Whether environmental concerns are at all incorporated into the application of the World Trade Organisation Agreements, remains a core interest to many of the activists protesting against the WTO. Academic work however on both sides of the Atlantic has, according to this reviewer, quite convincingly argued that there exists no blind priority by which the WTO would grant preference to trade concerns over environmental concerns. Dr Wiers’ book subscribes to that view on the basis of extensive analysis of all relevant agreements [in particular, the GATT, SPS, and TBT Agreements], and of the dispute settlement which has applied these agreements. Given that the European Union (and in particular its first pillar, the European Communities) is likewise confronted with having to reconcile trade and environmental interests, comparative research (with the necessary caveats) is not an altogether surprising option. From the comparative law point of view, the book likewise offers sharp and in-depth analysis. Academic literature on the Trade and Environment debate has been published more or less steadily since the mid 1990s, with anti- and pro-WTO authors balancing each other in more or less equal measure. Comparative research was and is a regular occurrence, with comparison being made between the WTO and regional organisations such as Nafta, the EC, indeed even with federal systems such as the US. Dr Wiers is the most recent of those authors who do not occupy a position a priori, but rather let objective and extensive analysis speak for them.

The author indicates in the introduction that the focus of the book is on trade in goods, non-fiscal measures, and measures on the import side (rather than export). In particular in view of the comparison which is sought with the EC, this is something of a pity. Indeed in the EC, the most relevant developments and challenges to long-standing case-law, have taken place precisely in the areas excluded by the author. Reference in this respect may be made to the emerging shift in case-law with respect to fiscal environmental measures as opposed to ‘straightforward’ trade restrictions targeted by Articles 28–30 EC, as well as to the developments in case-law of the European Court of Justice with respect to export restrictions. Nevertheless, the principal exclusion from these issues of more lengthy analysis, does not prevent them from cropping up further on in the volume, albeit
not with the depth of analysis which these frankly sexy topics ought to receive. Likewise, one can certainly sympathise with the author’s choice not to include the issue of multilateral environmental agreements (MEAs’), and how these should be integrated in the WTO. Exclusion of this issue may in particular be justified given that it does not have a real equivalent in the EC. However, MEAs are precisely at the core of the more conceptual assessment of the Trade and Environment debate in the World Trade Organisation, and have received widespread (perhaps even overkill) attention in the WTO’s Committee on Trade and Environment, consequently justifying some more analysis. Moreover, in particular because of their often vague language and wide room for manoeuvre granted to Parties, MEAs have led precisely to the type of unilateral measures which the author does review in great detail.

The author analyses a number of core themes of the Trade and Environment debate in seldom seen in-depth fashion. Extraterritoriality and what role it plays/ought to play in the application of the WTO Agreements, is but one example. Of course, one need not always subscribe to the author’s views. The reviewer for one is a stubborn advocate of the view that the public international law notion of extraterritoriality has not played enough of a role in the WTO debate, in particular in ethical issues such as animal welfare.

The wealth of analysis of other, equally pressing themes, undoubtedly will be attractive to students, academics, civil servants, activists and practitioners alike. These include the issues of extraterritoriality (already referred to above), as well as proportionality, discrimination, rule of reason, etc. For this analysis alone I should think that the volume will grow to be a reference work. Likewise, the analysis of the harmonisation policy of the European Community, and the consequences of harmonisation, is of particular relevance, albeit, as noted, somewhat hampered by the lack of extensive analysis of export restrictions. Indeed in particular in that area, the European Court of Justice has arguably hid behind exhaustion and pre-emption wizardry to avoid having to settle some hot issues which the WTO dispute settlement has tackled head-on, such as extraterritoriality and non-incorporated production processes and – methods.

In the opinion of the reviewer, the author does give a touch too much credit in the comparative and concluding part, to the functioning of the EC set-up, and its institutions (e.g. one does not often read the current president of the European Commission being credited with a vision). More specifically with respect to the Trade and Environment debate, the reviewer would submit that the volume ions all too quickly over a number of shortcomings of the EC’s harmonisation approach, e.g. precisely the issues of extraterritoriality, non-incorporated production processes and – methods, as well as the emergence of ever more divergence in the harmonisation targets set for various Member States.

Let it be clear, however, that the side remarks above ought not to take away from the undisputable glitter of this volume: the book is a thorough, and the