

# Journal Highlights: Global Trade and Customs Journal 2018

## **Regulating for Globalization**

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We wanted to draw your attention to some interesting articles about the topics of the Regulating for Globalization blog that appeared in the *Global Trade and Customs Journal* in 2018 so far:

### **Martijn Schippers, 'A Series of Sales: Determining the Customs Value Under the Union Customs Code' (2018) 13, Issue 2**

New customs legislation – the Union Customs Code – became applicable in the EU on 1 May 2016. These new regulations seem to abolish the use of the 'first sale for export' rule for determining the customs value and introduce the 'last sale for export' rule. Although the EU is clearly attempting in this way to increase the revenue derived from customs duties, it is questionable how the new provisions for determining the customs value should be interpreted. This contribution discusses the technical and practical consequences of introducing the 'last sale for export' rule, while also examining how the introduction of this rule in the EU fits into a global pattern of customs valuation systems shifting from a first sale to a last sale rule.

### **Frank Altemöller, 'Bilateralism and Unilateralism: The Future of International Trade Relations?' (2018) 13, Issue 2**

The most recent developments in international trade relations are characterized by a marked increase in free trade agreements – in particular bilateral agreements – whereas the development of the World Trade System, on the other hand, is in virtual stasis. Free trade agreements forge consolidated areas of economic integration that open up a multitude of strategic options for stakeholders. This raises fundamental questions: What are the structural incentives that trade agreements, in particular bilateral strategies, open up – and are they superior, for example, to those offered by a multilateral approach? This article offers differentiated responses to

these questions and concludes with a look at what the future holds for the changing shape and reorganization of international trade policy. Within this context, the article also examines the WTO decision making practice relating to unilateral action, and also focuses on the especially topical issue of 'border tax adjustments'.

**Renato Antonini, 'A 'MES' to be adjusted: past and future treatment of Chinese imports in EU anti-dumping investigations' (2018) 13, Issue 3**

For decades, European Union (EU) anti-dumping laws have provided that the normal value of imports from China had to be based on prices and costs of a third country, the so-called analogue country methodology. WTO law considerations led the EU to abandon this methodology. However, Chinese imports will continue to be subject to a special treatment. The EU introduced an allegedly country-neutral methodology to adjust the normal value when significant distortions linked to government intervention are found. This methodology, which clearly targets Chinese imports, appears to be very similar to the one found to be WTO inconsistent in EU-Biodiesel.

**Thomas Cantens, 'The Political Arithmetic of Borders: Towards an Enlightened Form of Criticism' (2018) 13, Issue 3**

This paper addresses the use of data and numbers in border management and proposes a criticism of the criticism against what is commonly named the datafication of borders. The paper aims to show that the so-called datafication applied to commodities crossing borders is not a new process, as a science of merchants accompanied the raise of foreign trade in the seventeenth century. The current phenomenon is a mathematization of borders, producing a particular topology of borders and using ways of computing data and numbers that are politically driven. The paper then describes some calculation principles proper to this new form of border governance and draws the consequences in terms of policy dialogue regarding the nature and management of borders.

**Shuzhong Ma, Yuxi Chai, Jinmin Wang, Yan Duan, 'New Digital Infrastructure, Cross-Border E-Commerce and Global Vision of Creating Electronic World Trade Platform' (2018) 13, Issue 4**

The rapid development of cross-border e-commerce has integrated with the global economy more closely in the past decade. How to create global digital customs to facilitate cross-border e-commerce on the basis of national Single Window system has become an important task for national governments and international organizations such as World Customs Organizations? The article aims to explore the relationship between technological progress, cross-border e-commerce and the establishment of global digital customs from the dimensions of the latest development of new digital infrastructure, national

Single Window system and global vision of creating Electronic World Trade Platform (eWTP). It is argued that cross-border e-commerce platforms, national Single Window and eWTP, all of which are indispensable for the establishment of global digital customs, have close linkages in business regulation, data sharing and information exchange. The establishment of global digital customs requires global governance through the joint efforts by firms, national governments and international organizations.

**Mariya Polner, 'Harnessing the Power of Data for Customs Enforcement' (2018) 13, Issue 4**