



WORLD TRADE
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WTO 学科信息简报

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一、学术会议

1、Workshop on E-Commerce, Development and Small and Medium-sized Enterprises (SMEs), 8-9 APRIL 2013

A workshop will be held at the WTO on Monday 8 and Tuesday, 9 April 2013 to highlight the relationship between e-commerce and development and to examine how SMEs in developing countries have been using e-commerce to promote, market, service and sell their products nationally and abroad. The workshop will focus on both the opportunities and the challenges facing developing countries and will assess how such issues concerning adequate levels of telecoms infrastructure, regulation and investment either help or hinder SMEs from finding new opportunities through e-commerce.

http://www.wto.org/english/tratop_e/devel_e/wkshop_apr13_e/wkshop_apr13_e.htm

2、Workshop on the role of intergovernmental agreements in energy policy, 29 April 2013, GENEVA

There are calls to switch to cleaner methods of production and energy efficiency. Given the increased volumes of energy materials and products traded across borders, the above challenges provide a new incentive to revisit the current institutional structure of energy governance, which consists of multilateral, plurilateral, regional, and bilateral treaties covering differing and sometimes overlapping spheres of energy trade and investment.

The aim of the Workshop is to shed light on the application of existing international rules embodied in WTO and the ECT to trade and investment in energy. The Workshop is also aimed at raising awareness of current challenges the energy sector faces and the implications of such challenges for the regulatory framework. More specifically, the discussion will focus on the interaction of the Energy Charter Treaty and the World Trade Organization Agreements.

http://www.wto.org/english/tratop_e/envir_e/wksp_envir_apr13_e/wksp_envir_apr13_e.htm

二、WTO 新闻动态

1、China should be more active in global economic governance, Lamy tells Beijing forum

With advanced economies and emerging countries divided over how to balance the gains and the costs of international issues such as the Doha Round negotiations, China is well-placed to become an agent of convergence, WTO Director-General Pascal Lamy told the China Development Forum in Beijing, 24 March 2013.

What he said, see http://www.wto.org/english/news_e/sppl_e/sppl274_e.htm

2、Algeria resumes its WTO membership negotiations

At the 11th meeting of the Working Party on the Accession of Algeria on 5 April 2013, WTO members reviewed the state of play in bilateral negotiations on goods and services, continued the examination of the Algerian trade regime, based on the revised Working Party Report, and examined legislative developments.

http://www.wto.org/english/news_e/news13_e/acc_dza_05apr13_e.htm

3、 Appellate Body issues Annual Report for 2012

The Appellate Body, on 9 April 2013, issued its Annual Report for 2012 (WT/AB/18). This Annual Report summarizes the activities of the Appellate Body and its Secretariat for the year 2012.

See the details of the report: [Annex 1](#)

4、 Trade Policy Review: Indonesia

The sixth review of the trade policies and practices of Indonesia takes place on 10 and 12 April 2013. The basis for the review is a report by the WTO Secretariat and a report by the Government of Indonesia. The following documents are available:

- [Full report](#)
- [Chairperson's concluding remarks](#)

http://www.wto.org/english/tratop_e/tpr_e/tp378_e.htm

5、 Trade Policy Review: Mexico

The fifth review of the trade policies and practices of Mexico takes place on 17 and 19 April 2013. The basis for the review is a report by the WTO Secretariat and a report by the Government of Mexico. The following documents are available:

- [Full report](#)
- [Chairperson's concluding remarks](#)

http://www.wto.org/english/tratop_e/tpr_e/tp379_e.htm

6、 TTIP 投资章节美欧可能存在的主要分歧

《美国贸易内情》近日报道，根据欧盟-加拿大 FTA 谈判近期泄露的投资章节文本，专家认为欧盟与美国在“跨大西洋贸易与投资伙伴关系 (TTIP)”谈判中，在投资保护方面可能将面临的主要分歧包括以下几点：一是“最低标准的待遇”和“公正与公平待遇”；二是间接征收；三是准入前待遇；四是“保护伞条款”

http://www.sccwto.net/webpages/WebMessageAction_viewIndex1.action?menuid=8d5c96d912c643df834c0c09fa1fba22&id=f748ee95-f34e-491c-a2dc-e5e2c061faba

7、 欧盟提交《政府采购协议》修订文本

日前，欧盟委员会正式向欧盟理事会提交《政府采购协议》(以下简称 GPA) 修订文本。世贸组织预计，修订后的 GPA 文本将带来价值 800 亿欧元的采购机遇，欧洲企业也将从中获得约 300 亿欧元的市场准入。

据了解，GPA 是迄今为止世贸组织在政府采购领域中惟一具有法律约束力的协议。修订后的 GPA 将增强国际公共采购规则的透明度，同时提供更多的市场准入机会，将有逾 200 家中央或地方的合同机构加入。其中，欧盟与美国将市场准入扩展至中央实体级别，加拿大的准入范围扩展至省与地区级别，韩国将铁路与城市交通采购纳入其中，日本也将准入范围延伸至公司合作伙伴与建设项目领域。

截至目前，GPA 共有 15 个缔约方，修订文本将通过 2/3 的缔约方批准后生效。我国自 2007 年底启动加入 GPA 谈判至今，已向 WTO 提交 4 次出价清单，并不断扩大地方实体的开放范围，但 GPA 缔约方仍认为此份出价改进不够充分。

<http://www.cacs.gov.cn/cacs/newcommon/details.aspx?articleid=111763>

8、 ICC sees WTO deal on trade, phasing out of farm sops at Bali meet

The International Chamber of Commerce (ICC) expects a WTO agreement on trade facilitation and phasing out of farm subsidies as well as removal of food export restriction and trade barriers to IT as “tangible outcomes” this year as governments meet at Bali, Indonesia in December to revive the stalled Doha Round negotiations

These were highlighted at a consultation paper of the ICC Business World Trade Agenda (WTA), which is being held today, in conjunction with the World Chambers Congress, which will begin will begin tomorrow at the Qatar National Convention Centre.

<http://www.gulf-times.com/business/191/details/349963/icc-sees-wto-deal-on-trade,-phasing-out-of-farm-sops-at-bali-meet>

三、 WTO 争端

1、 WTO issues panel report on China’s anti-dumping duties on EU X-ray scanners

On 26 February 2013, the WTO issued the dispute panel report in the case “China – Definitive Anti-Dumping Duties on X-Ray Security Inspection Equipment from the European Union” ([WT/DS425/R](http://www.wto.org/english/press/p/20130226_china_eu_xray.htm)).

http://www.wto.org/english/news_e/news13_e/425r_e.htm

2、 Indonesia objects to a dispute settlement panel on US agricultural exports

Following Indonesia’s objection, on 26 March 2013 the Dispute Settlement Body, which comprises all WTO members, deferred the establishment of a panel — requested by the United States — to examine a dispute on importation of horticultural products, animals and animal products.

[DS438; DS444; DS445: Argentina — Measures Affecting the Importation of Goods](http://www.wto.org/english/press/p/20130326_idn_us_agriculture.htm)

http://www.wto.org/english/news_e/news13_e/dsb_28jan13_e.htm

3、 India takes US to WTO over green energy

Two months after it was taken to the World Trade Organization by the US government on the renewable energy (RE) sector, the Indian government has done likewise.

It has made a complaint to WTO’s dispute settlement body, alleging the US, both at the federal and state levels, is offering subsidy programs in the sector for local content requirements, making the entry of Indian companies difficult and breaching global trading rules.

In a report on Thursday to WTO’s Subsidies and Countervailing Measures Committee, India named the four US states — Connecticut, Delaware, Massachusetts and Minnesota — where such a program was on to promotes local firms. The complaint says such subsidy programs violate WTO’s TRIMS (Trade Related Investment Measures) agreement

http://www.business-standard.com/article/economy-policy/now-india-takes-us-to-wto-over-green-energy-113042100316_1.html .

四、 WTO 资源推荐



1、WTO 期刊论文推荐

(1) **Article:** REACH Revisited: A Framework for Evaluating Whether a Non-Tariff Measure Has Matured into an Actionable Non-Tariff Barrier to Trade

NAME: Lawrence A. Kogan

Source: American University International Law Review, 28 Am. U. Int'l L. Rev. 489, 2013

Introduction: This article outlines a possible analytical framework employing recent and relevant World Trade Organization ("**WTO**") jurisprudence for evaluating whether technical regulations such as the European Union's ("EU's")/European Community's ("EC's") regulatory regime for the Registration, Evaluation, Authorization and Restriction of Chemicals ("**REACH**"), as adopted and/or as applied, are **WTO**-consistent.

For the full text, please link here. [Full text one](#)

(2) **Article:** WTO Appellate Body Upholds U.S. Safeguard Measures on Imported Tires from China: Legal Implications and Ramifications to Subsequent Trade Disputes and to Other Trade Industries

Name: James Clifford Anderson

Source: Pacific McGeorge Global Business & Development Law Journal, 26 Pac. McGeorge Global Bus. & Dev. L.J. 187, 2013

Introduction: China and the United States are engaged in international trade disputes within the World Trade Organization ("**WTO**") dispute settlement system which are currently at a boiling point. Part II of this Comment introduces the background and procedure of China's accession into the WTO and discusses the U.S.-China Protocol and its implications. Part III analyzes the initial 2009 tire dispute followed by an explanation of the AB Tire Report. Part IV examines the legal implications the AB Tire Report would have had on the previous U.S.-China Steel Dispute from 2003. In addition, Part IV will compare the AB Tire Report and what effects, if any, it may have on other current international trade disputes, such as the solar industry. It also discusses the possible effects and options once the U.S.-China Protocol expires in December 2013. In Part V, the Comment concludes that because the AB Tire Report expanded definitions of critical terms within the U.S.-China Protocol and because other industries, such as the solar industry are importing at similar levels to the tire industry, the United States will likely experience success in subsequent trade disputes with China.

For the full text, please link here. [Full text two](#)

(3) **TITLE:** United States - Definitive Anti-Dumping and Countervailing Duties on Certain Products from China: Passing the Buck on Pass-Through

AUTHOR: Thomas J. Prusa, Rutgers University and NBER; Edwin Vermulst, VVGB Advocaten

Source: World Trade Review (2013), 12: 2, 197-234, 1 April 2013

Introduction: In 2007, the United States reversed its long-standing policy prohibiting the simultaneous imposition of anti-dumping duties (ADDs) and countervailing duties (CVDs) against nonmarket economies. Subsequently, the United States has imposed concurrent ADDs and CVDs in numerous cases against China. China challenged a number of aspects of the US practice, most notably the double-remedies issue, which occurs when a domestic subsidy is offset by both an ADD and CVD. The Appellate Body (AB) correctly ruled that double remedies are inconsistent with the Agreement on Subsidies and Countervailing Measures and that the

burden was on the investigating authorities to ensure that double remedies were not being imposed; however, the AB largely limited its discussion to measurement concerns, an approach that may have inadvertently opened the door to future double-remedies disputes involving other methods for computing normal value. Two other issues that are likely to have significant long-term ramifications are (i) the scope of the term 'public body' and (ii) the appropriate use of out-of-country benchmarks. On both issues, we believe the AB's conclusions and analysis were correct.

For the full text, please link here. [Full text three](#)

(4) **TITLE:** How Easy Is an Easy Case for a Complainant? Comment on US-Zeroing (Korea) DS402

AUTHOR: Jorge A. Huerta-Goldman, Carouge, Switzerland

Source: World Trade Review (2013), 12: 2, 427-431, 1 April 2013

Introduction: This article is about how easy a WTO case is when the defendant concedes the claims, the description of the facts, and the evidence presented by the complainant. In US-Zeroing (Korea), the United States did just that. We explore whether Korea obtained any additional benefit by having an easy case. We identified some small benefits at the preparation stage of the case arising from the favorable precedents and shorter time frames only at the Panel stage. There were, however, some additional costs for the complainant stemming from the Panel's reasoning when it addressed case law. In our opinion, benefits were few. Korea was obliged in any case to engage in two years of multilateral procedures before three old measures, which were not defended by the defendant, were revoked.

For the full text, please link here. [Full text four](#)

2、World Trade Review 最新期刊目录

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[For details of the table of contents, please see the link ANNEX 2](#)

3、WTO 馆藏新书推荐

(1) 中文新书

序	书名	作者	出版社	年份	摘要	索取号
1	《武大国际法评论》第十五卷·第一期	曾令良	武汉大学出版社	2012	本书共分为四部分，主要内容包括：专论；2020年国际法的发展展望(下篇)；国际投资法的新发展；案例研究。	D99-55/44 03'15'1
2	《WTO 中国案例精选一》	杨国华	厦门大学出版社	2012	本书共分为四部分，主要内容包括：美国钢铁保障措施案、中国汽车零部件案、中国知识产权案、中国出版物案。	D996.1/47 62.23'1
3	《WTO 中国案例精选二》	杨国华	厦门大学出版社	2012	本书主要内容包括：美国反倾销和反补贴案、美国禽肉进口措施案、中国原材料出口案、欧盟紧固件反倾销案等。	D996.1/47 62.23'2
4	《国际法研究》	陈泽宪	社会科学文献出版社	2012	本书是由中国社会科学院国际法研究所创办的国际法学术出版书刊，本刊每年四期，分两卷出版，内容涵盖国际公法、国际经济法和国际私法等国际法学科的	D99-55/50 63'6

					诸领域，设有《学术论坛》《前沿动态》《创新工程专栏》《研究生论坛》《信息综述》等栏目。	
5	《变化中的国际法：热点与前沿》	朱晓青	中国社会科学出版社	2012	本书在“变化中的国际法”的标题之下，探寻了国际公法的变革与发展、国际私法领域传统理论和实践的突破，以及国际经济法面临的挑战与诸多理论的重塑。	D99/2565.2

(2) 外文新书

◆ The international trading system

Alice Landau

London, New York: Routledge, 2012.

The (WTO) is without doubt one of our main instruments of globalization, the controversy which is whipped up by this organization is arguably mainly caused by the mystery which surrounds it. The International Trade System seeks to remove the clouds of misunderstanding that circle the multilateral commercial system by clearly describing and explaining the processes, conventions and rules around which world trade functions. The latest developments in the international trade system can be understood with more clarity thanks to this book, academics and students involved with international economics, finance and business will find this to be an impressive read.

索取号: D996.1/L253

◆ Remedies under the WTO legal system

R. Rajesh Babu

Leiden, Boston: Martinus Nijhoff Publishers, 2012.

Include bibliographical references (p. [471]-491) and index.

索取号: D996.1/B115

◆ Commentaries on selected model investment treaties

Chester Brown

Oxford, United Kingdom: Oxford University Press, 2013

The existing literature on the substantive and procedural aspects of bilateral investment treaties (BITs) relies heavily on investment treaty arbitration decisions as a source of law. What is missing is a comprehensive, analytical review of state practice. This volume fills this gap, providing detailed analyses of the investment treaty policy and practice of nineteen leading capital-exporting states and emerging market economies. The authors are leading experts in government, academia, and private legal practice, and their chapters are largely based on primary source materials. Each chapter provides a description of the regulatory or policy framework governing foreign investment (both inflows and outflows) with a historical presentation of the state's Model BIT; an examination of internal government processes and practices relating to treaty negotiation, conclusion, ratification and record-keeping; and a detailed article-by-article analytical commentary of the state's Model BIT, elucidating the policy behind each provision and highlighting the ways in which the actual investment treaty practice of

that state deviates from this standard text. This commentary is supplemented by the case law relevant to that state's investment treaties. This commentary will be of immense assistance to counsel and arbitrators engaged in arguing and determining the proper interpretation of BITs and investment chapters in Free Trade Agreements, and to government officials and scholars engaged in BIT policy formulation and implementation. It will serve as a standard resource for legal practitioners, scholars, policy-makers and other stakeholders in the field of international investment policy, law, and arbitration.

索取号: D996.4/C734

◆ A handbook on the WTO TRIPS agreement

Antony Taubman, Hannu Wager, and Jayashree Watal
Cambridge, New York: Cambridge University Press, 2012.

This handbook describes the historical and legal background to the TRIPS Agreement, its role in the WTO and its institutional framework and reviews the following areas: general provisions and basic principles; copyright and related rights; trademarks; geographical indications; patents; industrial designs, layout-designs, undisclosed information and anti-competitive practices; enforcement of IPRs; dispute settlement in the context of the TRIPS Agreement; TRIPS and public health; and current TRIPS issues. It contains a guide to TRIPS notifications by WTO members and describes how to access and make use of the official documentation relating to the TRIPS Agreement and related issues. Furthermore, it includes the legal texts of the TRIPS Agreement and the relevant provisions of the WIPO conventions referred to in it, as well as subsequent relevant WTO instruments.

索取号: D997.1/H236

◆ Non-discrimination in the world trade origination

William J. Davey.
The Hague: Hague Academy of International Law, 2012.

The WTO/GATT system--The concept and theory of non-discrimination rules, Most-favored nation treatment. The exceptions to the most-favored-nation obligation of Article I: National treatment, General exceptions, Final observations.

索取号: D996.1/D248