

International and Regional Trade Law: The Law of the World Trade Organization



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SYLLABUS

(THREE CREDITS / THREE CLASSES A WEEK)

(As of January 23, 2008)

Important Notice!

Please always bring the Primary Sources to class, as it will be used throughout the course.

The Contents of This Course Material

Primary Sources

Unit I: The Syntax and Grammar of International Trade Law

Unit II: Globalism v. Regionalism

Unit III: Rules of Origin

Unit IV: Tariffs and Customs Law – The Most-Favored Nation Principle

Unit V: Quantitative Restrictions and Measures Equivalent to Quantitative Restrictions

Unit VI: Non-Discrimination

Unit VII: General Exceptions

Unit VIII: Technical Barriers to Trade (TBT)

Unit IX: Sanitary and Phytosanitary Measures (SPS)

Unit X: Dispute Settlement System

Unit XI: Dispute Settlement System (II)

Unit XII: Anti-Dumping and Subsidies

Unit XIII: Trade in Services

Unit XIV: Safeguard Measures

Unit XV: Trade-Related Intellectual Property Rights (TRIPS)

Unit XVI: Trade and Finance

Class 1: Introduction

Unit I, Ch. 3-2 (pp 14-37)

Class 2: The Teleology (Telos) of International Trade Law

Unit I, Ch. 3-3

Class 3: Globalized Trade and Its Discontents

Unit I, Ch. 3-4

Class 4: Globalism v. Regionalism

Unit II, Ch. 1

Class 5: Globalism v. Regionalism (cont'd)

Primary Sources: GATT Article XXIV:4, 5, 8; Understanding on the Interpretation of Article XXIV of the General Agreement on Tariffs and Trade 1994; GATS Article V

Unit II, Ch. 2 (Turkish Quantitative Restrictions): Summary of Facts and Report of the Appellate Body only)

Class 6: Rules of Origin

Unit III, Ch. 1, 2

Class 7: Tariffs and Customs Law

Primary Sources: GATT 1994 Article II; The interpretive note *Ad* Article II; GATT 1994 VII; The interpretive note *Ad* Article VII; The Introduction and Articles 1-8, 18-19 of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994; The Understanding on the Interpretation of Article II:1(b) of the General Agreement on Tariffs and Trade 1994

Unit IV, Ch. 1)

Class 8: The Most-Favored Nation Principle

Primary Sources: GATT 1994 Article I; GATS Article II

Unit IV, Ch. 2 (except for *EC – Tariff Preferences*)

Class 9: The Most-Favored Nation Principle (Cont'd)

Unit IV, Ch. 2 (*EC – Tariff Preferences*)

Class 10: Quantitative Restrictions and Measures Equivalent to Quantitative Restrictions

Primary Sources: GATT Article XI

Unit V, Ch. 1 (Overview), Ch. 2 (Japanese Semi-Conductors), Ch. 3 (Thai Cigarette), Ch. 4 (Tuna-Dolphin)

Class 11: Quantitative Restrictions and Measures Equivalent to Quantitative Restrictions (cont'd)

Unit V, Ch. 7 (Comparative Law) (Dassonville & Cassis de Dijon)

Class 12: Quantitative Restrictions and Measures Equivalent to Quantitative Restrictions (cont'd)

Unit V, Ch. 7 (Comparative Law) (Keck)

Class 13: Non-Discrimination (Taxation)

Primary Sources: GATT Article III:1 and 2; Interpretive Note, Ad Article III:2

Unit VI, Ch. 2 (Japanese Shochu II) --- Report of the Panel

Class 14: Non-Discrimination (Taxation) (cont'd)

Unit VI, Ch. 2 (Japanese Shochu II) --- Report of the Appellate Body

Class 15: Non-Discrimination (Regulation)

Primary Sources: GATT Articles III:1, 4, XX

Unit VI, Ch. 3 (Malt Beverage) (*to be distributed*)

Class 16: Non-Discrimination (Regulation) (cont'd)

Unit VI, Ch. 2 (Asbestos) (Appellate Body Report only)

Class 17: General Exceptions

Primary Sources: GATT Article XX

Unit VII, Ch. 2 (Thai Cigarette)

Class 18: General Exceptions (cont'd)

Unit VII, Ch. 3 (Gasoline) (Appellate Body Report only)

Class 19: General Exceptions (cont'd)

Unit VI, Ch. 2-2 (Korean – Beef)

Class 20: Technical Barriers to Trade (TBT)

Primary Sources, Preamble of the TBT Agreement and Arts. 1, 2, 4-6, 9, 13, 14 and Annex 1

Unit VIII, Ch. 1 (Introduction)

Class 21: Technical Barriers to Trade (TBT) (cont'd)

Unit VIII, Ch. 3 (EC-Sardines)

Class 22: Sanitary and Phytosanitary Measures (SPS)

Primary Sources, Preamble of the SPS Agreement and Arts. 1-5, 11 and Annex A

Unit IX, Ch. 1

Class 23: Sanitary and Phytosanitary Measures (SPS) (cont'd)

Unit IX, Ch. 2 (Hormones) (Report of the Appellate Body Only)

Class 24: Sanitary and Phytosanitary Measures (SPS) (cont'd)

Unit IX, Ch. 3 (Japan – Apples)

Class 25: Sanitary and Phytosanitary Measures (SPS) (cont'd)

EC – Biotech

Class 26: Dispute Settlement System

Primary Sources, Dispute Settlement Understanding (DSU) Arts. 1.1 and 1.2, 3-13, 15-23, 25-27, Appendix I, GATT Arts. XXII and XXIII

Unit X, Ch. 1

Class 27: Dispute Settlement System (cont'd)

Unit X, Ch. 2 (The Law of Nullification or Impairment)

Class 28: Dispute Settlement System (cont'd)

Implementation and Compliance (Banana Arbitration Report)

Class 29: Anti-Dumping Law

Primary Sources, GATT Article VI, Ad Article VI (Interpretive Note); Antidumping Code (Agreement on Implementation of Article VI of the GATT 1994) Articles 1-5, 7-11, 13-14, 17; Decision on Review of Article 17.6 of Agreement on Implementation of Article VI of the GATT 1994

Unit XII, Ch. 1-1 (Anti-Dumping Actions)

Class 30: Anti-Dumping Law (cont'd)

Unit XII, Ch. 2 (Mexican HFCS), Ch. 4-4 (EU-Zeroing)

Class 31: Subsidies Law

Primary Sources: GATT 1994 Articles III, para. 8 (b), XVI, Ad Article XVI (Interpretive Note); Subsidy Code (Agreement on Subsidies and Countervailing Measures) Articles 1-11, 13, 15-21, 23, 25, 30

Unit XII, Ch. 1-2 (Subsidies and Countervailing Measures), Ch. 1-3 (The Doha Agenda on Anti-Dumping and Subsidies)

Class 32: Subsidies Law (cont'd)

Unit XII, Guiding Questions, 3

Unit XII, Ch. 3 (FSC), Optional Reading (FSC II)

Class 33: Trade in Services

Primary Sources: GATS Table of Contents, Preamble, Arts. I-III, V-VII, IX, XIII-XIV *bis*, XVI-XXIII, XXVIII, XIX; UNDERSTANDING ON COMMITMENTS IN FINANCIAL SERVICES

Unit XIII, Ch. 1 (Introduction), Ch. 2 (Schedule of Specific Commitments)

Class 34: Trade in Services (cont'd)

Unit XIII, Ch. 3-4 (U.S. – Gambling), 3-5 (Gambling II)

Class 35: Safeguard Measures

Primary Sources: GATT Article XIX; WTO Agreement on Safeguards, Preamble, Articles 1-14

Unit XIV, Ch. 1 (Introduction)

Class 36: Safeguard Measures (cont'd)

Unit XIV, Guiding Questions, 2-3

Unit XIV, Ch. 2 (US – Line Pipe), Ch. 3 (US – Steel Safeguards)

Class 37: Intellectual Property Rights (TRIPS)

Unit XV, Guiding Questions, 1-5

Unit XIV, Ch. 1 (Overview)

Class 38: Trade and the International Financial System

Unit XVI, Guiding Questions, 1-4

Unit XVI (The Whole Unit)

Class 39: Summary and Prospects (I)

Class 40: Summary and Prospects (II)