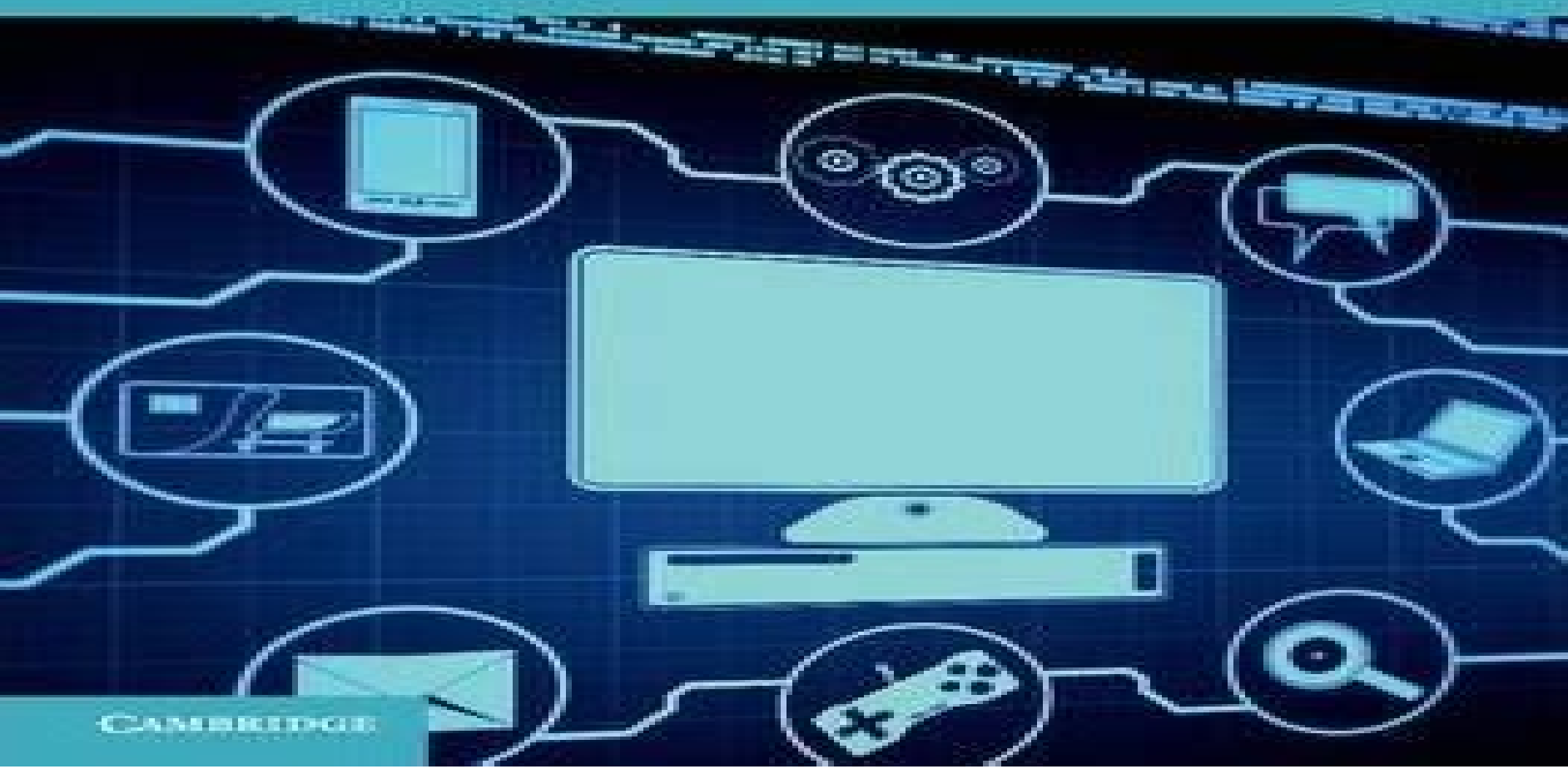


WTO Domestic Regulation and Services Trade

Putting Principles into Practice

Edited by Aik Hoe Lim and Bart De Meester



Wto Domestic Regulation And Services Trade Putting Principles Into Practice

Jens Velten



Wto Domestic Regulation And Services Trade Putting Principles Into Practice:

WTO Domestic Regulation and Services Trade Aik Hoe Lim, Bart De Meester, 2014-03-13 Domestic regulation of services sectors has a significant impact on services trade liberalization which is why General Agreement on Trade in Services GATS disciplines are negotiated in the WTO With the help of analyses and case studies from academics regulators and trade experts this book explores the scope and limits of WTO legal principles to promote domestic regulatory reform Case studies discuss country specific challenges and experiences of regulating important service sectors such as finance telecommunications distribution legal education health postal and logistics services as well as the role of regulatory impact assessments The findings will interest trade officials policy makers regulators think tanks and businesses concerned with the implications of domestic regulation on access to services markets and with the opportunities for formulating trade disciplines in this area It is also a useful resource for academics and students researching regulatory approaches and practices in services sectors

WTO Domestic Regulation and Services Trade Aik Hoe Lim, 2009 Domestic regulation of services sectors has a significant impact on services trade liberalization which is why General Agreement on Trade in Services GATS disciplines are negotiated in the WTO With the help of analyses and case studies from academics regulators and trade experts this book explores the scope and limits of WTO legal principles to promote domestic regulatory reform Case studies discuss country specific challenges and experiences of regulating important service sectors such as finance telecommunications distribution legal education health postal and logistics services as well as the role of regulatory impact assessments The findings will interest trade officials policy makers regulators think tanks and businesses concerned with the implications of domestic regulation on access to services markets and with the opportunities for formulating trade disciplines in this area It is also a useful resource for academics and students researching regulatory approaches and practices in services sectors

Research Handbook on Trade in Services Pierre Sauvé, Martin Roy, 2016-09-30 This Research Handbook explores the latest frontiers in services trade by drawing on insights from empirical economics law and global political economy The world's foremost experts take stock of the learning done to date in services trade explore policy questions bedeviling analysts and direct attention to a host of issues old and new confronting those interested in the service economy and its rising salience in cross border exchange The Handbook's 22 chapters shed informed analytical light on a subject matter whose substantive remit continues to be shaped by rapid evolutions in technology data gathering market structures consumer preferences approaches to regulation and by ongoing shifts in the frontier between the market and the state

China's Implementation of the Rulings of the World Trade Organization Weihuan Zhou, 2019-10-03 Amid the ongoing crisis surrounding the WTO China's role and behaviour in the multilateral trading system has attracted overwhelming attention This timely monograph provides the first comprehensive and systemic analysis of China's compliance with the rulings of the WTO's dispute settlement mechanism DSM It covers all the disputes in which China has been a

respondent during its 17 year WTO membership and offers a detailed discussion of China's implementation of adverse WTO rulings its approaches to settling WTO disputes the possible explanations for such approaches and post compliance issues The book shows how China has utilised the limitations and flexibilities of WTO rulings to ensure that its implementation of the rulings not only delivers adequate compliance but also maintains its own interests Overall this book argues that the issues relating to the quality of China's compliance and post compliance practices concern the loopholes within the DSM itself which may be utilised by all WTO Members However despite the loopholes China's record of compliance suggests that the DSM has been largely effective in inducing compliance and influencing domestic policy making It is therefore in the interest of all WTO Members and other stakeholders to protect the DSM as the crown jewel of the multilateral trading system

Routledge Handbook on International Economic Law Valentina Vadi, David Collins, 2025-10-16 This book Routledge Handbook on International Economic Law presents a broad clear and accessible overview of international economic law It consists of contributions from leading scholars and rising stars in the field from across the globe The Handbook comprises five main parts Part I deals with the history and theory of the discipline Parts II III and IV deal with the main substantive areas of international economic law international trade law international investment law and international financial and monetary law Part V explores the link between international economic law and other international legal regimes such as environmental law and human rights law highlighting areas where tensions may occur between economic liberalization sovereignty and other concerns The Handbook investigates international economic law's theory policy and practice from various perspectives Its 31 chapters highlights central themes that have driven the development of this dynamic subject reflecting the field as it exists now while also serving as a point of departure for future studies The book will provide a solid resource for scholars students policymakers and practitioners in international law international relations political science and economics

The Public Order Exception in International Trade, Investment, Human Rights and Commercial Disputes Zena Prodromou, 2020-08-12 In the process of resolving disputes it is not uncommon for parties to justify actions otherwise in breach of their obligations by invoking the need to protect some aspect of the elusive concept of public order Until this thoroughly researched book the criteria and factors against which international dispute bodies assess such claims have remained unclear Now by providing an in depth comparative analysis of relevant jurisprudence under four distinct international dispute resolution systems trade investment human rights and international commercial arbitration the author of this invaluable book identifies common core benchmarks for the application of the public order exception To achieve the broadest possible scope for her analysis the author examines the public order exception's function role and application within the following international dispute resolution systems relevant World Trade Organization WTO agreements as enforced by the organization's Dispute Settlement Body and Appellate Body international investment agreements as enforced by competent Arbitral Tribunals and Annulment Committees under the International Center for Settlement of Investment

Disputes provisions under the Inter American Convention of Human Rights and the European Convention of Human Rights as enforced by the Inter American Court of Human Rights and the European Court of Human Rights respectively and the New York Convention as enforced by national tribunals across the world Controversies tensions and pitfalls inherent in invoking the public order exception are elucidated along with clear guidelines on how arguments may be crafted in order to enhance prospects of success Throughout tables and graphs systematize key aspects of the relevant jurisprudence under each of the dispute resolution systems analysed As an immediate practical resource for lawyers on any side of a dispute who wish to invoke or strengthen a public order exception claim the book s systematic analysis will be welcomed by lawyers active in WTO disputes international investment arbitration human rights law or enforcement of foreign arbitral awards Academics and policymakers will find a signal contribution to the ongoing debate on the existence legal basis content and functions of the transnational public order

Digital Services in International Trade Law Ines Willemyns, 2021-09-30 The first comprehensive analysis of the applicability of international trade law to digital services at multilateral and regional levels

International Economic Law and Governance Julien Chaisse, Tsai-yu Lin, 2016-07-21 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

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

Digital Trade and Data Privacy Roman Pascal Kalin, 2024-11-26 This monograph provides a comprehensive examination of the intricate legal challenges arising at the intersection of digital trade and data privacy It argues in favour of an integrated approach to understanding the dynamic interaction between digital trade and data privacy with the aim of building a bridge between these two fields of law Cross border data flows are paramount for the operational efficiency and productivity of companies across diverse industries The ongoing economic transformation characterized by the perception of data as both a commodity and currency exacerbates the tension between the push for economic liberalization of cross border transfers of personal data under a trade rationale and the limitations imposed on such transfers for non economic reasons Given that the regulation of cross border personal data transfers is profoundly influenced by both international trade law and national data privacy laws a complex relationship has developed between the normative values that underpin these legal frameworks This publication centers on the resulting interdependence of digital trade and data privacy in a global digital economy It provides a contribution to the debate on a re contextualisation of trade law against the background of the advent of digital trade

WTO Dispute Settlement and the TRIPS Agreement Matthew Kennedy, 2016-04-21 The TRIPS Agreement was implemented in the WTO to gain access to a functioning dispute settlement mechanism that could authorize trade sanctions Yet TRIPS and the WTO Dispute Settlement Understanding are based on systems that developed independently in WIPO and GATT In this book Matthew Kennedy exposes the challenges created by

the integration and independence of TRIPS within the WTO by examining how this trade organization comes to grips with intellectual property disputes He contrasts the way intellectual property disputes between governments have been handled before and after the establishment of the WTO Based on practical experience this book provides a comprehensive review of the issues that arise under the DSU TRIPS GATT 1994 and other WTO agreements in intellectual property matters These range from procedural pitfalls to substantive treaty interpretation and conflicts as well as remedies including cross retaliation

Preferential Services Liberation Johanna Jacobsson, 2019-12-05 An in depth analysis of the legal criteria that the WTO sets for preferential trade agreements in the area of services

WTO Accessions and Trade Multilateralism Uri Dadush, Chiedu Osakwe, 2015-09-10 An examination of how WTO accession negotiations have expanded the reach of the multilateral trading system both geographically and conceptually

Internet Regulation and the International Trade Regime Sun Nanxiang, 2022-06-30 In the age of information an open Internet is a key component for modern economic development This book analyses the World Trade Organization Agreement for virtual society and explores key questions regarding internet regulation and trade barriers Information and communication technology has introduced a transformational element to international trade in the shape of e commerce Although internet technology is conceptually neutral it can be used as a medium that poses severe threats to individual rights public morals public order and national security World Trade Organization law and jurisprudence which are the basis of global economic and trade rules can be applied in cyberspace but internet regulatory measures can also pose a threat to free trade This book thus explores the following questions whether internet regulation constitutes a trade barrier if so what form does that take and whether WTO members can invoke exception clauses to justify their internet regulatory measures The research provides deep interpretations on treaty law and case law and draws on additional interdisciplinary approaches to answer these questions This book will be of great interest to Scholars and Students of law with a focus on international trade and internet regulation as well as anyone interested in Chinese cyber law

Screening Foreign Direct Investment in the EU Jens Velten, 2022-07-19 Foreign Direct Investment FDI from third countries a desirable form of investment to boost the EU s economy or a threat to important EU and Member State interests that must be mitigated via FDI screening mechanisms FDI screening is a complex controversial and highly topical subject at the intersection of law politics and economics This book analyzes the political rationale behind FDI screening in the EU reveals the legal limitations of current FDI screening mechanisms based on security and public order and identifies legislative options for broader screening mechanisms in accordance with EU and international economic law In particular the book identifies the four main concerns in the EU regarding FDI from third countries distortive competition effects the lack of reciprocity on FDI treatment between the EU and the investor s home country objectives of the investor or their home country that may be detrimental to EU interests and safety of private information On this basis the book analyzes the Screening Regulation Regulation EU 2019 452 and its newly introduced

screening ground security or public order and asks whether this and other similar screening grounds based on the notions of security public order and public policy can address these concerns with regard to foreign investors Based on an analysis of WTO law and EU primary law it argues that they cannot Thus the question arises Do the EU and Member States have the flexibility to adopt broader FDI screening mechanisms To answer this question the book examines the freedoms of capital movement and establishment in EU primary law as well as various sources of international economic law such as first and foremost the WTO s General Agreement on Trade in Services but also other bi and plurilateral trade and investment treaties including the EU China Comprehensive Agreement on Investment In closing the book identifies various legislative options for broader FDI screening mechanisms and their shortcomings

Trade Policy and Gender Equality

Amrita Bahri,Dorotea López,Jan Remy,2023-10-19 Trade policies create both winners and losers as some actors stand to benefit and others are left behind More often than not it has been women who have borne the negative impacts of international trade policy and it is thus imperative that future trade policy is negotiated and implemented with an eye toward women s interests This collection represents an innovative systematic evaluation of the debate relating to international trade law policy and gender equality It analyses the role of WTO as a trade policy setter current debates and possibilities for gender inclusive trade agreements and emerging topics such as e commerce and gender responsive standards With a range of interdisciplinary contributions and national and regional case studies this collection offers a comprehensive up to date analysis of the intersections between trade law and gender and is vital to ensuring that both men and women win from trade policy in the future This title is also available as Open Access on Cambridge Core

Regulatory Autonomy in International Economic Law Andrew D. Mitchell,Elizabeth Sheargold,Tania Voon,2017-11-24 Regulatory Autonomy in International Economic Law provides the first extensive legal analysis of Australia s trade and investment treaties in the context of their impact on national regulatory autonomy This thought provoking study offers compelling lessons for not only Australia but also countries around the globe in relation to pressing current problems including the uncertain future of the World Trade Organization and widespread concerns about the legitimacy of investor State dispute settlement

The Concept of Necessity in International Law and the World Trade Organization

Senai W. Andemariam,2024-06-03 Like many concepts in international law the definition of necessity varies widely depending on context The concepts of necessity in different fields of international law can maintain their unique definitions while learning from each other and thereby achieve coherence This book presents the evolution of the concept of necessity and discusses its definitions in nine different fields of international law Centering customary international law and the law of the World Trade Organization in his analysis Dr Senai W Andemariam examines the potential for interactions and coherence between concepts of necessity in various fields of international law

The Oxford Handbook of International Trade Law Daniel L. Bethlehem,Daniel Bethlehem,Donald McRae,Rodney Neufeld,Isabelle Van Damme,2022 The Oxford Handbook of International Trade Law offers extensive analysis and critique on the principles of

modern international trade law considering the systems of trade between nations in their economic and institutional contexts

Small and Medium-sized Enterprises in International Economic Law Thilo Rensmann, 2017 International economic law with its traditional focus on large multinational enterprises is only slowly waking up to the new reality of small and medium sized enterprises SMEs In the wake of the digital revolution smaller companies now play an important role in the economic landscape In 2015 the UN expressly called for SMEs to have greater access to international trade and investment and it is increasingly recognized that the integration of SMEs provides one of the keys to creating a more sustainable and inclusive global economy As born global SMEs increasingly permeate transnational supply chains so interactions between these companies and legal policy makers proliferate Small and Medium sized Enterprises in International Economic Law offers the first comprehensive analysis of the interaction between SMEs and international economic law This book presents a broad international perspective gathering together contributions by leading experts from academia legal practice and international organizations It opens up a field of enquiry into this so far unexplored dynamic and provide a touchstone for future debate Diverse perspectives illuminate regional developments in particular within the EU such as State Aid and the implications of multinational free trade partnership agreements The analysis covers a broad spectrum of international trade and investment law focusing on issues of particular interest to SMEs such as trade in services government procurement and trade facilitation The essays also examine questions of legitimacy and conduct in the global marketplace in particular concerns surrounding the threat posed to the interests of domestic SMEs by the growing liberalization of international trade and investment These essays constitute essential reading for practitioners and academics seeking to navigate a previously neglected trend in international economic law

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