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Preferential Trade Agreements

A Law and Economics Analysis

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Mercurio, Lorand Bartels, 2016-01-07 The stalling of the Doha Development Round trade negotiations has resulted in bilateral and regional free trade agreements BRTAs becoming an important alternative These agreements have proliferated in recent years and now all of the major trading countries are engaging in serious bilateral trade negotiations with multiple trading partners This second edition provides updated and comprehensive analysis of the contents and trends of recent BRTAs It is unique in that it situates these agreements in their economic international law and international relations contexts It also comprehensively reviews the recent agreements in relation to each substantive topic covered e g intellectual property investment services and social policy so as to provide an overview of the law being created in these areas Bilateral and Regional Trade Agreements Bryan Mercurio, Simon Nicholas Lester, Lorand Bartels, 2009

International Economic Law and Governance Julien Chaisse, Tsai-yu Lin, 2016-08-11 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 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 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

Preferential Trade Agreement Policies

for Development Jean-Pierre Chauffour, Jean-Christophe Maur, 2011-06-22 The Handbook offers an introduction to the key elements of Preferential Trade Agreements PTAs addressing the practical economic and legal aspects of the regulatory policies in PTAs US Trade Policy, China and the World Trade Organisation Nerina Boschiero, 2023-06-05 The last few years have been anni horribiles for in International Economic Law in general and in particular for the World Trade Organization since its inception in 1995 the guarantor of the world multilateral trade system The increasing trade tensions a high level of US security tariffs on steel and aluminium the US boycott of the WTO Appellate Body the US China trade war and the reasons underlining it only aggravated a disastrous world wide economic situation at a time of tremendous global health and societal emergency due to the persistent devastating spread of the COVID 19 pandemic The book critically discusses the most salient past US administration s unilateralist and protectionist practices At the same time investigating the new Biden Administration s trade approaches in order to assess whether the precedent trade trajectory is likely to continue or there is hope of reviving the US commitment to the rule based multilateral trading system The book s goal consists in distilling from current legal events the reasoning that might help the next generations in obtaining what the world needs most These are a conscious and voluntary return to multilateralism the search of new forms of effective global cooperation better trade policies a more equitable globalization sound legal arguments and solid economic reasons to combat rising nationalisms If enacted these elements hopefully would contribute to defeat new risks of political conflicts and long lasting trade wars The book will be helpful to students and scholars in international and trade law political science and also professionals working in international and EU institutions **European Yearbook of International Economic Law 2023** Jelena Bäumler, Christina Binder, Marc Bungenberg, Markus Krajewski, Giesela Rühl, Christian J. Tams, Jörg Philipp Terhechte, Andreas R. Ziegler, 2024-10-17 The focus of volume 14 of the EYIEL is on Public Procurement and Competition Law in European and International Economic Law It is testimony to the fact that areas of law originally perceived as purely economic are permeated by the challenges of society today and adapting to these by embracing innovation promoting sustainability and social responsibility and including new values in their legal constitutions Thus the focus section provides a broad spectrum of contributions considering the interaction between public procurement law and WTO law the role of RTAs the inclusion of sustainability aspects as well as the influence recent development and challenges such as the Covid 19 pandemic and climate change have on public procurement and competition policy In its general section the EYIEL considers Current Challenges Developments and Events in European and International Economic Law It provides a cross section of recent developments touching upon the Next Generation EU food commodification new regulatory approaches to geographical indications the interaction between investment law and human rights as well as the newest developments with regard to Public Private Partnership Legislation The Relationship of WTO Law and Regional Trade Agreements in Dispute Settlement: From Fragmentation to Coherence Malebakeng Agnes Forere, 2015-10-12 It is becoming increasingly evident

that traditional sovereignty is simply out of date. Instead, what we might call cooperative sovereignty, which focuses on communication and interaction, is more responsive to the realities of interdependent economies in the twenty-first century. Nowhere is this more salient than in the area of dispute resolution, especially as labour, intellectual property, and the environment can no longer be evaded in trade negotiations. This ground-breaking book suggests that it is this shift in perspective that has given rise to the proliferation of Regional Trade Agreements (RTAs) and the inevitable overlaps and tensions between their provisions and those of the World Trade Organization (WTO). The author examines this phenomenon in great detail and offers viable recommendations to restore coherence in the global trading system without upsetting the rights and obligations of WTO Member States. Because the WTO and RTAs must be viewed as layers of one system and must therefore have a relationship that extends to dispute settlement, such principles of subsidiarity as autonomy, mutual assistance, and flexibility are key to a successful institutional relationship between the WTO and RTAs. From this theoretical springboard, the author proceeds to analyse the following issues and more: the relationship between WTO and RTAs based on Article XXIV of GATT; the extent to which WTO panels can apply RTA law; the extent to which the WTO panels can hear RTA claims; opportunity for RTA Members to secure preliminary rulings and advisory opinions from the WTO; recognition by WTO panels of the results of litigation or arbitration that took place at the RTA level; opportunity for RTA Members to appeal RTA dispute settlement decisions to the WTO; and clarification of WTO rules designed to enable RTA activities or intervene if necessary. Major cases decided at the WTO and RTA levels that manifest conflict between RTAs and the WTO are fully analysed. Confronting directly the stagnation in negotiating and concluding new trade agreements at the multilateral level and the fragmentation of the international trade law system, this important book shows clearly how the institutional relationship between the WTO and RTAs can be restructured with a view to establishing mutual recognition of the judgments of both. In a nutshell, the book calls for reconfiguration of the WTO Dispute Settlement Body to perform functions of a World Trade Court that is capable of hearing disputes arising between WTO Members, RTA Members, and Non-WTO Members. It will prove invaluable to all involved in the negotiation and implementation of trade agreements at every level.

Trade Agreements, Investment Protection and Dispute Settlement in Latin America Belén Olmos Giupponi, 2019-01-15. In recent years many Latin American countries have liberalized their trade and investment regimes, opening their markets to free international trade. At the same time, regional economic integration has boomed. This book is the first systematic analysis in any language of these globally significant developments and the first comprehensive legal study of dispute settlement relating to foreign direct investment and trade in the region. Undertaken by an expert in the field, this study describes the current institutional framework of Latin American trade and investment law, as well as specialized legal issues in the region's various economic blocs. Among the many issues and topics raised, the following may be mentioned: questions of compliance and procedure in the context of today's international investment regime; formalized dispute settlement mechanisms;

alternative dispute resolution channels including dispute prevention practices legitimacy and transparency of the various dispute settlement mechanisms inclusion of social clauses in trade and investment agreements and avoidance of investment treaty liability In order to offer a most accurate view of the effectiveness of the protection granted to foreign investors special attention is given to relevant case law completely covering the period 1985 2015 as well as arbitral precedents before international bodies and in jurisdictions across the region The book concludes with a critical examination of the future prospects of international economic law dispute settlement in the Americas pinpointing current trends and unveiling future possible avenues for change As an in depth explication of how the rules and principles of international economic law are applied in Latin America this book has no peers For practitioners drafting business agreements with Latin American companies or needing to ensure availability of appropriate remedies this book s detailed insight into international litigation in the region including case law illustrating the main topics will prove to be of immeasurable value Professionals in the arbitral community worldwide as well as governments dedicated research centres and officials in international organizations will welcome this book s model for comparative integration studies systematic guidance on procedure and case law of domestic and international courts and arbitral tribunals and extensive treatment of dispute settlement mechanisms in trade and investment agreements

Coherence and Divergence in Services Trade Law Rhea Tamara Hoffmann, Markus Krajewski, 2020-07-23 This book addresses topical questions concerning the legal framework of trade in services and assesses how these issues are dealt with in GATS and in selected preferential trade agreements In addition the chapters discuss whether the differences and similarities if any are evidence of greater coherence or greater divergence The book combines the individual analyses to provide a more comprehensive picture of the current law on services trade liberalisation A quarter of a century after the conclusion of the General Agreement on Trade and Services GATS international law on trade in services is still in a state of flux on the one hand countries increasingly conclude bilateral and regional trade agreements with sections on trade in services that aim at a further liberalisation of services trade On the other the GATS structure remains the dominant model and serves as the basis for many preferential trade agreements In addition new aspects such as electronic commerce data protection and taxation are now emerging while issues that had already manifested in the mid 1990s such as financial services regulation labour mobility and telecommunications continue to be problematic Usually the debates focus on the question of whether preferential trade agreements serve as a stepping stone or stumbling block for trade liberalisation at the multilateral level However it can be assumed that rules on trade in services in preferential trade agreements will coexist with the global GATS regime for the foreseeable future This raises the question of whether we are currently witnessing a drive towards greater coherence or more divergence in agreements on trade in services

Advanced Introduction to International Trade Law Michael J. Trebilcock, Joel Trachtman, 2020-01-31 Written by two leading scholars with 60 years of collective experience in the area this insightful updated second edition provides a clear and concise

introduction to the fundamental components of international trade law presenting the basic structure and principles of this complex area of law alongside elucidation of specific GATT and WTO legal rules and institutions Key updates include references to the most recent cases decisions and treaty negotiation developments analysis of populist critiques of international trade law and analysis of new areas including digital trade and security exceptions **Trade in Goods** Petros Mavroidis,2012-07-19 This is an analysis of the establishment and operation of international trade agreements focusing on the General Agreement on Tariffs and Trade The book examines the economic rationale behind the framework of international trade and analyses the role of trade agreements in securing the benefits of a global economy *Legal and Economic Principles of World Trade Law* Henrik Horn,Petros C. Mavroidis,2013-04-22 The World Trade Organization WTO Agreement covers international commerce in goods and services including measures that directly affect trade such as import tariffs and quotas and almost any type of internal measure with an impact on trade Legal and Economic Principles of World Trade Law contributes to the analysis of the texts of World Trade Law in law and economics reporting work done to identify improvements to the interpretation of the Agreement It starts with background studies the first summarizes The Genesis of the GATT which highlights the negotiating history of the GATT 1947 8 the second introduces the economics of trade agreements These are followed by two main studies The first authored by Bagwell Staiger and Sykes discusses legal and economic aspects of the GATT regulation of border policy instruments such as import tariffs and import quotas The second written by Grossman Horn and Mavroidis focuses on the core provision for the regulation of domestic policy instruments the National Treatment principles in Art III GATT **Crafting Trade and Investment Accords for Sustainable Development** Marie-Claire Cordonier Segger,2021-06-17 International economic law guides and shapes globalization and the future of the world economy our human societies and the Earth The rules which facilitate trade and investment could defend the interests of Hermes Greek god of commerce and thieves or learn to draw inspiration from Athena goddess of justice wisdom and crafts This volume explores how trade and investment agreements could promote more sustainable development rather than increasing the negative social and environmental impacts of economic growth States and other actors are attempting to integrate social and environmental considerations into trade and investment policies towards more sustainable development Analysing their efforts this volume offers insights into the ways that commitments to sustainability are being operationalized in the texts of economic treaties themselves Written by a renowned expert jurist and professor of law this book examines the measures being debated in the WTO and adopted by States in a selection of innovative and flexible regional and bilateral trade and investment accords With legal examples spanning decades of experimentation and experience the book illuminates how States and stakeholders are seeking innovative ways to integrate environmental and social considerations into trade and investment agreements Introducing a ground breaking systematic approach the volume considers how through this integration international trade and investment law can contribute to the achievement of the

world's Sustainable Development Goals International Economic Law Mariela de Amstalden, Niall Moran, Henok Asmelash, 2023-12-12 This volume considers novel emerging issues in international economic law as well as new methodological approaches to more familiar topics. It brings together a diverse range of contributors from five continents who share invaluable perspectives on a wide range of issues in international economic governance. In doing so, this volume delves deeply into some of the most challenging emerging areas in international economic law, approaching them from an interdisciplinary perspective that brings together legal, economic, and political analysis. Intended for academics and practitioners at all stages of their careers, many of the areas considered in this volume are either entirely new or are being revisited after periods of dormancy. It is our hope that these contributions will yield fresh insights into these new and classic areas of IEL. We consider diversity and inclusivity foundational values in IEL. The wealth of ideas showcased in this volume present us with an opportunity to appreciate different facets of originality and rigour in legal academic writing, further highlighting the range of methodological and stylistic preferences of emerging legal scholars in IEL. In June 2022, forty emerging international economic law scholars were selected to present their papers at PEPA SIEL, where they received feedback from senior members of the SIEL community and beyond. The discussions were lively, stimulating, and enriching, leading the editors of this volume to propose putting a selection of the papers into a published book. **The Oxford Handbook of International Trade Law**, 2022-11-17 The rules and regulations governing international trade have grown at an exponential rate in the years since the Uruguay Round agreements established the WTO in 1995. These agreements continue to act as the multilateral foundation of the body of law which is being expanded by its own committees and in new arrangements. As the international trade law system grows, it comes under increasing scrutiny from scholars, government officials, and trade law practitioners. It raises questions about the overlap with other international legal, political, and economic regimes. This Handbook considers the system of international trade law and what it means for States, for economic systems, for other international regimes, for civil society, and for human welfare. The book opens by focusing on the regulation of international trade, considering the history, economics, and sources of international trade law, as well as the possibilities for the future. It considers the intersection of international trade law with States, the economic and institutional context of the world trading system, the framework of its substantive law, and the balance of trade objectives versus ethical responsibilities. The book concludes by offering analysis of new trade law developments in the agricultural, digital, and financial sectors, as well as outlining the settlement of trade law disputes both in the WTO and bilateral regional trade agreements. The second edition broadens the scope of analysis beyond the WTO, analysing regional trade agreements and preferential trade arrangements, including the Trans-Pacific Partnership and the Canada-EU Trade Agreement. The new edition also considers developments within the WTO, such as in the area of agricultural export subsidies and the Trade Facilitation Agreement.

Global Politics and EU Trade Policy Wolfgang Weiß, Cornelia Furculita, 2020-02-24 This book explores how the

European Union designs its trade policy to face the most recent challenges and to influence global policy issues. It provides with an interdisciplinary perspective by combining legal, political and economic approaches. It studies a broad set of trade instruments that are used by the EU in its trade policy such as trade agreements, multilateral initiatives, unilateral trade policies as well as internal market tools. Therefore, the contributions to this volume present the EU's Trade Policy through different lenses, providing a complex view of it.

Europe, East Asia and APEC Peter Drysdale, David Vines, 1998-05-21. This book is the first in a major new series examining Global Economic Institutions and contrasts regional economic integration in the Asia Pacific Region and in Europe. In the Asia Pacific Region, regionalism is developing by means of open regionalism, which is different from the regionalism which has developed in Europe through the construction of a single European Market and Monetary Union within the European Union. In the light of this contrast, a number of important contemporary policy questions are considered.

Economic Crisis And Rule Reconstruction Deming Chen, 2016-09-08. The 2008 global economic crisis resulted in many new changes in global economic governance, multilateral trading system, the Group20 major economies, regional economic cooperation and other international governance platforms. Countries around the world have begun a complex battle to make sure rules are changed in their favor. Furthermore, rule reconstruction has a definite and profound impact on the international economic situation and national trade interests. This book by Former Chinese Minister of Commerce Chen Deming aims to highlight the focal issues of the competition and negotiations with a panoramic depiction of the complicated state of international economic and trade rule reconstruction. The chapters in the book discuss rules of global governance, reflect on the crisis rarely seen in the past century and raise the proposition of rule reconstruction. They also focus on multilateral trading system, regional economic cooperation and related international financial rules. Detailed deliberations on various kinds of trade rules, including rules of services trade, government procurement, intellectual property, investment, international development cooperation etc. are also dealt with. Lastly, the book provides an outlook on the path, direction and key issues of international economic rule reconstruction and offers recommendations on China's engagement.

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