

International Trade Law & Regulation

Issue 1 2019

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Commercial protectionism creates an international climate for adoption of maritime protectionism. The EU should reactivate its legislation for the liberalisation of maritime transport and co-ordinated resistance to fight maritime protectionism. The fight against maritime protectionism necessitates a united front of the EU with like-minded countries. Shipping requires open seas

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Who Banned My Cheese? Is China's 2018 Cabinet Restructuring Enough? 7

Despite its remarkable growth, cheese imports in China have been banned on a number of occasions. This recent ban came in September 2017 and was placed on Italian Gorgonzola and Taleggio, French Camembert and Roquefort, and English Stilton. The ban lasted two months. It left many scratching their heads to understand what had happened, because these cheeses had been imported and consumed in China for decades and had shown no record of posing health risks in China. In fact, many expressed frustration and called it a political move, as they claimed that, if the same cheese had been produced in China, it would have been distributed to the consumers without facing regulatory challenges.

Articles

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To Know or Not to Know in the CISG: Can an Analogy between CISG Articles 35 and 42 Challenge the Outcome of the 1995 New Zealand Mussels Case? 11

Since its signing in 1980, the Convention on Contracts for the International Sale of Goods (CISG) has attracted much attention in academia and has been the subject of a growing body of case law. This case law is an important element in shaping a shared international instrument of international sales, currently shared by 89 jurisdictions.¹ Unsurprisingly, the majority of this case law concerns the conformity of the goods,² and much of this hinges on communication and notice-giving from buyer to seller in the case of non-conformity. In the CISG, communication is a key principle, and a seller is relatively protected from late or poor communications regarding defects which the buyer did not communicate. The seller is also protected from claims of non-conformity of goods which the buyer knew or "could not have been unaware" of. This applies to claims of non-compliance of the properties of goods (art.35) as well as third-party rights (art.42). One (in)famous German case from 1995, namely the New Zealand Mussels case, has formed

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an accepted gold standard in knowledge standards, and it is this which this article will focus on, by questioning whether this accepted standard is in line with the interpretive methodology of the CISG.

Small Changes in Big Times: The WTO's Informal Mechanism on Procedural Innovation 26

WTO dispute settlement has been tremendously successful since it was inaugurated in 1994. Nevertheless, certain systemic issues have arisen in its process, notably with respect to the scope of third-party rights, remand, private participation, mutually agreed solutions, delays and sequencing. These issues are likely to remain unresolved amidst the paralysis that currently engulfs the WTO as an organisation. A proposal by Canada in 2016 attempts to deal with some of them by establishing an Informal Mechanism for procedural innovation under the WTO Agreement. The Mechanism is an invitation to the WTO membership to circulate material for the development, documentation and sharing of novel practices and procedures in WTO dispute settlement, thereby allowing procedural innovation to proceed in an incremental, member-driven way without the need for either consensus or complete reciprocity. The Mechanism's unilateral architecture is an imaginative effort to offer an alternative to treaty modification a time when both the dispute settlement system and the organisation are under stress.

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The South Asian Association for Regional Cooperation (SAARC) was created to neutralise the deep-rooted mistrust and asymmetries between the South Asian countries. The main objective of SAARC was to promote effective co-operation between the Member States. SAARC established a basic institutional framework of conceptualising and implementing programmes that are of regional significance. These co-operative arrangements also encourage the member countries to formulate common positions on vital economic and social issues on a global platform. Since its inception, SAARC has been gradually developing in conjunction with UN and other regional organisations. But, ironically, the development of SAARC has been symbolic rather than substantive. The main obstacle of SAARC is its institutional character. Bilateral problems and the unwillingness of political parties to integrate are also major problems in this region. This creates a gulf of difference between the adoption of broader policies at the highest political levels and their implementation at the root level. This gulf means that most of the measures taken by SAARC lack practical effectiveness. Moreover, the SAARC Secretariat and other regional centres have not taken any proactive actions similar to their counterparts such as the ASEAN. If these basic flaws are not addressed and cured, the objective of regional integration through SAARC will remain a distant dream.

Book Review

DAVID COLLINS

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