The book contains a collection of studies examining trade-related issues negotiated in regional trade agreements (RTAs) and how RTAs are related to the WTO’s rules. While previous work has focused on subsets of RTAs, these studies are based on what is probably the largest dataset used to date, and highlight key issues that have been negotiated in all RTAs notified to the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO). New rules within RTAs are compared to rules agreed upon by WTO members. The extent of their divergences and the potential implications for parties to RTAs, as well as for WTO members that are not parties to RTAs, are examined. This volume makes an important contribution to the current debate on the role of the WTO in regulating international trade and how WTO rules relate to new rules being developed by RTAs.

Rohini Acharya is a Counsellor with the World Trade Organization. She has a PhD in Economics and joined the WTO’s Trade Policies Review Division in 1996, becoming Chief of its Regional Trade Agreements Section in January 2007. Previously she worked as Senior Research Fellow at the International Economics Programme of the Royal Institute of International Affairs (Chatham House) in London. Her work at the WTO has included the trade policy reviews of several WTO members, including Australia, Egypt, India, New Zealand and Singapore, and the first Trade Policy Review of China.
REGIONAL TRADE AGREEMENTS AND THE MULTILATERAL TRADING SYSTEM

Edited by
ROHINI ACHARYA
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NOTES ON CONTRIBUTORS

ROHINI ACHARYA
Counsellor, Chief of Section, Regional Trade Agreements, Trade Policies Review Division, WTO.
Rohini joined the TPRD in 1996, working initially on the trade policy reviews of several WTO members before moving to the RTA Section in January 2007. Before joining the WTO, she was a Senior Research Fellow in the International Economics Programme at the Royal Institute of International Affairs (Chatham House) in London. Rohini has a PhD in Economics.

CLAUDE CHASE
Dispute Settlement Lawyer, Appellate Body Secretariat, WTO.
Claude has worked as a dispute settlement lawyer in the Appellate Body Secretariat of the WTO since 2011, in which capacity he provides advice and assistance to Appellate Body members in their adjudication of appeals under the WTO’s dispute settlement mechanism.

JO-ANN CRAWFORD
Counsellor, Regional Trade Agreements Section, Trade Policies Review Division, WTO.
Jo-Ann is the author of a number of studies on RTAs and has also worked on several trade policy reviews, including that of the Southern African Customs Union (SACU). She is an economist and has been with the RTA Section of the Trade Policies Review Division since 1997.

MARIA DONNER ABREU
Counsellor, Regional Trade Agreements Section, Trade Policies Review Division, WTO.
Maria is an economist. She joined the GATT/WTO in 1986, and has held positions in the Agriculture, Technical Cooperation, Development and Trade Policies Review Divisions. She has been working on RTA issues since 1994; in that context, she has worked with the Committee on RTAs since its establishment, and throughout the Doha Development Agenda with the Negotiating Group on Rules in its aspects related to RTA disciplines and procedures.

LEE ANN JACKSON
Counsellor, Agriculture and Commodities Division, WTO.

Lee Ann joined the Agriculture and Commodities Division at the WTO in 2004. She currently serves as Secretary to the Committee on Agriculture and has worked in a variety of areas including agricultural negotiations, implementation of the SPS Agreement and dispute settlement activities. Prior to joining the WTO she was a Research Fellow in the School of Economics at the University of Adelaide in South Australia. She holds a PhD in Applied Economics.

VIRA KHOROSHAVINA

Vira’s background is in economics and law. She worked for the WTO Enquiry Point of the Ukrainian Ministry of Economic Development and Trade, and in the RTA Section of TPRD in the WTO.

PIERRE LATRILLE
Counsellor, Trade Policies Review Division, WTO.

Pierre followed the Uruguay Round negotiations on services as deputy Permanent Representative of France to the GATT and WTO between 1991 and 1995. He worked in the Trade in Services Division of the WTO Secretariat from 1996 as a legal officer and then as a counsellor. Since 2011 he has worked in the Trade Policies Review Division of the WTO.

MAEGAN MCCANN
Junior Legal Affairs Officer, Intellectual Property Division, WTO.
Maegan works in the field of international intellectual property and trade law and policy. She holds a Juris Doctor (J.D.) and a Master of International Law and Economics (MILE).

Jo Mckeagg
Adjunct Professor, University of Illinois, College of Law; and trade law and policy consultant.
Jo was previously a New Zealand diplomat with postings to Buenos Aires, Argentina, then to the WTO in Geneva, Switzerland, specializing in dispute settlement and rules negotiations. She also served as a legal officer in the Rules Division at the WTO, assisting panels and committees and providing technical assistance to developing country members.

Ana Cristina Molina
Trade Policy Analyst, Regional Trade Agreements Section, Trade Policies Review Division, WTO.
Ana Cristina has worked extensively on trade and development issues. Her areas of expertise include regional integration, export survival and trade diversification. Prior to joining the WTO in 2011, she worked for the World Bank and UNCTAD. A native of Ecuador, Ana Cristina holds a PhD in Economics from the Graduate Institute in Geneva.

Nora Neufeld
Counsellor, Market Access Division, WTO.
Nora is a trade lawyer with a specialization in WTO rules. As Secretary of the Negotiating Group on Trade Facilitation, she oversaw the multilateral negotiations in this field. She now holds a similar position with respect to the Preparatory Committee, tasked to ensure the Trade Facilitation Agreement’s swift entry into force and efficient operation.

Jean-Daniel Rey
Counsellor, Regional Trade Agreements Section, Trade Policies Review Division, WTO.
Jean-Daniel is a former government official who participated in the negotiation of the European Economic Area and later in the Uruguay Round negotiations. He joined the WTO Secretariat
in 1998 and is currently a counsellor in the RTA Section of the TPRD.

**JULIA TOLSTOVA**
Trainee, Wenger Plattner Attorneys at Law, Basel.
Following internships at the WTO and at legal firms Wenger Plattner in Basel and Froriep in Zürich, as well as a legal traineeship at Novartis Pharma AG in Basel, Julia is currently preparing for the Swiss Bar Exams. She holds a Master’s Degree in International Law.

**PAMELA UGAZ**
PhD candidate, University of Geneva.
Pamela is an international trade lawyer with sound experience in RTAs and trade facilitation. As Legal Adviser to the Vice Minister of Foreign Trade of Peru, she negotiated several RTAs between Peru and its trade partners, including the European Union, China, the United States, Singapore, Japan, the Republic of Korea, Canada and the European Free Trade Association (EFTA). She worked as Legal Affairs Officer in the RTA Section of the TPRD at the WTO. She also collaborated with the Trade Facilitation Section of UNCTAD, conducting technical assistance projects and research on the WTO Trade Facilitation Agreement. She is currently pursuing a PhD at the University of Geneva and has a Masters in International Law from the Graduate Institute of International and Development Studies, Geneva, Switzerland.

**RAYMUNDO VALDÉS**
Counsellor, Institute for Training and Technical Cooperation (ITTC), WTO.
Raymundo has worked in the WTO Secretariat since 1993, first as an economist in the Trade Policies Review Division, then in the Intellectual Property Division, and currently as head of unit in the ITTC. Previously, he had served in the Australian Government and as a university lecturer. Raymundo holds a PhD, an MSc and an engineering degree.
HANNA VITIKALA
Hanna holds LLM degrees from Finland and Spain. She worked from 2008 to 2014 at the WTO in Geneva, and is currently residing in Singapore, where she works for an industry association representing local and multinational food and beverage companies.

ALAN YANOVICh
Senior Counsel, Akin Gump Strauss Hauer & Feld LLP, Geneva. Alan is a Senior Counsel at the Geneva office of the law firm Akin Gump Strauss Hauer & Feld. Previously, he was a Counsellor at the Appellate Body Secretariat of the WTO.
The multilateral trading system and regional trade agreements have a long history of coexistence. Indeed the GATT was the result of a desire to consolidate bilateral preferences existing at the time. Throughout the history of the GATT and the creation of the WTO, there are examples of RTAs and the multilateral system “borrowing” ideas from each other and other international treaties and building further on them. The WTO’s TRIPS Agreement, for example, was an effort to synthesize existing international conventions on intellectual property rights. Similarly, most RTAs today base their provisions on existing WTO provisions, in some cases incorporating the WTO provision directly into the RTA text or expanding further on existing WTO provisions.

While this coexistence is undeniable, so is the spectacular growth in regional trade agreements, especially since the early 1990s. From an average of three RTAs notified per year during the GATT era, the number has risen to twenty-five during the WTO years. Moreover, RTAs today cover a wide range of WTO members, be they developed, developing or least-developed. There are over 260 RTAs in force that have been notified to the WTO, and negotiations continue on many others, including large plurilateral initiatives such as the Regional Comprehensive Economic Partnership Agreement in the Asia-Pacific, the Trans-Atlantic Trade and Investment Partnership Agreement and the Tripartite Agreement in Africa. In addition, negotiations were recently concluded on the Trans-Pacific Partnership Agreement.

While the rising numbers of RTAs clearly tell a story, less work has been done to determine what the RTAs are about, and even less to evaluate what their potential impact on the multilateral trading system might be. The goal of modern RTAs is to provide preferential market access but also increasingly to go behind the borders to address other potential barriers to trade. This book is the result of research carried out by WTO Secretariat Staff and collaborators, in an attempt to understand better the content, evolution and objectives of various provisions in RTAs. It is a first step
to improve our understanding about the evolving relationship between WTO and RTA rules and commitments to see how much further, if at all, the latter have gone.

Each of the chapters is based on information gathered on all RTAs notified to the GATT and WTO and currently in force. They do not try to distinguish “big” from “small” or bilateral from plurilateral agreements, as some previous studies have done. They are therefore truly representative of the range and diversity of the WTO membership and its trade policy goals and challenges. They look at issues for which the WTO has existing rules but which RTAs may be deepening. They include not only issues dealing with market access, such as tariffs and rules of origin, but also standards such as sanitary and phytosanitary measures and technical barriers to trade, and other provisions that affect international trade such as trade facilitation, trade defence, services rules, intellectual property rights and dispute settlement. The goal of each is to identify on which of these issues RTA rules are deepening and going beyond the existing WTO rules. Earlier versions of many of the chapters were presented at a seminar held at the WTO for its members in September 2014. I would like to thank the participants at the seminar for their thoughtful insights and comments which have provided much food for thought for the authors.

Much of the information that has been gathered to produce the book originates in the WTO’s transparency mechanism for RTAs which, as its name suggests, aims to make RTAs more transparent through information gathering and analysis by the WTO Secretariat. The information collected for individual RTAs is made available to the public through the WTO’s RTA database. These tools have enabled us to keep better track of developments in RTAs and will help WTO members to make better and more informed decisions regarding their trade policies. It is a precious resource and its continued improvement is crucial for us to better understand RTAs and more importantly their interaction with the multilateral trading system.

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WTO Director-General
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The opinions expressed in the book are those of the authors and not of the WTO Secretariat nor of its members. Any errors are the responsibility of the authors.