Record Nr. UNINA9910781908603321 Environment and trade: a guide to WTO jurisprudence / / Nathalie **Titolo** Bernasconi-Osterwalder. [et al.] Pubbl/distr/stampa London;; Sterling, Va.:,: Earthscan,, 2006 **ISBN** 1-136-56700-3 1-280-47552-8 9786610475520 1-136-56701-1 600-00-0126-6 1-84977-115-4 Descrizione fisica 1 online resource (391 p.) Altri autori (Persone) Bernasconi-OsterwalderNathalie Disciplina 343.087 Soggetti Foreign trade regulation - Environmental aspects Foreign trade regulation Non-tariff trade barriers - Law and legislation - Environmental aspects Non-tariff trade barriers International trade - Environmental aspects Environmental policy - Economic aspects Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali Includes index. Front Cover: Environment and Trade: Contents: List of Contributors: Nota di contenuto Foreword by Philippe Roch: Acknowledgements: List of Acronyms and Abbreviations; List of Relevant GATT and WTO Disputes; List of Relevant WTO Agreements: Introduction: Chapter 1. Like Products: Background; Introduction; The concept of like products; The relevance of like products for environmental policy making; Discussion of relevant WTO provisions; The GATT in general; Article III of the GATT; Article I of the GATT; Article 2.1 of the TBT Agreement Article 6.3 of the Agreement on Subsidies and Countervailing Measures (SCM Agreement)Selected literature; Selected jurisprudence relating to 'like products' under GATT Articles land III; The Australian Subsidy on Ammonium Sulphate, 1950; Belgian Family Allowances, 1952; Spain -

Petroleum, 1987; Japan - Lumber, 1989; EEC - Oilseeds and Related Animal-Feed Proteins, 1990; US - Tuna/Dolphin I, 1991; US - Malt Beverages, 1992; US - Taxes on Automobiles, 1994; Japan - Alcoholic Beverages, 1996; US - Reformulated Gasoline, 1996 Canada - Periodicals, 1997EC - Bananas III, 1997; Indonesia -Automobile, 1998; Chile - Alcoholic Beverages, 2000; Argentina -Bovine Hides, 2001; EC - Asbestos, 2001; Chapter 2. General Exceptions Clauses: Background: Discussion of relevant WTO provisions; Article XX of the GATT (in general); Article XX(g) of the GATT; Article XX(b) of the GATT; Function of Article XX's Chapeau; Article XIV of the GATS: Selected literature: Selected jurisprudence under Articles XX(b) and (g) of the GATT and Article XIV of the GATS; US - Tuna and Tuna Products from Canada, 1982 Canada - Unprocessed Herring and Salmon, 1988Thailand - Cigarettes, 1990; US - Tuna/Dolphin I, 1991; US - Tuna/Dolphin II, 1994; US -Reformulated Gasoline, 1996; US - Shrimp/Turtle I, 1998; US -Shrimp/Turtle 21.5, 2001; US - Gambling, 2005; Chapter 3. The Necessity Requirement; Background; Discussion of Relevant WTO Provisions; Articles XX(a), (b) and (d) of the GATT; Articles 2.2 and 5.6 of the SPS Agreement; Article 2.2 of the TBT Agreement; Comparing the Necessity Requirement under the GATT, SPS and TBTAgreements; Articles VI and XIV of the GATS Selected issues relating to the necessity requirementLegitimate objectives: International standards and the presumption of necessity: Selected literature; Selected jurisprudence under the GATT, the SPS and TBT Agreements, and the GATS; Articles XX(b) and (d) of the GATT 159 US - Section 337, 1989; Thailand - Cigarettes, 1990; US -Tuna/Dolphin I, 1991; US - Tuna/Dolphin II, 1994; Korea - Beef, 2001; EC - Asbestos, 2001; DR - Cigarettes, 2005; SPS Agreement; Australia - Salmon, 1998; Japan - Varietals, 1999; TBT Agreement; EC -Sardines, 2002; Article XIV of the GATS; US - Gambling, 2005 Chapter 4. Processes and Production Methods

Unroasted Coffee, 1981; Japan - Alcoholic Beverages, 1987; US -

Sommario/riassunto

International trade rules have significant impacts on environmental law and policy, at the domestic, regional and global levels. At the World Trade Organization (WTO), dispute settlement tribunals are increasingly called to decide on environment- and health-related questions. Can governments treat products differently based on environmental considerations? Can they block the import of highly carcinogenic asbestos-containing products or genetically modified crops? Does the WTO allow governments to protect dolphins or endangered sea turtles through the use of import restrictions on certain produ