

Article Xx General Exceptions

The editors have succeeded in bringing together an excellent mix of leading scholars and practitioners. No book on the WTO has had this

Online Library
Article Xx General
Exceptions

*wide a scope before
or covered the legal
framework,
economic and
political issues,
current and would-
be countries and a
outlook to the
future like these
three volumes do.
3000 pages, 80
chapters in 3
volumes cover a*

Online Library
Article Xx General
Exceptions

very

*interdisciplinary
field that touches
upon law,
economics and
politics.*

*Commenting on the
WTO Agreement on
Sanitary and
Phytosanitary
Measures, which
allows WTO
members to*

Online Library
Article Xx General
Exceptions

implement barriers to trade, for example on food or pharmaceutical products, in order to protect public health, provided that the measure is based on established guidelines or backed by scientific evidence.

Online Library
Article Xx General
Exceptions

This article analyzes several unresolved issues in World Trade Organization (WTO) law that may affect the WTO-consistency of measures that are likely to be taken to address climate change. How should the WTO deal with

Online Library
Article Xx General
Exceptions

*environmental
subsidies under the
General Agreement
on Tariffs and Trade
(GATT), the
Agreement on
Agriculture and the
Subsidies and
Countervailing
Measures (SCM)
Agreement? Can
the general
exceptions in GATT*

Online Library
Article Xx General
Exceptions

Article XX be applied to other agreements in Annex 1A? Are processing and production methods relevant to determining the issue of 'like products' in GATT Articles I and III, the SCM Agreement and the

Online Library
Article Xx General
Exceptions

Antidumping

*Agreement and the
TBT Agreement?*

*What is the scope
of paragraphs b and
g in GATT Article XX
and the relationship
between these two
paragraphs? What
is the relationship
between GATT
Article XX and
multilateral*

Online Library
Article Xx General
Exceptions

environmental agreements in the context of climate change? How should Article 2 of the TBT Agreement be interpreted and applied in the context of climate change? The article explores these issues.

This second edition

Online Library
Article Xx General
Exceptions

*identifies the
problems of
interpreting WTO
agreements,
addressing the
legislative
developments and
updating the case
law.*

*Converging
Systems
Contemporary
Issues*

Online Library
Article Xx General
Exceptions

*International
Economic Law and
Governance
A Comparative
Analysis of Policy
Space in WTO Law
A Commentary
Text, Materials and
Commentary
Article XX of the
GATT*

*Subsidies are arguably
the dominant theme in*

Online Library
Article Xx General
Exceptions

International Economic Law. A prolific case law has been elaborated by WTO Panels and Appellate Body in response to the multitude of complaints lodged in the past two decades (Softwood Lumber, Airbus, Boeing, etc.) Unfortunately, it is possible to be

Online Library
Article Xx General
Exceptions

overwhelmed by the complexity of this case law. This book provides a comprehensive approach in response to this complexity. First, it avoids unnecessary legal jargon, making it accessible to a large public. Second, it adopts a

Online Library
Article Xx General
Exceptions

comprehensive and progressive approach where legal subtleties are not avoided but presented at the right moment and the right place. The reader is therefore not overwhelmed from the outset by a multitude of details. The first Part of the book adopts the perspective of a WTO

Online Library
Article Xx General
Exceptions

Member seeking to counter an alleged subsidy granted by another Member. To this end, this first Part scans and analyzes in detail all WTO Agreements, containing cumulative disciplines and remedies relating to subsidies. Therefore, it is not only the SCM Agreement that is

Online Library
Article Xx General
Exceptions

scanned and analyzed but also the Agreement on Agriculture (AoA), GATT 1994, and even the 1980 Agreement on Trade in Civil Aircraft (ATCA). The second Part of the book adopts the perspective of a WTO Member accused of granting subsidies violating subsidies disciplines. To this end,

Online Library
Article Xx General
Exceptions

an original

*classification is
offered of the various
strategies that can be
used by this Member.*

*For this purpose, a
distinction is made
between the “threshold
strategy” where the
existence of a
challengeable subsidy
is recused from the
outset, the “denying*

Online Library
Article Xx General
Exceptions

*violation of disciplines
strategy,” the
“exemption or exception
strategy,” the
“procedural and
evidentiary strategy,”
and finally the
“implementing
strategy.” The last Part
of this book, which
could turn out to be the
most useful for the
community of agents*

Online Library
Article Xx General
Exceptions

concerned by subsidies, offers an original examination of pending legal issues. To this end, a relevant distinction is established between pending legal issues partially answered by present case law and pending legal issues not still answered by present case law. This

Online Library
Article Xx General
Exceptions

*case law and the norms
disciplining subsidies in
WTO Agreements are
of utmost importance
first for International
Trade Ministries,
Parliaments, and
International
Institutions (OECD,
CNUCED, FAO, etc.).
However, Non-
Governmental
Organizations (World*

Online Library
Article Xx General
Exceptions

Wide Fund, etc.) are also directly concerned by this topic regarding, for example, fisheries subsidies and their impact on overexploitation of marine resources. The private sector (fishing fleets, fishermen, extractive industries, etc.) is also affected by this topic particularly

Online Library
Article Xx General
Exceptions

regarding future investments. Law firms involved in subsidies cases are naturally at the forefront of the community of agents concerned by this topic. This third edition of one of the leading textbooks on world trade law offers what is, in a number of ways, a unique

Online Library
Article Xx General
Exceptions

*perspective on this
important subject.*

*Combining the best
aspects of both
casebook and treatise,
this comprehensive
textbook provides
detailed explanations
and analysis of the law
to help understand the
issues as well as case
extracts to offer a
flavour of the judicial*

Online Library
Article Xx General
Exceptions

*reasoning of trade
adjudicators.*

*Moreover, the book is
truly global in outlook,
being equally useful
for students of
international trade law
in the UK, Europe, the
US, Asia and
elsewhere around the
world. This updated
edition includes in-
depth discussions of the*

Online Library
Article Xx General
Exceptions
most recent

developments in international trade jurisprudence, setting out important precedents that help establish the boundaries between global trade rules and domestic national autonomy. In this era, when political developments place

Online Library
Article Xx General
Exceptions

*even more importance
on international trade,
it will be essential
reading for all
students, scholars and
practitioners in the
field.*

*Introduction to world
trade law -- The
history and institutions
of the multilateral
trading system --*

World trade law and

Online Library
Article Xx General
Exceptions

international law --

*World trade law and
domestic law -- The
settlement of disputes
in the GATT/WTO --*

Border measures :

tariffs and quotas --

Non-discrimination :

*MFN and national
treatment --*

*Bilateral/regional trade
agreements -- The*

Article XX : general

Online Library
Article Xx General
Exceptions

*exceptions : health, the
environment,
compliance measures,
public morals, and
More -- Subsidies and
countervailing
measures -- Dumping
and anti-dumping
measures -- Safeguards
-- The SPS and TBT
agreements -- Trade in
services -- Trade and
investment --*

Online Library
Article Xx General
Exceptions
Government

*procurement -- Trade
and intellectual
property : the TRIPS
agreement --*

*Developing countries in
the multilateral trading
system -- Linkages
between trade and
social policies*

*In this paper, the
author considers that if
we are to realize the*

Online Library
Article Xx General
Exceptions

*goal of the alleviation
of the health threat
resulting from tobacco
use, a modest, but
possibly useful start of
balance between free
trade in tobacco and
tobacco controls would
be to explore a more
lenient space for
tobacco control policy
from the existing
dichotomy contexts*

Online Library
Article Xx General
Exceptions

within the WTO legal order. Using Dominican Republic-Cigarettes as a case study, the author addresses two issues in terms of anti-tobacco smuggling and health concerns, i.e. GATT Article III:4 on national treatment and the general exceptions of GATT Article XX.

Online Library
Article Xx General
Exceptions

The author argues that in the analysis of a violation of national treatment, adopting a narrow constructed interpretation on "like product"; and "less favourable treatment"; can offer a safer avenue for the legitimacy of anti-tobacco smuggling

Online Library
Article Xx General
Exceptions.

policy. In addition, the author argues that undertaking a properly balanced analysis through the notion of "necessary" might also provide a more balanced harbor for those measures found to be WTO-inconsistent and secure a justification under these exceptions.

Online Library
Article Xx General
Exceptions

*The WTO Law of
Subsidies
General Exception
Clauses in
International
Investment Law
Carbon-related Border
Adjustment and WTO
Law
Trade in Goods
WTO - Trade in Goods
A Breath of Air for
Regulatory Powers of*

Online Library
Article Xx General
Exceptions
the State?

*The General Exception
Clauses of the TRIPS
Agreement*

**based on
author's thesis
(doctoral -
Universität
Basel, 2016)
issued under
title: The extr
aterritorial
protection of**

Online Library
Article Xx General
Exceptions

**animals:
admissibility
and
possibilities
of the
application of
national animal
welfare
standards to
animals in
foreign
countries.
Climate change**

Online Library
Article Xx General
Exceptions

**is an essential
topic in the
contemporary
spotlight, and
several
countries have
made efforts to
handle it
through their
international
commitments
such as the
Paris**

Online Library
Article Xx General
Exceptions

Agreement,
which sets an
actual baseline
that has to be
respected to
avoid
irreparable
damage. Carbon
taxes came into
the picture as
plausible tools
in the fight
against climate

Online Library
Article Xx General
Exceptions

**change aiming
at reducing the
production of
greenhouse
emissions.**

**However, it is
necessary to
examine such
measures under
the light of
the law of the
World Trade
Organization to**

Online Library
Article Xx General
Exceptions

**avoid trade
concerns or
claims by any
Member of said
organization.
Colombia has
issued a carbon
tax that
charges the
sale and
importation of
certain fossil
fuels; yet, we**

Online Library
Article Xx General
Exceptions

**believe that
the level of
protection
could be
superior by
levying the
manufacturing
industry. Thus,
the drafters of
such measure
must tread
carefully on
the**

Online Library
Article Xx General
Exceptions

**implications
that it may
have on the
competitive
position of
foreign
products that
could be under
the scope of
the tax to
avoid a
violation of
the notions of**

Online Library
Article Xx General
Exceptions

**discrimination
or the
imposition of
unnecessary
restrictions
protected
through the
National
Treatment
principle
enshrined in
the GATT. On
the other hand,**

Online Library
Article Xx General
Exceptions

the World Trade Organization allows the justification of an inconsistent measure through the general exceptions enshrined in GATT Article XX. This provision will

Online Library
Article Xx General
Exceptions

**cover these
measures
provided that
they are not
applied as a
means of an
unjustifiable
or arbitrary
discrimination
or a disguised
restriction on
international
trade. In this**

Online Library
Article Xx General
Exceptions

**research, it
will be
ascertained how
would extended
carbon taxes be
compatible with
the cited
rules.**

**This book
examines the
conditions
under which PPM
measures may be**

Online Library
Article Xx General
Exceptions

**adopted under
WTO law de lege
lata and de
lege ferenda.
It analyses in
detail the
complex case
law in this
field and its
evolution in
the last 25
years, as well
as the many**

Online Library
Article Xx General
Exceptions

**doctrinal
debates around
PPM measures
and their
relevance in
the light of
the evolution
of case law,
both under the
GATT and the
TBT Agreement.
Further, it
also suggests**

Online Library
Article Xx General
Exceptions

**an original
approach to the
interpretation
of the relevant
provisions of
the GATT and
the TBT
Agreement in
the context of
PPM measures.
The PPM issue
has been one of
the most**

Online Library
Article Xx General
Exceptions

**debated topics
in the trade
and environment
debate. Even
though the
US–Shrimp case
showed that PPM
measures are
not prohibited
per se under
the GATT, many
questions
remain**

Online Library
Article Xx General
Exceptions

**unanswered when
it comes to the
precise
conditions
under which
environmental
PPM measures
are justifiable
under WTO law,
for example in
the field of
trade measures
relating to**

Online Library
Article Xx General
Exceptions

**climate change
mitigation
efforts,
natural
resources
management
policies and
biodiversity
conservation
measures.
Export
Restrictions on
Critical**

**Minerals and
Metals Testing
the Adequacy of
WTO Disciplines
Climate Change
and Unresolved
Issues in WTO
Law
Environmental
Process and
Production
Methods (PPMs)
in WTO Law**

Online Library
Article Xx General
Exceptions

**Export
Restrictions on
Critical
Minerals and
Metals
Sealing Animal
Welfare Into
Free Trade
World Trade Law
Problems,
Cases, and
Materials
The**

**Recalibration
of Investment
Agreements via
WTO-Based
Flexibilities
Guide to the
WTO and GATT**

This paper argues
that the usage of
General
Exceptions
clauses (from
Article XX of the

Online Library

Article Xx General Exceptions

GATT) in treaties can not only codify the regulatory powers of State, but also clarify the determinations of expropriation.

Furthermore, the duplication of the lawfulness element that comes with the application of the

Online Library
Article Xx General
Exceptions

police powers
doctrine can also
be avoided.

A common
denominator in
various fields of
global economic
rule-making is
their significant
impact on
domestic non-
economic interests
for the sake of a

Online Library
Article Xx General
Exceptions

harmonised global economy. It is particularly true for the three core areas of regulation in the WTO: trade in goods, trade in services and intellectual property protection. The structural bias in WTO law to

Online Library
Article Xx General
Exceptions

perceive and regulate the world from a trade perspective however is countered by mechanisms such as Art.XX GATT and Art.XIV GATS which allow WTO Members to recognise and give effect to public

Online Library
Article Xx General
Exceptions

interests on the domestic level. In this paper I compare the tools for balancing trade in with non-trade interests under GATT and GATS with the corresponding mechanisms in TRIPS. IP regulation in the

Online Library

Article Xx General Exceptions

WTO has an equivalent, if not stronger, impact on public interests. It should therefore allow a level of recognition and enforcement of these interests equal to that in the other areas of WTO regulation.

Online Library

Article Xx General Exceptions

though initially designed like the general exception in Art.XX GATT, the TRIPS-consistency test later introduced in Art.8:1 TRIPS has effectively prevented that provision to function as a self-standing right to

Online Library

Article Xx General Exceptions

override individual TRIPS obligations. The specific TRIPS provisions on exceptions and limitations to IP rights further are written and (so far) interpreted as focussing predominantly on the economic interests of right

Online Library
Article Xx General
Exceptions

holders. Against this background, I argue for taking the balancing objectives and public interest principles of TRIPS more serious in the process of interpretation and implementation. This is not only

Online Library
Article Xx General
Exceptions

supported by
general principles
of treaty
interpretation and
the will of WTO
Members in the
Doha Declaration
on TRIPS and
Public Health, it
also follows from
the objective of
sustainable
development

Online Library

Article Xx General Exceptions

embodied in the WTO preamble and relevant for all WTO Agreements. Such an approach affects the core scope of the international obligation to comply with TRIPS and can often achieve a balance comparable to

Online Library
Article Xx General
Exceptions

what WTO rules on goods and services allow.

This book analyzes how today's system of international trade law and international economic relations has evolved over the last six decades. Focusing

Online Library
Article Xx General
Exceptions

on the major innovations that came with the inception of the World Trade Organization (WTO) with its various agreements in 1994, it also provides in-depth commentary on the intense debate

Online Library
Article Xx General
Exceptions

over important matters that remain unsettled. Topics covered include the WTO dispute settlement mechanism; the General Agreement on Trade in Services (OATS); the Agreement on Trade-Related

Online Library
Article Xx General
Exceptions

Investment
Measures (TRIMS);
intellectual
property rights –
the Agreement on
Trade-Related
Aspects of
Intellectual
Property Rights
(TRIPS); areas still
covered by the
General
Agreement on

Online Library
Article Xx General
Exceptions

Tariffs and Trade
(GATT) 1947; the
Most Favoured
Nation (MFN)
concept; special
provisions relating
to agriculture and
textiles; sanitary
and phytosanitary
measures;
technical barriers
to trade; pre-
shipment

Online Library
Article Xx General
Exceptions

inspection; and import licensing procedures. The book would be an excellent resource for scholars as well as practitioners working in the field of international arbitration and trade laws.

This new edition of

Online Library
Article Xx General
Exceptions

Trade in Goods is an authoritative work on international trade by one of the most influential scholars in the field. It provides a comprehensive and detailed analysis of every WTO agreement dealing with trade

Online Library
Article Xx General
Exceptions

in goods. The focus of the book is on the reasoning behind the various WTO agreements and their provisions, and the manner in which they have been understood in practice. It introduces both the historic as well

Online Library
Article Xx General
Exceptions

as the economic rationale for the emergence of the multilateral trading system, before dealing with WTO practice in all areas involving trade in goods. It contests the claim that the international trade agreements

Online Library
Article Xx General
Exceptions

themselves
represent
'incomplete
contracts', realized
through
interpretation by
the WTO and other
judicial bodies.

The book
comprehensively
analyses the
WTO's case law,
and it argues that

Online Library
Article Xx General
Exceptions

a more rigorous theoretical approach is needed to ensure a greater coherence in the interpretation of the core provisions regulating trade in goods. This second edition readdresses and

Online Library
Article Xx General
Exceptions

moves beyond the discussion of the GATT presented in the first edition to assess in significant detail every trade in goods agreement at the WTO, both multilateral as well as plurilateral. The book is written to be accessible to

Online Library
Article Xx General
Exceptions

those new to the field, with an authoritative level of detail and analysis that makes it essential reading for lawyers and economists alike.

Interpreting WTO Agreements
Promoting Sustainable

Online Library
Article Xx General
Exceptions

Development
Retreaded Tyres,
Regulatory
Purpose and
Cumulative
Regulatory
Measures
Legal, Economic
and Political
Analysis
Necessity
Exceptions in WTO
Law

Online Library
Article Xx General
Exceptions

World Trade

Forum

The WTO and

International

Investment Law

The WTO Appellate

Body is responsible

for deciding appeals

relating to disputes

among the WTO's

148 Members. The

Repertory contains

excerpts from WTO

Online Library
Article Xx General
Exceptions

*Appellate Body
Reports, dating from
the first Report
adopted in May 1996,
through to the sixty-
eighth Report adopted
in May 2005.*

*This concise and
reader-friendly
overview of WTO law
is essential reading
for anyone needing
an introduction to this
complex field.*

Online Library
Article Xx General
Exceptions

The EC-Seal

Products case is a good illustration of the conflict between free trade and animal welfare. On 22 May 2014, the World Trade Organization (WTO) Appellate Body issued its report, upholding the Panel's finding that the EU Seal Regime was "necessary to protect

Online Library
Article Xx General
Exceptions

public morals" but also concluding that the EU had not justified this regime under Article XX (General Exceptions) of the General Agreement on Tariffs and Trade 1994 (GATT). In doing so, the Appellate Body seemed to draw an "equilibrium line" between the EU's

Online Library
Article Xx General
Exceptions

concern of animal welfare protection and Canada and Norway's demand for free trade for seal products.

Based on the reports from the Panel and the Appellate Body, this paper seeks to explore the issue of animal welfare by addressing its relationship with free trade, reviewing the

Online Library
Article Xx General
Exceptions

analysis of EC-Seal Products and the GATT Article XX, as well as analyzing the unilateral feature of the animal welfare rules under the multilateral WTO framework.

Addresses the most central debates in contemporary investment law and policy.

Online Library
Article Xx General
Exceptions

*The Max Planck
Encyclopedia of
Public International
Law
1995-2005
International Trade
Law
International Labour
Rights and the Social
Clause
The WTO Agreement
on Sanitary and
Phytosanitary
Measures*

Online Library
Article Xx General
Exceptions

*Climate Change and
Unresolved Issues in
WTO Law*

Index and Tables

**"Organized
thematically
rather than
alphabetically,
the subject is
split into four
principal
sections: the**

**foundations and
architecture of
international
economic law,
its principles, its
main regulatory
areas, and the
future
challenges that
it faces.**

**Comprising over
250 entries...,**

**traditional
international
economic law
subject matter
is supplemented
by coverage of
newly
developing
areas. Thus, the
concepts and
rules of trade,
investment,**

Online Library
Article Xx General
Exceptions

**finance and
international
tax law are
found alongside
entries
discussing the
relationship of
international
economic law
with
environmental
protection,**

Page 91/171

**social
standards,
development,
and human
rights."--**

**Das Buch ist die
erste
umfassende
Untersuchung
allgemeiner Aus
nahmetatbestän
de im**

**internationalen I
nvestitionsrecht
. Die Aufnahme
dieser Klauseln
in Investitionssc
hutzabkommen
ist eine
Reaktion auf die
Legitimitätskris
e des
internationalen I
nvestitionsrecht**

**s. Sie verfolgen
das Ziel, einen
Ausgleich
zwischen dem In-
vestitionsschutz
und nicht-
wirtschaftlichen
Rechtsgütern,
wie dem Schutz
der öffentlichen
Gesundheit, zu
ermöglichen.**

**Auf Basis einer
empirischen
Studie zur
Verbreitung
dieser Ausnahm
etatbestände in
der aktuellen
Vertragspraxis
wird zunächst
ihre Herkunft
aus dem Weltha
ndelsrecht**

**näher
beleuchtet und
dargelegt,
weshalb sie erst
relativ spät
ihren Eingang in
das
Investitionsrech
t gefunden
haben. Nach
einer
Darstellung**

**ihrer Vor- und
Nachteile
werden
Hinweise zur
Interpretation
allgemeiner Aus
nahmetatbestän
de gegeben.
Schließlich wird
ihr
Zusammenspiel
mit anderen Sch**

**utzstandards,
wie dem Enteign
ungsverbot und
dem Gebot der
fairen und
gerechten
Behandlung,
analysiert.**

**This book shows
how the links
between energy
security and**

national and international law and policies on green energy pose challenges to a transition towards a green energy system. Based on empirical work carried out in two very

**different
country case
studies - Great
Britain and
Brazil - this
book attempts
to foster a
better
understanding
of the role
played by
energy security**

**in constructing
and
deconstructing
green energy
policy
initiatives. The
broad range of
views raised in
national
contexts leads
to legal disputes
in international**

forums when attempts are made to address the issues of this energy security/green energy interplay. As such, building on the findings of the case studies, this

**book then
analyses the
interplay
between energy
security and
green energy
development in
international
trade law as
encapsulated in
the law of the
World Trade**

**Organisation
(WTO). Finally,
the author
proposes a way
forward in
creating the
legal space in
the law of the
WTO for trade
restrictive
measures aimed
at ensuring**

**green energy
security.**

**The recent
decisions of the
panel and
Appellate Body
in Brazil ndash;
Measures
Affecting
Imports of
Retreaded Tyres
touched upon a**

**number of
issues of
ongoing
significance to
the application
of necessity
tests, such as
those in Article
XX of the
General
Agreement on
Tariffs and**

Trade. This article argues that the dispute represents a mixed outcome for the application of necessity tests. The express recognition that some regulatory measures are

**complementary
to one another
rather than
reasonably
available
alternatives
constitutes a
welcome step
forward. On the
other hand, the
panel's
characterization**

**of Brazil's
regulatory goal
highlights an
approach
common to a
number of panel
reports that
could justify a
perception of
arbitrariness in
application of
necessity tests.**

**Similarly,
comments made
by the Appellate
Body to the
effect that a
panel is obliged
to consider the
importance of a
state's
regulatory goal
extend the role
of a panel in an**

**unjustifiable
manner.**

**Essays in
Honour of
Mitsuo
Matsushita
Equality of
Treatment and
Trade
Discrimination
in International
Law**

**An Assessment
of the WTO
Agreement on
Government
Procurement
The Rules and
Exceptions
Extraterritorial
Jurisdiction and
the Challenges
of Globalization**

The Role of Climate Change in Global Economic Governance

*International
trade is
conducted mainly
under the rules
of the World
Trade
Organization.
Its non-*

Online Library
Article Xx General
Exceptions

*discrimination
rules are of
fundamental
importance. In
essence, they
require WTO
members not to
discriminate
amongst products
of other WTO
members in trade
matters (the
mostfavoured-
nation rule)*

Online Library
Article Xx General
Exceptions

and, subject to permitted market-access limitations, not to discriminate against products of other WTO members in favour of domestic products (the national treatment rule).
The

Online Library
Article Xx General
Exceptions

*interpretation
of these rules
is quite
difficult. Their
reach is
potentially so
broad that it
has been felt
that they should
be limited by a
number of
exceptions, some
of which also
present*

Online Library
Article Xx General
Exceptions

*interpretative
difficulties.
Indeed, one of
the principal
conundrums faced
by WTO dispute
settlement is
how to strike
the appropriate
balance between
the rules and
exceptions.
Davey explores
the background*

Online Library
Article Xx General
Exceptions
and

*justification
for the non-
discrimination
rules and
examines how the
rules and the
exceptions have
been interpreted
in WTO dispute
settlement. He
gives
considerable
attention to*

Online Library
Article Xx General
Exceptions

*whether the
exceptions give
sufficient
discretion to
WTO members to
pursue their
legitimate non-
trade policy
goals.*

*An examination
of the policy
room made
available by the
general*

Online Library
Article Xx General
Exceptions

exception

*clauses of the
TRIPS Agreement.*

Mitsuo

*Matsushita has
shown an abiding
interest in the
systemic
problems faced
by the
multilateral
trading system.
This tribute
explores the*

Online Library
Article Xx General
Exceptions

*significance of
Article
31 (1) (3) (c), the
Systemic
Integration
Clause, of the
Vienna
Convention on
the Law of
Treaties to
these concerns.
While the place
of the clause in
the WTO acquis*

Online Library
Article Xx General
Exceptions

*is already
accepted, and
its basic
implications are
well-understood,
its true scope
and potential
remain largely
matters of
conjecture. This
brief chapter
revisits past
discussions of
how the clause*

Online Library
Article Xx General
Exceptions

*potentially
supplies a
broader and more
flexible rule
than GATT
Article XX's
General
Exceptions
Clause in
resolving
conflicts with
other, non-
trading
concerns. It*

Online Library
Article Xx General
Exceptions

*could still
prove useful
when trade
lawyers address
increasingly
complex
conflicts
between the WTO
legal system and
the regional,
and increasingly
mega-regional
and
comprehensive,*

Online Library
Article Xx General
Exceptions

trading obligations of WTO members. Today, such festering concerns demand a functional analysis of the uses of the Systemic Integration Clause. International Trade Law:

Online Library
Article Xx General
Exceptions

*Problems, Cases,
and Materials,
Fourth Edition
Energy Security
and Green Energy
A Comprehensive
Approach
Trade Law and
the Vienna
Treaty
Convention's
Systemic
Integration
Clause*

Online Library
Article Xx General
Exceptions

*Reconciling WTO
General
Exceptions with
China's
Accession
Protocol
Prospects in
International
Investment Law
and Policy
National
Policies and the
Law of the WTO
Protecting*

Online Library
Article Xx General
Exceptions

***Animals Within
and Across
Borders***

This volume
scrutinises the main
challenges faced by
States in their current
international
economic relations
from an
interdisciplinary
perspective. It
combines legal

Online Library
Article Xx General
Exceptions

research with political and economic analysis and favours dialogue among scientific disciplines. Readers are offered a series of in-depth studies on a rich variety of topics: how to reconcile States' interest to benefit from economic

Online Library

Article Xx General

Exceptions

liberalization with
their need to pursue
social goals (such as
the protection of
human rights or of
the environment);
recent developments
under WTO law and
regional integration
processes;
international
cooperation in the
energy sector;

Online Library

Article Xx General

Exceptions

national regulatory developments in the banking sector, sovereign wealth funds and investor-State arbitration. This index to the definitive reference work on international law contains detailed references to over 1,600 articles covering the full

Online Library

Article Xx General

Exceptions

history and breadth of public international law, as well as other information to facilitate its use, such as tables and citation lists.

Every WTO accession protocol states that it "shall be an integral part of the WTO Agreement." But what legal effect does

Online Library
Article Xx General
Exceptions

this clause really
have? Specifically,
does it allow
application of the
general exceptions
found in GATT Art.
XX and GATS Art.
XIV to accession
protocol
commitments?
Understanding this
relationship between
the Multilateral

Online Library

Article Xx General Exceptions

Trade Agreements and accession protocols is a critical next step as Members seek to enforce these obligations in Dispute Settlement Body ("DSB") proceedings. To date, few WTO disputes have addressed issues arising from accession protocols.

Online Library

Article Xx General

Exceptions

However, Panel and Appellate Body reports have reached discordant results regarding how and when a Member's rights under the Multilateral Trade Agreements, apply to accession protocol obligations. China's Accession Protocol provides valuable

Online Library
Article Xx General
Exceptions

insight into the emerging legal relationship between accession protocols and the Multilateral Trade Agreements, as it is the first non-standard, and most disputed, accession protocol. This Note concludes that permitting application of GATT Art. XX and

Online Library
Article Xx General
Exceptions

GATS Art. XIV,
simplifies legal issues
underlying WTO
disputes, comports
with interpretation
under the Vienna
Convention on the
Law of Treaties
("VCLT"), and
balances the
obligations of existing
WTO members with
the expectations of

Online Library
Article Xx General
Exceptions

entering members.
'Holzer has authored
a fine study of how
world trade law
supervises important
actual and potential
climate measures. the
book skillfully
examines the relevant
WTO rules and then
applies them to
various carbon-
related border

Online Library
Article Xx General
Exceptions

adjustments. the author concludes that some carbon measures may be in conflict with trade rules and makes recommendations for how to head off such conflicts. Her innovative suggestions includes recourse to preferential trade

Online Library
Article Xx General
Exceptions

agreements.' -
Professor Steve
Charnovitz, the
George Washington
University Law
School, US
International and
European Trade and
Environmental Law
After the Uruguay
Round
WTO Appellate Body
Repertory of Reports

Online Library
Article Xx General
Exceptions
and Awards

Elgar Encyclopedia
of International
Economic Law

Friends Or Foes

Non-discrimination
in the World Trade
Organization

Essentials of WTO
Law

Comment on EC-Seal
Products

In recent years

***the resort to
trade restrictions
for purposes of
environmental
policy has given
rise to an
increasing
number of
international
dispute
settlement
proceedings,***

***both on the world-
wide level in the
context of the
General
Agreement on
Tariffs and Trade
and the newly
established
World Trade
Organisation, and
on the regional
level in the***

***European
Community and
among the
member
countries of the
North American
Free Trade
Agreement. The
present work
discusses the
evolution of trade
law in the global***

***and regional
context and
analyzes and
compares the
different world-
wide and regional
approaches to
the various
interface
problems of trade
and
environmental***

Online Library
Article Xx General
Exceptions

policies. The book includes in an annex a selection of the most important provisions, reports and court cases.

Nation states have long and successfully claimed to be the

***proper and
sovereign forum
for determining a
country's
international
economic
policies.
Increasingly,
however,
supranational
and non-
governmental***

Online Library
Article Xx General
Exceptions

***actors are
moving to the
front of the stage.
New forms of
multilateral and
global policy-
making have
emerged,
including states
and national
administrations,
key international***

***organizations,
international
conferences,
multinational
enterprises, and
a wide range of
transnational
pressure groups
and NGOs that all
claim their share
in exercising
power and***

***influence on
international and
domestic policy-
making. In
honour of
Professor Mitsuo
Matsushita's
intellectual
contributions to
the field of
international
economic law,***

***this volume
reflects on the
current state and
the future of
international
economic law.
The book
addresses a
broad spectrum
of themes in
contemporary
international***

***economic
regulations and
focuses
specifically on
the significant
areas of
Professor
Matsushita's
scholarship,
including the rise
of the soft-law
mechanism in***

Online Library
Article Xx General
Exceptions

***international
economic
regulation, the
role of the WTO
and dispute
settlement, and
specific areas
such as
competition,
subsidies, anti-
dumping,
intellectual***

***property, and
natural
resources. Part
one of the
volume provides
a comprehensive
and critical
analysis of the
rule-based
international
dispute
settlement***

***mechanisms;
Part two
investigates the
normative
influences to and
from WTO law;
and Part three
focuses on policy
and law-making
issues.***

***This volume
deals with the***

***GATT 1994 and
all related
agreements,
which include
those on
Agriculture,
Textiles and
Clothing, Trade-
Related
Investment
Measures,
Implementation***

***of Article VII
GATT 1994,
Preshipment
Inspection, Rules
of Origin, Import
Licenses
Doctor Hyder's
meticulous and
comprehensive
study throws
much needed
light on the often***

invoked but little understood concept of "discrimination" in international law. It is also of great practical value to those who are concerned with the law of international

Online Library
Article Xx General
Exceptions

trade.

***"Discrimination"
is a word with
bad
connotations. It
suggests un
fairness,
prejudice and
favouritism. It
seems to point to
a departure from
the ideal of equal***

Online Library
Article Xx General
Exceptions

***opportunities,
equal rewards
and even-handed
legal protection
of all human
beings without
regard to
differences of
race, religion,
ethnic origin or
sex. Similarly, in
public***

Online Library
Article Xx General
Exceptions

***international law
"discrimination"
suggests
violation of the
principle of
equality of states.
Yet there are vast
areas of
international
relations in which
states are
regarded as***

Online Library
Article Xx General
Exceptions

***being legally free,
except as
specially
provided in
treaties, to make
distinctions
between other
states or their
nationals. The
principle of
equality of states
merely means***

Online Library
Article Xx General
Exceptions

***that the many
rules constituting
what is often
called "general
(or universal)
international law"
apply equally to
all independent
states. Hence, by
definition, such
states have equal
rights and duties***

Online Library
Article Xx General
Exceptions

under general international law. But the latter leaves vast areas of transnational activity to be regulated by states at their discretion either unilaterally or by special agreement with

Online Library
Article Xx General
Exceptions

other states. No state has, in fact, exactly the same totality of rights and duties as other states, since no two states are parties to exactly the same treaties. By treaty, a state often grants to

***another state a
right which it may
withhold from
third states.***

***Economics, Law
and Politics***

***Exploring a
Modest Balance
for Trade in***

***Tobacco, Anti-
Tobacco***

Smuggling and

***Health Concerns
in Light of the
Dominican Republic-Cigarettes
Case
"Green" Public
Procurement
Policies, Climate
Change
Mitigation and
International
Trade Regulation***

***The World Trade
Organization
International
Economic Law
Testing the
Adequacy of
WTO Disciplines
A Proposal on
Broadening
Colombia's
National Carbon
Tax's Scope in***

***the Light of the
Law of the World
Trade
Organization***

Climate change represents an unprecedented challenge, the effects of which require an urgent and effective international response. This book analyses its effect on both

Online Library

Article Xx General Exceptions

developing and developed countries from an economic, financial, and legal perspective, assessing its interaction with international economic law.

Jürgen Kurtz provides a theoretically grounded and doctrinally tractable framework to understand the relationship between

Online Library
Article Xx General
Exceptions
international trade and
investment law.