

Anti-Dumping and Other Trade Protection Laws of the EC

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Antidumping And Other Trade Protection Laws Of The Ec

**Herwig C.H. Hofmann, Gerard C.
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Antidumping And Other Trade Protection Laws Of The Ec:

EC Trade Law Following China's Accession to the WTO Jan Hoogmartens, 2004-01-01 The World Trade Organisation cannot be deemed truly international without the full participation of China a massive market with an increasing number of highly sophisticated sectors Yet although China did accede to the WTO in 2001 after fifteen years of negotiations WTO members persist in classifying China as a non market economy with all the trade restrictions such labelling entails The EC in particular continues to curtail the flow of Chinese European trade despite some recent liberalisation in EC import and antidumping regulations In this important book Dr Hoogmartens clearly points the way to an equitable resolution of the complex problems raised by the friction between China's planned economy and EC trade policy instruments The economic interface he constructs takes account of such crucial elements as the following China's unfinished legal and economic reforms the danger that the EC may develop an abusive protectionist stance the challenge to the EC of increased Chinese competition the persistence of Chinese state owned enterprises the absence of a satisfactory methodology to deal with the Chinese variant of a non market economy the possible adjustment of EC antidumping regulations vis vis China emergency safeguards the role of the rule of law in trade regulation and the translatability of Western social and political institutions Addressing as it does a highly salient present and future aspect of the global economy EC Trade Law Following China's WTO Accession will be of enormous value to policymakers in international economic law at all national and supranational levels The author's reasoned and cautious analysis builds a sound platform for the ongoing development of peaceful and mutually beneficial commercial relations between Europe and China

A Concise Guide to the EU Anti-dumping/anti-subsidies Procedures Themistoklis K. Giannakopoulos, 2006-01-01 Unfair trading practices such as dumping and the granting of subsidies have long been identified as threats to open markets Yet despite decades of international trading rules global markets are still jeopardized by practices which can cause material injury to industries and put employment at risk The European Union has been a leader in its determination to ensure that its industries are not disadvantaged by such practices that Community interests are defended and that fair competition is restored where needed The basic texts which form the legal basis of anti dumping and anti subsidy investigations in the Community entered into force in 1996 and 1997 The procedures developed in these texts as amended and in their corresponding regulations are the subject of this extremely helpful guide Practitioners who must follow these often complex procedures will find precise guidelines for the substantive determinations that must be made such as calculating the material injury determining the cause of injury and applying the Community interest test and then be able to move confidently through every procedural step including the following Initial complaint Questionnaires Confrontation meetings and oral hearings Investigations by Commission official Offer and acceptance rejection of undertaking Commenting on the Commission's provisional decision Requesting review of measures and refunds and Judicial review Throughout the presentation the author describes relevant cases and actual measures taken Tables of

cases and measures as well as a bibliography are included Business people and their counsel whether engaged in trade within the EU or between any country and an EU Member State will benefit enormously from the detailed guidance offered in this incomparable volume The book will also be invaluable to academics and policymakers as an unclouded analysis of anti dumping anti subsidies procedures under EC law *Anti-dumping and Other Trade Protection Laws of the EC* Ivo Van Bael, Jean-François Bellis, 1996 This updated text reflects EC community law on anti dumping anti subsidy safeguard measures and the New Commercial Policy Instrument This edition examines the impact of GATT 1994 and the effects on trade of the European single market the Maastricht Treaty and the 1995 Shipbuilding Agreement **Anti-dumping and Other Trade Protection Laws of the EC** Ivo Van Bael, 2004 Here in a fully updated fourth edition is the definitive treatment of EC trade protection laws Always comprehensive in its coverage in its new edition the book provides incisive analysis and critical commentary on the numerous cases decided under the Anti Dumping Countervailing Safeguard and Trade Barriers Regulations It also discusses the implications of the new draft Regulation on unfair pricing practices in airline services The emphasis throughout is on practical application of the rules Van Bael Bellis recognized as first in Europe in the area of trade laws leaves no stone unturned in its consideration of such issues and elements of the subject as the roles of the various Community Institutions the EC legislative history the European courts case law and the WTO framework An extensive array of tables and annexes at the back of the book leads the practitioner to all the essential primary source materials in the field Lawyers and academics involved with trade matters will discover that *Anti Dumping and Other Trade Protection Laws of the EC* is still without peer as a guide to EC trade protection laws **Safeguarding Companies' Rights in Competition and Anti-dumping/anti-subsidies Proceedings** Themistoklis K. Giannakopoulos, 2011-01-01 Focusing on the rules safeguarding procedural due process in the administrative procedures of the Commission this fully updated edition of a widely used handbook covers the four principal fields that entail enforcement of substantive competition rules antitrust merger anti dumping antisubsidies and State aid Among the many practical issues raised are the following the right of directly involved parties to bring an action before the European Courts in merger anti dumping anti subsidies and State aid cases the rights of complainants in antitrust cases the rights and obligations of beneficiaries in State aid cases the extent to which the right to confidential communication between lawyer and client in these cases is recognised by the European Commission and the European Courts the right to silence to avoid self incrimination in antitrust cases the right to respect for confidentiality and the right to be heard during the preliminary factfinding procedure of the Commission the obligations of an undertaking during the fact finding procedure of the Commission the right of access to the Commission's file the right to a fair hearing of all the parties concerned by the Commission proceedings and the applicability of Article 6 of the European Convention of Human Rights ECHR to EU antitrust procedures Three tables consolidate briefly and comparatively the rights and the obligations of the private parties in the four proceedings as well as their right to bring an action before the European

Courts These tables give the reader the opportunity to easily check out what is the situation in the four proceedings regarding a specific right or obligation The author s analysis draws on all the relevant judgments of the European Courts and the book comes with a wealth of reference material including detailed footnotes lists of legislation and cases in both chronological and alphabetical order and an extensive bibliography

EU Dumping Determinations and WTO Law Henrik Andersen,2009-01-01 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

Business Guide to Trade Remedies in the European Community ,2004 This publication is part of a series of guides containing information on trade remedy procedures anti dumping countervailing and safeguards legislation and procedures aimed at business managers importers and exporters from developing countries and transition economies It focuses on the European Community the largest market for many developing countries and transition economies and a frequent user of trade remedy measures It highlights legal practice and the appropriate provisions of the relevant WTO Agreements Topics covered include the use of trade remedies procedural aspects of anti dumping and anti subsidy investigations and emergency action against imports safeguards

Anti-dumping in the WTO, the EU, and China Dr. Yan Luo,2010-01-01 Country Driving illuminates the vast shifting landscape of a traditionally rural nation that having once built walls against outsiders is building the roads and factory towns that will shape the twenty first century Book Jacket

Administrative Law and Policy of the European Union Herwig C.H. Hofmann, Gerard C. Rowe, Alexander H. Türk,2011-10-27 This book is a comprehensive detailed and highly systematic treatment which both describes and critically analyses the administrative law and policy of the European Union

EU Anti-dumping and Other Trade Defence Instruments Ivo Van Bael, Jean-François Bellis, Van Bael & Bellis (Firm),2011-01-01 The authors of this fifth edition from the firm Van Bael determining the subsidy margin determining the causal link between dumping or subsidy and injury determining if Union interest calls for intervention differences between anti dumping and anti subsidy legislation procedural rules applicable to complaints initiation of proceedings investigations protective measures reviews and refunds conditions for accepting an undertaking measures that may be taken to prevent circumvention of anti dumping measures rules for the

determination of permissible adjustments rules governing the standing of various interested parties before the European Courts rules and procedure applicable to non market economy countries special rules on products originating in a developing country allocation and administration of quantitative quotas surveillance measures and whether and to what extent safeguard measures are subject to judicial review The Regulation of International Trade M. J. Trebilcock, Robert Howse, Antonia Eliason, 2013 This book introduces the rules and institutions that govern international trade The authors draw their analysis on aspects of the subject from classic and contemporary literature on trade and political economy

Competition Laws Outside the United States H. Stephen Harris, 2001 **Anti-dumping Laws and Practices of the New Users** Junji Nakagawa, 2007 More and more members of the WTO are using anti dumping AD measures as an effective tool for protecting domestic industries facing competition with foreign products In contrast to the big four US EC Canada and Australia which have been using AD measures frequently since the GATT era many of the new users established their AD regimes and began to use them after the establishment of the WTO Why are there more and more new users How are they applying AD measures Do they comply with the rules of the WTO Anti Dumping Agreement What are their specific characteristics in the handling of AD cases What should exporters and practitioners do to prepare for AD investigations by the new users Based on extensive analyses of primary materials and hearings from practitioners and AD authorities this book provides detailed and updated information to answer these questions on the following new users China Chinese Taipei Korea Thailand India South Africa Mexico Argentina and Brazil **The Regulation of International Trade** Michael J. Trebilcock, Robert Howse, 1999 Introduces the rules and institutions that govern international trade This new edition has been fully up dated to take account of the most recent developments **E.C. Anti-dumping Law and Practice** Edwin A. Vermulst, Paul Waer, 1996 Clarifies the technicalities of the most commonly encountered aspects of family law The approach of this book is straightforward including flowcharts and checklists It is updated annually providing practitioners with an aide memoire to the subject area Regulation of Energy in International Trade Law Julia Selivanova, 2011-01-01 Starting from the premise that a multilateral legal framework is the surest way to achieve predictability and transparency under conditions of increasing reliance on internationally traded energy the essays gathered in this book treat the many complex interlocking issues raised by examining that desideratum in the light of current reality Concentrating on the application of WTO agreements to energy trade as well as energy related issues addressed in the current WTO negotiations the authors offer in depth discussion and analysis of such issues as the following the effectiveness of existing WTO agreements in addressing issues pertinent to energy trade how restrictive practices of energy endowed countries can be tackled under existing international trade rules existing frameworks for investment in highly capital intensive energy infrastructure projects and conditions for access to pipelines and transmission grids regulation of energy services bioenergy development and trade energy issues addressed in the WTO accession negotiations of energy endowed countries international instruments of

resolution of energy related disputes **WTO - Trade Remedies** Peter-Tobias Stoll, Michael Koebele, 2008-06-25 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 **European Yearbook of International Economic Law 2014** Christoph Herrmann, Markus Krajewski, Jörg Philipp Terhechte, 2014-02-10 In 2014 the global economic system celebrates two anniversaries Seventy years ago on 22 July 1944 at Bretton Woods New Hampshire the Articles of Agreement of the International Monetary Fund IMF and the Articles of Agreement of the International Bank for Reconstruction and Development Worldbank were adopted Since then the global financial and monetary system underwent significant policy changes but the institutional framework remained the same More recently twenty years ago on 15 April 1994 the Final Act of the Uruguay Round of Multilateral Trade Negotiations was signed and its key component the Agreement establishing the World Trade Organization entered into force on 1 January 1995 Even though the beginning of the multilateral trading system dates back to the late 1940s the founding of the WTO constitutes a significant institutional reform which marks the beginning of a new era Anniversaries are usually moments of celebration However even a superficial observer will notice that neither the current international financial and monetary regime nor the international trade regime is in a stage which invites celebration Instead both are facing difficult and fundamental challenges to their very existence from the outside but also from within So while there may be no time to celebrate anniversaries are also often used for reflection about the past and the future Hence EYIEL 5 2014 considers these two anniversaries ample moments to reflect on the legacy and the current status of the main two pillars of International Economic Law in its Part one Part two of EYIEL 5 2014 brings together contributions on the EU's Deep Trade Agenda on Current Approaches to the International Investment Regime in South America on the Multilayered System of Regional Economic Integration in West Africa and on the Tripartite Free Trade Area as well as on India and her Trade Agreements Part three contains treatises of developments in the World Customs Organization the World Intellectual Property Organization and in International Investment Law After the book reviews in Part four EYIEL 5 2014 is

complemented with an Annex containing the Case on exchange rate manipulation and crisis caused guarantees to financial institutions and the Best Submissions of the 11th EMC2 ELSA WTO Moot Court Competition of the Harvard team for the complainant and the Leuven team for the respondent The case not only addresses issues of current interest but also links the subjects of our two special focusses nicely together *EU Anti-Dumping and Other Trade Defence Instruments* Van Bael & Bellis, 2019-05-22 The sixth edition of this definitive work last revised in 2011 gives detailed attention to all legislative regulatory and judicial developments that have arisen under European Union EU and World Trade Organization WTO law on trade defence instruments up to February 2019 including the amended 2018 EU anti dumping regulation As trade law practitioners and scholars have come to expect from the trade law team of the Brussels law firm Van Bael rules for the determination of permissible adjustments clarification of the terms significant distortions and distortions on raw materials determining the subsidy margin determining the causal link between dumping or subsidy and injury determining if Union interest calls for intervention examining the differences between anti dumping and anti subsidy legislation procedural rules applicable to complaints initiation of proceedings investigations protective measures reviews and refunds conditions for accepting an undertaking measures that may be taken to prevent circumvention of anti dumping or countervailing measures rules governing the standing of various interested parties before the European Courts allocation and administration of quantitative quotas and surveillance measures As a detailed and practical commentary on the relevant aspects of the EU trade defence instruments as actually applied by the EU institutions in the light of WTO law this book is the pre eminent work in the field which remains without peer as a guide to EU trade defence law **A Review of Forty Years of Community Law** Alison McDonnell, 2005-01-01 In this important book eighteen of Europe's most respected jurists and legal scholars look at long term developments in Community and Union law with a view to shedding light on the current situation and pointing out lessons for the future They consider major Community law themes as they have developed over the past four decades in institutional and substantive contexts as well as in such newer areas of development as external relations economic and monetary union and the Third Pillar Starting from the absolute centrality of the Common Market to the European Community enterprise the authors provide many reminders of how the current situation evolved Their detailed root analyses of past experiences explore origins patterns and implications from the initial concept of market access through laws relating to individual rights to such complexities as the bottom up emergence of constitutional principles They show that whether we will in fact soon see a European constitution or not there is little doubt today that EC law is undergoing what may be best understood as a process of constitutionalization Seventeen insightful essays give deeper meaning to many events principles and issues which have had far reaching implications for European integration including the following the crucial principles made clear by the ECJ in *Van Gend andamp Loos* in 1963 the place of fundamental rights in a supranational legal order tensions to be resolved through political and legal means exclusive shared and supporting competences the gradual

rise of principles such as subsidiarity and proportionality the precautionary principle the legitimacy and authority of the ECJ the extent to which fundamental freedoms have become fundamental rights the procedural rules of European competition policy enforcement state aid under EC Treaty Article 87 1 the case for harmonization of private law social policy and equal treatment institutional balance the EU as global actor the evolution of the EU Charter of Fundamental Rights and the Constitutional Treaty The European Union is a dynamic legal order and continues to face myriad challenges and dilemmas as it expands its membership and considers a European constitution This concentrated summary of the most important issues in forty years of legal developments reveals both the lasting triumphs along the way and the gaps that require urgent attention if the legitimacy of the Union is not to be impaired Participants in European law and government from citizens and students to the highest levels of policy making will find here an invaluable resource for the future and much food for thought These articles were first presented at a conference held at the end of 2003 to mark the 40th anniversary of the Common Market Law Review and were originally published in a special issue of the Review

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