

# Subject Index

## A

- African Growth and Development Act (AGOA), 9–11
- African Regional Intellectual Property Organization (ARIPO), 342
- Agreement on Subsidies and Countervailing Measures (ASCM)
  - cumulative tests, 1072–1073
  - decision-making tendency, 1070
  - foreign competition, 1069
  - omission bias, 1073–1074
  - revenue
    - direct transfer of funds, 1075
    - domestic tax law, 1085–1087
    - evidentiary difficulty, 1081–1083
    - panel and Appellate Body, 1083–1085
    - tax break/omission-type subsidies, 1075
    - types of assistance, 1075
  - US-Foreign Sales Corporation, 1076–1079
  - US-tax incentives, 1079–1080
- Agreement on Trade Facilitation, 960
- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 141–142, 157–158, 205–209, 844–846
- Anti-Counterfeiting Trade Agreement (ACTA)
  - EU fundamental rights, compatibility, 765
  - origin and background, 765
  - ratification process, 767
- Antidumping law regarding NMEs
  - accession protocol, 509
  - Department of Commerce, 501
  - double remedy, 510–511
  - industry-wide test and entity-wide rates, 509–510
  - OTCA of 1988, 500–501
  - surrogate and constructed prices, 510
  - Trade Act of 1974, 499
  - Trade Agreements Act of 1979, 499–500
- Asian Infrastructure Investment Bank (AIIB)
  - ad hoc panel of outside experts, 417–418
  - complaints and responsibility, 420–421
  - consultation, 421
  - opportunities, 422
  - relationship, General Counsel, 418–420
- Asia Pacific Economic Cooperation (APEC)
  - FSCF, 899
  - import guideline for pesticides, 900
  - WRF, 899
- Asia Pacific Economic Cooperation (APEC) economies, 587
- Association of South-East Asian Nations (ASEAN), 587
- Australia-China Free Trade Agreement
  - criticism, 97–99
  - differences, 69
  - difficulties vis-a`-vis negotiating on human rights, 92–97
  - economic relationship, 69
  - environment and human rights, 74–76
  - exporters, 103
  - export market, 69
  - ex post human rights, 103–104
  - GATT/WTO, 68
  - globalisation, 104

- guidance, 104
- history of contact, 70–73
- human rights violations
  - forced labour camps, 86–88
  - Labour Laws in China, 88–89
  - Tiananmen Square Incident, 86
  - Tibet, 89–91
- ILO (*see* ILO/Human Rights Law obligations)
- impacts, 75
- management, 76–77
- manufacturing sector, 85
- multilateral trading system, 99
- negotiation process, 73–74
- New Zealand, 99–102
- NGOs, 85
- RTAs, 68
- specific submissions, 91–92
- Switzerland, 102–103
- Australia–New Zealand Free Trade Agreement, 931
- Australian legal practices under ChAFTA
  - cross-border transactions, 260
  - FRO Regulation, 261–262
  - FTAs, 262
  - joint operation, 259–260
  - negotiations, 262
  - regulatory framework, 259
  - SHFTZ measures, 261
  - Swiss Verein structure, 260

## B

- Biosimilar and generic sectors
  - data exclusivity, 223–228
  - FTA Parties, 218
  - patent linkage, 221–223
  - patent term extension, 228–231
  - regulatory cooperation and convergence, 218–221
- Brazil and TPP-like trade agreements
  - comprehensiveness of TPP, 879–880
  - innovations
    - CETA, 865

- globalized trade and production patterns, 866
- GVCs' provisions, 862–863
- mega-regional trade agreements, 862
- negotiations, 863–864
- TPP designed as FTA, 865
- TPP approach to core trade issues
  - electronic commerce, 873–874
  - intellectual property, 871–873
  - investments, 870–871
  - market access for goods and agricultural products, 868–869
  - 'new generation' trade agreements, 867
  - regulatory convergence, 875–877
  - services negotiations, 869–870
- US withdrawal from the TPP, 860–861

## C

- Canada–Chile Free Trade Agreement, 931
- Canada–EU Comprehensive Economic and Trade Agreement (CETA), 865
- Carbon emission mitigation schemes (CEMS), 45–46
- Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)
  - alternative fuels, 434–435
- Assembly resolution, 437–440
- 'buddy programme', 435
- CAEP, 427
- collective approach, 431
- comprehensive approach, 435
- EAG, 428
- ETS, 427–428
- GLADs, 431
- GMBM, 426, 429
- HLM–GMBM, 431–432
- human-caused warming, 442
- IATA, 430, 437
- IETA, 433
- 'individual' approach, 430
- institutional requirements, 430
- MRV system, 441

- route-based approach, 436
- 80/20 rule, 426
- SCRC, 431–432
- SDGs, 436
- Carbon safeguard mechanism
  - administration, firm-level investigations, 62
  - advantages, 59
  - antidumping duty, 61–62
  - carbon pricing, 64
  - CEMS, 59
  - developing countries, 62
  - domestic industry, 57
  - EITE Status, 60
  - firm-submitted information, 61
  - GATT and WTO systems, 59–60
  - GHG emissions, 57
  - intensive methods, 61
  - national treatment, 57
  - place of, 61
  - restrictions, emissions, 46
  - tax, 57
  - traditional safeguard measures, 60
  - uniform tax scenario, 58
- China's nonmarket economy (NME)
  - accession protocol, 504–505
  - centrally-planned economy, 495–496
  - domestic prices, 496
  - financial system, 497
  - normal value, 497
  - post-December 2016
    - accession protocol effective, 507–509
    - accession protocol ineffective, 505–507
    - antidumping law, 509–511
    - CVDs, 511–513
    - US trade remedy (*see* US trade remedy actions against NMEs)
- Civil society organizations (CSOs), 24
- Codex Alimentarius Commission
  - CCPR, 893
  - crop groupings, 893–894
  - delays, 895
  - JMPR, 893
  - list of pesticide MRLs, development of, 892
  - missing MRLs, 897
  - SPS Agreement, 896
- Codex Committee on Pesticide Residues (CCPR), 893
- Committee on Aviation Environment Protection (CAEP), 427
- Comprehensive Economic and Trade Agreement (CETA)
  - Canada-EU Summit, 767
  - negotiations, 767–768
  - ratification, 768
- Continental Free Trade Area (CFTA), 14
- Cooperation and coordination measure-ment, SPS
  - communication, 463–464
  - customs process, 461
  - domestic regulatory agencies, 463
  - recognition of equivalence, 462–463
  - trade facilitation, 461
- Copyright damages reforms, PRC
  - amendment to statutory damages
    - avoid incompatibility of, 142–143
    - award ceiling, 145–147
    - removal of the availability limitation, 143–145
  - TRIPS-Plus features, 141–142
  - formation and development, 137–140
  - punitive damages (*see* Punitive damages, PRC Copyright Law)
  - revisions, third amendment, 140–141
  - right of information of infringed parties
    - Art. 8 EU Enforcement Directive, 155–156
    - creation of Chinese legislator, 152–154
    - three stage evolution, 136–137
- Countervailing duties (CVDs)
  - accession protocol, 511–512
  - anti-subsidy remedy, 512–513
  - commerce, 503

- legalized appliance, 503–504
- Tariff Act of 1897, 502
- Trade Act of 1974, 502
- Trade Agreement Act of 1979, 503
- Cross-border paperless trade in Asia and the Pacific
  - capacity-building/technical assistance, 982–984
  - cross-border e-exchange, 983
  - implementation mechanisms, 982
  - pilot projects, 983
  - WTO TFA, treatment provisions, 982
- Cross-border Paperless Trade
  - Facilitation (IISG), 961
- harmonization (*see* Harmonization of national paperless trade facilitation)
- information and communications technology, 960
- mutual recognition of electronic data and documents, 974–981
  - advance recognition, 975–976
  - bilateral and multilateral agreements, 980
  - criterion, definition, 976–979
  - criterion, formation, 979
  - mandatory requirement, 974–975
  - operational arrangements, 980–981
- unprecedented treaty law, 961–964
  - electronic exchange of trade-related data and documents., 962
  - Framework Agreement, provisions, 964
  - legal mechanisms, 963
- Crypto war
  - encryption clause
    - advanced technologies, 331
  - Computer Security Act, NIST, 331
  - cybersecurity policies, 332
  - geo-political, 330–331
  - IETF, 332
  - international trade, 329–330
  - national security, 330
  - NSA, 331, 332
  - OECD guidelines, 328
  - reveals, 328
  - TPP, 328–329
- international economic law-making
  - Crypto wars, post-cold war era, 319–323
  - Crypto war 2.0, 21st century, 323–328
  - encryption and war-time legacy, 317–319
- Cuba and the GATT/WTO System
  - Castro-Chavez alliance
    - ‘neo-liberal’ capitalist trading system, 828
  - Venezuela’s economic mismanagement and civil unrest, 829
- Cuba in the WTO
  - dispute settlement (DS) system, 833
  - Helms-Burton Act in 1996, 833–834
  - ‘Like-Minded Group’, India, 832
- educated workforce, 839–840
- export revenue regression, 835–838
- influence on GATT and WTO trade negotiations, 817
- political goals of ‘independence, 818
- post-revolutionary Cuba and GATT
  - export destination and export product shares, 822–823
- export market expansion and diversification, 825
- heterodox trade regime, 821
- Soviet influence, 824–825
- trade policy, 820
- US influence, 824

#### 1959 revolution

- Cuban-Soviet alliance, 819
- economy before revolution, 818
- ‘revolutionary’ economy, 819
- trade patterns, change in
  - diversity in exports and export partners, 829
- export destination and product market shares, 830–831

- relationship with Venezuela, 832
  - transition to post-Soviet period, 827–828
  - US business interests in Cuba, 839
  - Curbing supply-chain human rights violations
    - areas, CAHR, 1044
    - compliance, 1045
    - due diligence obligations, 1043, 1057–1059
    - elements of private conduct, 1060
    - EU measures, 1045
    - EU minerals regulation
      - Arts. XXI and XX GATT, 1060–1063, 1067
      - CAHR areas, 1048
      - implementation, CCP, 1046
      - internal market, 1047–1048
      - model supply chain policy, 1047
      - OECD, 1064–1066
      - OECD standard, 1047
    - EU requirements, 1044
    - GATT, 1049–1054
    - GATT provisions, 1046
    - MFN, 1049–1054
    - OECD, 1054–1057
    - supply-chain policy, 1044
  - Currency manipulation
    - challenges to reform
      - coordination and political issues, 705–706
      - determination, 707–708
      - diminishing returns, 710
      - free trade, 709
      - international trade law, 709
      - monetary sovereignty, 706–707
      - retaliatory measures and trade wars, 708–709
    - China's interventions, 693–694
    - exchange rate misalignment, 694
    - foreign exchange markets, 692
    - IMF
      - Art. IV section 1(iii), 699
      - Art. IV section 3(b), 699–700
      - exports, 700
      - responses, 700
    - impact of, 695–696
    - implications, 693
    - legal framework, 692
    - reform proposals
      - IMF/WTO cooperation, 701–702
      - political and market solutions, 702–704
      - RTA, 702
      - unilateral responses, 704
    - trade policy, 693
    - WTO
      - Art. XV(4), GATT, 697–698
      - export subsidy, 698–699
  - Customs cooperation in WTO
    - customs valuation
      - Art. VII, GATT, 847
      - Doha Ministerial Declaration, 847
      - GATT Valuation Code, 846
      - negotiations, trade facilitation, 849
      - TCCV response, 848–849
    - exchange of information
      - basic principles for WTO rules, 854–855
      - bilateral customs cooperation agreements, 853
      - concerns, 853–854
      - status quo of customs cooperation, 856–857
      - types of customs cooperation, 852
    - trade facilitation, 851
    - TRIPS, 844–846
  - Cybersecurity, 332
- D**
- Data residency requirements
    - data localization (DL) clause, 184
    - IEL, 184–185
    - IT sectors, 185
    - TTIP (*see* Transatlantic Trade and Investment Partnership (TTIP))

WTO and PTAs, 184  
 Deep and Comprehensive Free Trade Area (DCFTA), 766  
 Dispute Settlement Understanding (DSU)  
   reform  
     amendment negotiation, 987–989  
     enhanced judicialization, 989–994  
     holistic approach, 1016–1017  
     impartiality, 1015–1016  
     PPB, 999–1000  
     remand  
       developing Members, 1009–1010  
       elements of proposals, 1008–1009  
 S&D treatment, 1010–1012, 1017–1018  
 timeframe for proceedings, 1005–1007  
 transparency enhancement  
   developing Members, 1004  
   elements of proposals, 1002  
   general public, 1002–1004  
   ‘openness’ techniques, 1004–1005  
   public access to submissions, 1004, 1005  
 WTO’s DSU, 1013–1014

## E

Emissions Trading Scheme (ETS), 427–428  
 Energy Charter Treaty (ECT)  
   elements, 655–656  
   GATT, 657–658  
   negotiations, 656  
   price discrimination, 658  
 Energy transition and scale-up of clean energy technologies  
   EGA, 935  
   ICTSD, 935  
   International Energy Agency, 933  
   International Energy Charter, 935  
   Paris Agreement, 934  
   policy options, summary, 941–954  
   sustainable development goals, 934  
   trade governance in clean energy litigation, 938

rationale, 936  
 trends in CET scale-up, 937  
 vision, 936  
 trade policy options  
   additional clean energy access commitments, 945  
   addressing regulatory issues, 944  
   amendment of GATT rules, 939  
   an interpretive understanding of the ASCM, 947  
   benefits of a multilateral setting, 942  
   coordinated approach to clean-energy goods and services liberalization, 944  
 EGA, 941  
 enforcement of existing laws, 949  
 expansion of network capacity, 945  
 identification of services relevant for the supply of CETs, 943  
 implementation of reforms, 944  
 interpretation, 939  
 interpretative understanding of the ASCM, 947  
 lessons and options from RTAs, 942–943  
 local content requirements, 947  
 moratorium on dispute settlement, 940  
 options for addressing systemic issues, 939–940  
 options for reform or new rules strengthening markets, 940–945  
 peace clause on trade remedies in the clean-energy sector, 949  
 plurilateral agreement, 940  
 plurilateral approach, 945  
 policy space beyond tariffs, 946–950  
 prevention, trade remedy cases, 949–950  
 reform of the WTO rules governing anti-dumping and anti-subsidy measures, 948  
 remedies, 948

- remedy limits and national public interest tests, 949
- removing barriers to clean-energy services, 943
- SETA, 941
- subsidies, 946
- tariff liberalization, 940
- temporary waivers, 939
- transit rules for cross-border clean-energy trade, 945
- waiver from the ASCM, 947
- Enhanced Integrated Framework (EIF), 579
- Enhancing the standards of civil damages remedies
  - awards, 132
  - copyright infringement, 132–134
    - Copyright law, PRC (*see* Copyright damages reforms, PRC)
  - digital environment, 156
  - IFPI, 131–132
  - protection of IPR in China, 132
  - right of information, 134
  - TRIPS Agreement, 134, 157
  - TRIPS-Plus approach, 136, 157–158
- Environmental Action Group (EAG), 428
- Environmental Goods Agreement (EGA), 935, 941
- APEC, 587
- benefits, 588
- economic impacts, 592–595
- environmental benefits
  - climate change, 590–592
  - non-tariff barriers, 589–590
- ITA, 588
- motivation for negotiations, 588–589
- origins, 586–588
- SETs, 588
- social impacts, 595–597
- state-of-play of the EGA negotiations, 597–598
- Environmental goods and services (EGS)
  - environmental technologies, 582
  - SETs, 581–582
  - solar trade war
    - antidumping and anti-subsidy measures, 583
  - Energiewende, 582
  - impact, 584
  - ISMA, 583
  - manufacturing and services sectors, 584–586
  - trade contribution, 581
  - WTO's Doha Ministerial Declaration, 581
- European Commission Sustainability Impact Assessment (SIA)
- EU-Russian gas trade and international law
  - anti-competitive practices, 659
  - 'building block' approach, 659
  - business-to-business levels, 663–666
  - business-to-government levels, 663–666
  - claims, 660–661
- East-West relations
  - domestic policy, 649
  - hydrocarbon resources, 650
  - non-binding agreements, 650
  - non-liberal approach, 647
  - recognition of mutual dependence, 648
  - security of demand, 650
- economic and political power, 646
- ECT, 655–658
- natural resources, 651–655
- neoliberal competitive and internal market, 658
- stability of supplies, 645
- TEP, 662, 663
- EU-South Korea Free Trade Agreement, 772
- EU trade policy
  - 'downsizing' the agreements, 777–781
  - Art. 207 TFEU, issues, 778–779
  - future (mainly trade-related) agreements, 779–780

- Treaty of Lisbon, 779
- isolationist trade agenda, 784
- more EU-only agreements, 775–777
- ratification
  - cooperation between the Member States, 783
  - cooperation, Member States and EU, 782
  - mixed agreements, 783
- EU Trade Policy on Geographical indications
  - empirical approach, 1021
- food products, 1022
- framework
  - CETA, 1308
  - foodstuff sales, 1027–1028
  - GDP and agricultural valued shares, 1028–1030
  - Global Europe treaties, 1030–1035
  - PDO, 1025
  - PGI, 1026
  - TTIP negotiations, 1037
- producer protection, 1024
- TPPA, 1022, 1036–1037
- TRIPS, 1023

## F

- Firm's responsive behaviours in WTO
  - trade disputes
- ADs and/or CVDs, 605–606
- CVDS on DRAM, Korea
  - industrial characteristics, 607–608
  - Japan-DRAM, 611–612
  - semiconductor producers, 608
  - US-DRAM dispute, 609–611
  - WTO (*see* WTO rulings)
- economic gain, 607
- factors, 606
- Hynix's survival, 633
- market adjustments, 634
- policy implications, 635–637
- survival strategies, Hynix, 633–634
- tariff-jumping strategy, 632

- trade effects 'on cross-borders', 615–621
- trade remedy and economic effect
  - 'beyond borders'
    - exports, 623–629
    - named firm's total production, 621–623
  - tariff jumping, restructuring and bypassing, 629–632
  - unilateral protectionist measures, 633
- Food Safety Cooperation Forum (FSCF), 899
- Foreign exchange markets, 692
- Forum on China Africa Co-operation (FOCAC), 11
- Framework Convention on Tobacco Control (FCTC), 266
- Free trade agreements and regulatory change
  - CETA, 206
  - domestic legislation
    - biosimilar and generic sectors, 218
    - legal orders, 216–218
- facilitate trade, 206
- intellectual property rights and pharmaceuticals, 206–207
- negotiations, 211–213 pharmaceutical (*see* Pharmaceuticals, IP rights and trade agreements)
- pharmaceuticals, intellectual property rights and trade agreements, 213–215
- regulatory agencies, 207–208
- trade policy and trade agreements, 209–211
- traditional trade policy tools, 208
- TRIPs, 205
- 'TRIPs-plus' provisions, 209
- WTO Agreement, 205
- Free trade policy, 764

## G

- General Agreement on Tariffs and Trade (GATT), 114–117, 579
- General Agreement on Trade in Services (GATS), 774, 790

commercial presence, 1098  
 cross-border resolution, 1095–1096  
 financial crisis, 1090–1091  
 financial services, 1097–1098  
 less favourable treatment, 1106–1109  
 likeness, 1103–1106  
 MFN and NT, 1096–1097  
 non-discrimination  
     financial regulation, 1114–1115  
     relevancy, 1115–1116  
 non-US financial companies, 1094–1095  
 OLA, 1091–1093  
 Prudential Carve-Out, 1109–113  
 SPOE, 1093–1094  
 subsidies in services, 1098–1099  
 Genetically modified organisms (GMOs), 457–459  
 Geographical Indications (GIs)  
     balance of powers, 490  
     CETA approach, 484  
     cultural value and human development, 493  
     economic value, 487  
     EU agreement, 486  
     FTA, 492  
     IPRs protection, 491  
     piecemeal approach, 485–486  
     policy makers and civil society, 493  
     technical assistance and capacity building, 492  
     trademarks, 487–488  
     US legislation, 485  
 Global market based measure (GMBM), 426  
 Global trading system, 2  
 Global value chain  
     joined-up production arrangements, 533  
     production of goods and services, 532  
     value-added trade, 534  
     volume of exchange goods, 533–534  
 Global value chains (GVCs), 581

Good Agricultural Practice<sup>2</sup> (GAP), 884

## H

Harmonization of national paperless trade facilitation  
     adherence to general principles  
         application in paperless trade systems, 967–969  
         enabling domestic environment, 969  
         general principles, 965–967  
         single-window system, 967  
     application of international standards  
         international bodies, standards and guidelines, 972  
         international standards in the framework agreement, 972  
     consistence with international legal instruments  
         implementation of the substantive provisions, 971  
         international laws, regulations and best practices, 971–972  
 High Level Meeting on a Global Market Based Measure (HLM-GMBM), 431–432

## I

ICCPR. *See* International Covenant on Civil and Political Rights (ICCPR)  
 ICESCR. *See* International Covenant on Economic, Social and Cultural Rights (ICESCR)  
 Illicit trade in tobacco products  
     Australia–Tobacco Plain Packaging, 267–268  
     consumption, 269  
     coping, tobacco industry interference  
         *ex ante* and *ex post* Whistleblower mechanisms, 281–283  
         implementation with adequate transparency, 278–281  
         inherent governance dilemma, 276  
         institutional capacity, 277–278

- investigation, 275
  - knowledge asymmetry, 276–277
  - smuggling activities, 276
- FCTC, 266, 267, 284
- GATT, 267
- global tobacco control, 283, 284
- illnesses and deaths, 265
- institutional design of Protocol
  - definition, 271–272
  - international cooperation, 273–274
  - legal liabilities and offences, 272, 273
  - price gap, 271
  - Rampant, 271
  - strengthening supply chain controls, 272–274
- Protocol, 270
- public health impact, 265–266
- public health regulatory measures, 268–269
- SPS Agreement, 267
- supply chain complexity, 270–271, 284
- TBT Agreement, 267, 268
- Thailand–Cigarettes (Philippines), 267
- WTO multilateral trading system, 267
- Indian Solar Manufacturers Association (ISMA), 583
- Information and communication technologies (ICT), 286
- Information Technology Agreement (ITA), 588
- Integrated Trade Intelligence Portal (ITIP), 549
- Intellectual property rights
  - Art. XX (d), GATT 1947, 336
  - Australia–Japan FTA, 354
  - Berne Convention, 335
  - BITs, 336–337
  - diplomatic protection, 353
  - Eureko BV v. Poland*, 354
  - FCN Treaties, 337
  - IAs, 337
  - international economic disputes
    - Brazil–Patent Protection Case*, 351
    - ‘coffee war’ informal disputes, 352
    - compulsory licences, 351
    - foreign investors, 349
    - negotiation, TRIPS Agreement, 349, 350
    - private companies, 351
    - WTO, 349–351
- international investment arbitration
  - AHS v. Niger*, 348–349
  - Eli Lilly v. Canada*, 347–348
  - NAFTA, 346
  - Philip Morris Asia v. Australia*, 345–346
  - public health measures, Uruguay, 345
  - TBT Agreement, 346
- and international law
  - ARIPO patent, 342
  - GIs discipline, 340
  - international IP regulation, 338
  - ‘intra-forum’ divergences, 339–340
  - national IP regulations, 343–344
  - regional IP harmonization, 341
  - regulation, 339
  - state-grants, 342–343
  - TRIPS Agreement, 338–339
  - WIPO’s initiatives and functions, 339
  - WTO, 340
- investor-to-State arbitration, 354
- law and governance, 355
- multilateral agreements, 335
- Paris Convention, 335
- protection, 337–338
- TRIPS Agreement, 336
- Intellectual property rights (IPRs), 735
- International Air Transport Association (IATA), 430, 437
- International Centre for the Settlement of Investment Disputes (ICSID), 177
- International Centre for Trade and Sustainable Development (ICTSD), 935

International Covenant on Civil and Political Rights (ICCPR), 79  
 International Covenant on Economic, Social and Cultural Rights (ICESCR), 79, 161  
 International Emission Trading Association (IETA), 433  
 International Federation of the Phonographic Industry (IFPI), 131–132  
 International Labor Organization (ILO)/Human Rights Law obligations  
   Convention Concerning the Abolition of Forced Labour (C105), 78  
   Declaration on Fundamental Principles and Rights at Work, 78–79  
   *Democratic Republic of Congo v. Uganda*, 82–83  
   extraterritorial jurisdiction, 84  
   human rights standards, 76  
   ICCPR and ICESCR, 79–82  
   Maastricht Principles, 83–84  
   ratifications, Conventions and Protocol, 77  
   State's jurisdiction, 81–82, 84  
   UDHR, 79, 80  
   VCLT, 80, 81  
   violations, 85  
 International Renewable Energy Agency (IRENA), 595  
 Inter-Regional Research Project Number 4 (IR-4), 900–901  
 Investor-state dispute settlement (ISDS), 176–180

## J

Joint Standing Committee on Treaties (JSCOT), 71

## K

Korea–Beef NT analysis  
   AB's disparate impact, 116–117  
   boiling down, 117  
   GATT/TBT jurisprudence, 119–120

  requisite discrimination, 115–116  
   *US–Clove Cigarettes*, 117–118  
   *US–Tuna II*, 118–119  
 Korean Dual Retail System, 115

## L

Least Developed Countries (LDCs), 579  
 Liberalization of legal services, China  
   ChAFTA, 249–251  
   China–ASEAN FTA, 235  
   development and new opportunities, 236–237  
   expectations, 233–234  
   FROs, 234  
   FTAs  
     CEPA, 247–249  
     ChAFTA, 246–247  
     China–South Korea FTA, 245–246  
     GATS specific commitments, 243  
     horizontal commitments, 243–245  
   global expansion, law firms, 234  
   implications, 235  
   legal profession market, 238–239  
   observations and implications  
     Australian legal practices, 259–262  
     economic and societal development, 258–259  
     ‘Reform and Open Door’ policy, 258  
   regional cooperation and integration, 234  
   regulation of foreign investment  
     categories, 251  
     form, 252–253  
     qualification restrictions, 254–255  
     restrictions on employment of Chinese lawyers, 254–255  
     scope of activities, 253–254  
   Shanghai free trade zone, 255–258  
   SHFTZ, 235  
   WTO commitments, 239–242  
 Low-and middle-income country (LMIC) markets, 165

**M**

- Maximum residue limits (MRL) for
  - pesticides
    - Agreement on the Application of SPS, 884
  - asynchronicity, 884–885
  - barriers to trade
    - differing MRLS, 888
    - misperceptions, relationship between MRLS and food safety, 888–889
    - missing MRLS, 888
    - older products and generics, 890
    - penalties, 889
    - politics of import tolerances, 890
    - private sector standards, 891
  - Codex Alimentarius Commission (Codex), 884
  - Codex MRL standards, declining use of, 886
  - direct food safety standards, 885
  - harmonization
    - Asia-Pacific Economic Cooperation (APEC), 899–900
    - Codex Alimentarius Commission, 892–895
    - industry level initiatives, 892
    - Inter-Regional Research Project Number 4 (IR-4), 900–901
    - multinational initiatives, 892
    - OECD, 898–899
    - unilateral domestic initiatives, 901
    - WTO, 895–897
  - trade effects, MRL asynchronicity
    - food surplus areas, 887
    - global population, 886–887
- Most-favoured-nation (MFN)
  - definition, 1099–1100
  - FDIC's resolution authority, 1100–1101
  - patent standards, 527
  - trade policy, 793
- Multilateral Development Banks (MDB)
  - accountability mechanism
    - advantages and achievements, 415–416

AIIB (*see* Asian Infrastructure

Investment Bank (AIIB))

bank loan agreements, 410

inspection panel process

confirmation of technical eligibility, 413

enforcement, 414

investigation, 413–414

post investigation, 414

receipt and registration, 412

non-contractual relationship, 410

Multilateral Environmental Agreements (MEAs), 590

Multilateral trading system (MTS), 576

**N**

National Treatment (NT)

definition, 1101–1102

Principle, AB's interpretation

AB analysis, 121–123

GATT Art. III:4, 114–117

panel analysis, 120–121

precedent-consistent critique, 123–127

synthesis, 127

resolution authority, 1102

New Zealand-China free trade agreement, 100–102

Nontariff measures (NTMs), 540

North America Free Trade Agreement (NAFTA), 908

**O**

Omnibus Trade and Competitiveness Act (OCTA), 498

Orderly Liquidation Authority (OLA), 1091–1093

Ordinary least squares (OLS), 548

Organization for Economic Cooperation and Development (OECD)

global joint review (GJR), 898–899

guidelines, 328

MRL calculator, 898–899

SPS, 557–559  
standard, 1047

## P

Paris climate conference (COP21), 43  
Patent Standards under Trade-Related Intellectual Property Rights (TRIPs)  
Art. 2(1), 520  
Art. 27(1), 521  
Art. 5(A), Paris Convention, 529–530  
compulsory licences, 530–532  
foreign invention and innovation, 518  
Global Value Chain, 532–534  
local working requirement, 518–519  
patent working requirements  
    most-favoured-nation treatment, 527  
    multilateral trading system, 525  
    non-discrimination standards, 526  
    Paris Convention, 527–529  
public policy, 522  
socio-economic welfare, 523–524  
WIPO (*see* World Intellectual Property Organization (WIPO))  
Pharmaceuticals, IP rights and trade agreements  
    Doha Declaration, 214  
    EU-Philippines FTA, 214–215  
    legal and market access rules, 215  
    lobbying, 213  
    NAFTA, 213  
    publish health, 213  
    TRIPs Agreement, 213, 214  
    TRIPs-plus provisions, 214  
Pooled OLS and panel regression method, 549  
Post-Brexit management of EU agricultural TRQs  
    challenges, 741  
    competitive position of exporters, 750  
    consequences, 747–749  
    *EC-Bananas III*, 749  
    modification, 751  
    quantitative restriction, 742

reduction, 745–747  
and UK  
    competition, 751–754  
    complications, negotiating TRQs, 754–755  
    GATT Art. XIII, 744  
    non-negotiated certification, 755–759  
    partition, 745  
    strategy, 759–761  
Uruguay Round GATT agricultural negotiations, 743  
WTO, 743–744, 750  
Preferential trade agreements (PTAs), 184  
Prudential Carve-Out  
    definition, 1109–1112  
    Resolution authority, 1112–1113  
Public health, TIA impact  
    employment, 167–168  
    food, 165–167  
    health services, 168–170  
Punitive damages, PRC Copyright Law  
    aversion, Civil Law Countries, 148–149  
    purpose of retribution and deterrence, 150–151  
    scope and parameters, 151–152

## R

Raisin trade between Greece and France  
    Adulterated Wines production, 717–719  
    consumer concerns and producer interests, 713–714  
    exports, 716, 720–723  
    fall of, 725–727  
    fall out, 727–728  
    GDP-deflated raisin and total value exports, 722  
    late nineteenth century, 717  
    legacy of standards, 730–731  
    mid-nineteenth century, 716–717  
    overproduction and supply regulations, 728–730

*Phylloxera*, 714–715  
 production, 721–722  
 recovery, vineyard, 723–725  
 vineyards growth, 715  
 wine production, 714

Regional integration and development,  
   Africa  
   changing architecture of world trade, 3–4  
   commodity prices/commodity super-cycle, 2  
   economic integration, 13–18  
   EU-Africa trade changes from Cotonou to EPAS, 6–9  
   global trading system, 2  
   Growth and Opportunity Act, 9–11  
   mega-regionals and mega-bilaterals, 2  
   ‘open-regionalism’ approach, 3  
   opportunities and challenges, 11–13  
   prospects, 1  
   WTO Doha round, 4–6  
 Research in Motion (RIM), 324

## S

Sanitary and phytosanitary (SPS)  
   administrative processescooperation  
     and coordination measures (*see*  
     Cooperation and coordination mea-  
     surement, SPS)  
     measures, 465–466  
     preventive approach, 459–460  
     rule-making process, 464–465  
   agricultural products, 446  
   dispute settlement process  
     cooperative technical consultations,  
       466  
     formal dispute settlement, 467–468  
   food/feed safety, 445  
   GMO, 457–459  
   precautionary principle, 455–457  
   regulatory/cooperative elements, 450  
   risk analysis, 451–455  
   scientific and institutional matters, 446

TPPA, 447–450

Services in Trans-Pacific partnership  
   (TPP)  
   commitments and actual policy, TPP  
     Members, 788  
   comparative assessment  
     applied policy status quo, 799  
     average commitment score, 797  
     best PTAS, 797–799  
     changes in the ‘status quo’, 799–800  
     commitment to future liberalization,  
       800  
     Doha offers, 796  
     financial services, 800–803  
     professional services, 808  
     retail distribution, 804–805  
     telecommunications, 803–804  
     temporary entry of business persons,  
       808–809  
     transportation, 806–807  
   liberalization, categories of, 789  
   other services-related rules  
     competition policy, 812  
     data flows and cross-border trade,  
       810–812  
     government procurement, 814  
     regulatory coherence, 813–814  
     state-owned enterprises, 813  
   services-specific disciplines  
     cross-border investment in services,  
       791–792  
     cross-border trade in services, 790–  
       791  
     temporary entry of business persons,  
       792–793  
   trade policy and commitments  
     major services sectors, 794  
     mostfavoured-nation (MFN) policy,  
       793  
     services trade restrictions index  
       (STRI), 794  
   transparency and policy certainty, 789  
   value, assessment, 788

- Singapore–Australia Free Trade Agreement, 931
  - Single Point of Entry (SPOE), 1093–1094
  - Solar trade war, 582–583
  - Special Circumstances and Respective Capabilities (SCRC), 431–432
  - SPS measures
    - conformity assessment-related, 541–542
    - data, 549–550
    - effect, 542
    - food, 542
    - health of humans, plants and animals, 540
    - legitimate trade protection, 540
    - model specification, 547–549
    - notification system, 543
    - panel regression and pooled OLS, 550, 552–554
    - People's Republic of China (PRC), 543
    - pooled OLS
      - high, middle, and low-income countries samples (2012–2014), 551, 555–557
      - income group and region samples (2012–2014), 552–554
      - OECD and Asian countries samples (2012–2014), 557–559
    - product groups, 543
    - quality and standard of imported goods, 540
    - region (1995–2015), 563
    - requirements, 541, 542
    - specific trade concerns (1995–2015), 564
    - trade restrictive, 540
    - WTO Member, 543
  - Standards, tariffs and trade
    - impacts, 712
    - prevention, fraud, 711
    - and production, 712
    - raisins (*see* Raisin trade between Greece and France)
    - social welfare, 712–713
  - Subsidies and countervailing measures (SCM)
    - benefit analysis, 683
    - cost of clean energy, 677
    - financial contribution, 681
    - fossil fuel energy, 676
    - GATT Art. XX
      - Agreement on Agriculture, 688–689
      - applicability, 689
      - Art. 18.1, Antidumping Agreement, 686
      - environmental subsidies, 685
      - prohibited subsidies, 688
    - green industrial policy, 675
    - price distortion, 684–685
    - structural defects, 678–680
    - tax measures, 681–682
  - Sustainable Development Goals (SDGs), 436
  - Sustainable energy technologies (SETs), 576–577, 581
  - Sustainable Energy Trade Agreement (SETA), 586, 941
  - Sustainable Energy Trade Initiatives (SETIs), 586
  - Switzerland–China free trade agreement, 102–103
- T**
- Technical barriers to trade (TBT) measures
    - conformity assessment procedures, 544
    - data, 549–550
    - empirical literature, 546
    - EU standards harmonized, 545
    - health of humans, plants and animals, 540
    - HS6 category, 546
    - impact, 547
    - impact of product standards, 545
    - legitimate trade protection, 540
    - model specification, 547–549
    - panel regression and pooled OLS, 550, 552–554, 568

- policy goals, 545
- pooled OLS
  - high, middle, and low-income countries samples (2012–2014), 551, 555–557
  - income group and region samples (2012–2014), 552–554
  - OECD and Asian countries samples (2012–2014), 557–559, 569
- product groups, 546
- quality and standard of imported goods, 540
- region (1995–2015), 566
- regulations and standards, 544
- specific trade concerns (1995–2015), 567
- technical regulations, 544
- trade flows, 546
- trade restrictive, 540
- WTO Members, 545
- Technical Committee on Customs Valuation (TCCV), 846
- Terminal High Altitude Area Defense (THADD), 921
- Trade Agreement with Colombia and Peru, 772
- Trade and Climate Change Linkages, 577
- Trade and Investment Agreements (TIAs)
  - ensure transparency and accountability, 180
  - ISDS, 176–180
  - ISDS provisions and approach to investment agreements, 181–182
  - key power asymmetries, 170–176
  - medicines and health care services, 181
  - permit states' treaty obligations, 182
  - protect policy space, 180–181
  - public health impact, 163–170
  - in twenty-first century, 163
- Trade facilitation, India
  - cost disability, 289
  - costs, 286
  - employment opportunities, 288
  - employment opportunities and foreign exchange, 290
- EOUs, 301–302
- exports, 285
- financial and physical infrastructure, 288
- framework, 286
- FTP, 288
- GDP, 289
- ICT, 286
- impact, per capita income and productivity growth, 288
- impacts, income distribution, 289–290
- inverted trading structure, 303–304
- 'Make in India' programme, 288, 289
- measures, 286–287, 289
  - ACP programme, 299
  - AEO scheme, 299
  - CAG reports, 291–292
  - CBEC, 290, 291
  - custom clearance, 299
  - DGFT-EDI, 290
  - e-commerce, 291
  - ICEGATE portal, 298
  - ICES, 290–291
  - logistics, 297–298
  - online initiatives, 294–297
  - procedural delays and resultant transaction costs, 292–294
  - RMS intervention scheme, 298–299
  - SEZ online, 290
- policies and areas, 287
- policy recommendations, 304–306
- quality physical infrastructure, 290
- removal of NTB, 286
- self assessments and certifications, 302
- SEZ, 300
- tax reforms, 302–303
- transactional analysis, 287
- Trade liberalization, 769–772
- Trade policy, 693
- Trade-Related Aspects of Intellectual Property Rights (TRIPS), 161
- Trade rules and climate policy

- academic research, 45
- carbon emission reduction, 45
- carbon prices, 44–45
- carbon safeguard (*see* Carbon safeguard mechanism)
- CEMS, 48–49
- COP21 agreement, 43–44, 47
- EITE sector, 46
- GATT, Art. XX, 63
- GHG policies, 46–47
- industry heterogeneity and informational asymmetries, 50–54
- mitigation schemes and trade liberalization, 48
- multilateral trade system obligations, 49–50
- options, WTO mechanisms, 55–56
- 2015 Paris agreement, 62
- rules-based MTS, 47, 63
- trade frictions, 45
- transparency, 44
- WTO dispute settlement system, 48
- WTO principles, 45–46
- Trade, technology and sustainable development goals (SDGs)
  - cost-benefit analysis, 580
  - economic, social and environmental aspects, 578
  - EGS, 581–582
  - MDGs, 578
  - poverty and hunger, 577
  - size and breadth, 578
  - technology, 580–581
  - trade-related targets
    - conserve maritime resources, 580
    - economic growth and employment, 579
    - healthy lives and promoting well-being, 579
    - hunger and food security, 578–579
    - industry, innovation and infrastructure, 579
    - reduce inequality, 579
    - sustainable energy, 579
    - sustain life on land, 580
- UN General Assembly, 578
- Transatlantic Trade and Investment Partnership (TTIP)
  - Art. 18.20, 488
  - Art. 18.32, 488–490
  - assumptions, 40, 41
  - branding power, 473
  - challenges, 202–204
  - civil society organizations (CSOs), 24
  - consumer approach, 471–472
  - consumers, 24
  - contribution to emerging literature, 26
  - control trans-border information flow, 186
  - cross-border data flow
    - non-TPP Members, 189–192
    - TPP Members, 187–188
  - cross-national and transatlantic private sector, 24
  - cultural and economic divide, 475–480
  - data residency measures
    - data localization clause and public policy exception, 194–196
    - Privacy and Security–Conflict Laws, 197–199
    - search and seizure–law enforcement, 199–202
  - debate supporters, 23
  - economic and geopolitical benefits, 40–41
  - EU Commission, 42
  - EU-US negotiations, 768
  - future of, 768
  - GIs, 471–472, 484–488
  - ‘jeopardy thesis’, 40, 43
  - LDCs, 474
  - legal divide, 480–484
  - multilateral discipline, 474
  - non-tariff barriers (NTB), 24
  - opponents’ premises and assumptions
    - less public policy autonomy, 30–33

- lower product safety, 27–30
  - primary and secondary sources, 25
  - privacy protection, 187
  - proposals, 26
  - supporters
    - economic benefits, 34–37
    - geopolitical benefits, 37–40
  - trade diversion, 41
  - types of data residency requirements, 192–194
  - US COOL, 473
  - Trans-Pacific Partnership (TPP)
    - Agreement
    - analysis
      - capacity building and development, 914
      - competition and SOEs, 913–914
      - conventional terms, 909–910
      - digital trading, small and medium-sized businesses, labour and environment, 914–915
      - intellectual property rights, 912
      - investments, 913
      - rules of origin, customs, TBT and SPS measures, 911–912
      - trade liberalization in goods and services, 910–911
    - application of trade remedy measures, 931
    - capacity building and development, 928
    - competition, SOEs, 927–928
    - development deficit, 922–923
    - downsized-implementation, 916–919
    - expansion, 919–921
    - intellectual property rights, 925–926
    - investments, 926–927
    - labour and environmental protection, 915
    - Members, 908
    - non-implementation, 921
    - North-South Economic and Trade Integration, 929–930
    - progress of, 765
    - RTAs, development issue with, 930–931
    - rules of origin, customs, TBT and SPS measures, 924–925
    - trade liberalization
      - developed/developing country divide, 922–923
      - trade liberalization, 923–924
  - Trans-Pacific Partnership Agreement (TPPA), 447–450, 1022, 1036–1037
  - Trans-Pacific Partnership (TPP) encryption clause
    - communications, 312–313
    - controversy, 312
    - cryptography, 313, 316–317
    - factors, 314
    - implications, 309–310
    - information security, 314–315
    - international economic law-making, crypto conflicts (*see* Crypto war)
    - regulatory perspective, 310
    - symmetric and asymmetric systems, 313
    - TBT-Plus mechanism, 311–312
    - technology, 310
    - WTO, 311
  - Transparency and accountability, 180
  - Treaty of Lisbon, 777
- U**
- UDHR. *See* Universal Declaration of Human Rights (UDHR)
  - UNEP-WTO report, 576
  - United Nations Conference on Trade and Development (UNCTAD), 14, 549
  - United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), 960
  - United Nations Economic Commission for Africa (UNECA), 14
  - United States' country-of-origin labeling regulations (US-COOL)
    - aftermath, 128–129

- livestock market trends, exports and
    - new compliance costs, declining, 110–113
    - new classification scheme, 109–110
    - NT-Principle, AB's interpretation, 114–117, 120–127
    - post-Korea–Beef NT analysis, 117–120
    - post-Korea–beef NT analysis, 117–120
  - Universal Declaration of Human Rights (UDHR), 79
  - US–Clove Cigarettes*, 117–118
  - US Department of Agriculture (USDA), 106
  - US trade remedy actions against NMEs
    - antidumping law, 498–501
    - CVDs, 502–504
    - OCTA, 498
  - US–Tuna II*, 118–119
- V**
- Vienna Convention on the Law of Treaties (VCLT), 80, 777
- W**
- Wine Regulatory Forum (WRF), 899
  - World Customs Organization (WCO), 843
  - World Integrated Trade Solution (WITS), 548
  - World Intellectual Property Organization (WIPO), 535–537
  - WTO dispute settlement system
    - agreements, 395–400
    - classification, membership, 363–365
    - compliance panel, 359–360
    - DSU, 357–358
    - institutional function
      - bilateral disputes, 377–378
      - frequency of participation, 378–381
      - intensity of participation, 375–376
      - requests for consultations, 376
      - third parties, 384–385
      - winners and losers, 381–384
    - judges
      - data regarding AB Members, 393–394
      - data regarding panelists, 389–392
      - process for selecting AB Members, 388–389
      - process for selecting panelists, 386–388
    - multi-party disputes, 361
    - provisions, 400–405
    - requests of consultations, 362
    - stage of proceedings, practice, 367–374
    - statutory deadlines, 365–367
  - WTO rulings
    - EU-CVD on Korean DRAM, 613
    - Japan-CVD on Korean DRAM, 614
    - US-CVD on Korean DRAM, 612–613
  - WTO's Doha Ministerial Declaration, 581
  - WTO's DSM
    - capacity monitoring trade trends, 997
    - domestic markets, 997–998
    - financial resources, 995–996
    - lack of human resources, 994–995
    - political and economic pressure, 996–997
    - private industry's support, 998
  - WTO's SCM Agreement, 591