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**Addressing global environmental concerns through trade:  
extraterritoriality under WTO law from a comparative perspective**

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The state of our environment is a global concern. Despite an increasing awareness, setting internationally binding and ambitious commitments has proven to be a very difficult process. In the absence of a stringent international framework, states seek alternatives to promote environmental protection. Can states unilaterally impose trade measures targeting foreign production processes in order to protect transboundary environmental resources? Does WTO law allow for these 'extraterritorial' trade measures?

This thesis examines extraterritoriality in the trade-environment debate. The WTO legal texts are silent on their jurisdictional scope and the case law has been scarce and incoherent. Part I discusses the relevant legal provisions and dispute settlement reports dealing with jurisdictional issues. Part II adopts a comparative perspective on extraterritoriality in different legal fields. Part III builds upon the lessons learned in Part II, proposing an extraterritoriality decision tree to assess the acceptability of trade measures targeting production processes within the framework of Article XX GATT. This decision tree is tested through case studies: the WTO case US-Shrimp is revisited, in addition to current EU environmental measures (fishing, emission trading and timber).

This research demonstrates that the WTO legal regime does not constitute an impediment to global environmental action as current WTO law leaves more room for environmental trade measures with an extraterritorial reach than is often thought.

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# Addressing global environmental concerns through trade measures

Extraterritoriality under WTO law  
from a comparative perspective

**B. COOREMAN**