

Working Paper No. 2016/1 | April 2016

WTO law issues of emissions trading

Kateryna Holzer

Abstract

Based on existing research in the interface of emissions trading schemes (ETSs) and WTO law, the paper looks more closely at the design elements of an ETS that are most vulnerable to a WTO challenge, including border adjustment on importation and exportation, recycling of revenues and cross-border linking. The analysis of WTO consistency of various ETS regulatory components reveals significant legal uncertainty. One explanation is that an ETS is not yet fully established as a regulatory tool. It does not have a fixed design and its design elements vary significantly with a scheme. Moreover, ETS-related issues have never been raised in WTO disputes. This makes it hard to predict with confidence the outcome of scrutiny of an ETS by a WTO adjudicative body. In this respect, the availability of environmental and/or health exceptions for justification of ETS-related measures is of great importance.

An extended version of the paper is forthcoming at the *Research Handbook on Emissions Trading* (Edward Elgar, 2016).

Research for this paper was funded by the Swiss National Science Foundation under a grant to the National Centre of Competence in Research on Trade Regulation, based at the World Trade Institute of the University of Bern, Switzerland.

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Emissions Trading And Wto Law A Global Analysis

James Bacchus



Emissions Trading And Wto Law A Global Analysis:

Emissions Trading and WTO Law Felicity Deane, 2015-02-27 *Emissions Trading and WTO Law* examines the global trade issues that arise as a result of the introduction of emissions trading frameworks The book focusses specifically on the rules of the WTO as a tool to demonstrate where the boundaries exist for a *Carbon Emissions Trading in China* Qin

Tianbao, Zhang Meng, 2023-10-06 *Emissions Trading Systems* ETS have been hailed as a game changer for the evolving climate crisis This book provides an in depth analysis of China's carbon ETS including its legal and policy frameworks carbon market mechanisms and international and comparative implications *Environmental Border Tax Adjustments and*

International Trade Law Alice Pirlot, 2017-10-27 This timely book brings clarity to the debate on the new legal phenomenon of environmental border tax adjustments It will help form a better understanding of the role and limits these taxes have on environmental policies in combating global environmental challenges such as climate change **Natural Capital,**

Agriculture and the Law Deane, Felicity, Hamman, Evan, Huggins, Anna, 2022-05-19 This timely Research Handbook provides a broad analysis and discussion on how academics are managed It addresses key issues including the changing nature of academic work and academic labour markets issues of power leadership ageing human resource management practices and mobility Law as if Earth Really Mattered Nicole Rogers, Michelle Maloney, 2017-04-21 This book is a collection of judgments drawn from the innovative Wild Law Judgment Project In participating in the Wild Law Judgment Project which was inspired by various feminist judgment projects contributors have creatively reinterpreted judicial decisions from an Earth centred point of view by rewriting existing judgments or creating fictional judgments as wild law Authors have confronted the specific challenges of aligning existing Western legal systems with Thomas Berry's philosophy of Earth jurisprudence through judgment writing and rewriting This book thus opens up judicial decision making and the common law to critical scrutiny from a wild law or Earth centred perspective Based upon ecocentric rather than human centred or anthropocentric principles Earth jurisprudence poses a unique critical challenge to the dominant anthropocentric or human centred focus and orientation of the common law The authors interrogate the anthropocentric and property rights assumptions embedded in existing common law by placing Earth and the greater community of life at the centre of their rewritten and hypothetical judgments Covering areas as diverse as tort law intellectual property law criminal law environmental law administrative law international law native title law and constitutional law this unique collection provides a valuable tool for practitioners and students who are interested in learning more about the emerging ecological jurisprudence movement It helps us to see more clearly what a new system of law might look like one in which Earth really matters **Energy and the Environment** Sherzod Shadikhodjaev, 2024-05-31 This book shows the complexity of the energy environment nexus under international economic law existing gaps and further actions for improvement

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Jurisdiction Natalie L Dobson, 2021-09-23 This book builds on the scholarship of the law of state jurisdiction engaging with fundamental questions about states legislative competence to respond to climate change Considering general theory the author advocates for a systemic analytical framework for the contested issue of extraterritoriality in international law Exploring the crystallisation of climate change jurisdiction the book provides a comprehensive exploration of the jurisdictional bases and limitations for unilateral climate protection measures In doing so cross cutting issues of world trade law international civil aviation law the law of the sea and importantly the customary international law of state jurisdiction are considered Amidst the myriad of developing norms a novel considerate design tool is introduced to assist policymakers in finding a better balance between regulatory autonomy development needs and the protection of common concerns

Paying the Carbon Price Elena de Lemos Pinto Aydos, 2017-12-29 Paying the Carbon Price analyses the practice of freely allocating permits in Emissions Trading Schemes ETSs and demonstrates how many heavy polluters participating in ETSs are not yet paying the full price of carbon This innovative book provides a framework to assist policymakers in the design of transitional assistance measures that are both legally robust and will support the effectiveness of the ETSs whilst limiting negative impacts on international trade **Emissions Trading Schemes under International Economic Law**

James Munro, 2018-08-09 The announcement by China that it will implement a national emissions trading scheme confirms the status of this instrument as the pre eminent policy choice for mitigating climate change China will join the dozens of existing and emerging schemes around the world from the EU to California South Korea to New Zealand that use carbon

units otherwise known as emissions permits or carbon credits to trade in greenhouse gas emissions in a multi billion dollar global carbon market However to date there has been no consensus about this pre eminent policy instrument being regulated by international economic law through the World Trade Organization international investment agreements and free trade agreements Munro addresses this issue by evaluating whether carbon units qualify as goods services financial services and investments under international economic law and showing how international economic law applies to emissions trading scheme in diverse and unexpected ways Further by engaging in a comparative assessment of schemes around the world his book illustrates how and why all emissions trading schemes engage in various forms of violations of international economic law which would not in most instances be justified by environmental or other exceptions In doing so he demonstrates how such schemes can be designed or reformed in ways to ensure their future compliance

Climate Clubs for a Sustainable Future Rafael Leal-Arcas,2021-08-23 Energy and Environmental Law and Policy Series 41 We know the science of climate change we know the economics of climate change we also know the law of climate change However we do not know how countries may come together to cooperate on climate change mitigation In this connection the role of international trade in climate change although universally acknowledged is not well understood This groundbreaking book by one of the world s foremost authorities on international economic law not only investigates this role in great depth but also explains how free trade agreements can be used as a powerful tool to help mitigate climate change Focusing on the idea of climate clubs namely the coalition of the willing among governments companies and or international institutions the book offers insightful analysis on aspects of the trade climate linkage such as formation of climate clubs legitimacy and accountability technological cooperation green patents how competition law hinders effective cooperation between companies seeking to produce sustainable goods domestic policy preferences recognizing States that should legitimately be allowed to be free riders and sanctions for noncompliance Three detailed case studies are included a comparison of the U S and European Union EU Generalized System of Preferences GSP programs energy security in the Arab world and EU Russia energy trade relations With the author s conviction that global access to energy mitigating climate change and benefit from international trade and investment all can be achieved this book offers a fresh understanding of the international trading system as a way to reach a prosperous modern and sustainable society that will help decarbonize the economy effectively It will be welcomed by all professionals and policymakers concerned with climate change mitigation and particularly by those active at its nexus with international trade

Trade Links James Bacchus,2022-03-10 This book details how the World Trade Organization must transform to free trade fight climate change and further sustainable development

Research Handbook on Environment, Health and the WTO Geert van Calster,Denise Prévost,2013 This edited collection brings together an impressive array of authors from the world of international trade the environment and public health Each of them is eminently well placed to bring their own particular expertise to bear on the issue at hand and to do so in a knowledgeable

and stimulating manner This Research Handbook is a must for anyone interested in these overlapping fields of law and policy whether as a basis for learning or as a resource for further research Mary Footer University of Nottingham School of Law UK This fantastic collection of essays explores the multiple intersections between trade and environment in the WTO The contributions by leading scholars are theoretically engaged whilst practical in their focus It is a must read for those concerned to ensure that trade liberalisation does not stand in the way of sustainable development including urgently needed action to mitigate the risks and consequences of climate change Joanne Scott University College London UK Geert Van Calster and Denise Pr vost have managed to induce virtually all the great experts on health environment and WTO law to contribute to their Research Handbook on these subjects The result is undoubtedly an excellent volume that should adorn the bookcase of any and all interested in the important problem of the relation between international rule making and regulatory autonomy of states in this area of international economic law Pieter Jan Kuijper University of Amsterdam The Netherlands This Handbook provides state of the art analysis by leading authors on the links between the international trade regime and health and environment concerns concerns that make up an increasing proportion of WTO dispute settlement Research Handbook on Environment Health and the WTO surveys fields as diverse as climate change mitigation non communicable diseases nanotechnology and public health care The volume brings to the fore the debates and complexities surrounding these issues and their implications for the international trading system The Handbook begins in Part I with a survey of general issues that sets a context for the more specific sectorial studies Part II considers the most pressing issues within health regulation and trade law whilst Part III is devoted to environmental regulation and its interface with trade law Part IV looks specifically at aspects of the dispute settlement process and in particular standard of review and the book concludes in Part V with a consideration of the impact of trade measures on the health and environment regimes of emerging economies This comprehensive yet concise Handbook will appeal to academics and researchers in international trade law and environmental law as well as trade law practitioners

Research Handbook on Emissions Trading Stefan E. Weishaar, 2016-12-30 Research Handbook on Emissions Trading examines the origins implementation challenges and international dimensions of emissions trading It pursues an interdisciplinary approach drawing on law economics and at times political science to present relevant research strands regarding emissions trading Intermixing theoretical insights with experiences from existing trading systems this Handbook offers insights that can be applied around the world It identifies key bodies of research for both upcoming and seasoned people in the field and highlights future research opportunities

The Willing World James Bacchus, Jim Bacchus, 2018-07-19 Explains how to grow and govern the global economy in ways that will work economically and environmentally for sustainable development **Cybersecurity for Decision Makers** Narasimha Rao Vajjhala, Kenneth David Strang, 2023-07-20 This book is aimed at managerial decision makers practitioners in any field and the academic community The chapter authors have integrated theory with evidence based practice to go

beyond merely explaining cybersecurity topics To accomplish this the editors drew upon the combined cognitive intelligence of 46 scholars from 11 countries to present the state of the art in cybersecurity Managers and leaders at all levels in organizations around the globe will find the explanations and suggestions useful for understanding cybersecurity risks as well as formulating strategies to mitigate future problems Employees will find the examples and caveats both interesting as well as practical for everyday activities at the workplace and in their personal lives Cybersecurity practitioners in computer science programming or espionage will find the literature and statistics fascinating and more than likely a confirmation of their own findings and assumptions Government policymakers will find the book valuable to inform their new agenda of protecting citizens and infrastructure in any country around the world Academic scholars professors instructors and students will find the theories models frameworks and discussions relevant and supportive to teaching as well as research The Elgar Companion to Intellectual Property and the Sustainable Development Goals Matthew Rimmer,Caroline B. Ncube,Bita Amani,2024-02-12 Complex geopolitical debate surrounds the role of intellectual property IP in advancing and achieving the UN s Sustainable Development Goals SDGs Summarising and advancing this discourse this prescient Companion is a thorough examination of how IP law interacts influences and impacts each of the seventeen SDGs *Biokerosene* Martin Kaltschmitt,Ulf Neuling,2017-08-09 This book provides a detailed overview of aspects related to the overall provision chain for biokerosene as part of the global civil aviation business Starting with a review of the current market situation for aviation fuels and airplanes and their demands it then presents in depth descriptions of classical and especially new types of non edible biomass feedstock suitable for biokerosene provision Subsequent chapters discuss those fuel provision processes that are already available and those still under development based on various biomass feedstock materials and present e g an overview of the current state of the art in the production of a liquid biomass based fuel fulfilling the specifications for kerosene Further given the growing interest of the aviation industry and airlines in biofuels for aviation the experiences of an air carrier are presented In closing the book provides a market outlook for biokerosene Addressing a broad range of aspects related to the pros and cons of biokerosene as a renewable fuel for aviation the book offers a unique resource Climate Change and International Trade Rafael Leal-Arcas,2013-01-01 Rafael Leal Arcas expertly examines the interface of climate change mitigation and international trade law with a view to addressing the question How can we make best use of the international trading system experience to aim at a global climate change agreement The insightful book contributes to developing the architecture for a post 2012 global climate agreement and in doing so seeks and proposes new approaches to climate change mitigation by linking it to the international trade system The author suggests the adoption of a bottom up approach to climate change negotiations by using the evolution of multilateral trade agreements as a model for reaching a global climate treaty He discusses the innovative approach of inserting climate goals within regional trade agreements given their proliferation especially bilateral in the international trading system He explains the trade implications of climate change

mitigation policies by analyzing a couple of areas where the international regimes for trade and climate change mitigation may potentially clash Climate Change and International Trade will strongly appeal to undergraduate and graduate students of international and European trade law international and European environmental law as well as social science academics NGOs think tanks practitioners researchers and international organizations will also find plenty of valuable information in this timely resource

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