1. See Cary Coglianese, Adam Finkel and David Zaring (eds), *Import Safety: Regulatory Governance in the Global Economy* (Philadelphia, PA: University of Pennsylvania Press, 2009).
2. Alan O. Sykes, “Regulatory Protectionism and the Law of International Trade”, (1999) 66 *University of Chicago Law Review* 1.
3. See Tracey D. Epps, “Reconciling Public Opinion and WTO Rules Under the SPS Agreement”, (2008) 7(2) *World Trade Review* 359.
4. See Daniel Kahneman, *Thinking, Fast and Slow* (Toronto: Doubleday Canada, 2011).
5. See Tracey D. Epps and Michael J. Trebilcock, “Import Safety Regulation and International Trade”, in Coglianese, Finkel, and Zaring (eds), *Import Safety,* supra note 1.
6. *Thailand – Restrictions on Importation of and Internal Taxes on Cigarettes* (1990) DS10/R – 37S/200.
7. *European Communities – Measures Affecting Asbestos and Asbestos-Containing Products* (2000) WT/DS135/R.
8. *Brazil – Measures Affecting Imports of Retreaded Tyres*, 3 December (2007) WT/DS332/AB/R (07–5290). See also Chad Bown and Joel Trachtman, “Brazil – Measures Affecting Imports of Retreaded Tyres: A Balancing Act”, (2009) 8 (Special Issue 1) *World Trade Review* 85.
9. Ibid. at para. 210.
10. See Alan O. Sykes, “The Least Restrictive Means”, (2003) 70(1) *University of Chicago Law Review* 403.
11. See generally, Tracey D. Epps, *International Trade and Health Protection: A Critical Assessment of the WTO’s SPS Agreement* (Cheltenham, UK and Northampton, MA, USA: Edward Elgar, 2008).
12. On the TBT Agreement generally, see Tracey Epps and Michael Trebilcock (eds), *Research Handbook on the WTO and Technical Barriers to Trade* (Cheltenham, UK and Northampton, MA, USA: Edward Elgar, 2013).
13. *EC Measures Concerning Meat and Meat Products* (1998) WT/DS26/AB/R, WT/DS48/AB/R [*Beef Hormones* 1998].
14. Ibid. at para. 198.
15. Ibid. at para. 189.
16. Ibid. at para. 194.
17. *Japan – Measures Affecting the Importation of Apples*, (2003) WT/DS245/AB/R, paras 160–67.
18. *US – Continued Retaliation in the Hormones Dispute* (2008) WT/DS320/R [*US – Continued Suspension*].
19. *Australia – Measures Affecting the Importation of Apples from New Zealand* (2010) WT/DS367/ AB/R.
20. *Japan – Measures Affecting Agricultural Products* (1999) WT/DS76/AB/R, paras 86–9.
21. *EC – Measures Affecting the Approval and Marketing of Biotech Products* (2006) WT/DS291, 292, 293/INTERIM.
22. The Panel also found that the EC, by applying a de facto moratorium on the approval of new GMO products and failing to consider specific GMOs for approval, had acted inconsistently with Annex C(1)(a) of the SPS Agreement, which requires members to complete testing and approval procedures without undue delay.
23. *European Community – Trade Description of Sardines* (2002) WT/DS231/AB/R.
24. *United States – Measures Affecting the Production and Sale of Clove Cigarettes* (2012) WT/DS406/ AB/R.
25. *United States – Measures Concerning the Importation, Market and Sale of Tuna and Tuna Products* (2012) WT/DS381/AB/R.
26. See Lukasz Gruszczynski, “Re-tuning Tuna? Appellate Body Report in US – Tuna II” (2012) 3(3) *European Journal of Risk Regulation* 430–36.
27. *United States – Certain Country of Origin Labelling (COOL) Requirements* (2012) WT/DS384/ AB/R.
28. See Petros Mavroidis and Kamal Saggi, “What is Not so Cool about US – COOL Regulations? A Critical Analysis of the Appellate Body’s Ruling on US – COOL”, (2014) 13(2) *World Trade Review* 299–320; WTO, “United States – Certain Country of Origin Labelling Requirements”, *WTO Dispute Settlement*. Accessed online <http://www.wto. org/english/tratop\_e/dispu\_e/cases\_e/ ds384\_e.htm>. Accessed 17 September 2014.
29. *European Communities – Measures Prohibiting the Importation and Marketing of Seal Products*

(2014) WT/DS401/AB/R.

1. See Rob Howse, Joanna Langille and Katie Sykes, “Sealing the Deal: the WTO’s Appellate Body Report in EC – Seal Products”, (2014) 18(2) *American Society of International Law*. Accessed online <http://www.asil.org/insights/volume/18/issue/12/sealing-deal-wto%E2%80%99s-appellate-> body-report-ec-%E2%80%93-seal-products. Accessed 17 September 2014.
2. *Australia – Certain Measures Concerning Trademarks and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging* WT/DS434, 435, 441, 458, 467/R, 28 June 2018.
3. See Michael J. Trebilcock and Julie A. Soloway, “International Trade Policy and Domestic Food Safety Regulation: The Case for Substantial Deference”, in Daniel Kennedy and James Southwick (eds), *The Political Economy of International Trade: Essays in Honor of Robert E. Hudec* (Cambridge: Cambridge University Press, 2002).
4. See Coglianese, Finkel, and Zaring, supra note 1.