

Subject Index

A

Administrative Measures for Law Firms,
465–466, 472

Ad-valorem equivalent (AVE), 366

Ad-valorem tariffs, 531

Advance Informed Agreement (AIA)
procedure, 630

Adverse effects, 912

AEWTO. *See* Agreement Establishing
the WTO (AEWTO)

African Continental Free Trade
Agreement (AfCFTA), 871–873,
893–894

dispute settlement body, 891–893

non-discrimination principle, 875–876

MFN standard, 876–878

national treatment, 878–881

non-tariff barriers, 883–884

rules of origin, 885–887

sanitary and phytosanitary measures,
884–885

technical barriers to trade, 884

non-trade issues, 890–891

regional trade agreement, 873–875

trade facilitation, 887–888

trade regulation and liberalization
duties and quantitative restriction,
881–882

protocol and REC's tariff rate, 882–
883

trade remedies

anti-dumping and countervailing
measures, 888–889

safeguard measures, 889–890

African Growth and Opportunity Act
(AGOA), 30

Agreement Establishing the WTO
(AEWTO), 202–203

Agreement on Agriculture (AoA), 513,
532

Agreement on Safeguards (AoS), 196–198

Agreement on Safeguards (SA), 813

Article 11.1, 826, 828, 831

Article 11.1(b), 817–821, 832

Article 11.1(c), 821–826

gray-area measures, 826–830

steel and aluminium quota agreements,
819–821

Agreement on Subsidies and
Countervailing Measures (ASCM),
981, 982, 996–998

Agreement on the International Dolphin
Conservation Program (AIDCP), 968

Agricultural safeguards, 531

Agriculture

market access, 513–514

negotiations, 513–514

in RTAs (*see* Regional trade agreements
(RTAs))

rules of origin, 524–525

sensitivity, 519–523

specific special safeguard instrument,
513, 514

trade and Members, 515–519

Agriculture-specific special safeguard
(SSG) instrument, 513–514, 531

Agrochemicals Law, 849, 853

Agro-industrial exports, 363

Aid for Trade programme, 234

Aleman, M., 656

Alshareef, S., 434

Amazon, 908

'American First' slogan, 274–276
 American law, 43
 Anderson, R., 700
 Anticorruption
 agreement, 136–137
 laws, 135–136
 rules, 138
 Anti-Counterfeit Trade Agreement
 (ACTA) project, 664
 Anti-dumping (AD), 985–987
 measures, 505–506, 888–889
 regulation, 418–421
 Anti-Dumping Agreement, 206, 421–424
 Article 2.2, 422, 424–426
 Article 2.2.1.1, 423, 426
 arm's length, 428–429
 EU – Biodiesel, 424, 426–432
 normally, 430
 other practices, 429–430
 Article 2.4, 423, 431
 Antidumping and the Safeguards
 Agreements, 137
 Anti-Monopoly Guidelines on the Abuse
 of Intellectual Property Rights
 (Draft Guidelines) of 2017, 155, 157
 Anti-Monopoly Law of the People's
 Republic of China of 2008, 154
 Anti-subsidy measures, 505–506
 AoA. *See* Agreement on Agriculture
 (AoA)
 AoS. *See* Agreement on Safeguards (AoS)
 Appellate Body (AB), 66–69, 71, 143–145,
 164, 174–181, 184, 294–295,
 311–315, 876, 880, 891, 962–963
 Glove Cigarettes, 963–966
 common *vs.* civil law, 307–311
 decision-making approach, 301–307
 European Commission, 312–314
 members, 273, 274, 276–291
 need, 298–299
 Seal Products, 968–970
 Tuna II (Mexico), 966–968
 US concerns, 299–301, 305–306

 Working Procedures, 296–298
 'Applicable in the relations between the
 parties,' 541–542
 Appropriate, 26
 Arab countries, 252, 256–257, 263–264
 intra-trade, 266–270
 Arbitrary discrimination, 769
Argentina – Financial Services, 205, 305
 Argentina, quota agreements, 816–817
 Arkoladis model, 238
 Articles of Agreement (AA), 592
 ASCM. *See* Agreement on Subsidies and
 Countervailing Measures (ASCM)
 Assessing Reserve Adequacy (ARA), 616,
 620
Audi alteram partem, 1023
 Australia, 473, 1027
Australia – Tobacco Plain Packaging, 149,
 534, 535, 540, 543, 547, 549, 550,
 554, 556–561
 Authoritative interpretation, 974
 Autonomous participation model, 1018

B

Bad faith factor, 53–55
 Balanced approach, 161
 Balance-of-payments (BOP), 589–590
 to exchange arrangements, 594–595
 GATT BOP provisions, 596, 621
 Articles XII and XVIII:B, 601–602
 Article XII, 597–598, 605–608,
 611–615
 Article XVIII, 599–601, 608–610
 Article XVIII:B, 601–602, 605,
 608–613, 617–619
 IMF, 603–605, 615–617, 620–621
 limitations, 614–615
 single, 617–620
 Uruguay Round, 611–613
 to import demand, 592–594
 ITO framework, 595–596
 to macroeconomic management,
 590–592

NAFTA, 618
 WTO BOP provisions, 590, 611, 613, 615–622
 Balance-of-payments (BOP), 926–928
 Bali Ministerial Conference (2013), 5141
 Belgium, 414
 Bellora, B., 352
 Berger, A., 442, 443
 Berne Convention, 651
 Beverelli, C., 939
 Bhagwati, Jagdish N., 1058–1061
 Biden, Joe, 171
 Bilateral Investment Treaty (BIT), 326, 534, 561–564, 614
 Bilateral legal arrangements, 204
 Bilateral trade policy, 344
 Biosecurity
 definition, 835
 and trade, 835–836
 Biosecurity legislation, 834
 bottlenecks, 849–850
 drafting, 851–852
 food safety, 840–841
 inequitable division, 848–849
 international trade and environmental protection, 850–851
 languages, 852–853
 pesticides regulation, 843–845
 plant health legislation, 841–843
 SPS Agreement, 854
 Article 7 (transparency), 847
 Article 8 and Trade Facilitation, 847–848
 SPS measures, 837–839
 trade barriers
 eliminating, 836–837
 risk, 845–847
 Blogs, 79
 Bottlenecks, biosecurity legislation, 849–850
 BRAIN Initiative, 909
 Brazil, quota agreements, 816
Brazil – Retreaded Tyres, 550, 551, 825

Brazil – Taxation, 149
 Bretton Woods system, 232, 589, 593, 594, 597, 603, 605–608, 611, 615, 1045
 Brexit, 343–345
 Brian Arthur, W., 907, 908, 911
 British Steel Corporation (BSC), 215–216
 Broude, Tomer, 543
 Budetta, M., 435, 437
 Building blocks, 191
 Burri, M., 865, 868
 Business-to-Business (B2B), 1031–1032
 Business-to-Consumer (B2C), 1031–1032
C
 Cadestin, C., 940
 Canada
 domestic fisheries management, 764
 European Union and, 569–575
 Softwood Lumber Agreements, 826–830
 Wheat Exports and Grain Imports, 180–181
 Canada-Mexico-US trade agreement (USMCA), 669
Canada – Patent Protection of Pharmaceutical Products, 155
Canada-Pharmaceuticals, 159
Canada – Renewable Energy, 981, 989, 991
Canada/US – Continued Suspension, 199
 CAP. *See* Common Agricultural Policy (CAP)
 Capability approach, 1042
 FTAs
 developing countries, 1055
 measurement issues, 1056–1057
 trade and non-trade issues, 1057–1060
 to trade issues, 1044
 economic facilities, 1046–1049
 political freedoms, 1045–1046
 protective security, 1052–1053
 social opportunities, 1049–1051
 transparency, 1051–1052

- Capability expansion, 4
- Capability gains from trade, 1044, 1053–1054
- Capacity, 5–6
 - constraint
 - econometric analysis, 5–10
 - human level, 11
 - institutional level, 12
 - social level, 12–15
 - supply-demand analysis, 15–17
- Carrier services, 73
- Cartagena Protocol. *See* Sanitary and Phytosanitary Measures (SPS Agreement) and Cartagena Protocol
- ‘Case by case’ approach, 24
- Castel* (2013), 40–41, 45–46
- Causality, 46–47
- CBD. *See* Convention on Biological Diversity (CBD)
- CCT. *See* Common Customs Tariff (CCT)
- Central Europe and Baltic States group (CEBs), 654–655
- Central product classification (CPC) system, 905
- Certificate of origin, 261–266
- CETA. *See* Comprehensive Economic and Trade Agreement (CETA)
- Chang-fa Lo, 139–140
- Charnovitz, Steve, 281, 311
- Chenery, Hollis B., 7
- Chen, H., 700
- China, 373, 390
 - Accession Protocol, 417, 419–421
 - anti-dumping rules, 418–419
 - Article XVI, 469
 - Changsha, 52
 - Communist Party, 805
 - and developed countries, 17–21
 - economic reforms, 916–917
 - EGA, 23
 - EU and the US, 300
 - foreign legal services, 455–457, 487
 - commitments, 457–459
 - domestic regulation, 469–473
 - economic needs test, 461–466
 - GATS commitments, 456–457
 - lawyers, 474–476
 - legal affairs, 473–474
 - legal professions, 481–484
 - market access, 466–468, 484–486
 - monopoly/exclusive service suppliers, 466–467
 - nature, 477–479
 - necessity test, 471–473
 - negotiation, 479–481
 - numerical quota, 467–468
 - WTO accession agreement, 456
- FTAs Rules on TBT, 435, 441–447, 450–451
- Intellectual Property Rights, 182–183
- IP infringement (*see* Intellectual property (IP) infringement)
- IP law system, 42, 45, 49
- ITA, 23
- Made in China 2025* project, 896, 897, 907, 909, 911–913
- state-owned enterprises, 176–177
- stringent competition regime, 154
- Trade-Disruptive Economic Model, 895–896
- and United States, 480
- and US dispute, 302–303
- WDI and HDI, 20–21
- WTO, 21–23
- China–Australia FTA (ChAFTA), 486
- China – Broiler Products* (21.5), 423
- China–Economic Payment*, 467
- China – Electronic Payment Services*, 69, 70, 78–79, 469
- China–European Agreement on China’s WTO Accession*, 480–481
- China IPR Judicial Protection Outlines (2016–2020)*(*Fa Fa*[2017] 13), 56
- China–United States Agreement on China’s WTO Accession*, 480

- CIS/Central Asia, plant protection,
849–850
- Ciuriak, D., 790, 808
- Civil Aircraft Agreement, 285
- Civil and Criminal Procedure Code of the
Grand Qing Empire*, 481–482
- Clarke, S., 358
- Classical gains-for-trade model, 231
- Classical services, 61
- Cloud computing, 74–75
- Cloud infrastructure as a service (IaaS), 74
- Cloud platform as a service (PaaS), 74
- CMAAs. *See* Critical mass agreements
(CMAAs)
- Coalition, 137–138
- Coase, Ronald H., 3
- Cobb–Douglas production function, 7
- Cobden–Chevalier treaty, 648
- Code of Good Practice, 164
- Codex Alimentarius*, 555
- Coefficient of zero, 694
- Colombia
GATT Article II, 143–144
taxation of spirits, 109–111
- Colombia – Ports of Entry*, 143
- Colombia – Textiles*, 143–145, 147, 150
- Commercial considerations
enforcement, 51, 52
presence, 928
- Trans-Pacific Partnership Agreement,
179
Article XVII, 180, 181
in GATT, 179–180
WTO jurisprudence, 180–181
- Commercial scale
Trans-Pacific Partnership Agreement,
181–182
Article 61, 183
WTO jurisprudence, 182–183
WTO provisions, 182
- Commitment level, 944–945
- Committee for Trade and Development
(CTD), 28
- Common Agricultural Policy (CAP),
344, 349
- Common commercial policy (CCP), 493
- Common Customs Tariff (CCT),
494–495
- Common Market for Eastern and
Southern Africa (COMESA), 886
- Common *vs.* civil law, 307–311
- Compensation arrangements, 206–207
- Compensatory damages
causality, 46–47
damages and recovery of profits,
43–46
royalty, 47–48
uncertain concept, 43
- Competition Commission of India (CCI),
1032–1033
- Competition policy and e-commerce,
1023–1028
- Components-based approach, 72
- Comprehensive and Progressive
Agreement for Trans-Pacific
Partnership (CPTPP), 317–319, 327,
328, 337, 339–342, 789–791, 794,
795, 799, 801–803, 805, 806, 809,
1003–1004, 1029
Article 20.16(5), 1011–1012
dispute settlement mechanism,
1012–1015
environmental provisions, 1010
SCM Agreement, 1011–1012
SOE, 918–919
- Comprehensive Economic and Trade
Agreement (CETA), 318, 319,
331–337, 339–342, 354, 398–399,
407, 410, 415, 581–587, 656, 700
EU, 860
investor-state dispute settlement,
335–337
and modernized Global Agreement,
568–569, 571, 574, 575, 578–588
regulatory disciplines
across-the-board, 320–322

- intellectual property, 327–328
 - investment, 325–327
 - services, 324–325
 - sustainable development, 328–331
 - trade in goods, 323–324
 - state-to-state dispute settlement, 330, 331
 - coverage, 332–333
 - operation, 333–335
 - WTO law, 339
 - Comprehensiveness, 802–804
 - Conference of Parties (COP), 556
 - Consensus-based decision-making, 374, 375, 389
 - Consensus-building, 776–780
 - Consensus mechanism, 287
 - Constant deflationary pressures, 590–592
 - Constituency, 387–389
 - Constructive ambiguity, 974
 - Consumer freedom, 1047
 - Contestability, 1052
 - Contestable procurement, 683–684
 - Conventional Trade DSM, 1004, 1012–1015, 1017–1019
 - enforcement, 1017–1018
 - retaliation level, 1015–1017
 - Convention on Biological Diversity (CBD), 628, 850
 - Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997), 136
 - Copyright, 664–665
 - Corruption, 135, 138–139, 145–147
 - Agreement on Government Procurement, 139–141, 147
 - anticorruption agreement, 136–137
 - anticorruption laws, 135–136
 - Article 10.4, 141
 - Article IV.4, 139–140
 - coalition, 137–138
 - Committee, 149
 - dispute settlement system, 142–145
 - effectiveness, 147
 - and international trade, 130–132
 - government procurement, 133–135
 - tariffs and non-tariff measures, 132–133
 - Ministerial Declaration/Decision, 147–149
 - OECD, 131, 133–136, 138
 - public procurement, 134
 - Trade Facilitation Agreement, 141–142
 - Trade Policy Review, 149–150
 - United States, 135–138, 143
 - Cottier, Thomas, 170
 - Countervailing duties (CVDs), 985–987
 - Countervailing measures, 888–889
 - Court of Justice of the European Union (CJEU), 399
 - CPC 2.1, 73, 76
 - CPCprov code, 76, 78
 - CPTPP. *See* Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)
 - Critical mass agreements (CMAs), 389–390
 - Cross-border competition, 1047
 - Cross-border trade, 935, 940
 - Cross-Ministerial Conference, 641
 - Crowding-out effect, 911
 - Cultural Revolution, 482
 - Custom authority, 263
 - Customs, 255
 - CVDs. *See* Countervailing duties (CVDs)
 - Cyberspace trade barriers (CTBs), 899, 901–907
- D**
- Damages and recovery of profits, 43–46
 - Das, Abhijit, 170
 - Data base services, 76
 - Data collection, 904
 - Decision-making process, 137, 148, 236, 301–307, 309, 374, 375, 389, 776, 1045

- Deep and Comprehensive Free Trade Agreement (DCFTA), 657
- Deep free trade agreements (FTAs), 317–318, 338, 339, 341, 342
- Defence spending (DF), 683–684
- Deliberative democracy model, 776
- Dell, N-Data, Bosch, Google/Motorola*, 162
- Democracy, 848
- Deng Xiaoping, 916
- Department for Promotion of Industry and Internal Trade (DPIIT), 1035
- Department of Commerce, 814, 822, 1022, 1031
- Department of Defense (DoD), 822, 823
- Deprivation in the capability, 4
- Deputy Director-General (DDG), 412, 413
- ‘Development deficit,’ 24–25
- Diamond, Richard, 214, 218–219
- Digital economy and e-commerce, 1031–1035
- Digital infrastructure services, 64–65, 73, 930
 - carrier services, 73
 - cloud computing, 74–75
 - hosting and IT infrastructure provisioning services, 73–74
 - network management services, 73
- Digital revolution, 899–901, 904
- Digital services, 59–61, 65, 75
 - blogs, 79
 - digital infrastructure services (*see* Digital infrastructure services)
 - digitally enabled services (*see* Digitally enabled services)
 - electronic payment services, 78–79
- GATS, 63–66
 - components-based approach, 72
 - functional/teleological approach, 71
 - services classification, 66–70
 - textual approach, 71–72
- internet telephony, 77
- new services, 61–63
 - search engines, 76
 - social networks, 76
 - video-on-demand services, 77–78
- Digital trade, 788, 789, 856. *See also*
 - Regional trade agreements (RTAs)
 - EU FTAs, 864–868
 - mode typology, 790
 - regional trade agreements, 785–792, 800, 805–809
- Digital transmission, 900
- Direct transportation, 253
- Discretion
 - GATT/WTO dispute, 85–87
 - necessity, 90–93
 - security interests, 87–88
- Discrimination, 769
- Discriminatory procurement, 681–682
- Dispute settlement body (DSB), 140, 273, 294, 377–379, 535–537, 784, 787, 788, 791, 792, 796–800, 805–807, 1002–1003. *See also* Regional trade agreements (RTAs)
- AfCFTA, 891–893
- Article XX(b), interpretation of, 549–551
 - investor-state, 335–337
 - state-to-state, 330, 331
 - coverage, 332–333
 - operation, 333–335
- Dispute settlement mechanism (DSM), 183–184, 273–274, 1004
 - ‘American First’ slogan, 274–276
- CPTPP, 1012–1015
 - enforcement, 1017–1018
- mega-plurilateral framework, 291–292
 - consensus/majority voting, 286–289
 - design, 284–285
 - issues, 290–291
 - legal practicability, 285–286
 - original AB and the NAB, 289–290
- multilateral trading system, 276–279
 - trade regionalism, 281
 - US, trade liberalists, 280

WTO rules, 281–284
 retaliation level, 1015–1017
 vulnerability and incapacity, 278–279
 Dispute settlement mechanisms of preferential trade agreements (PTA DSMs), 95–97. *See also* Preferential trade agreements (PTAs)
 Dispute settlement system, 142–145
 Dispute Settlement Understanding (DSU), 206, 293–295, 308, 378, 836, 952
 Article 3.2, 194, 204, 953
 Article 3.5, 199
 Article 3.7, 199, 209
 Article 3.10, 207
 Article 11, 194
 Article 17.2, 282, 297
 Article 19.2, 194
 Article 21.5, 208
 Article 22.8, 199
 Article 23.1, 195
 Article 17.1 of, 306
 Articles 3.2 and 19.2, 203
 consensus mechanism, 278–279
 WTO-inconsistent measures, 209
 Doha Development Agenda (DDA), 2
 Doha round, 276, 384, 385, 1022–1024, 1026, 1027, 1038
 Dolphin-safe labelling scheme, 966–968
 Domestic and international trade, 924–927
 Domestic bias, government procurement, 689–690
 import share and private sector, 690–693
 public spending, 693–697
 Domestic implementation, SPS
 Agreement and Cartagena Protocol, 642–645
 Domestic law-making, 639
 Domestic market, 465
 Domestic regulation, 469–473
 Domestic subsidy, 529–530
Dominican Republic – Import and Sale of Cigarettes, 547–548

Double Star (Heinlein), 976
 Draft National E-commerce Policy, 1033, 1036
 Draft policy, 1035
 Driskill, Robert, 1043
 DSB. *See* Dispute settlement body (DSB)
 DSM. *See* Dispute settlement mechanism (DSM)
 DSU. *See* Dispute Settlement Understanding (DSU)
 Duty drawback, 253–254
 Duty free electronic transmissions, 807
 Dworkinian view, 639
 Dynamic random access memory (DRAM) chips, 175–176

E

Eastern Tropical Pacific Ocean (ETP), 966, 967
EC – Aircraft, 541
EC – Asbestos, 537
EC – Bananas, 207
EC – Bananas III (Article 21.5 – Ecuador II/Article 21.5 – US), 208
EC – Biotech Products, 770
EC – Cotton Yarn, 422
EC – Fasteners case, 306
EC – Large Civil Aircraft, 211–213, 221, 226
 E-commerce, 784, 786–791, 855–856, 900, 901, 929–930, 1021–1023, 1036–1039
 competition policy and, 1023–1028
 comprehensiveness, 802–804
 digital economy and, 1031–1035
 dispute settlement, 784, 787, 788, 791, 792, 796–800, 805–807
 enforceability, 804–805
 in FTAs, 1028–1031
 leapfrogging on, 1035–1036
 places, 806–807
 scope, scale, and legal enforceability, 791–802

Singapore – Australia FTA, 787–788,
 794, 795, 799, 801–804, 806, 809
 TPP provisions, 1029–1031
 Transpacific Partnership, 789–791, 794,
 795, 799, 801–803, 805, 806, 809
 typology of articles, 793
 United States–Mexico–Canada Free
 Trade Agreement, 789, 791,
 794–796, 799, 801–803, 806, 809,
 830
 Economic and Social Council, 255–259
 Economic Commission for Africa (ECA),
 873
 Economic development, 383–386
 Economic facilities, 1046–1049
 Economic integration agreements, 524
 Economic needs test (ENT), 461–463
 Article XVI:2, 464
 assessment, 464–466
 Economic Partnership Agreement (EPA),
 399
 EU–Japan, 860–862
EC – Seal Products, 770, 963, 968–970
EC – Tariff Preferences, 205, 824–825
 EC Tenders Electronic Daily (TED)
 dataset, 704
EEC – Bananas, 209
 Electronic payment services, 78–79
 Elms, Deborah, 184
 Enabling Clause, 28–29, 193
 Enforceability, 804–805
 Enforcement, 1017–1018
 ENT. *See* economic needs test (ENT)
 Entity coverage, 718–747
 Environmental Goods Agreement (EGA), 23
 Environmental protection. *See* Trade–
 environment convergence
 Erdos case, 53
 ERTA doctrine, 499
EU – Biodiesel (Argentina) case, 424,
 426–432
 EU–Canada Trade Initiative (ECTI),
 570–571

EU Free Trade Agreements (FTAs),
 855–856, 869. *See also* European
 Union (EU)
 Australia and New Zealand, 864
 CETA, 860
 digital trade in, 864–868
 EU–Chile Trade Agreement, 863
 EU–Indonesia FTA, 863–864
 EU–Japan EPA, 860–862
 EU–Korea FTA, 857–858
 EU–Mexico Trade Agreement,
 862–863
 EU–Singapore FTA, 859
 EU–Vietnam FTA, 858–859
 EU–Japan (FTA) Free Trade Agreement,
 656–657
 ‘EU-only’ agreement, 399, 405
 EU preferential trade agreements (PTAs),
 655–656
 achievements, 665–668
 challenges, 668–670
 content, 661
 copyright, 664–665
 duration, 661–662
 enforcement provisions, 663–664
 exceptions and limitations, 662–663
 exclusions, 662
 Geneva Act of the Hague Agreement,
 656–657
 protection
 procedural requirements, 659–660
 substantive requirements, 658–659
 subject matter, 657–658
 unregistered design protection, 660–661
 European Commission (EC), 856, 866,
 1027
 Appellate Body, 312–314
 European Court of Justice (ECJ),
 492–493, 501
 European Free Trade Association (EFTA),
 498, 502–504, 655, 657
 European Parliament (2017), 866, 868
 European Patent Office (EPO), 653

European Union (EU), 395–400, 418, 761
 AD/CVD case, 985–987
 Anti-Dumping Agreement (*see* Anti-Dumping Agreement)
 Articles 207 and 31, 498
 and Canada, 335, 569–575
 Commission, 419
 common commercial policy, 493
 Comprehensive Economic and Trade Agreement, 398–399, 407
 Court in Opinion 2/15, 404–405
 cross-border procurement, 698–699
 Customs authorities, 664
 design protection, 652–654
 Directive 2004/48/EC, 43
 EU-Colombia/Peru PTA, 103, 104, 107, 109–112
 FTAs Rules on TBT, 434–435, 440–441, 443–448
 General Data Protection Regulation (GDPR), 867
 international agreements, 504
 IUU Regulation, 763, 766, 777, 782
 legislation, 492
 Member State refusal/failure, 409–415
 Mercosur trade negotiations, 353–355
 and Mexico, 569–575
 mixed agreements, 395–397
 Moldova Association Agreement, 407–408
 Parliament, 401–403
 preferential trade agreements (PTAs), 98–100, 111–112, 654–656
 classification, 112–116
 and Colombia, 109–111
 committees, 100–103, 116–127
 informal dispute resolution, 106–108
 issues, 103–106
 provisional application, 411–412
 ratification process, 396, 397, 412–414
 Singapore IPA, 406
 SPS Agreement and Cartagena Protocol, 641–642

standard essential patent abuse, 161–162
 tariff-rate-quotas (TRQs), 353
 trade and investment agreements, 409
 Treaty on the Functioning of the European Union, 400–403
 UK-agro-industrial trade, 345–349
 WTO, 392
 European Union Intellectual Property Office (EUIPO), 653
 European Union (EU) trade law, 489–493, 507–508
 ARTICLE 31 TFEU, 494–495
 Article 207 TFEU, 493–494
 evolution, 495–497
 European Free Trade Association countries, 502–504
 food-aid mechanism, 501–502
 generalized scheme of preferences, 500–501
 implementing and delegated, 504–506
 observations, 497–500
 EU-US Transatlantic Trade Investment Partnership (TTIP) negotiations, 867
 ‘Everything But Arms’ (EBA) programme, 501
 Exchange arrangements, 594–595
 Expert-driven approach, 99
 Export–Import Bank of Korea (KEXIM), 175
 External evaluation mechanism, 381
 External financial position, 594
 EY, 1036

F

Facebook, 1035
 ‘Facultative mixity,’ 404–405
 Feed-in tariff (FIT) schemes, 983–984, 991
 Ferencz, J., 856, 865
 Ferracane, M., 865
 Financial contribution, 212–227, 302
 Fiorini, M., 939

- Fisheries subsidies, international trade law, 1011–1012
 Fishery disputes, 769
 Fleury, Julien Sylvestre, 184
 Food-aid mechanism, 501–502
 Food and Agriculture Organization (FAO), 760, 767, 778
 Food safety, basic legislative principles, 840–841
 Foreign affiliates statistics (FATS), 928
 Foreign Corrupt Practices Act (FCPA), 135, 138
 Foreign direct investment (FDI), 928, 937–938
 barriers, 701, 706, 707
 policy, 1032
 Foreign law firms, 480
 Fracking revolution, 84
 Framework Convention on Tobacco Control (FCTC), 533–535, 565–566
 Article 11 and Article 13 Guidelines, 556–560
 Articles 9 and 10, 555–557
 Article XX(d), 548
 external treaty and normative integration, 535–538
 ‘applicable in the relations between the parties,’ 541–542
 common intention/understanding, 538–541
 norms, 542–543
 and international economic law, 564–565
 investor state dispute settlement, 544–546
 tobacco control measures, 546
 advertising, promotion and sponsorship, 551–553
 consumer protection, 557–564
 price and tax, 546–551
 technical regulations, 553–557
 WHO and WTO, 537
 Freedom House, 902
 Freedom of exchange, 1046
 Free trade agreements (FTAs), 170–171, 187, 188, 190–192, 299, 572, 573, 856, 1003. *See also* African Continental Free Trade Agreement (AfCFTA); Comprehensive Economic and Trade Agreement (CETA); EU Free Trade Agreements (FTAs); Trans-Pacific Partnership Agreement (TPP)
 capability approach (*see also* Capability approach)
 developing countries, 1055
 measurement issues, 1056–1057
 trade and non-trade issues, 1057–1060
 dispute settlement mechanisms, 1045
 e-commerce, 1028–1031
 MASs and, 199–200
 national standardization space, 434
 obligations in, 1047
 regulatory protection, 338
 renewable energy, 999
 scepticism, 1043
 on Technical Barriers to Trade, 434–438
 Chinese, 435, 441–447, 450–451
 EU, 434–435, 440–441, 443–448
 US, 434–435, 440–441, 444–450
 trade-environment convergence, 1008–1010
 Free Trade Zone (FTZ), 457, 485–487
 Friends of Investment Facilitation for Development (FIFD), 25
 Froman, Michael, 171
 Fronk, J., 683, 702
 FTC Act Article 5, 165
 Full privatization, 212–217
 Functional/teleological approach, 71

G
 GAFTA. *See* Greater Arab Free Trade Area (GAFTA)

- G-20 Anticorruption Working Group, 142
- General Agreement on Tariffs and Trade (GATT), 28–29, 80, 190–191, 295.
 - See also* Trade-environment convergence
 - Article 1.1, 877
 - Article III(2), 548
 - Article III.2, 879
 - Article III(4), 548
 - Article III.4, 879–880
 - Articles II, XXIV, and XXVIII, 498
 - Article VI, 423
 - Article X, 774
 - Article XI:1, 197
 - Article XII, 594
 - Article XX, 144, 145, 1006
 - Article XX(d), 548
 - Article XX(g), 205
 - Article XXI, 86
 - Article XXI(b), 83, 85–93
 - Article XXIII, 592
 - Article XXIV, 190–191, 193, 199–200, 511, 512, 524
 - Article XXIV:4, 200, 201
- balance-of-payments (*see* Balance-of-payments (BOP))
- BOP provisions, 596, 621
 - Articles XII and XVIII:B, 601–602
 - Article XII, 597–598, 603, 605–608, 611–615
 - Article XVIII, 599–601, 608–610
 - Article XVIII:B, 601–602, 605, 608–613, 617–619
 - IMF, 603–605, 615–617, 620–621
 - limitations, 614–615
 - single, 617–620
 - Uruguay Round, 611–613
- commercial considerations, 179–180
- Contracting Parties, 197
- free trade areas, 512
- GATT/WTO, 136
 - State Trading Enterprises, 181
 - internet, 905–906
 - price and tax measures, 547
 - WTO dispute process, 85–87
- General Agreement on Trade in Services (GATS), 2, 60, 63–66, 80, 136, 191, 524, 552
 - Annex on Telecommunications, 80–81
 - Articles 31 and 32 VCLT, 67, 68, 71
 - Article V, 193, 200
 - Article VI, 469–470
 - Article VIII, 1025
 - Article XVI, 68, 469–470
 - Article XVI:2, 324
 - Article XVII, 465
 - Article XXVIII:(g), 468
 - commitments, 64, 66–67
 - components-based approach, 72
 - functional/teleological approach, 71
 - integrated approach, 69–70
 - internet, 905
 - Internet Access Providers, 1025
 - services classification, 66–70
 - textual approach, 71–72
 - Trade in Services Agreement, 1027
- General Data Protection Regulation (GDPR), 791
- Generalized system of preferences (GSP), 28, 500–501
- Generally accepted accounting principles (GAAP), 422
- Genetically modified organisms (GMOs), SPS Agreement and Cartagena Protocol, 627–628, 642–646
- Geneva Act of the Hague agreement, 654, 656, 665, 670
- Georgetown University, 314
- German Constitutional Court, 414, 415
- Germany
 - increasing returns, 910–911
 - Industrie 4.0* project, 909–910
- Germany v. Council*, 405
- Global administrative law, 772
- Globally Harmonized System (GHS), 843

Global Trade Analysis Project (GTAP), 690
 Global value chains (GVCs), 930–931
 Google, 1033
 GOST food standards, 840–841
 Gourdon, J., 690
 Governance indicators, 230
 Government expenditure, 680
 Government Finance Statistics (GFS), 684
 Government procurement (GP), 133–135, 679–682
 award, 704–706
 domestic bias, 689–690
 import share and private sector, 690–693
 public spending, 693–697
 efficiency, 712–714
 EC award data, 715–717
 GPAs and PDAs, 697–700
 home-bias, 709–711
 investment agreements, 701–706
 RTAs
 entity coverage in, 718–747
 thresholds in, 748–757
 trade agreement, 700
 Government Procurement Agreement (GPA), 139–141, 147–149, 285, 585, 682, 697–700
 DSU, 286
 Japan procurement, 703, 704
 membership, 705–706
 US procurement, 702–703
 Gravity model, 701
 Gray-area measures, 817–819, 826–830
 Graz, J. C., 440
 Greater Arab Free Trade Area (GAFTA), 270–272
 certificate of origin, 261–266
 intra-Arab trade, 266–270
 ROO, 254–256
 Arab countries, 252, 256–257, 263–264
 customs, 255
 direct transportation, 253
 duty drawback, 253–254

 non-qualifying operations, 252
 status, 255–261
 Green industrial policy, 979–983
 renewable energy
 AD/CVD case, 985–987, 992–995, 999
 ASCM, 981, 982, 996–998
 fiscal measures, 984–985
 free trade agreements, 999
 government support schemes, 983–985
 investment support measures, 984–985
 subsidies, 988–991, 996–1000
 trade remedy, 985–988, 992–996
 Grey area measures, 196–198
 Gross Fixed Capital Formation (GFCF), 683
 Grossman, Gene M., 214, 217–219, 1043
 Gruszczynski, Lukasz, 543
Guidance Note on the Assessment of Reserve Adequacy and Related Considerations (2016), 616
Guidelines for Foreign Exchange Reserve Management, 616

H

Habermas, J., 776
 Hague Agreement, 652, 654, 656–657, 665, 668, 670
 Hard Brexit (HB), 344
 EU
 Mercosur trade negotiations, 353–355
 tariff-rate-quotas (TRQs), 353
 UK-agro-industrial trade, 345–349
 Mercosur-UK FTA, 356, 364
 agro-industrial exports, 363
 meat exports, 358–363
 non-economic considerations, 356–357
 UK agricultural policies, 357–358
 MFN tariffs, 349–352, 364–365

for meats, 366–368
 on UK-agro-industrial trade, 349–353
 Harmonization, 436, 437, 441, 448
 Harmonized Tariff Schedule (HTS), 812
 Harper, Stephen, 171
 Hauert, C., 440
 Hazard Analysis and Critical Control
 Points (HACCP), 839, 841
 Heckscher-Ohlin model, 231
 Heinlein, Robert A., 976
 Helpman, Elhanan, 1043
 Herman's study, 789
 Heterogeneous Group B (developed
 countries), 654–655
 Hicks, John, 914
 Hi-tech industries, increasing returns,
 907–909, 913–914
 Hoekman, B., 938, 939
 Hofmann, C., 792
 Holmes, Oliver Wendell, 976
 Home-biased government procurement, 679
 Horn, H., 434
 Hosting and IT infrastructure provisioning
 services, 73–74
Huawei v. InterDigital and Qualcomm, 157
 Human Development Index (HDI), 3, 20, 21
Human Genome project, 909
 Human level, 11, 151
 Human Rights Act (1998), 642

I

IC exception, 968–969
 ICT. *See* Information and communication
 technology (ICT)
 Illegal, unreported and unregulated (IUU)
 fishing, 760–763, 767–768. *See also*
 Unilateral trade measures (UTMs)
 EU Regulation, 763, 766, 777, 782
 international fishery law, 768–769
 WTO, 766, 767, 771, 773, 776,
 779–782
 ILO. *See* International Labour
 Organization (ILO)

IMF. *See* International Monetary Fund
 (IMF)
Implementing Rules, 461, 464, 466, 472, 474
 Implicit discrimination, 681
 Import
 demand, 592–594
 gravity model, 701
 public spending on, 693–697
 share and private sector, 690–693
 Incomplete contract, 2, 3, 26
 Increasing returns, 907
 flaws, 912–913
 hi-tech industries, 907–909, 913–914
 Human Genome project, 909
 Industrie 4.0 project, 909–910
 Made in China 2025, 911, 913
 United States and German government,
 910–911
 Independent external evaluation, 381
 India
 e-commerce, 1021–1023, 1036–1039
 competition policy and, 1023–1028
 digital economy and, 1031–1035
 in FTAs, 1028–1031
 leapfrogging on, 1035–1036
 India – Agricultural Products, 305–306
 India-Certain Measures relating to Solar Cells
 and Solar Modules, 880
 Indian Department of Commerce, 1022
 India – Quantitative Restrictions on Imports of
 Agricultural, Textile and Industrial
 Products, 612–613
 India – Solar Cells, 990
 In dubio mitius, 959
 Industrie 4.0 project, 909–910
 Informal dispute resolution, 106–108
 Information and communication technol-
 ogy (ICT), 930, 1027
 Information Technology Agreement
 (ITA), 23, 389, 1022, 1024
 Infrastructure support, 928–929
 Innovation-Driven Development policy
 (2013), 55

- Institutionalization, 202–204
- Institutional level, 12, 16
- Intellectual property, 327–328
- Intellectual property (IP) infringement,
 - 39–43, 57, 58
 - bad faith factor, 54–55
 - compensatory damages
 - causality, 46–47
 - damages and recovery of profits, 43–46
 - royalty, 47–48
 - uncertain concept, 43
 - judicial policies, 55–56
 - punitive damages, 52–54
 - statutory damages, 49
 - application, 50–51
 - levels, 51–52
 - upper limits of, 49–50
- Intellectual property rights (IPR), 558, 559, 647–649
 - abuse, 154–156, 158–160, 163
 - minimum international standards, 650–652
 - owners, 43–51, 53, 55, 57, 58
 - protection, 39, 55, 56, 58
- Intellectual property rights (IPRs), 1026
- Inter-American Development Bank, 787
- InterDigital, 157
- Interim Regulations of the People's Republic of China on Lawyers*, 482
- Intermediate Consumption (IC), 683
- Internal reconstruction, 594
- Internal reflection process, 381
- International Association for their Protection of Intellectual Property (AIPPI), 658
- International Centre for Trade and Sustainable Development (ICTSD), 787
- International Convention for the Prevention of Pollution from Ships, 1010
- International economic law and FCTC, 546, 564–565
- advertising, promotion and sponsorship, 551–553
- consumer protection, 557–564
- external treaty and normative integration, 535–538
 - 'applicable in the relations between the parties,' 541–542
 - common intention/understanding, 538–541
 - norms, 542–543
 - price and tax, 546–551
 - technical regulations, 553–557
- International fishery law, 768–769
- International Labour Organization (ILO), 329, 779
- International minimum standards, 650–652
- International Monetary Fund (IMF), 590, 592, 593, 595
- GATT BOP provisions, 603–605, 620–621
- WTO BOP provisions, 615–617
- 2001 International Plan of Action to Deter, Prevent and Eliminate IUU Fishing (IPOA-IUU), 760, 766, 768–769, 776, 781
- International procedural law, 772–773
 - consensus-building, 776–780
 - judiciable obligations, 773–776
- International services commitments, 942–946
- International trade agreements, 904, 924–927, 1001–1002
 - capability approach, 1044
 - economic facilities, 1046–1049
 - political freedoms, 1045–1046
 - protective security, 1052–1053
 - social opportunities, 1049–1051
 - transparency, 1051–1052
 - corruption and, 130–132
 - government procurement, 133–135
 - tariffs and non-tariff measures, 132–133

International Trade Center (ITC), 28, 809
 International Trade Data System, 763
 International Trade Organization (ITO)
 balance-of-payments, 595–596
 to exchange arrangements, 594–595
 to import demand, 592–594
 to macroeconomic management, 590–592
 International trade relations
 transatlantic area, 567–569, 588
 CETA and modernized Global Agreement, 581–587
 EU, Canada and Mexico, 569–575
 Trump administration, 575–581
 Internet
 accessibility and unfair trade, 902–903
 authoritarian regime, 903
 data collection and international trade, 904
 digital revolution and cyberspace, 899–901
 GATS, 905
 GATT, 905–906
 impacts, 904
 regulation deficiency, 906–907
 Internet Access Providers (IAPs), 1025
 Internet of Things (IoT), 1034
 Internet telephony, 77
Inter se
 deviations, 206
 modifications, 193, 202
 Intra-Arab trade, 266–270
 Intragovernmental process, 948–949
 Investment agreements, government procurement, 701–706
 Investment Protection Agreement (IPA), 399
 Article 4.15(4), 406
 Investment rules, 325–327
 Investor-state dispute settlement (ISDS), 325, 335–337, 399, 534, 544–546, 568

IP infringement. *See* Intellectual property (IP) infringement
 IPR. *See* Intellectual property rights (IPR)
 ITA. *See* Information Technology Agreement (ITA)
 IUU fishing. *See* Illegal, unreported and unregulated (IUU) fishing

J

Japan, 392
Japan – Alcohol, 203
 Japan – Mongolia Economic Partnership Agreement (2016), 799
Japan – Semi-conductors, 197
 Joint Statement on Electronic Commerce, 806
 Judicial activism, 956–962
 Judicial overreach
 AB decisions, 962–963
 Clove Cigarettes, 963–966
 Seal Products, 968–970
 Tuna II (Mexico), 966–968
 judicial activism, 956–960
 in WTO, 960–962
 legislative and, 973–976
 political and, 971–973

K

Knowledge-based economy, 914
 Kono, D. Y., 683, 689, 694, 700
 Korea, Commercial Vessels, 175–176
 KORUS. *See* United States of America and the Republic of Korea (KORUS)
 Kuijper, Pieter Jan, 283, 311

L

Large Civil Aircraft, 211–213, 221, 226
 Lawless, M., 349, 352, 360
Law on Governing of Agrochemicals, 844
Law on Lawyers, 475
 LCRs. *See* Local content requirements (LCRs)

League of Arab States (LAS), 245,
256–259
Leapfrogging, e-commerce, 1035–1036
Least developing countries (LDCs), 384,
385, 604
Legalism, 481
Legal practicability, 285–286
Legal Services Background Note by the
Secretariat, 477
Legislative and judicial functions, 973–976
Lester, Simon, 22
Liberalization approach, Free Trade
Agreements, 434–438
Chinese, 435, 441–447, 450–451
EU, 434–435, 440–441, 443–448
harmonization, 436, 437, 441, 448
US, 434–435, 440–441, 444–450
Lima Declaration, 129, 147. *See also*
Corruption
Liu, X., 939
Local content requirements (LCRs),
983–984, 990
López González, J., 856, 865
Loss-profits-royalties method, 52
Lund, S., 865

M

Macroeconomic management, 590–592
Made in China 2025 project, 896, 897,
907, 909, 911–913
Madrid Agreement Concerning the
International Registration of Marks,
1026
Mandatory participation model, 1018
Manufacturers Association of Nigeria
(MAN), 886
Manyika, J., 865
Marcoux, Jean-Michel, 184
Marine and Coastal Access Act (2009), 642
Marine Mammal Protection Act, 1002
Market access, 466–468, 513–514,
697–698
domestic regulation and, 469–471

of foreign legal services, 484–486
Market-economy, 418
Mark Wu, 916
MARPOL, 1010
Marrakesh Agreements, 145, 301–302, 651
Marx, Karl, 7
MASs. *See* Mutually agreed solutions
(MASs)
Mathews, A., 355
Mavroidis, Petros C., 214, 217–219
May 10th Agreement, 1009–1010
MEAs. *See* Multilateral environmental
agreements (MEAs)
*Measures Concerning the Wind Power
Equipment* (DS419), 991
Meat exports, 358–363
Mega-Free Trade Agreement (FTA), 170
Mega-plurilateral framework, 291–292
consensus/majority voting, 286–289
design, 284–285
issues, 290–291
legal practicability, 285–286
original AB and the NAB, 289–290
Member State refusal/failure, 409–415
Memorandum of Understanding (MoU),
208
Mercosur
EU, trade negotiations, 353–355
UK-agro-industrial trade, 345–349
Mercosur-UK FTA, 356, 364
exports, 358
agro-industrial, 363
meat, 358–363
non-economic considerations, 356–357
UK agricultural policies, 357–358
Mexico
civil law jurisdiction, 308
European Union and, 569–575
quota agreements, 817
Mexico – Soft Drinks, 195
MFN. *See* Most-favoured nation (MFN)
Minimum international standards,
650–652

Ministerial Conference in Nairobi (2015), 514

Ministerial Declaration/Decision, 147–149

Ministry of Electronics and Information Technology (MEITY), 1035

Miroudot, S., 940

Mixed agreements, 395–397

Modernized Global Agreement and Comprehensive Economic and Trade Agreement, 568–569, 571, 574, 575, 578–588

Moncler case, 55

Monopoly/exclusive service suppliers, 466–467

Morgenroth, E., 349, 352, 360

Most-favoured nation (MFN), 511

 duty free imports and exports, 515–519

 rule, 391

 standard, 875–878

 tariffs, 270, 320

 trade diversion, 523–524

Most-Favoured Nation (MFN) rule, 1026, 1029

Motion picture and video tape production and distribution services (W/120–2.D.a), 78

Motion picture projection services (W/120–2.D.b), 78

Multilateral environmental agreements (MEAs), 850–851, 1005, 1008–1010

Multilateral governance, regional trade agreements, 807–809

Multilateralism, 767

Multilateralizing digital trade, 789

Multilateral trade negotiations, 1–2, 6, 10, 12, 170, 172

Multilateral trading system, 26, 231, 238, 276–279

 and RTAs, 510–511, 531–532

 agricultural trade and Members, 515–519

 GATT Article XXIV, 511, 512

 harmonization, 526–527

 market access, 513–514

 multiple membership, 524–525

 sensitive agricultural products, 519–523

 tariff liberalization, 527–531

 trade diversion, 523–524

 steel and aluminium quota agreements, 830–831

 trade regionalism, 281

 US, trade liberalists, 280

 WTO rules, 281–284

Multiple membership, 524–525

Mutually agreed solutions (MASs), 199, 206–210

N

NAAEC. *See* North American Agreement on Environmental Cooperation (NAAEC)

NAB. *See* New Appellate Body (NAB)

Nairobi Ministerial Conference (2015), 30–31, 510

National Biosafety Frameworks (NBFs), 639

National Development Reform Commission (NDRC), 157

National Marine Fisheries Service (NMFS), 762, 775

National Mineral Development Corporation (NMDC), 177–179

National Oceanic and Atmospheric Administration (NOAA), 762, 763

National security, 83–85, 93

 Article XXI(b), 85–93

 discretion

 GATT/WTO dispute, 85–87

 security interests, 87–88

 enumeration of interests, 88–90

 necessity, 90–93

 Sweden, 89

National standardization space, 434

National Standards Institutions (NSI), 839

National Trade Estimate (2016), 902

National treatment (NT), 875–876, 878–881, 1027, 1029

Necessity test, 90–93, 471–473
 Negotiating capacity, 2, 6, 10, 15–16, 23
Nemo in propria causa iudex, esse debet, 1023
 Net present value (NPV), 224
 Network effect, 908
 Network management services, 73
 New Appellate Body (NAB), 284–287, 289–291
 New digital services, 61–63
 NMDC. *See* National Mineral Development Corporation (NMDC)
 NMFS. *See* National Marine Fisheries Service (NMFS)
 NOAA. *See* National Oceanic and Atmospheric Administration (NOAA)
 Non-capability gains from trade, 1044, 1053–1054
 Non-compliance, tolerance of, 209–210
 Non-discrimination principle, AfCFTA, 875–876
 MFN standard, 876–878
 national treatment, 878–881
 Non-economic considerations, 356–357
 Non-market economy (NME), 917
 Non-product-related production and processing methods (npr-PPMs), 766
 Non-tariff barriers (NTBs), 352
 AfCFTA, 883–884
 rules of origin, 885–887
 sanitary and phytosanitary measures, 884–885
 technical barriers to trade, 884
 Non-tariff measures, 836
 Non-trade issues (NTIs), 890–891
 Non-WTO agreements, 204–205
 Normative convergence, 341
 Normative integration, 543–546, 561, 564, 565. *See also* Framework Convention on 222Tobacco Control (FCTC)
 North American Agreement on Environmental Cooperation (NAAEC), 1008–1009

North American Free Trade Agreement (NAFTA), 188, 189, 195, 275, 299–301, 318, 319, 330, 334, 335, 340, 567–568, 573, 574, 1008–1009
 balance-of-payments, 618
 renegotiations, 300–301
Notice on the Full Role of Courts for the Building of Good Legal Environment for Entrepreneurship and Innovation, 56
Notification of Legal Services Risks, 483
 NT standard. *See* National treatment (NT) standard
 Nulla poena sine lege, 163
 Numerical quota, 467–468

O

Obama, B., 378
 Obiter dicta, 305–307
 ‘Obligatory mixity,’ 405
 Office for Harmonisation in the Internal Market (OHIM), 653
 Online supply, 929–930
 Operational performance, 381–383
Opinion on the Judicial Safeguard for the Improvement of Business Environment, 56
Orange Book, 162, 165
 Organization for Economic Cooperation and Development (OECD), 10, 131, 442, 462, 683
 Osnago, A., 792
 Otto (Germany), 902–903

P

Packet-switched data transmission services (W/120–2.C.b), 73, 76
Pacta sunt servanda, 538, 639
 Panel rulings, 298
 Pan-Euro-Mediterranean preferential rules of origin (PEM Convention), 502–503
 Paris Agreement, 565
 Paris Convention, 651

- Particular market situation, 422
- Patent Judicial Interpretation, 48, 54, 58
- Patent Law, 47–48
- Pauwelyn, Joost, 138, 142
- Payment and money transmission services (W/120–7.B.d), 78
- Payosova, Tetyana, 284
- PDAs. *See* Procurement discipline in agreements (PDAs)
- Peng, Delei, 419
- Percival, Andrew, 422
- Personal Data Protection Bill, 1032
- Peru – Agricultural Products*, 193, 199–202
- Peru, PTA and GATT obligations, 105, 109–111
- Pesticides Control Act, 851
- Pesticides regulation, 843–845
- Pest risk analysis (PRA), 842
- Philip Morris Asia Limited v. Australia*, 561–562
- Philip Morris (Switzerland) v. Uruguay*, 545, 562–564
- Physical connectivity, 937
- Piermartini, R., 435, 437
- Plant health legislation, 841–843
- Plant Health Protection for Rwanda Law (2011), 849
- Plant Protection Act, 851
- Plurilateral Agreements, 389–391
- Article II.3, 390
- Plurilateral level, 918–919
- Poland, 399, 414
- Policy-desirability, 1056
- Political and judicial powers, 971–973
- Political freedoms, 1045–1046
- Poverty, 4
- capability deprivation, 2, 3
- Precedents, 304–305
- Precise language, 792
- Preference erosion, 524
- Preferential agricultural reforms, 529
- Preferential trade agreements (PTAs), 95–98, 281, 374, 386–387, 649, 698–700, 873–874. *See also* EU preferential trade agreements (PTAs)
- EU-Colombia/Peru PTA, 103, 104, 107, 109–112
- European Union (EU), 98–100, 111–112
- classification, 112–116
- and Colombia, 109–111
- committees, 100–103, 116–127
- informal dispute resolution, 106–108
- issues, 103–106
- Preparatory Committee, 599
- Price and tax TCMs, 547–549
- Price-preference policy, 689
- Privatization, 211–214
- benefit, 214–215
- financial contribution, 212–227
- full privatization, 215
- private investment, 213, 214, 223, 227
- profits, distribution of, 220–222
- subsidy exists, 222–226
- US – Certain Products*, 218–223, 225
- US – Lead and Bismuth II*, 215–217, 219, 220–223
- Proclamation 9759, 825–826
- Procurement discipline in agreements (PDAs), 697–700, 706
- Procurement, government. *See* Government procurement
- Programme for Infrastructure Development in Africa (PIDA), 894
- Prohibition and Elimination of Certain Measures, 197
- Protective security, 1052–1053
- Protocol on Trade in Goods (PTGs), 882
- Article 4.1, 876–877, 879
- Article 8.2, 882
- Article 29, 887
- spaghetti bowl syndrome, 877
- Protocol on Trade in Services (PTSs), 876–878, 881, 890
- Article 20.1, 880

NT standard, 880
 Protocol tariff rate, AfCFTA, 882–883
 Provisions on the Prohibition of
 Excluding and Restricting
 Competition by Abusing
 Intellectual Property Rights of 2015,
 154
 PTAs. *See* Preferential trade agreements
 (PTAs)
 Ptashkina, M., 790, 805, 808
 Public body, 302–303
 in SCM Agreement, 174–175
 WTO jurisprudence on, 175–179
 Public Private Partnerships (PPPs), 683
 Public procurement, 134
 market, 682–689
 Public spending, 693–697
 Punitive damages, 52–54

Q

Qianggu (2017), 41
 Qualcomm, 157
 Quasi-automatic reappointment, 297
 Quota agreements. *See* Steel and aluminium
 quota agreements

R

Radio and television services (W/120–2.
 D.c), 78
Rakuten (Japan), 902–903
 Ratification process, 396, 397, 412–414
 Ratio decidendi, 305, 306
 Rationality Test, 964–966
 Reasonable unit profit, 47
 Regional Comprehensive Economic
 Partnership (RCEP), 790, 791
 Regional economic communities (RECs),
 874, 878, 882–883
 Regional fisheries management organiza-
 tions (RFMOs), 760, 767, 778, 780
 Regionalisation principle, 105
 Regional trade agreements (RTAs),
 783–786, 946, 949, 1022

AfCFTA, 871–875
 digital trade, 785–792, 800, 805–809
 e-commerce, 784, 786–791
 comprehensiveness, 802–804
 dispute settlement, 784, 787, 788,
 791, 792, 796–800, 805–807
 enforceability, 804–805
 places, 806–807
 scope, scale, and legal enforceability,
 791–802
 Singapore – Australia FTA, 787–788,
 794, 795, 799, 801–804, 806, 809
 Transpacific Partnership, 789–791,
 794, 795, 799, 801–803, 805, 806,
 809
 typology of articles, 793
 United States–Mexico–Canada Free
 Trade Agreement, 789, 791, 794–
 796, 799, 801–803, 806, 809, 830
 entity coverage, 718–747
 Exchange, 787
 Herman's study, 789
 internal and external factors, 785
 multilateral governance, 807–809
 and multilateral trading system, 510–
 511, 531–532
 agricultural trade and Members,
 515–519
 GATT Article XXIV, 511, 512
 harmonization, 526–527
 market access, 513–514
 multiple membership, 524–525
 rules of origin, 524–525
 sensitive agricultural products,
 519–523
 tariff liberalization, 527–531
 trade diversion, 523–524
 thresholds in, 748–757
 timing and sequencing analyses, 785
Regulation on Representative Offices, 461,
 473
 Regulatory protection, 338
 Relaxed competition regimes

standard essential patent abuse
 application, 163–164
 EU and US, 161–162
 TBT inconsistencies, 165
 TRIPS, 163
 Renewable energy (RE)
 AD/CVD case, 985–987, 992–995, 999
 ASCM, 981, 982, 996–998
 fiscal measures, 984–985
 free trade agreements, 999
 government support schemes, 983–985
 investment support measures, 984–985
 subsidies, 988–991, 996–1000
 trade remedy, 985–988, 992–996
Report on Legal Market Access Issue in China (2013), 475
Report to Congress on China's WTO Compliance (2015), 475
 Republic of Georgia, 844
 Retaliation level, 1015–1017
 Ricardian model, 237
 Ricardo, David, 231
 Rickard, S. J., 683, 689, 694, 700
 Rodrik, Dani, 983, 1043
 Rose-Ackernman, Susan, 131
 Royalty-based method, 47–48
 RTAs. *See* Regional trade agreements (RTAs)
 Rule-making, 376
 Rules deficit, 2, 24–25
 Rules of origin (ROO), 243–245, 255–256, 270–272, 524–525
 AfCFTA, 885–887
 Arab countries, 256–257, 263–264
 Economic and Social Council, 255–259
 EFTA countries, 502–504, 507
 GAFTA rules, 245–246
 'final value of product,' 247–249
 Harmonized System, 249–250
 process requirements, 250–251

 'three operations' rule, 251–252
 'wholly obtained or produced,' 246–247
 goods, lists of, 258–261
 League of Arab States (LAS), 245, 256–259
 Saudi-Moroccan working group, 257
 Russia, economic reforms, 916–917
 Ruta, M., 792
 Rwanda, 929
S
 SA. *See* Agreement on Safeguards (SA)
 SADC. *See* Southern African Development Community (SADC)
 Safeguards permit exporters and importing Members, 206
 SAFTA. *See* Singapore – Australia FTA (SAFTA)
 Salles, Luiz Eduardo, 282
 Sanitary and Phytosanitary Measures (SPS Agreement), 98, 323, 532, 764, 834, 836, 837–839, 854
 Article 7 (transparency), 847
 Article 8 and Trade Facilitation, 847–848
 drafting, 851–852
 international trade and environmental protection, 850–851
 standards, 839
 Sanitary and Phytosanitary Measures (SPS Agreement) and Cartagena Protocol, 625–627, 645–646
 domestic implementation, 642–644
 limitations, 644–645
 GMOs, 642–646
 international trade, 627–628
 possible synergies, 629–632
 potential conflicts, 629–635
 states, 635–638
 Cross-Ministerial Conference, 641
 EU Member States, 641–642
 treaty conflicts, 638–640

- Saudi Arabia, 268
2001 Schedule Guidelines, 468, 470
 Schwarzer, J., 983
 S&DT. *See* Special and differential treatment (S&DT)
 Seafood fraud, 762
 Seafood Import Monitoring Program (SIMP), 762–768, 773, 775, 777, 781
 Search engines, 76
 Sectoral coverage, 944–945
 Security interests, 87–88
 enumeration, 88–90
 Self-assessment, 380
 Sen, Amartya, 3–5, 1041, 1042, 1046, 1051, 1052, 1057
 Sensitive agricultural products, 519–523, 526
 SEP abuse. *See* Standard essential patent (SEP) abuse
 Services classification, 66–70
 Services Sectoral Classification List (W/120), 66, 67, 76
 Services trade policy, 923–924, 948–949
 barriers, 935–936
 productivity and performance, 936–937
 commercial presence, 928
 cross-border trade, 940
 domestic and international trade, 924–927
 e-commerce and online, 929–930
 foreign investment, 937–938
 global value chains, 930–931
 infrastructure support, 928–929
 international services commitments, 942–946
 physical connectivity, 937
 productivity and goods, 938–939
 telecommunication, 941
 trade in value added, 931–934, 940
 Services trade restrictiveness indices (STRI), 935, 936
 Servicification, 933
 Shanghai Bar Association (SBA), 483
 Shepherd, B., 938
 Shingal, A., 703
 ‘Silo problems,’ 381
 Singapore – Australia FTA (SAFTA), 787–788, 794, 795, 799, 801–804, 806, 809
 Singh, Shailja, 170
 Small- and medium-sized enterprises (SMEs), 903
 Smith, Adam, 1046, 1055
 SNA. *See* System of National Accounts (SNA)
 Social level, 12–16
 Social networks, 76
 Social opportunities, 1049–1051
 SOEs. *See* State-owned enterprises (SOEs)
 Soft law mechanisms, 233–234
 Software as a service (SaaS), 74
 Softwood Lumber Agreements (SLA), 826–830
 Southern African Development Community (SADC), 408, 886
 South Korea, quota agreements, 815–816, 831
 Spaghetti bowl syndrome, 877
 SPC. *See* Supreme People’s Court (SPC)
 Special and differential treatment (S&DT), 2, 3, 29, 31–32, 35–37, 374, 375, 384–386
 Special Safeguard Mechanism (SSM), 514, 531
 Special Session of the Committee on Trade and Development (CTDSS), 25
 Specific language, 792
 SSDS. *See* State-to-state dispute settlement (SSDS)
 Standard essential patent (SEP) abuse, 153–154
 Article 2, 161–162
 Article 5, 161–162
 Article 40.3, 163

FRAND commitments, 155–162, 164, 165
 intellectual property rights (IPR) abuse, 154–156, 158–160, 163
 nulla poena sine lege, 163
 relaxed competition regimes
 application, 163–164
 EU and US, 161–162
 TBT inconsistencies, 165
 TRIPS, 163
 stringent competition regime
 balanced approach, 161
 holder's rights under TRIPS, 155–158
 regulations, 154–155
 TRIPS exceptions, 158–160
 State Administration for Industry and Commerce (SAIC), 154
 State-owned enterprises (SOEs), 683
 China, 176–177
 WTO jurisprudence, 173–174
 public body, 175–179
 SCM Agreement, 174–175
 State-owned enterprises (SOEs), 915–916
 China and Russia, economic reforms, 916–917
 plurilateral level, 918–919
 regulation deficiencies, 917–918
 WTO reforms, 919–920
 State-to-state dispute settlement (SSDS), 330, 331
 coverage, 332–333
 operation, 333–335
 State Trading Enterprises (STEs), 179–181
 Statutory damages, 49
 application, 50–51
 levels, 51–52
 upper limits of, 49–50
 Steel and aluminium quota agreements, 811–813, 831–832
 Agreement on Safeguards (SA), 819–821

Argentina, 816–817
 Brazil, 816
 GATT Article XXI, 821–826
 gray-area measures, 817–819, 826–830
 multilateral trading system, 830–831
 South Korea, 815–816
 Trump administration, 813–815
 US national security, 822
 VERs/OMAs, 820
 Stockpiling exception, 159
 Stringent competition regime
 standard essential patent abuse
 balanced approach, 161
 holder's rights under TRIPS, 155–158
 regulations, 154–155
 TRIPS exceptions, 158–160
 Subsidies and Countervailing Measures (SCM) Agreement, 174–175, 206, 212–224, 302–303, 385, 912, 1011–1012
 Article 1.1(a)(1), 177, 179
 Sunset Clause, 419
 Supply-demand analysis, 15–17
 Supreme People's Court (SPC), 45–47, 49, 50, 55, 56, 58
 Sustainable development, 328–331
 Sweden, civil law jurisdiction, 308
Sweden – Import Restrictions on Certain Footwear, 823–824
 Swiss Verein structure, 484
 System of National Accounts (SNA), 683, 684

T

Tariffication process, 132–133
 Tariff liberalization, 527–531
 Tariff-rate-quotas (TRQs), 353, 510, 513, 520
 TCMs. *See* Tobacco control measures (TCMs)

Technical barriers to trade (TBT), 98, 323,
 433–435, 534, 553, 765–766, 884,
 954–955
 alike, 434
 Annex 1.2, 163–164, 555–557
 Appellate Body (AB), 962–963
Clove Cigarettes, 963–966
Seal Products, 968–970
Tuna II (Mexico), 966–968
 Article 2.1, 554
 Article 2.2, 540, 547, 549–551,
 553–554
 Article 2.4, 555
 Article 2.5, 557
 Article 4.1, 164, 165
 Articles 2.1 and 2.2, 969
Australia – Tobacco Plain Packaging,
 560–561
 Free Trade Agreements, 434–438
 Chinese, 435, 441–447, 450–451
 EU, 434–435, 440–441, 443–448
 US, 434–435, 440–441, 444–450
 minus, 451
 plus, 434, 435, 438, 439, 452
 relaxed competition regimes,
 161–165
 Technology-Gap Model, 7
 Telecom Annex, 1025
 Telecommunication, 929, 930, 941
 Telecom Regulatory Authority of India
 (TRAI), 1036
 Telecom services, 62
 Textile-Specific Safeguard Clause (TSSC),
 829
 Textual approach, 71–72
 TFA. *See* Trade Facilitation Agreement
 (TFA)
 TFEU. *See* Treaty on the Functioning of
 the European Union (TFEU)
Thailand – Cigarettes (Philippines), 548
 Time-sequence method, 791
 Timing and sequencing analyses, 785

TiVA. *See* Trade in value added (TiVA)
 Tobacco control measures (TCMs),
 534–535, 546
 advertising, promotion and sponsorship,
 551–553
 consumer protection, 557–564
 investor state dispute settlement,
 544–546
 price and tax, 546–551
 technical regulations, 553–557
 TPP. *See* Trans-Pacific Partnership
 Agreement (TPP)
 TPR. *See* Trade policy review (TPR)
 Trade
 agreement
 CETA and, 568, 581, 582, 585–588
 (*see also* International trade
 relations)
 government procurement, 700
 barriers, biosecurity legislation
 eliminating, 836–837
 risk, 845–847
 benefits and inclusiveness, 233–235,
 238–241
 deficit reduction, 188
 diversion, 191, 523–524
 in goods, 323–324
 government procurements, 683
 GP, 683
 intra-Arab trade, 266–270
 law community, 298
 liberalists, 280
 liberalization, 519
 harmonization, 526–527
 multiple membership, 524–525
 sensitive agricultural products,
 519–523
 trade diversion, 523–524
 policies, 384
 in Professional Services, 477
 regionalism, 281
 regulation and liberalization, AfCFTA

- duties and quantitative restriction, 881–882
- protocol and REC's tariff rate, 882–883
- remedies, AfCFTA
 - anti-dumping and countervailing measures, 888–889
 - safeguard measures, 889–890
- technical barriers, AfCFTA, 884
- Trade-environment convergence, 1001–1005
- conventional Trade DSM, 1004, 1012–1015, 1017–1019
 - enforcement, 1017–1018
 - retaliation level, 1015–1017
- CPTPP
 - Article 20.16(5), 1011–1012
 - Trade DSM, 1012–1015
- free trade agreements, 1008–1010
- WTO rules, 1006–1008
- Trade Facilitation Agreement (TFA), 141–142, 147–149, 385–386, 887–888, 1022, 1027
- Trade in Services Agreement (TiSA), 324, 1027
- Trade in value added (TiVA), 931–934, 940
- Trade liberalization, 1005
- Trademark law, 47–48, 52, 53
- Trade Policy Agenda (2018), 953
- Trade Policy Committee, 493
- Trade policy review (TPR), 149–150, 469
- Trade Policy Review Mechanism (TPRM), 239
- Trade-Related Aspects of Intellectual Property Rights (TRIPs), 2, 40, 58, 136, 534, 570, 650, 651, 656, 658–659
 - Article 8.2, 163
 - Article 20, 540
 - Article 28, 156
 - Article 28.1, 155, 158
 - Article 28.2, 156, 158
- Article 30, 158–160
- Article 31, 159–160
- Article 40.2, 160
- Article 41.1, 58
- Article 45.2, 43
- Articles 7, 163
- Australia – Tobacco Plain Packaging*, 558–560
- exceptions, 158–160
- relaxed competition regimes, 161–165
- SEP abuse *vs.* balancing SEP holder's rights, 155–158
- Trade-related environmental measures (TREMs), 2, 1008
- Trade remedy, renewable energy, 985–988
- Trade services. *See* Services trade policy
- Transatlantic Trade and Investment Partnership (TTIP), 276, 280, 335, 576
- Transitional Product-Specific Safeguard Mechanism (TSM), 829
- Transitional review mechanism (TRM), 469
- Trans-Pacific Partnership Agreement (TPP), 275, 276, 280, 317–319, 331–342, 567–568, 814, 1037
 - Article 17.1, 179
 - Articles 18.77, 181–182
 - commercial considerations, 179
 - in GATT, 179–180
 - commercial scale, 181–182
 - WTO provisions, 182
 - Free Trade Agreement, 170–171
 - GDP requirement, 169–170
 - investor-state dispute settlement, 335–337
 - provisions, e-commerce, 1029–1031
 - regulatory disciplines
 - across-the-board, 320–322
 - intellectual property, 327–328
 - investment, 325–327

services, 324–325
 sustainable development, 328–331
 trade in goods, 323–324
 relevance, 169–172
 State-Owned Enterprises, 173–179
 state-to-state dispute settlement, 330, 331
 coverage, 332–333
 operation, 333–335
 United States, 172
 WTO jurisprudence, 172–174,
 183–184
 commercial considerations, 180–181
 commercial scale, 182–183
 public body, 175–179
 SCM Agreement, 174–175
 Transparency, 379–380
 guarantees, 1051–1052
 Treaty of Maastricht (1992), 499
 Treaty on European Union (TEU), 404
 Treaty on the Functioning of the
 European Union (TFEU), 400–403
 Article 31, 489–492, 494–495,
 497–500, 504, 506, 507
 Article 207, 489–501, 504, 506, 507
 Article 218, 402, 409
 Article 218(5), 403, 413
 Article 218(6)(a)(v), 401
 Article 288, 491
 Trionfetti, F., 690, 691
 TRQs. *See* Tariff-rate-quotas (TRQs)
 Trump, D. J., 83–84, 89, 90, 93, 188,
 274–278, 280, 299–301, 378, 567,
 568, 575–581, 811–814, 831, 897,
 1041
 TTIP. *See* Transatlantic Trade and
 Investment Partnership (TTIP)
Tuna II (Mexico), 770
 Two-Gap Model, 7
 Tyson, L., 865

U

UAE, 268

Ueno, A., 699
 Uganda Inter-Institutional Trade
 Committee, 12
 UK agricultural policies, 357–358
 UK-agro-industrial trade, 345–349
 hard Brexit on, 349–353
 UK Secretary of State for Environment,
 Food and Rural Affairs (2018), 357
 Uncertainty, 680, 781, 846, 888, 894
 UN Conference on Trade and
 Development (UNCTAD), 28, 30,
 500
 UN Convention against Corruption
 (UNCAC), 139–140
 Underpinning principles, 634
 Understanding on Rules and Procedures
 Governing the Settlement of Disputes
 (DSU) 222Article 3(2), 536, 537
*Understanding on the Balance-of-Payments
 Provisions of the GATT 1994 (1994
 222Understanding)*, 611–612
 UNDP, 10
 Unemployment, 590–592
 Unilateral trade measures (UTMs),
 759–762, 780–782
 environment, 777
 international procedural law, 772–773
 consensus-building, 776–780
 judiciable obligations, 773–776
 procedural failures, 771, 774, 776
 Seafood Import Monitoring Program,
 762–768
 WTO agreements, 768–772
 United Kingdom (UK) Fishery White
 Paper, 781–782
 United Nations Conference on Trade and
 Development (UNCTAD), 462,
 1027
 United Nations Framework Convention
 on Climate Change (UNFCCC),
 565
 United States (US), 473, 476, 478, 761

Antidumping and Countervailing Duties (China), 176–179
 Carbon Steel (India), 177–178
 commercial scale, 182
 FTAs Rules on TBT, 434–435, 440–441, 444–450
 increasing returns, 910–911
 National Mineral Development Corporation, 177–178
 Softwood Lumber Agreements, 826–830
 standard essential patent abuse, 161–162
 Trans-Pacific Partnership Agreement, 172
 WTO, 392
 United States–China Business Council (USCBC), 475
United States – Import Prohibition of Certain Shrimp and Shrimp Products (US-Shrimp), 1002–1003
 United States–Mexico–Canada Free Trade Agreement (USMCA), 789, 791, 794–796, 799, 801–803, 806, 809, 830
 United States of America and the Republic of Korea (KORUS), 187–189
United States – Restrictions on Imports of Tuna ('US-Tuna (Mexico)'), 1002
United States – Standards for Reformulated and Conventional Gasoline (US-Gasoline), 1002–1003
 United States Trade Representative (USTR), 22, 280, 443, 896, 902
 UR agriculture negotiations, 513
 Uruguay Round (UR), 29–30, 189, 196, 197, 210, 375, 461–462, 478, 513, 590
 GATT BOP provisions, 611–613
 loss and gain, 32–34

US – Certain Products, 218–223, 225
US–China dispute, 302–303
 US–China trade war, 897–898
US – Clove Cigarettes, 208, 963–966
US – Clove Cigarettes and Australia – Tobacco Plain Packaging, 539, 541, 554, 556
US – Copyright, 206–207
US – Cotton, 207
US-Countervailing Duty Investigation on DRAMs, 309
US – Countervailing Measures (China) case, 304–305
 US Department of Commerce (USDOC), 175–179, 216–217
US – Differential Pricing Methodology, 972–973
US–Gambling, 63, 66, 71, 142–143, 464, 467, 469–470
US – Lead and Bismuth II, 215–217, 219, 220–223
 U.S.–Mexico–Canada Agreement (USMCA), 189
 US National Fisheries Institute (2017), 774–775
US – Poultry (China), 143
US – Shrimp, 205, 304, 540, 769
US Shrimp-Turtle, 310
US-Stainless Steel (Mexico), 304
 US Trade Expansion Act of 1962, 275
US – Tuna II (Mexico), 556, 769, 963, 966–968
US versus Thailand: Cigarettes, 549, 550
 UTMs. *See* Unilateral trade measures (UTMs)

V

Van den Bossche, P., 954
 Van der Loo, Guillaume, 411–412
 Van der Marel, E., 865
 Videgaray, Luis, 171
 Video-on-demand services, 77–78

Vienna Convention on the Law of
Treaties (VCLT), 192–194, 202, 308,
536, 538, 541, 542, 556, 953,
958–960, 965
Article 25(2), 410–411
Article 31(3), 204
Article 31(3)(c), 536, 541, 542, 633, 646
Virtuous cycle, 1042, 1060
Voice over Internet Protocol (VoIP), 77
Voice telephone services (W/120–2.C.a),
77
Voluntary, 26
Voluntary export restraints (VERs), 189, 206
limitations, 194–195
Vienna Convention on the Law of
Treaties, 192–194
WTO-extra rules, 191
WTO-minus, 192
WTO-plus rules, 191
Voon, Tania, 952
VVA consulting/London Economics
(2017), 702

W

W/120. *See* Services Sectoral Classification
List ('W/120')
Watchdata vs. Hengbao (2016), 41, 46
Wessel, Ramses A., 411–412
Western Standards, 839
Whalley, J., 700
Wolfmayr, Y., 939
Working Group on the Interaction
between Trade and Competition
Policy (WGTCPP), 1023, 1024
Work programme, 900
Work Programme on Electronic
Commerce, 806
World Bank, 236–237
World Development Indicators (WDI),
20, 21
World Intellectual Property Organization
(WIPO), 1026

World Trade Organization (WTO), 1–2,
60, 81, 129–130, 150–151, 230, 232,
233, 255–256, 309, 373–377,
391–393
Annual Report, 382, 383
Appellate Body, 876, 880, 891 (*see also*
Appellate Body (AB))
appropriate, 26
Article 3.5, 194
Article 4.1, 164
Article IX(1), 289
Article IX:2, 310–311
Article X(9), 288–289
Article XVI(3), 283
BOP provisions, 590, 611, 613, 615–622
capacity constraint
econometric analysis, 5–10
human level, 11
institutional level, 12
social level, 12–15
supply-demand analysis, 15–17
'case by case' approach, 24
China, 17–23
corruption, 135, 138–139, 145–147
Agreement on Government
Procurement, 139–141
anticorruption agreement, 136–137
anticorruption laws, 135–136
coalition, 137–138
Colombia – Textiles, 143–145, 147, 150
Committee, 149
dispute settlement system, 142–145
effectiveness, 147
and international trade, 130–132
Ministerial Declaration/Decision,
147–149
Trade Facilitation Agreement, 141–142
Trade Policy Review, 149–150
corruption and international trade
government procurement, 133–135
tariffs and non-tariff measures,
132–133

- dispute settlement mechanism,
 - 183–184, 194, 239, 298, 309–310, 891–893 (*see also* 333Dispute settlement mechanism (DSM))
 - US actions and statements, 299–301
 - US against, 295–301
- Dispute Settlement Understanding (*see* Dispute Settlement Understanding (DSU))
- on e-commerce (*see* E-commerce)
- environmental protection
 - (*see* Trade-environment convergence)
- and FCTC (*see* Framework Convention on Tobacco Control (FCTC))
- FIFD, 25
- fisheries subsidies, 25
- flaws, 912–913
- GATT to Enabling Clause, 28–29
- GPA, 698
- IUU fishing, 766, 767, 771, 773, 776, 779–782
- jurisprudence, 306, 539 (*see also* Trans-Pacific Partnership Agreement (TPP))
- MFN principle, 878
- multilateral trading system, 26
- Nairobi Ministerial, 30–31
- NT obligation, 879
- performance
 - constituency, 387–389
 - dispute settlement, 377–379
 - economic development, 383–386
 - operational, 381–383
 - PTAs, 386–387
 - transparency, 379–380
- Plurilateral Agreements, 389–391
- positive, 26
- preferential trade agreements (*see* Preferential trade agreements (PTAs))
- rights, 295
- rules, 281–284
- ‘rules deficit’ and ‘development deficit,’
 - 24–25
- S&DT, 31–32, 35–37
- Secretariat, 10, 230, 233, 237, 239, 241, 470
- special and differential treatment, 374, 436
- state-owned enterprises, 919–920
- structural changes
 - increasing returns (*see* Increasing returns)
 - internet (*see* Internet)
 - state-owned enterprises (*see* state-owned enterprises (SOEs))
- TFA, 887, 888
- trade barriers, eliminating, 836–837
- unilateral trade measures, 768–772
- Uruguay Round, 29–30
 - loss and gain, 32–34
- voluntary, 26
- Work Programme on Electronic Commerce, 784
- World Trade Outlook Indicator (WTOI), 237–238
- Worldwide Governance Indicators, 237
- WTO-extra rules, 191
- WTO-minus arrangements, 210
 - multilateral instrument, 204–205
 - non-compliance, tolerance of, 209–210
 - unchallenged, 208–209
 - WTO law, 206–208
- WTO-minus provisions, 189, 192, 195, 206, 207
 - Article 11.1(b) of the Agreement on Safeguards, 196–198
 - Article XXIV, 201–202
 - institutional framework, 202–204
 - MASs and FTAs, 199–200
 - semi-formalized, 208–209
- WTO obligations, China, 459–460
 - domestic regulation, 469–473
 - economic needs test, 461–463
 - assessment, 464–466
 - lawyers, 474–476
 - legal affairs, 473–474

- market access, 466–468, 484–486
- WTO-plus rules, 191, 327–328
- WTO regime
 - governance, 232–233
 - soft law mechanisms, 233–234
 - trade-inclusiveness, 233
 - indicators, 235–236
 - trade benefits and inclusiveness,
 - 234–235, 238–240
- World Bank, 236–237
- World Trade Outlook Indicator,
 - 237–238

- WTO Work Programme on E-commerce (WPEC), 60, 61
- Wufufang case, 49

Y

- Yanovich, Alan, 952

Z

- Zhang Geng, 479
- Zhongshan Baybay case, 48
- Zhou, Weihuan, 419, 422
- Zhu, Huan, 22