

Contents

<i>List of contributors</i>	ix
<i>Preface</i> Inge Govaere, Marco Bronckers, Reinhard Quick	xxi
<i>Foreword</i> Paul Demaret	xxiii
<i>Foreword</i> Koen Lenaerts	xxvii
<i>Foreword</i> Carl Baudenbacher	xxix

PART I TRADE AND COMPETITION

1. Competition and trade policy and the challenge of globalization	3
<i>Jacques Steenbergen</i>	
2. Towards a WTO business-enabling compact	18
<i>Stefan D. Amarasinha and Simon J. Evenett</i>	

PART II TRADE

Rules and Rulemaking

3. Challenges in international monetary law	35
<i>Thomas Cottier and Tetyana Payosova</i>	
4. From reluctant participant to key player: EU and the negotiation of the GATS	48
<i>Juan A. Marchetti and Petros C. Mavroidis</i>	
5. Article IV of the GATT: an obsolete provision or still a basis for cultural policy?	96
<i>Lothar Ehring</i>	
6. The debate continues: are border adjustments of emission trading schemes a means to protect the climate or are they 'naked' protectionism?	119
<i>Reinhard Quick</i>	

7. EU common commercial policy throwing off the shackles of 'mixity' 144
Inge Govaere
8. The negotiations of a new anti dumping agreement (ADA) in the DDA – some observations 159
Hannes Welge
9. The EU and free trade: can we still afford it? 171
Gérard Depayre

Interpretation and Dispute Settlement

10. Modern approaches to treaty interpretation 187
John H. Jackson
11. WTO dispute settlement: promise fulfilled? 194
William J. Davey
12. Consolidation of WTO dispute settlement proceedings before panels and the Appellate Body 204
Raimund Raith
13. Can the EU's disregard for 'strict observance of international law' (Article 3 TEU) be constitutionally justified? 214
Ernst-Ulrich Petersmann
14. The effect of WTO dispute decisions in EU law – autonomy or autarky? 226
Piet Eeckhout
15. The domestic law effect of the WTO in the EU – a dialogue with Jacques Bourgeois 240
Marco Bronckers
16. The Court of Justice and unrecognized entities under international law 257
Pieter Jan Kuijper
17. The *Brita* ruling of the European Court of Justice: a few comments 276
Marc Maresceau

8. The standing requirements for bringing a direct action before the General Court in the field of trade defence and customs following the entry into force of the TFEU
Philippe De Baere 290

PART III COMPETITION

Agreements

19. Vertical restraints and online sales in the era of modernization: is the new regime ‘modern’ enough?
Massimo Merola and Leonardo Armati 313
20. Parallel trade: econ-oclast thoughts on a dogma of EU competition law
Nicolas Petit 332

Abuses and Mergers

21. How to treat aftermarkets under Article 102 TFEU
Hendrik Bourgeois 349
22. The British Airways judgment – what are the ‘underlying factors’ in exclusionary abuses?
John Temple Lang 367
23. Magill revisited
Ian S. Forrester 376
24. Refusal to supply and margin squeeze: a discussion of why the ‘Telefonica exceptions’ are wrong
Damien Geradin 391
25. Making sense of the reactions to the 2010 US Horizontal Merger Guidelines
Barry E. Hawk and James A. Keyte 403

State Aid

26. From trade to tutelage: state aid and public choice in the European Union
William Bishop 421

Enforcement and Litigation

27. Public and private enforcement of competition law 435
José Rivas
28. When the judge prosecutes, power prevails over law 446
Catherine Smits and Denis Waelbroeck
29. Shaping or administrating the law? Reflections on the
European Courts' decision-making practice in the field of
competition law 455
Frank Montag
- Index* 469