

Contents

<i>Note to the Reader</i>	vi
<i>Acknowledgements</i>	vii
<i>Table of Cases</i>	xvii
<i>Table of Legislation</i>	xxvii
<i>Table of Treaties</i>	xxxv
<i>List of Tables</i>	xlix
<i>List of Figures</i>	li
1 Introduction	1
PART I GLOBALISATION, SITES OF GOVERNANCE AND GLOBAL LEGAL PLURALISM	9
2 Globalisation and the Law	11
I. Introduction	11
II. Internationalisation of Legal Fields	12
III. New Institutions and New Norms	16
IV. Specific Fields of Research	20
V. Governance of Globalisation	25
A. Contract	26
B. Hierarchy	26
C. Networks	27
D. Global legal pluralism	29
VI. Global Governance	34
3 Governing Economic Globalisation: Sites of Governance and Global Legal Pluralism	42
I. Introduction	42
A. How is Globalisation Governed?	42
B. The Meaning of Globalisation	42
C. An Analytical Strategy	44
II. An International Production Network: the Global Commodity Chain in Toys	44
III. Elements of Global Legal Pluralism	48
IV. The Toy Sector and the Shape of Global Legal Pluralism	54
A. Outline	54
B. Monopoly or Competition	55
C. Geographical Concentration or Dispersal	64
D. Multiple Memberships	69
E. Property	71
F. Labour	72

G. Links Within a Chain	77
H. Connections between Specific Sites and Particular sets of Economic Relations	78
I. Relations between Sites and the Chain as a Whole	82
V. Conclusion	84
4 Foundations of Global Legal Pluralism: International Competition, Legal Strategies and Unintended Consequences in the EC <i>Chinese Bicycles</i> Anti-dumping Saga	89
I. Introduction	89
A. Sites of Governance and Global Legal Pluralism	89
B. Four Perspectives on Anti-dumping Law	90
C. Strategic Actors and the World Bicycle Industry	92
D. Organisation of the Chapter	94
II. International Competition and Anti-dumping Law	95
A. EBMA's Search for Protection	95
B. The European Commission's Analysis	97
C. The Commission's Analysis Confirmed	104
D. Shanghai Bicycle Corporation's Strategy of Litigation	106
III. Globalisation, Circumvention and Economic Regulation	109
A. Competing Legal Strategies in a Globalised Industry	109
B. Anti-dumping Law begets Economic Regulation	115
IV. Renewal of Anti-dumping Duties and the Consequences	119
A. A Short-Lived Victory for EBMA and Commission Strategies	119
B. The Successive Phases	123
C. Consequences, Intended and Unintended	130
V. Conclusion	138
Appendix: Chronology of the <i>Chinese Bicycles</i> Saga	142
PART II GLOBAL LEGAL PLURALISM IN ACTION: THE EU, THE WTO AND CHINA	151
5 The Construction of Relations Between Sites of Governance: the European Courts and WTO Law	153
I. Introduction	153
II. WTO and the EC Legal Order	155
A. Effects of WTO Law on the EC Legal Order	155
B. Interpretation of WTO Law and EC Law	156
III. WTO Law and the Individual	165
A. WTO Law and Direct Effect	165
B. WTO Law and the Legality of EC Law	178
C. Supervision of EC Breaches of WTO Law	188
IV. Effects of WTO Law on Relations Between the EC and the Member States	191

CONTENTS

xv

A. WTO Law and the Distribution of Powers	191
B. WTO Law and European Integration	199
V. Conclusion	203
6 Global Legal Pluralism and the Creation of New Legal Concepts: the ‘Non-market Economy’ in EC Anti-dumping Law	209
I. Introduction	209
A. Legal Ideas and Legal Practice	209
B. Aims and Scope of the Chapter	211
C. Argument and Organisation	212
II. The Anti-dumping Law Repertoire: Origins and Circulation	214
A. Roots in the Cold War	214
B. The US and GATT during the 1960s’ ‘Long boom’	224
C. The Beginning of European Community Anti-dumping Law	234
III. Consolidation of the ‘Non-market Economy’ Concept	242
A. The Interaction of US Law and GATT Law	242
B. The Birth of the ‘Non-market Economy’ in EC Anti-dumping Law	248
C. Consolidation	256
D. Legal Rule and Administrative Discretion	258
IV. Conclusion	260
7 Relations between Sites and the Legalisation of Norms: Individual Treatment in EC Anti-dumping Law about China	265
I. Introduction	265
II. The Phase of Administrative Practice	268
III. The Phase of Soft Law	274
IV. The Phase of Hard Law	278
V. Conclusion	282
8 Competing Constellations of Sites: EC Customs Law and International Production Networks	285
I. Introduction	285
II. Globalisation, IPNs and the Europeanisation of Regulation	287
A. Globalisation and IPNs	287
B. The Europeanisation of Regulatory Law	288
C. Implications	289
III. International Production Networks in EC Law and International Law	297
A. The EC Legislative Framework	297
B. International Treaties	301
C. International Production Networks in the European Courts	303
D. Customs Procedures and Anti-dumping Law	315
IV. Conclusion	319

PART III	NEW DIRECTIONS IN GLOBAL LEGAL PLURALISM	321
9	The Creation of New Sites of Governance: China, Regional Trade Agreements and WTO Law	323
I.	Introduction	323
II.	China's Regional Trade Agreements in Outline	328
A.	Introduction	328
B.	Economic Integration Agreements with Hong Kong and Macao and Related Agreements	332
C.	Standard RTAs: ASEAN–China Framework Agreement and Related Agreements	337
D.	Bilateral RTAs: Free Trade Agreements with Individual Sovereign States	346
III.	China's RTAs and WTO Law	353
A.	Introduction	353
B.	Non-preferential Rules of Origin	354
C.	Safeguards	360
D.	Dispute Settlement	363
IV.	Conclusion	376
10	Social Solidarity Ethics and the WTO: Toward Closer Relations between Sites of Governance	381
I.	Theoretical Framework	381
A.	Foundations	381
B.	The WTO and Ethics	384
C.	Relations between Sites of Governance	386
II.	Current Relations between the WTO and Other Sites of Governance	388
A.	Introduction	388
B.	The GATT Legacy: IMF, World Bank and the UN	389
C.	1995–2000: Agreements with WIPO, OIE and ITU	392
D.	2000–present: Agreements with UNCTAD, ITC, FAO and Codex Alimentarius	394
E.	1997–present: Informal Working Arrangements with WHO, ILO and OECD	395
F.	The Future: Relations with UNESCO, MEAs, NGOs and Private Standards Bodies	397
III.	Developing Social Solidarity Ethics in International Trade Regulation	399
A.	The Matrix of Relations between Sites of Governance	399
B.	Institutional Relations between Sites	403
C.	Increasing Cooperation in Norm Production	408
D.	Expanding Observer Status	415
E.	Dispute Settlement Processes	418
IV.	Conclusion	421
	<i>Bibliography</i>	425
	<i>Index</i>	475