



Max Planck Commentaries on World Trade Law



BRILL

MARTINUS
NIJHOFF
PUBLISHERS

Max Planck Commentaries on World Trade Law

Edited by Rüdiger Wolfrum and Peter-Tobias Stoll

The *Max Planck Commentaries on World Trade Law* explain the whole range of world trade law in seven individual article-by-article type commentaries. While the first volume (*WTO - World Economic Order, World Trade Law*) serves as a nutshell-type introduction to the WTO, the remaining six volumes focus on specific aspects of WTO law. The second volume (*WTO - Institutions and Dispute Settlement*) brings together the WTO institutional fundamentals and the whole dispute settlement. The third volume (*WTO - Technical Barriers and SPS Measures*) deals with the most controversial provisions on technical standards, protection of health and environment. The fourth volume (*WTO - Trade Remedies*) is devoted to the very specific area of antidumping, subsidies and safeguards. The fifth volume (*WTO - Trade in Goods*) comments on the substantial trade in good rules of the GATT/WTO. Eventually, the sixth and seventh volume (*WTO - Trade in Services* and *WTO - Trade-Related Aspects of Intellectual Property Rights*) deal with intellectual property rights and trade in services rules respectively.

SPECIAL SET PRICE AVAILABLE

- ISBN 978 90 04 14569 6
- *Hardback* (Volumes 1-7)
- List price EUR 783.- / US\$ 1120.-

WTO - World Economic Order, World Trade Law

Peter-Tobias Stoll and Frank Schorkopf

- December 2005
- ISBN 978 90 04 14496 5
- *Hardback* (xx, 292 pp.)
- List price EUR 104.- / US\$ 155.-
Price for subscribers to the series EUR 93.- / US\$ 139.-
- Max Planck Commentaries on World Trade Law, 1

Since its foundation in 1995, the World Trade Organization, with its extensive legal provisions, has been defining the world trade relations and also had an enormous impact on both European and national economic law. At the same time, the WTO is perceived within the political discussion as a symbol for the world trade relations as a whole, the challenges of globalization and justice of the world trade order. Due to the expansion, consolidation and the increased enforcement of its rules, the relevance of the World Trade Organization will continue to increase.

This book describes the institutional system, the basic principles and the vast variety of rules of the World Trade Organization. It aims at clarifying the structures and the general concepts, in order to enable the reader to get a better understanding of the issues at stake in many of the discussions and controversies on world trade.

WTO - Institutions and Dispute Settlement

Edited by Rüdiger Wolfrum, Peter-Tobias Stoll and Karen Kaiser

- May 2006
- ISBN 978 90 04 14563 4
- *Hardback* (xxxii, 671 pp.)
- List price EUR 181.- / US\$ 270.-
Price for subscribers to the series EUR 163.- / US\$ 243.-
- Max Planck Commentaries on World Trade Law, 2

Two of the greatest achievements of the Uruguay Round were the establishment of the World Trade Organization (WTO) as – compared to the GATT – a fully-fledged international organization and the creation of a new, uniform and binding dispute settlement system. While the failure of the Ministerial Conferences in Seattle and Cancún revealed the first cracks in the institutional structure of the WTO, the operation of the new dispute settlement system has so far been a remarkable success. In a practical and authoritative article-by-article account, this volume covers the legislative history, interpretation and practical application of the Agreement establishing the World Trade Organization, Articles XXII, XXIII, and XXIV GATT 1994, the Dispute Settlement Understanding, the Trade Review Policy Mechanism, the Understanding in Respect of Waivers of Obligations under the GATT 1994 and the Understanding on the Interpretation of Article XXIV GATT 1994.

Written by a team of distinguished scholars and practitioners, the volume is an indispensable work of reference for all those interested in the WTO institutional fundamentals and the dispute settlement system (international lawyers, scholars and students of WTO law, diplomats and international civil servants, members of NGOs).

WTO - Technical Barriers and SPS Measures

Edited by Rüdiger Wolfrum, Peter-Tobias Stoll and Anja Seibert-Fohr

- May 2007
- ISBN 978 90 04 14564 1
- *Hardback* (xxxii, 568 pp.)
- List price EUR 126.- / US\$ 188.-
Price for subscribers to the series EUR 113.- / US\$ 168.-
- Max Planck Commentaries on World Trade Law, 3

Technical standards are increasingly determining the development, production, trade in and marketing of goods and services. In order to ensure that technical regulations and product standards which vary from country to country do not create unnecessary obstacles to trade the Agreement on Technical Barriers to Trade was adopted during the Uruguay Round. It is paralleled by the Agreement on Sanitary and Phytosanitary Measures which sets out the basic rules on how governments can apply food safety as well as animal and plant health measures without, however, using them as an excuse for protecting domestic producers. Prominent decisions under the WTO Dispute Settlement have interpreted those provisions. This volume gives a detailed account of the necessary parameters for technical standards and measures seeking to protect health and environment. Included are commentaries on Articles III, XI and XX of GATT 1994 which are equally relevant in this context. The article by article commentaries draw from a considerable body of case law, the work by the TBT and SPS Committee and the relevant legal literature. Attention is given to substantive requirements as well as the necessary standard setting procedures. Apart from a thorough analysis of the relevant and most recent jurisprudence including the Biotech Panel Report the commentary seeks to give answers to newly emerging issues, such as special needs of developing countries. It is an indispensable tool for practitioners and academics working in this field of WTO law.

WTO - Trade in Goods

Edited by Rüdiger Wolfrum, Peter-Tobias Stoll and Holger P. Hestermeyer

- January 2009
- ISBN 978 90 04 14566 5
- *Hardback* (600 pp.)
- List price EUR 150.- / US\$ 215.-
Price for subscribers to the series EUR 135.- / US\$ 194.-
- Max Planck Commentaries on World Trade Law, 5

Trade in goods has been and still is the core of the worldwide trading system. The 1947 GATT is not only the origin of today's World Trade Organization, it also is - now as the GATT 1994 - the core agreement regulating trade in goods and the subject of numerous WTO disputes as well as a still growing volume of scholarly work. The volume will offer the first article-by-article

WTO - Trade Remedies

Edited by Rüdiger Wolfrum, Peter-Tobias Stoll and Michael Köbele

- May 2008
- ISBN 978 90 04 14565 8
- *Hardback* (940 pp.)
- List price EUR 195.- / US\$ 290
Price for subscribers to the series EUR 117.- / US\$ 167.-
- Max Planck Commentaries on World Trade Law, 4

In the decade since the establishment of the WTO, the great majority of disputes between member states resolved and decided through the dispute settlement system of the WTO arose in the field of trade remedies law, a fact which clearly shows the high demand by the trade community for the rule of law in this area. Responsive to such needs, the fourth volume encompasses the whole range of trade remedies regulation under the auspices of the WTO in the respective articles of the General Agreement on Tariffs and Trade (GATT) and the related multilateral agreements on trade in goods, i.e., Articles VI, XII, XIX GATT 1994; the Understanding on the Balance-of-Payments; the Agreement on Implementation of Article VI GATT 1994 (Anti-Dumping Agreement); the Agreement on Subsidies and Countervailing Duties; and the Agreement on Safeguards. Leading practitioners and scholars have gathered to provide an invaluable insight and easy access to the law on trade remedies in an article-by-article commentary approach. As such, it will be an essential work not only for trade remedies practitioners but to persons interested in trade remedies be they scholars; academics; international and domestic lawyers; political scientists and economists; or NGO representatives.

commentary of the whole Agreement, featuring contributions by leading practitioners and scholars in the field.

In addition, the volume covers the Agreement on Rules of Origin, the Agreement on Preshipment Inspection, the Agreement on the Implementation of Art. VII of the GATT 1994 and the Understandings related to the GATT 1994. As the GATT cannot be understood without its historic background, the volume is completed by a section on the history of GATT.

The volume is an indispensable reference work for the entire WTO community - governments, practitioners, scholars and trade professionals alike.

WTO - Trade in Services

Edited by Rüdiger Wolfrum, Peter-Tobias Stoll and Clemens Feinäugle

- May 2008
- ISBN 978 90 04 14568 9
- *Hardback* (778 pp.)
- List price EUR 130.- / US\$ 186.-
Price for subscribers to the series EUR 117.- / US\$ 167.-
- Max Planck Commentaries on World Trade Law, 6

With the establishment of the WTO, trade in services became part of the world trade order. Volume 6 is dedicated to these rather recent developments. It covers the core agreement, the General Agreement on Trade in Services (GATS) with annexes, as well as the additional instruments, which have been adopted later on to govern the liberalization in specific sectors. Those are the Understanding on Commitments in Financial Services, the Second Protocol on Financial Services, the Third Protocol on the Movement of Natural Persons, the Fourth Protocol on Basic Telecommunications and the Fifth Protocol, which contains further rules for financial services. This volume will be a valuable reference tool for the WTO community as a whole, as well as for professionals and researchers, who deal with one of the sectors concerned, e.g. financial services and telecommunications. Furthermore, it is highly relevant in view of those sectors, which are the subject of ongoing liberalization efforts or earmarked for future negotiations, namely accounting, legal services, transport, tourism, environmental services, legal and educational services.

WTO - Trade-Related Aspects of Intellectual Property Rights

Edited by Jan Busche, Peter-Tobias Stoll and Katrin Arend

- June 2008
- ISBN 978 90 04 14567 2
- *Hardback* (940 pp.)
- List price EUR 130.- / US\$ 186.-
Price for subscribers to the series EUR 117.- / US\$ 167.-
- Max Planck Commentaries on World Trade Law, 7

With the WTO TRIPs-Agreement, intellectual property issues have become an integral part of the world trading system. The Agreement probably represents the most significant and controversial development in world trade law. The Agreement is comprehensive in scope and contains standards for protection of a number of intellectual property rights as well as rules on the enforcement of such rights. Furthermore it closely links to the well-established traditional international system of the protection of intellectual property rights - the World Intellectual Property Rights Organization and related agreements, in particular the Paris and Berne Convention and the Madrid Agreement. This commentary covers the entire TRIPs agreement. It adopts a comparative perspective in highlighting related and similar provisions and developments in other international and regional instruments, such as the ones mentioned above and, for instance the European Patent Convention. The volume is based on a close cooperation between the Intellectual Property Law Center of the University of Düsseldorf and the Göttingen Institute for International Law and European Law, which aims at bringing together expertise in intellectual property law and general international law and trade law. It is designed to meet the needs both of the WTO and the intellectual property community.

Where to Order

Book Orders

CUSTOMERS OUTSIDE THE AMERICAS

BRILL
c/o Turpin Distribution
Stratton Business Park
Pegasus Drive
Biggleswade
Bedfordshire SG18 8TQ
United Kingdom
T +44 (0) 1767 604-954
F +44 (0) 1767 601-640
brill@turpin-distribution.com

CUSTOMERS IN THE AMERICAS

BRILL
P.O. Box 605
Herndon, VA 20172-0605
USA
T (800) 337-9255
(toll free, US & Canada only)
T +1 (703) 661-1585
F +1 (703) 661-1501
cs@brillusa.com

Journals and Loose-Leaf Orders

ALL CUSTOMERS WORLDWIDE

BRILL
c/o Turpin Distribution
Stratton Business Park
Pegasus Drive
Biggleswade
Bedfordshire SG18 8TQ
United Kingdom
T +44 (0) 1767 604-954
F +44 (0) 1767 601-640
brill@turpin-distribution.com

Brill Online Reference Works

ALL CUSTOMERS WORLDWIDE

BRILL
BrillOnline@brill.nl

For our General Ordering Information and Conditions of Sale please see

www.brill.nl