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978-1-107-03152-4 - The Relevant Market in International Economic Law: A Comparative
Antitrust and GATT Analysis

Christian A. Melischek

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THE RELEVANT MARKET IN INTERNATIONAL ECONOMIC LAW

This book provides what international trade law has hitherto lacked: a coherent analysis of product “likeness” under Article III of the GATT. Christian A. Melischek develops an economic approach to the interpretation of “like” products on the basis of a comparative analysis with anti-trust theories on market definition. Not only does he propose a specific substantive economic test to render the notion of product likeness operational, he also examines the institutional and procedural frameworks for expert economic evidence necessary to implement an economic approach to the interpretation of product likeness. On a methodological level, the book adds a new interdisciplinary dimension to the legal debate by exploring the use of quantitative and econometric methods for the implementation of the proposed economic test.

CHRISTIAN A. MELISCHEK is a legal trainee at the Regional Court of Appeals in Hamburg. He was previously a visiting fellow at the World Trade Institute, University of Bern.

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A Comparative Antitrust and GATT Analysis

CHRISTIAN A. MELISCHEK



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Mother, this book is dedicated to you – for your unlimited support and endless love.

ABBREVIATIONS

ABA	American Bar Association
BGH	Bundesgerichtshof
CFI	Court of First Instance
CPE	Cross-price elasticity
CTH	Consumers' tastes and habits
DCS	Directly competitive or substitutable
DoJ	Department of Justice
DSB	Dispute Settlement Body
DSU	Understanding on Rules and Procedures Governing the Settlement of Disputes (Dispute Settlement Understanding)
EC	European Communities
ECJ	European Court of Justice
ECMR	EC Merger Regulation
ECR	European Court Reports
EU	European Union
FRCP	Federal Rules of Civil Procedure
FRE	Federal Rules of Evidence
FTC	Federal Trade Commission
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
HFCS	High-fructose corn syrup
HS	Harmonized system
ICJ	International Court of Justice
KG	Kammergericht
log	logarithm
Member	Member of the World Trade Organization
MFN	Most-favored-nation
NT	National Treatment
OECD	Organization for Economic Cooperation and Development
OJ	Official Journal of the European Union
OPE	Own-price elasticity
PPM	Process and production method

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xvi	LIST OF ABBREVIATIONS
SATAP	So as to afford protection
SCM Agreement	Agreement on Subsidies and Countervailing Measures
SE	Standard error
SPS Agreement	Agreement on the Application of Sanitary and Phytosanitary Measures
SSNIP	Small but significant non-transitory increase in price
TBT Agreement	Agreement on Technical Barriers to Trade
TFEU	Treaty on the Functioning of the European Union
USC	United States Code
VCLT	Vienna Convention on the Law of Treaties
WTO	World Trade Organization

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