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# **EU DUMPING DETERMINATIONS AND WTO LAW**

**By  
Henrik Andersen**



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# Eu Dumping Determinations And Wto Law

**Gabriël Moens, John Trone**



## **Eu Dumping Determinations And Wto Law:**

**EU Dumping Determinations and WTO Law** Henrik Andersen, 2009-01-26 The application of the antidumping instrument by WTO members is often controversial because of the protectionist character of these measures where inefficient industries are protected from foreign competition The legal framework within the WTO has loopholes that leave wide discretion to the investigating authorities to determine that a product is dumped thereby emphasizing the protectionist nature of antidumping The use of antidumping becomes even more controversial when WTO members use the antidumping tool beyond the legal scope of WTO law The questions raised in this book concern the EU dumping determinations and their conformity with WTO law This thought provoking work examines whether European Union legislation on dumping the practices adopted by the European Commission and the Council as well as the decisions by the EC courts are in conformity with WTO law The author's findings are particularly relevant given the frequent use of antidumping measures by EU authorities especially as relates to Asian countries and he carefully documents areas where the EU infringes WTO law

*Commercial Law of the European Union* Gabriël Moens, John Trone, 2010-04-23 The Hon Michael Kirby AC CMG This splendid book performs the heroic task of introducing readers to the large canvas of the commercial law of the European Union EU The EU began as an economic community of six nations but has grown into 27 member states sharing a significant political social and legal cohesion and serving almost 500 million citizens It generates approximately 30% of the nominal gross world product The EU is a remarkable achievement of trans national co operation given the history including recent history of national racial ethnic and religious hatred and conflict preceding its creation Although as the book recounts the institutions of the EU grew directly out of those of the European Economic Community created in 1957 the genesis of the EU can be traced to the sufferings of the Second World War and to the disclosure of the barbarous atrocities of the Holocaust Out of the chaos and ruins of historical enmities and the shattered cities and peoples that survived those terrible events arose an astonishing pan European Movement

**EU Dumping Determinations and Wto Law** Henrik Andersen, **WTO Law** Birgitte Egelund Olsen, Michael Steinicke, 2012-02-01 The European Union EU and the World Trade Organization WTO share the distinction of having proven themselves as the two most successful large scale international trade regulation regimes This very useful book analyses the core legal concepts and rules that characterise the regulation of trade in the WTO At the heart of the analysis is a comparison of WTO rules with parallel rules in the EU trade system revealing how similar trade issues are dealt with in the two systems a perspective that not only sheds light on how WTO law and EU law interact but also greatly facilitates an understanding of the special features of WTO law for readers who are more familiar with EU law Within this framework the authors explore such key trade issues as the following dispute settlement implementation of judicial decisions and enforcement principles of non discrimination trade in goods non discriminatory restrictions as barriers to trade exceptions from trade liberalisation obligations trade and environmental protection trade in

agricultural products conditions for applying safeguard and anti dumping measures prohibited and actionable subsidies regulation of services protection of intellectual property rights regional trade agreements special and differential treatments government procurement competition policy and regulation of investment As a timely and accessible analysis of the WTO and its interaction with the EU this book is sure to be welcomed by international trade professionals government officials and interested academics students and researchers

**Trade, Health, and the Burden of Proof in WTO Law** Joachim Ahman, 2011-12-05 Most of us do not immediately think of health protection measures as trade barriers Yet to the trade liberalization interest they are often exactly that hidden protectionism some would say When the conflict between trade and health hardens into a confrontation allocation of the burden of proof becomes the critical factor in determining the outcome And the outcome of such a WTO dispute may affect a very large number of people This important book examines the WTO provisions applicable to health protection measures from a burden of proof perspective with an up to date and thorough analysis of all relevant case law It clearly demonstrates and explains the following and more how burden of proof decisions following from the burden of proof concept as it has developed in national legal systems and in general international law may favour or disfavor different interests the problems that may occur when risk related facts have to be proved how the legal facts in the WTO provisions specifically regulating the adoption of health protection measures have been interpreted in case law and how the burden of proof concept can be used to balance the conflicting interests in ways other than those used so far No other source offers such a comprehensive analysis of WTO provisions applicable to health protection measures This book's burden of proof perspective makes it an especially valuable resource for trade law experts WTO member representatives and interested NGOs seeking to understand and discuss the balancing of health protection and trade liberalization

**The EU, the WTO and China** Francis Snyder, 2010-09-02 This book presents a new theoretical framework for understanding the regulation of international trade For this purpose it analyses a series of integrated studies of relations between the EU the WTO and China It consists of three main parts Part I introduces the basic concepts It surveys the literature on law and globalisation introduces the concept of sites of governance and the theory of global legal pluralism and sketches the foundations of global legal pluralism It shows that each site of governance has both a structural dimension consisting of institutions norms and dispute resolution processes and a relational dimension comprising its relations with other sites of governance The totality of sites of governance constitutes a new form of global legal pluralism Part II analyses global legal pluralism in action in relations between the EU the WTO and China It examines the construction of relations between sites ways in which relations between sites give rise to new legal concepts or transform the character of rules the tension between regionalism and international integration and the governance of international production networks It emphasises the reciprocal interaction between the structural features and the relational features of sites Part III explores new directions in global legal pluralism It first analyses regional trade agreements as a way of creating new sites of governance focusing on

agreements involving China Then it considers how to enhance ethical values in international trade regulation Based on an institutional analysis of relations between the WTO and other sites of governance it proposes ways in which global legal pluralism can be used to reform the WTO today the predominant institution in the regulation of international trade including trade between the EU and China

**Customs Law in the European Union** José Rijo, 2021-11-25 The regulation of imports and exports by customs authorities profoundly affects the activity of economic operators in international trade This is one of the first books in English to critically assess the legal instruments of the European Union's trade and customs policy namely the Union Customs Code and its regulatory instruments taking account of doctrinal contributions and the jurisprudential *acquis* of the Court of Justice of the European Union With unparalleled guidance for the adoption of the best customs solutions for international trade operations the book covers such crucial elements of relevant law and procedure as the following submission of goods to customs types of customs declaration the EU's harmonized commodity description and coding system setting of import and export duties evaluation of the customs value of goods determination of tariff quotas or suspensions collection and payment of duties proof of origin of goods preferential arrangements FTAs and GSP customs debt and guarantees issues raised by under evaluation and under invoicing of goods and false certifications of the origin of goods effect of unfair competition practices dumping and trade defense right to appeal customs authority decisions storage and taxation The complexity of customs requirements and procedures imposes on businesses the necessity to become familiar with the intricate mechanisms deriving from customs law This book will prove an indispensable tool for all companies involved with import export to and from Europe It will be welcomed worldwide by in house counsel purchasing and supply chain departments customs brokers logistic and forwarding operators customs officers and interested academics both in and outside the European Union

Practical Aspects of WTO Litigation Marco Tulio Molina Tejeda, 2020-07-08 Global Trade Law Series Volume 54 The World Trade Organization WTO Dispute Settlement Understanding DSU entered into force in 1995 Since then it has spawned an extensive body of jurisprudence making it a highly complex system to navigate This book provides the first in depth practical guide to resolving a dispute at the WTO edited by an international lawyer who has on hands experience in WTO litigation Contributors of individual chapters include government officials responsible for WTO dispute settlement from developing and developed countries WTO Secretariat officials a former member of the Appellate Body academics specializing in international trade and related fields and lawyers from major law firms specializing in WTO law Contributors explain in a detailed manner the numerous procedural steps and practices developed over the past twenty five years on preparing for WTO litigation recognizing the importance of WTO consultations presenting a case before a panel panel requests and panels terms of reference the role and assistance of the WTO Secretariat the panel process rules of evidence confidentiality and transparency additional working procedures for the treatment of confidential information legal remedies to redeem a violation general considerations for appeal determining the reasonable period of time for compliance

retaliation proceedings and use of non WTO international law Each contributor identifies the best practices and some of them also suggest potential areas for improvement of the dispute settlement mechanism from their respective points of view Lawyers and advisors working on WTO law and stakeholders from the private sector civil society and academia interested in WTO litigation will find in one source a deeply informed description of existing dispute resolution practices some of them previously undocumented including the most recent jurisprudence clarifying the scope of many procedural rules With its real life account of WTO dispute settlement procedures and its key insights and advice from WTO insiders this book constitutes an expert assessment of a cornerstone of the rules based multilateral trading system and will prove of enormous value to all stakeholders in international trade

### **Harmonization, Equivalence and Mutual Recognition of Standards in WTO**

**Law** Humberto Zúñiga Schroder, 2011-07-01 Standards are a feature of virtually all areas of trade in products and services Yet although standards may achieve an efficient economic exchange they have discriminatory consequences for trading partners when governments formulate or apply them in such a way as to cause obstacles to trade thus enrolling standards among the increasingly significant non tariff barriers regulated by the WTO This unique and original study analyses the functions that standards fulfil in the market their effect on trade and the legal regime based on harmonization equivalence and mutual recognition developed by the WTO to deal with standards The author investigates the way in which both the WTO Technical Barriers to Trade TBT and the Sanitary and Phytosanitary SPS Measures Agreements regulate these three tools and discusses key topics including The definition of the concept International Standard in the TBT Agreement Guidelines on equivalence issued by organizations such as the Codex Alimentarius Commission the World Organization for Animal Health and the International Plant Protection Convention Parallels between the EC mutual recognition regime and the WTO system This is the first work on its subject With its detailed and practical analysis of WTO law on standards the book is a fundamental reference for practitioners academics and policy makers in international trade law

*WTO Litigation, Investment Arbitration, and Commercial Arbitration* Jorge A. Huerta-Goldman, Antoine Romanetti, 2013-07-01 This book gathers contributions by twenty five world class practitioners leading academics adjudicators and civil servants in the field of WTO litigation investment arbitration and commercial arbitration It provides a practical cross cutting analysis of the different dispute settlement mechanisms that exist in international trade and investment and offers valuable insights into how to use best practices among the three systems The book addresses the critical areas of overlap that exist in the three disciplines including management of parallel proceedings and role of politics and pressure points within host governments selection and appointment of arbitrators panels and Appellate Body members use of experts and economics search of the applicable law interpretation of the national treatment principle and other substantive standards and legal tests methods of redressing moral damage regimes of review appeals and annulment enforcement systems of awards implementation of WTO law and other legal remedies and allocation of costs In addition to being the first in depth exploration of the interaction among WTO

litigation investment arbitration and international commercial arbitration this book brings a singularly practical perspective to bear on the three dispute settlement mechanisms and how each can be used to best advantage *Greening Trade*

*Remedies* Pieter Van Vaerenbergh, 2023-09-28 This book explores the role of trade remedies in liberalising environmental trade and discouraging environmentally harmful trade As trade remedies can pose a significant obstacle to environmental trade this book outlines how trade negotiators can implement restrictions on the application of trade remedies on environmental goods It also assesses whether and how investigating authorities can account for differences in environmental protection standards in trade remedy investigations and considers what a possible trade remedy for environmental harm might look like Although the book concludes that trade remedies will remain a trade instrument primarily driven by economic and competitiveness concerns it demonstrates how environmental considerations can guide trade remedy policy how investigating authorities can properly account for the environmental costs of production and how the limited policy space available in the WTO Agreements on Trade Remedies can be used to pursue green policy goals *Legal Guide to GATS*

Nellie Munin, 2010-01-01 According to the WTO over a fifth of world trade consists of transactions in services The General Agreement on Trade in Services GATS was created to extend the multilateral trading system to services in the same way the General Agreement on Tariffs and Trade GATT provides such a system for trade in goods Given its reach the treaty's significance continues to grow *The EU and the WTO* Gráinne de Búrca, Joanne Scott, 2002-10-01 The essays in this volume attempt to explore and elucidate some of the legal and constitutional complexities of the relationship between the EU and the WTO focusing particularly on the impact of the latter and its relevance for the former The effect of WTO norms is evident across a broad range of European economic and social policy fields affecting regulatory and distributive policies alike A number of significant areas have been selected in this book to exemplify the scope and intensity of impact including EC single market law external trade structural and cohesion funding cultural policy social policy and aspects of public health and environmental policy Certain chapters seek to examine the legal and political points of intersection between the two legal orders and many of the essays explore in different ways the normative dimension of the relationship between the EU and the WTO and the legitimacy claims of the latter **Trade and Environment Governance at the World Trade Organization**

**Committee on Trade and Environment** Manuel Teehankee, 2020-06-11 In the opinion of many the most crucial issue confronting the world today lies in achieving a sustainable nexus among global trade economic development and the environment This book written by a prominent diplomat with extensive direct experience in this field presents a much needed critical perspective on the conflict of norms among the three policy regimes focusing on the dilemma of reconciling approaches regarding harmonized global governance and a more diverse community based approach It is the first and only in depth treatment to systematically study a series of deliberations in the World Trade Organization's Committee on Trade and Environment CTE highlighting perspectives taken by both developed and developing economies The book demonstrates that

the CTE's contributions to the evolving trade and environment policy framework have been contrary to popular perception both substantial and relevant. In his review of how the particular characteristics of twenty key work outputs of the CTE impact current practice in trade and environment policy discussions, the author discusses such key issues and topics as the following: a singular harmonized global governance framework versus the centrifugal force of community-based localized or regional solutions that emphasize diversity and multifaceted institution building; drawbacks and continuing relevance of the CTE Work Agenda issues related to carbon intellectual property rights and services market access for environmental goods; requirements for environmental purposes relating to products including standards and technical regulations; packaging labeling and recycling; and ways forward for combining global regimes with local solutions in an environmental context. Given the urgent need for making economic policies more coherent with sustainability and environmental goals and for overcoming the ongoing stalemate between developed and developing countries on this matter, this book is sure to be warmly welcomed by policy makers and negotiators in the areas of both trade and environment as well as by academics, theorists, and experts in the field of global governance interested in formulating practical approaches to trade and environment governance and minimizing potential policy conflicts. *Export Control Law and Regulations Handbook* Yann Aubin, Arnaud

Idiart, 2016-05-15 The importance of export control laws and regulations in international trade continues to grow not only because of the increase in world trade and technology dispersion but also due to concerns surrounding national and regional stability and the risk of terrorism. Accordingly, familiarity with export control laws and regulations around the world has become extremely important for those involved in the international trade of dual use or military goods, technology, and services. In this preeminent handbook, now in its third edition, two experienced professionals have gathered contributions from expert practitioners and academics. The third edition adds three new country chapters: Brazil, Israel, and Sweden, and a new separate chapter on sanctions and embargoes. In addition to chapters on the international regime in general, the book provides a practical overview of the export/import control regimes covering defence and dual use goods and services in fourteen key jurisdictions. Country reports each follow the same structure for easy comparison. Issues and topics covered include the following and much more: import/export legal and regulatory requirements for controlled goods and services; sanctions for breach of such requirements; civil administrative or criminal licence application processes; arms, dual use, and other products; embargo including chemical and biological materials and technology; and enforcement measures. The Handbook also makes available through an online application all important standard export control related forms, templates, and other related documents, all of which readers can use to draft their own documents. The Handbook is invaluable to any professional such as lawyers, compliance key players, procurement, logistics, finance, and customs practitioners working in relation to an organisation with a need to know the specific requirements to be followed for the efficient and legally compliant import or export of controlled military or dual use goods, technologies, or services. Supplying Compliance with



Trade Rules Alasdair R. Young, 2021-09-28 Trade agreements have become politicized in part because of public concerns that trade rules constrain regulatory decisions How much international obligations constrain state behaviour however is contested in the International Relations literature This book seeks to explain whether why and how jurisdictions comply with inconvenient international obligations It does so through detailed process tracing of European Union EU policies found incompatible with World Trade Organization WTO rules its ban on hormone treated beef its banana trade regime its moratorium on the approval of genetically modified crops its sugar export subsidies and its anti dumping duties on bed linen from India It uses the adverse rulings as the treatment in a natural experiment contrasting the policy relevant politics before and after each ruling The case studies are supplemented by a qualitative comparative analysis of all EU policies found to contravene WTO rules that had to be changed by the end of 2019 The book contributes to debates on the impact of international institutions on the effectiveness of the WTO and on the nature of the EU as an international actor It argues that the preferences of policy makers the supply of policy change matter more than demands from societal actors in determining whether compliance occurs It also argues that while policy change in response to adverse WTO rulings is the norm good news for trade WTO members do resist obligations that would compromise cherished policy objectives good news for legitimacy This volume contends that the EU s compliance performance is like that of most WTO members it is not a unique international actor

**Commercial and Economic Law in the European Union** Jules Stuyck, 2017-06-15 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the law covering merchants status and obligations including the laws governing state intervention in economic activities in the European Union provides quick and easy guidance on such commercial and economic matters as business assets negotiable instruments commercial securities and regulation of the conditions of commercial transactions Lawyers who handle transnational business will appreciate the explanation of local variations in terminology and the distinctive concepts that determine practice and procedure Starting with a general description of the specifically applicable concepts and sources of commercial law the book goes on to discuss such factors as obligations of economic operators and institutions goodwill broker client relations commercial property rights and bankruptcy Discussion of economic law covers the laws governing establishment supervision of economic activities competition law and government taxation incentives These details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Thorough yet practical this convenient volume is a valuable tool for business executives and their legal counsel with international interests Lawyers representing parties with interests in the European Union will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative commercial and economic law

**The Customs Valuation Agreement** Mark K. Neville, 2023-03-09 Global Trade Law Series Volume 58 Customs valuation is a key element in the corpus of international trade law Despite the facts that the WTO Valuation Agreement 1994 remains unchanged in all

material respects and that it has been adopted by virtually every trading nation on the planet there are fissures in the system preventing consensus on many contentious questions This extremely knowledgeable analysis by a world renowned specialist lawyer in the field by concentrating on diverging views on the nature of the central feature of the Agreement the definition of the price actually paid or payable PAPP provides the most extensive study available of the origins and architecture of the Valuation Agreement and its intersection with transfer pricing norms Among much else the author fully explains differing views on such questions as the following criteria governing royalties and license fees acceptability of the First Sale for Export doctrine role of transport charges in valuing dutiable assists status of interest payments on deferred payments valuation of carrier media bearing software for data processing equipment inclusion or exclusion of transport charges in the PAPP status of the WTO s moratorium on electronic transmissions status of payments of money for tools and other materials used in producing the imported goods and status of international instruments of traffic The author expertly assesses interpretations of the Valuation Agreement as presented in the instruments of the World Customs Organization and in the administrative and judicial fora of the United States Canada and the European Union This matchless book takes a giant step toward real world consensus on the daunting questions of custom valuation Customs and international tax professionals as well as academic scholars will come away from its in depth coverage with an enhanced ability to discern the logic inherent in the Valuation Agreement a greater awareness of current trends and their origins in authoritative customs valuation bodies and improved confidence when approaching customs valuation questions      Globalization and Animal Law Thomas G. Kelch, 2017-05-01

The rise of the globalized economy has rendered an even more profound change in the relationship between humans and other animals than the ancient progression from huntergatherer to agricultural society In today s global markets multinational corporations exploit the economic value of animals throughout the world on an unprecedented scale The philosophical and legal notions that animals are mere unfeeling machines or pieces of property although more or less taken for granted for centuries has been challenged if not burst asunder in recent decades in law moral philosophy and cognitive and other sciences and regulation of the treatment of animals in agriculture experimentation entertainment and other areas has begun to make substantial inroads in national and international law This book provides a detailed analysis of international and comparative animal law focusing on the impact of today s globalized economy on animal law Describing a wide range of domestic and international laws relating to the treatment of animals the author explicates the sorts of legal rules which affect the global animal marketplace Representative norms in existing animal protection laws are analyzed and critiqued illustrating the diverse approaches taken by different countries and by the international community in regulating uses of animals Among the issues covered are the following contemporary philosophical thought on the relationship between humans and animals recent scientific research relating to cognitive and other abilities of animals legal issues relating to factory farming and animal slaughter legal protection of animals during transport regulatory schemes on animal

experimentation laws on the use of animals in entertainment laws on protection of companion animals regulation of trade in endangered species international trade issues relating to animals including consideration of the provisions of GATT and the seminal WTO GATT decisions in the Tuna Dolphin Shrimp Turtle Tuna Labeling and EU Seal Products cases constitutional protection for the interests of animals intellectual property law issues relating to animals efforts to have the legal personhood of certain animals judicially recognized and what the future may hold for animal law in the global economy To ensure the consideration of a full range of legal approaches the laws analyzed come from a wide variety of countries and jurisdictions including Australia Austria Brazil Canada the EU Germany India Ireland New Zealand Switzerland the UK and state and federal laws of the US Numerous international treaties and conventions relevant to animal treatment and animal law are also covered including the Berne Convention for the Protection of Literary and Artistic Works the CITES Convention the European Convention for the Protection of Animals Kept for Farming Purposes the European Patent Convention the GATT Treaty the TRIPS Agreement and the Universal Copyright Convention It is not difficult to grasp given the continuing increases in production consumption and use of animals and animal products worldwide that legal initiatives in this often emotional and acrimonious area of law are frequently contentious and hard fought But this is really just the dawn of animal law which has only recently become recognized as an important cutting edge topic and this area of the law promises to develop rapidly in the future This book is enormously valuable in contributing to the continuing development and understanding of this law clearly laying out the contours and boundaries of existing animal laws in our global economy and allowing legal educators concerned lawyers and policymakers to teach formulate proposals argue cases and defenses and secure a firm purchase on future trends and developments in animal law

**The European Union's Shaping of the International Legal Order**  
Dimitry Kochenov, Fabian Amtenbrink, 2014 This book offers a new approach to the study of EU law of external relations

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