

**Denise Prévost, Iveta Alexovicova, Jens Hillebrand Pohl (eds.).
Restoring Trust in Trade: Liber Amicorum in Honour of Peter Van den Bossche.
Oxford: Hart Publishing 2018, 312 pp.¹**

The global trading system is in a crisis and faces a number of challenges. There is no better evidence of that than the current state of the World Trade Organisation (WTO). The international organisation established in 1995 in the peak of confidence in free trade, globalisation and multilateralism is now on the edge of irrelevance. Firstly, its negotiating function has not produced any significant outcome since the conclusion of the Trade Facilitation Agreement in 2013, secondly, its dispute settlement is crippled due to the blockage of the appointment of new members of the Appellate Body, and thirdly, the position of the director-general has been vacant since 31 August 2020. In spite of the broad consensus among the members about the need for a substantial reform of the WTO in a ‘make or break’ moment for the organisation, there are only a few reasons to be optimistic about this cornerstone of the multilateral trade system. To restore the trust in the system in general and in the WTO in particular is the main idea behind the book under review.

However, the volume, edited by Denise Prévost, Iveta Alexovicova, Jens Hillebrand Pohl, legal scholars from Maastrich University, has one more important cause. It is a sign of appreciation for prof. Peter Van den Bossche, a renowned scholar in the field of WTO law, a counsellor and later an Acting Director of the WTO Appellate Body Secretariat and finally one of the seven members of the Appellate Body for two terms between 2009–2017. In all his roles prof. Van den Bossche promoted trust in rules-based multilateral trading system.² For this reason, the book brings together his doctoral supervisor, colleagues and former students in order to reflect on the current challenges and on *restoring trust in trade*. The collection of essays address a variety of issues related to the question of trust in trade multilateralism.

The book is divided into three parts. The first part *Dialogue over power: A robust institutional framework* discusses a waning institutional dimension of international trade, its governance structure and lack of trust in it. Mary E. Footer first analyses a deadlock in the institutional reform of the WTO and makes several proposals how to advance the reform agenda. In next chapter, Maarten Smeets and Mina Mashayekhi critically reflect on globalisation and its implications for trade and investment flows, concluding that there is a need to update trade rules as well as balance commercial and non-commercial interests. Jan Wouters and Tine Carmeliet in following chapter focus on the rise of Gx bodies such as the G7, G20, etc. They argue that such bodies need to evolve to be effective platforms providing solutions to global economic problems. Chapter 4 written by Anke Moerland offers an examination of governance structures of different geographical indications (GI) systems and their weaknesses.

The second part titled *Integrity and effectiveness: Safeguarding the proper functioning of trade dispute settlement* logically predominantly examines the WTO dispute settlement. Giorgio Sacerdoti, a former chairman of the WTO Appellate Body, argues that this international body should be considered a public good and as such the WTO Members should support and defend its proper functioning. Also, in chapter 6 Ernest-Ulrich Petersmann discusses the US blockage of the Appellate Body. For him, adopting an authoritative interpretation of the WTO law by majority voting of WTO Members is an important legitimising instrument in support of the rule of law and judicial administration of justice in trade relations. The next chapter by Thomas Cottier turns to the role of equity in international trade disputes. He concludes that equity has potential to provide fairer results and thus enhance legitimacy of international economic dispute settlement mechanisms. Jens Hillebrand Pohl in following chapter 8 explores practicalities of arbitration

¹ This review was produced within the project of the Faculty of Law of the Charles University Progres Q04 – “Právo v měnícím se světě”.

² Nowadays, prof. Van den Bossche is again fully focused on his academic activities as a Director of Studies at the World Trade Institute in Bern and in 2018 he was elected president of the Society of International Economic Law (SIEL).

as an alternative means to WTO ordinary panel and Appellate Body proceedings. The final chapter of this part by Marco Bronckers and Giovanni Gruni deviates from its predecessors because of the attention devoted to the mechanism for enforcement of sustainable development chapters in EU free trade agreements (FTAs).

The final part III *Balancing trade and non-trade values and interests: The future evolution of substantive international trade law* turns its attention to substantive trade rules and their future evolution. Gabrielle Marceau investigates the continuing relevance of process and production methods (PPMs) in the increasing role of intangible services and intellectual property in international trade. Relevance of existing rules in the light of the latest development is also a subject of the chapter by Anselm Kamperman Sanders. He argues for strengthening intellectual property protection as the Fourth Industrial Revolution accelerates introduction of new technologies in our economies. In chapter 12 Ellen Vos and Sabrina Rottger-Wirtz explores the use of science in trade regime at the background of the relationship between the EU food law and the WTO Agreement on the Application of Sanitary and Phytosanitary Measures. Finally, the last chapter by Gian E Chianale compares the general and security exceptions provision in the WTO Agreement and in the new generation of EU FTAs. He comes to the conclusion that EU is successful in achieving the balance between the enhanced trade liberalisation and non-trade values.

The volume at hand thus offers a broad range of topics related to the contemporary international trade law while addressing and proposing solutions to many of them. The book's relevance could be proved by the development which followed its publication in December 2018. For instance, as the blockage of the WTO Appellate Body continues, the EU and other WTO members have created the alternative 'Multi-party interim appeal arbitration arrangement' (MPIA) based on Art. 25 of the WTO's Dispute Settlement Understanding (DSU) as J. H. Pohl reflected in his contribution. Similarly, the strengthening enforcement of sustainable development commitments as discussed by M. Bronckers and G. Gruni has become a subject of an intense scrutiny in the US and the EU. The USMCA's (United States-Mexico-Canada Agreement or just NAFTA 2.0) labour provisions were a key area for the agreement's approval in the Congress. Only after amendments containing a new enforcement provision on the rapid response labour mechanism were added, the agreement could be signed in December 2019. After many calls from the civil society and European parliamentarians on 17 December 2018 the EU made use of the FTA dispute mechanism for the first time by submitting a written request concerning compliance with multilateral labour standards under the EU-Korea FTA.³ Further development in this field is expected as a new position of a Chief trade enforcement officer of the European Commission was created in July 2020.

The authors therefore rightly identified the issues which are a frequent target of critics of global trade and led to an erosion of trust in trade. A discussion on how to reflect the criticism and address it is indeed *conditio sine qua non* for restoring that trust. In this way, the book is an important and timely contribution to the debate. As such, it is recommended for everybody interested in the current development of international trade law and the multilateral trading system.

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³ On 24 Jan 2021, a panel of experts confirmed that Republic of Korea is in breach of labour commitments under FTA and an executive Vice-President and Commissioner for Trade, Valdis Dombrovskis, claimed: "This panel ruling shows the effectiveness of our cooperation-based approach to trade and sustainable development."

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