This book is the first in a new series of annual volumes that will be utilized in the development of an American Law Institute (ALI) project on World Trade Organization Law. The project will undertake yearly analysis of the case law from the adjudicating bodies of the WTO. The Reporters’ Studies for 2001 cover a wide range of WTO law ranging from classic trade in goods issues to intellectual property protection. Each of the cases is jointly evaluated by an economist and a lawyer, both well-known experts in the field of trade law or international economics. The Reporters critically review the jurisprudence of WTO adjudicating bodies and attempt to evaluate whether the ruling “makes sense” from an economic as well as a legal point of view, and, if not, whether the problem lies in the interpretation of the law or the law itself. The Studies do not always cover all issues discussed in a case, but they seek to discuss both the procedural and the substantive issues that form the “core” of the dispute.

Henrik Horn is Professor of International Economics and Deputy Director at the Institute for International Economic Studies, Stockholm University. He has previously worked for the Economic Research and Analysis Division of the World Trade Organization, and has been a judge in the Swedish Market Court (supreme court for competition cases). He is a member of the Editorial Board of the World Trade Review and is a research fellow at the Centre for Economic Policy Research (CEPR).

Petros C. Mavroidis is Professor of Law at the University of Neuchâtel and Columbia Law School. He was previously Chair of Competition Law, European University Institute, Florence and a member of both the Legal Affairs Division of the World Trade Organization and the Centre for Economic Policy Research (CEPR). He is Associate Editor of the Journal of World Trade and a member of the Editorial Board of the World Trade Review, Columbia Journal of Transnational Law, and Columbia Journal of European Law.
THE WTO CASE LAW OF 2001

The American Law Institute
Reporters’ Studies

Edited by
HENRIK HORN AND PETROS C. MAVROIDIS
CONTENTS

Foreword page vii

List of reporters x

1 Introduction 1
Henrik Horn and Petros C. Mavroidis

2 EC – Asbestos
European Communities – Measures Affecting Asbestos and Asbestos-Containing Products 14
Henrik Horn and Joseph H. H. Weiler

3 US – Shrimp
United States – Import Prohibition of Certain Shrimp and Shrimp Products, Recourse to Article 21.5 of the DSU by Malaysia 41
Robert Howse and Damien J. Neven

4 US – Lamb
United States – Safeguard Measures on Imports of Fresh, Chilled or Frozen Lamb Meat from New Zealand and Australia: What Should Be Required of a Safeguard Investigation? 72
Henrik Horn and Petros C. Mavroidis

5 EC – Bed Linen
European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India 115
Merit E. Janow and Robert W. Staiger

6 Mexico – Corn Syrup
Mexico – Anti-Dumping Investigation of High Fructose Corn Syrup from the United States,
Recourse to Article 21.5 of the DSU by the United States 140
Robert Howse and Damien J. Neven

7 Argentina – Ceramic Tiles
Argentina – Definitive Anti-Dumping Measures on Imports of Ceramic Floor Tiles from Italy 155
Robert Howse and Damien J. Neven

8 US – Lead and Bismuth II
United States – Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products Originating in the United Kingdom: Here Today, Gone Tomorrow? Privatization and the Injury Caused by Non-Recurring Subsidies 170
Gene M. Grossman and Petros C. Mavroidis

9 US – Export Restraints
United States – Measures Treating Export Restraints as Subsidies 201
Merit E. Janow and Robert W. Staiger

10 Canada – Dairy
Canada – Measures Affecting the Importation of Dairy Products and the Exportation of Milk 236
Merit E. Janow and Robert W. Staiger

11 US – Section 110(5) Copyright Act
US – Section 110(5) of the US Copyright Act, Recourse to Arbitration under Article 25 of the DSU: Would’ve or Should’ve? Impaired Benefits due to Copyright Infringement 281
Gene M. Grossman and Petros C. Mavroidis

Index 300