, 1074
  - patent infringement provisions, 1074
  - pharmaceutical test data, 1074
  - post-TRIPS technologies, 1076–1078
- Principle of differentiated bilateralism, 466
- Private Sector Consultative Council (CONEX), 653
- Private sector, WTO dispute settlement
  - Brazilian public-private partnership (PPP)
    - formal *v.* informal, 671–673
    - nature and elements, 666–669
    - regulatory threat, 669–671
- BRIC, 647
- Cairns Group, 647
- foreign trade disputes, Brazil
  - Brazilian media, 655
  - Brazilian public and private sector participants, 650
  - CAMEX, 652
  - CONEX, 653
  - 'Import Substitution Industrialization' policy, 648–649
  - Ministry of Foreign Affairs, 651
  - state-owned or state-controlled economic sector, 648
  - think tanks and research centres, 653–654
  - 'three pillar' dispute settlement mechanism, 649
  - union contributions, 653
- G-20, 647
- MERCOSUR, 646
- paucity of lawyers and government officials, 644–645
- political economy of Brazil, 648

PPP approach, 648  
 public private coordination  
   aircraft cases, 656–658  
   *EC v. export subsidies on sugar (Brazil)*, 658–660  
   *European Communities v. Measures Affecting Soluble Coffee*, 664–666  
   *US v. Upland Cotton*, 660–663  
   ‘terms-of-trade’, 642  
 Programme for Infrastructure Development in Africa (PIDA), 557–558  
 Protection of labour rights, EU-Colombia Agreement  
   Article 21 of Lisbon Treaty, 587  
   context, questions and methodology, 588–590  
   enforcement of labour legislation, 594–597  
   legal framework, 593–594  
   provisions  
     democratic principles, 591  
     government-to-government meetings, 592  
     monitoring mechanism, 591  
     Title IX, 591–592  
   stakeholder assessment  
     civil society involvement, 601–603  
     identification, 603–605  
     monitoring and enforcement, 598–601  
 PTAs. *See* Preferential trade agreements (PTAs)  
 Public morals exception  
   Appellate Body  
     Article XX(a), 689  
     doctrinal challenge, 691–692  
     *EC-GMO*, 694  
     *EC-Seal Products*, 695–696  
     GATT/WTO system, 690–691  
     interpretative approach, 686–689  
     weak evidentiary constraints, 692–694  
   Article XX(a) of GATT 1994, 675–676  
   chapeau test, 680

Charnovitz’s research, 679  
*China-Publications and Audiovisual Products*, 676, 682–683  
*EC-Seal Products*, 677, 683–686  
 proposal for new approach  
   normative content of public morals, 699  
   international consensus, 696–697  
   ‘prevailing’ requirement, 698–699  
   trade measures, 699–702  
 sufficient nexus requirement, 680  
 trade protectionism, 680  
*US-Gambling*, 676, 681–682

## R

*RALLS v. CFIUS*  
   holding of DC Circuit  
     CFIUS order, 208–209  
     Presidential Order, 206–208  
   implications  
     President’s evidence, 212–213  
     protection of classified evidence, 209–211  
   procedural posture, 204–205  
   RALLS’ arguments, 202–204  
   transactions, 200–202  
 Rana Plaza Disaster in Bangladesh, 183–184  
 Regional Economic Communities (RECs), 534  
 Regional Trade Agreements (RTAs)  
   dynamics and implications  
     geo-political considerations, 492–494  
     IPR protection, 494  
     market access, 491–492  
   GDP, 475  
   memberships in Africa, 536  
   national employment policies (*see* National employment policies, international regulatory framework)  
   TPP AND RCEP (*see* TPP AND RCEP)  
   WTO Doha Round, 533

- Regional value content (RVC), 1008
- Regulation and trade politics
  - BSE crisis, 62–63
  - civil society and trade, 63–65
  - consumer scepticism, expansion of, 59–60
  - developing countries and WTO, 67–68
  - environmentalists, 60–61
  - expansion of, 50
  - exports, 53–54
  - inclusion of NTBs in trade negotiations, 48–49
  - international businesses, international rules, 65–66
  - labour, 58
  - NAFTA, 61–62
  - regionalism, 68–69
  - regulatory trade barriers
    - European states, 51–53
    - intra-firm trade, 51
    - intra-industry trade, 50–51
    - Uruguay Round Agreement, 56–57
  - tariff reduction, 48
  - trade rules in new policy areas, 54–56
- Regulatory coherence, global wine
  - regulation
    - CAC standards, 529
    - CETA, 528
    - Codex standards, 529
    - conformity assessment, 516–519
    - conformity testing, mutual acceptance of, 529
    - consumer welfare, 530
    - equivalence, 506
    - health warnings, 519–521
    - high-level bilateral cooperation mechanism, 530
    - inter-regional regulatory coherence, 527
    - motor vehicle safety regulation, 531
    - MRLs, 512–515
    - mutual recognition, 504–506
    - non-tariff barriers, 499
    - nutritional information, 515–516
    - polycymaking, 498
    - precautionary principle, 527
    - regulatory cooperation, 506–507, 531
    - SPS measures, 529
    - substantial transaction costs, 498
    - TTIP, 528
  - 'Results chain' approach, 937
  - Revised Kyoto Convention, 433
  - Rights management information (RMI), 1077
  - Ring-binder mechanisms (RBMs), 404–405, 411–412
  - RTAs. *See* Regional Trade Agreements (RTAs)
  - Russia and energy issues
    - anti-dumping investigations
      - input dumping, 716
      - legal assessment, 719–722
      - normal vaule, 717–719
  - commitments in WTO system
    - export duties, 706–708
    - pricing policy, 709–710
    - services, 711–714
    - state enterprises, 708–709
    - transit of goods, 711
- EU reforms
  - Croatia, Hungary and Lithuania, 722
  - GATS violations, 724–727
  - GATT violations, 727–728
  - Gazprom lose control, 723
  - legal defence, 728–731
  - Third Energy Package, 722
  - transmission system operator, 723
- participations, 714–716
- socio-economic development programmes, 706
- Russian Federation, data localization
  - requirements
    - assessment findings and recommendations, 323–325
- Australian Government, financing of
  - data retention rules, 327

Australia's Telecommunications  
 (Interception and Access) Amendment  
 (Data Retention) Bill 2014, 326  
 Chinese practice, 326–328  
 cloud computing enterprises, France,  
 327  
 Data Localization Law, 315–317  
 direct costeffects, 317–319  
 Global Trade Alert (GTA)  
   colour codes, 332  
   reports, 333  
 hampered business activities, 322–323  
 non-economic rationale, 314–315  
 Online Content Law, 315, 317  
 outcomes, ECIPE Occasional Paper No.  
   03/ 2014, 329–331  
 participation in Information Technology  
   Agreement (ITA), 328  
 restrictions on personal financial data,  
   Republic of Korea, 327–328  
 uncertainty  
   logical consistency, assessment of,  
     320–321  
   potential tax implications, 321–322  
   transparency, assessment of, 319–320  
 unobstructed cross-border information  
   and knowledge transfer, 328  
 Vietnamese practice, 326–327

## S

*Saba Fakes v. Turkey*, 743  
 Selling and general administrative (SGA)  
   costs, 414  
 Senior Economic Officials' Meeting  
   (SEOM), 900  
 Seville Declaration, 472  
*SGS v. Pakistan*, 740  
 Shanghai Pilot Free Trade Zone (SHPTFZ)  
   Negative List Approach  
   China's domestic reform agenda, 118  
   entry permission, change in, 128  
   FDI regulation reforms,  
     125–127

developments  
   anti-monopoly and national security  
     reviews, 137–139  
   domestic liberalization, 141–142  
   legislation, 135–137  
   regional competition and policy rent-  
     seeking, 139–141  
   US-China BIT negotiations, implica-  
     tions for, 142–144  
 impacts and limits  
   authorities coordination, 131–133  
   best practices, 134–135  
   'the door behind the door', 133–134  
   uncertainty, 130–131  
 indicators, 130  
 record-filing administrative procedure,  
   128  
 restrictive measures, 127  
 sector classification, 127  
 signals of the 2014 version, 128–130  
 Silk Road Economic Belt (SREB), China's  
   new initiative  
   BITs/FTAs, 735  
   China-Australia FTA, 737  
   China-Canada BIT, 736  
   China-Japan-South Korea Investment  
     Agreement, 736  
   China-South Korea FTA, 737  
   2011 China-Uzbekistan BIT, 736  
   CMSR, 734  
   low credit rating, FTAs and old BITs,  
     737–739  
   'One Belt and One Road' Initiative, 733  
   TPP/TTIP, 734–735  
   update substance of old BITs (*see* Old  
     BITs, update substance of)  
 Single European Act (SEA), 52, 59  
 Situational discrimination test, regulatory  
   rationality  
   arbitrary/unjustifiable discrimination,  
     977  
   *EC-Seal Products*, 978  
   enabling clause, 991–993

- environmental/physical factors
    - conditions differentiated improperly, 981–982
    - different conditions and identical treatment, 979–981
    - environmental conditions, comparative analysis of, 982–983
  - human factors differences
    - conditions differentiated on improper basis, 985–987
    - conditions and treatment, 983–985
    - development and capacity, 987–988
  - interpretive approach, 988–991
  - regulator responsibility, 978–979
  - Small and medium-sized enterprises (SMEs), 861–864
  - Source country taxing rights, 324
  - Southern African Customs Union (SACU), 535
  - Southern African Development Community (SADC), 535
  - State owned enterprises (SOEs), 133, 478, 657
  - Subsidies and Countervailing Measures (SCM) Agreement, 707
  - Substantially all trade (SAT), 273, 481, 545
  - Sustainable Development Goals (SDGs), 936
  - Sustainable employment, international framework. *See* National employment policies, international regulatory framework
  - Swiss Federation of Trade Unions (USS), 180
  - Switzerland–Pakistan BIT, 740
- T**
- Tariff Act of 1930, 177
  - Tariff-rate quotas (TRQs), 266
  - TBT Committee
    - finding
      - CAP-related STCs, 772–774
      - Cap *v.* technical regulations notifications, 769
      - products subject of CAP STCs, 774–775
      - testing and certification cause, 770–772
      - method, 766–768
  - Telecommunications Business Act (TBA) of South Korea, 41
  - Telecom sector, OTT services
    - GATS Basic Telecom Reference Paper, network neutrality, 32–33
    - interconnection, 34, 45
    - major supplier, 33–34, 45
    - no-paid-prioritization and cost-orientation, 35, 45
  - TiSA negotiating text on “Open Networks”, 25, 45–46
    - Annex on e-commerce, 36–38
    - reasonable network management, 38–39
  - U.S. FCC’s network neutrality rules
    - Comcast, 30, 31
    - Madison River Communications, 29–31
    - Netflix, 32
    - Network Neutrality Order, 31
    - Open Internet Order, 30
  - TFA. *See* Trade Facilitation Agreement (TFA)
  - Tobacco Tax and Trade Bureau (TTB), 515
  - Tokyo Round, 48–49
  - TPP and RCEP
    - evaluation, 490–491
    - provisions and negotiation
      - capacity-building, development and SMEs, 488–490
      - competition and SOEs, 486–487
      - investments, 487–488
      - IPRs, 485–486
      - rules of origin, customs, TBT and SBS measures, 483–485

- SOEs, 480
  - trade in goods, 480–481
  - trade in services, 482–483
- origins of, 477–480
- Trade Act of 1974, 49, 177
- Trade and Investment South Africa (TISA), 175
- Trade and regulation. *See* Regulation and trade politics
- Trade Barrier Regulation (TBR), 651
- Trade destruction effect, 1036, 1037
- Trade distortion, 919, 1112, 1118, 1124
- Trade diversion and circumvention, missing test
  - China's ring-binder mechanism exports, 411
  - CN8 code, 412, 413
  - coumarin (trans-shipment), 408–409
  - disaggregated descriptive statistics, 413
  - EC imports, 407
  - EU's ring-binder mechanism imports
    - from China, 411
  - ex-post* analysis, 410
  - graphite electrodes, 410
  - imports, 412
- Trade facilitating measures (TFM), 897
- Trade Facilitation Agreement (TFA), 268–269
  - AFT funding commitments, 953
  - objectives and rationale for, 942–943
  - potential benefits
    - discrete-time transition logit model, 950–952
    - doing business data, 944
    - extensive margin effect, 948
    - heterogeneity, 945
    - imputation methods, 949
    - intensive margin effect, 948
    - LDCs with non-LDCs and LL with non-LL countries, 946, 947
    - LIC group, 952
    - MRA agreement, 946
    - TF indicators, 946
    - TFI variables, 949
    - time in transit, 945
    - WGI and LPI infrastructure quality indicators, 949
    - World Bank's WGI, 951
- Trade Facilitation Index (TFI), 943
- Trade in goods (TIG), ASEAN and ASEAN+1 FTAs
  - provision, 283–287
  - rules of origin (RoOs), 264
    - CEPT-AFTA, preferential tariff reductions, 267–268
  - Change of Tariff Sub-Heading (CTSH), 267
  - criteria, 266–267
  - non-tariff barriers (NTBs), elimination of, 268
  - non-tariff measures (NTMs), enhancing transparency of, 268
  - product-specific rules, 267
  - trade facilitation, 268–269
  - tariff reduction and coverage of goods, 264–266
- Trade Policy Review (TPR) articles, 563, 583
- Trade, testing and toasters
  - CAPs, 755–756
    - conformity assessment, 761–762
    - definition, 758–759
    - in practice, 762–766
    - TBT Agreement, 759–761
  - costs, 757
  - governments, CAPs trade issues (*see* Governments, CAPs trade issues)
  - TBT Agreement, 757
  - TBT Committee (*see* TBT Committee)
- Transatlantic Trade and Investment Partnership (TTIP), 47, 68–69, 423, 477, 498, 530, 734–735, 773, 1034
- Trans-Pacific Partnership (TPP) Agreement, 47, 68–69, 421, 498, 734
- Triflumizole, 513

- TRIPS Agreement obligations, violation of
    - FET standard, 72
    - international law
      - Article 4 of China-Canada BIT, 80
      - customary international law, 80–81
    - investor's legitimate expectations
      - Hong Kong-Australia BIT, Article 2 (2) of, 76
    - intellectual property right protection, 77–79
    - protection of, 76–77
    - Switzerland-Uruguay BIT, Article 3 (2) of, 76
    - treaty interpretation approach, Article 31(1) of VCLT, 78
  - jurisdictional competition and risk of fragmentation, WTO
    - investor-state arbitration, 82–85
    - WTO law system, 85–86
  - Philip Morris' investment arbitration, Australia and Uruguay
    - Hong Kong-Australia BIT, Article 2 (2) of, 74, 75
    - international investment treaties, 73
    - plain packaging legislation, 74
    - Switzerland-Uruguay BIT, Article 3 (2) of, 74
    - TBT Agreement and Paris Convention, 74
    - WHO Framework Convention on Tobacco and Control, 73
  - WTO and investment treaties
    - breach of international agreement clause, 86–87
    - IPR, expropriation clause, 89–90
    - stay investment arbitral proceedings, 88–89
    - TRIPS-consistent measures, 90–91
  - Turkey-Textiles*, 731
  - Turtle Excluding Device (TED), 980
  - Two-sided constellation
    - competing environmental policies
      - CO<sub>2</sub> emissions, 632
      - combining approaches, 637–638
      - conflict solutions, 638–639
      - extents of connection, 634–636
      - extra-jurisdictional effects, 632–634
      - kinds of restrictions, 630–632
      - normative weight of environmental protection, 636–637
    - environmental measures and WTO free trade rules, 627–630
- U**
- U.S. v. Nixon*, 212
  - Uniform Domain-Name Dispute-Resolution Policy (UDRP), 1077
  - United Nations Conference on Trade and Development (UNCTAD), 992
  - United Nations Model Convention for Tax Treaties between Developed and Developing Countries, 324
  - United Nations Provisional Central Product Classification (CPC), 711–713
  - United States Trade Representative (USTR), 671, 1066
  - Universal Postal Union (UPU) data, 944
  - US Buy America Act 2009, 846–847, 853–854
  - U.S.-Canada FTA, 161
  - US-China Joint Commission on Commerce and Trade (JCCT), 142
  - US-COMESA Agreement Concerning the Development of Trade and Investment Relations, 176
  - US Department of Commerce (DOC), 718
  - US Department of Labour (USDL), 597
  - US Environment Protection Agency (EPA), 780
  - U.S.-E.U. Trade Principles on Information, Communication Technology Services, 36, 37, 42
  - US-Export Restraints, 707
  - US v. Upland Cotton*, 660–663

**V**

- Value added test, 405
- Venice Declaration, 471
- Vienna Convention on the Law of Treaties (VCLT), 78, 159–163, 441, 824, 917, 928, 1000

**W**

- West African Economic and Monetary Union (WAEMU), 535
- Wine Regulatory Forum, 514, 517, 518
- WIPO Copyright Treaty (WCT), 1069
- WIPO Performances and Phonograms Treaty (WPPT), 1070, 1075
- Withhold release order (WRO), 177
- Work Programme on Electronic Commerce (WPEC), 41
- World Customs Organization (WCO), 433
- World Intellectual Property Organization (WIPO), 1070
- World Organisation for Animal Health, 501
- World Wine Trade Group (WWTG), 499, 507, 518
- Worst Forms of Child Labour Convention (1999), 180
- WTO and trade policy lobbying
  - comparing institutional venues, 309–310
  - domestic governance and WTO governance system, 312
- GATT, negotiation of trade rules
  - behind-the-border issues, 304
  - domestic anti-dumping investigations, 304
  - exchange of tariff concessions, 304
  - Kennedy Round, 304
  - reciprocal liberalization, economic sectors, 304
  - sector-wide and cross-sector trade association, 304–307
  - Tokyo Round, harmonization approach in, 304

- US and EU interest groups, WTO Ministerial Conferences, 307–308

- international institutions and interest mobilization
  - collective action, 290
  - domestic institutions, 295
  - institutional distinctiveness, 294
  - intra-industry trade, 292–293
  - issue-linkage based multilateral trade negotiations, 290
- judicial adjudication and enforcement, 295–297
- Lobbying Disclosure Act in 1995, 293
- political decision-making, deadlock in, 289
- political opportunity structure, 294, 295
- product-specific lobbying, 290
- rule application and enforcement, 294
- rule generation and law making, 294
- sector/Ricardo-Viner model, 292
- trade complaints, American interest groups, 293
- trade negotiations, 297–299
- trade politics, 289–290, 293–294
- WTO dispute settlement system, 290, 293
- least developed countries (LDCs) and non-democracies, 311–312
- US and EU, GATT/WTO dispute settlement cases
  - data on interest group spending, 299–300
  - ISIC classification system, 300
  - product-level lobbying and intra-industry trade, 300–303
  - sector-wide and product-specific complaints, 303–304
- WTO-FTA conflict, 147
- WTO multilateral system
  - international trade and development in Africa



- Abuja Treaty, 1105–1108
  - benefits and challenges, 1099–1102
  - Cotonou Agreement, 1096, 1097
  - Doha Development Agenda, 1096
  - free trade, 1098
  - GATT, 1094
  - intra-African trade and development, 1102–1105
  - multilateral trading system, 1095
  - public investment in infrastructure, 1098
  - regional integration, 1097
  - RTAs, 1095
  - trade liberalization, 1096
  - international trade and economic development, 1087–1090
  - international trade and regionalism
    - benefits, 1092–1094
    - challenges, 1091–1092
  - WTO's dispute settlement mechanism,
    - preliminary rulings
  - cognizance, 370
  - inherent powers of panels/AB
    - adjudicatory bodies, 372
    - covered agreements, 374
    - DSU, 371
    - inherent powers, 372
    - Nottebohm* case, 373
    - open hearings, 375
    - procedural and substantive issues, 372
  - panel jurisprudence
    - circulation of, 379–381
    - final panel report, 376–377
    - scope and effect of, 377–379
    - timing of requests, 381–383
  - systemic issues
    - adoption of, 386–387
    - appealing preliminary rulings, 387
    - circulation of, 385–386
    - codified approach, 383
    - DSB, 383
    - legal uncertainties, 384
    - suo motu issuance, 384–385
  - WTO SPS Agreement. *See* Alternative Dispute Resolution (ADR), WTO
- Y**
- Yamassoukro Declaration, 558