

SUBJECT DETAILS

| Data on the subject | |
|---------------------|---|
| Name | International and EU Trade Law |
| Degree | Postgraduate in Master in International and European Business Law |
| Year | 2023 -2024 |
| Nature | Fall semester |
| ECTS Credits | 3 |
| Department | Law |
| Area | Law |

| Data on teaching staff | |
|------------------------|--|
| Teaching staff | Dr. Ishita Sharma |
| e-mail | isharma@comillas.edu |
| Tutoring Schedule | Upon request from students |

SPECIFIC DATA ON THE SUBJECT

INTRODUCTION

The growth of international trade has generated a complex body of **primary law**, including **treaties and international agreements, national legislation, and trade dispute settlement case law**. This body of law and agreements has been expanding into a system of multilateral trade that nowadays has reached a deadlock.

This course will analyse this system of international law, its main agreements and will delve into the reasons why it has reached a stalemate. It will depart by providing a brief introduction to the history of international trade law, and the first international organizations that regulated trade. It will then move on to the present international organization that regulates trade, the World Trade Organization, where main agreements, bodies and functions will be studied. It will then approach the substantive law that regulate trade and analyse the main principles and tariff barriers and non-tariff barriers to trade in goods, market access rules to trade in services. The Dispute Settlement Mechanism of WTO makes it a unique trade organization and it will be discussed in detail throughout the course. The course will end with the permitted exceptions to international trade and the talk about regional and bilateral trade agreements and later will discuss the impact of WTO in developing economies and trade liberalization.

What skills the students will gain from this class

The course provides students a general knowledge on international trade, but it aims at also to engage in discussions regarding international trade law and its intersections with other concerns, such as trade liberalization and development. Many controversies surrounding these intersections will be discussed, such as right to water, right to food, right to health, environmental protection, democratic deficit and the impact of trade liberalization on economic growth, poverty, inequality and development.

The student will also gain the following specific competence of the subject:

- I. In the conceptual aspect (knowing)
 - a. To review the international treaties that regulate global trade: the WTO
 - b. To know the legal powers of the WTO and its part in the formation of a global normative and regulatory framework in the field of trade.
 - c. To review the international treaties that regulate bilateral and multilateral trade.
 - d. To understand their interaction with the WTO legal framework.
 - e. To examine the legal challenges regarding the role of International Trade Law in global issues such as human rights, gender equality, sustainable development and environmental protection.

- f. To understand the characteristics, role and significance of the participation of the European Union in the WTO and examine the legal challenges regarding EU's participation in the WTO.
 - g. To understand the modification in political priorities at the national and international level as a determining factor in international economic law and the policies of relevant institutions.
- II. In the procedural aspect (doing):
- a. To exemplify the functioning of the WTO through the study of practical cases.
 - b. Solve practical cases of policy and law making.
 - c. Debate in class through small working groups.
 - d. To illustrate the functioning of bilateral, regional and multilateral trade treaties through the analysis of practical cases.
 - e. To demonstrate the impact of trade law on broader global concerns through case studies.
 - f. To exemplify the interactions between the EU and the WTO through practical cases.
- III. In the professional aspect (knowing how):
- a. To critically analyse the legal challenges involved in the subject.
 - b. To argue in favour of a certain position based on the abilities acquired through discussion in class and exercises dealing with case studies.
 - c. To analyse through case studies the actual functioning of the institutions of more relevance for trade operators at the WTO and the EU levels, and their relationship to the wider global economic and social context in which they operate.

Organization and Required Books

There are a total of 12 sessions. Each one will consist of 2 hours and 15 minutes. Students will be required to do the readings before coming to class.

The required reading for the sessions is:

“Understanding the WTO (5th edn, Written and published by the World Trade Organization 2015)” https://www.wto.org/english/thewto_e/whatis_e/tif_e/understanding_e.pdf and the readings mentioned in each session below. For class discussions the required readings will be uploaded to Moodle.

Course Structure

Session 1: Introduction to the course and the history of international trade law

Reading:

- *Understanding the WTO* (5th edn, Written and published by the World Trade Organization 2015) https://www.wto.org/english/thewto_e/whatis_e/tif_e/understanding_e.pdf
- *WTO in brief*: https://www.wto.org/english/thewto_e/whatis_e/inbrief_e/inbr_e.htm

Session 2: Main principles and tariff barriers and non-tariff barriers to trade in goods and trade in services

Readings:

- *Understanding the WTO* (5th edn, Written and published by the World Trade Organization 2015) https://www.wto.org/english/thewto_e/whatis_e/tif_e/understanding_e.pdf
- Principles of the trading system WTO
- Tariffs: more binding and closer to zero: https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm2_e.htm

Class discussion:

- Custom Duties & MFN treatment and on Internal Taxation and regulations

Session 3: The Dispute Settlement Mechanism (DSM)

Readings:

- Trebilcock, M. J. (2015). *Advanced introduction to international trade law*. Edward Elgar Publishing, 24-31.
- *Mainstreaming the right to development into international trade law and policy at the World Trade Organization*, report prepared by Robert Howse, [E/CN.4/Sub.2/2004/17](https://www.wto.org/E/CN.4/Sub.2/2004/17), par. 46-49

Discussion:

Democratic deficit and the WTO

Session 4: Exceptions to the main international trade rules

Readings:

- Understanding the WTO (5th edn, Written and published by the World Trade Organization 2015) https://www.wto.org/english/thewto_e/whatis_e/tif_e/understanding_e.pdf
- Article XX General Exceptions_ WTO
https://www.wto.org/english/res_e/booksp_e/gatt_ai_e/art20_e.pdf
- Article XXI Security Exceptions_ WTO
https://www.wto.org/english/res_e/booksp_e/gatt_ai_e/art21_e.pdf

Cases:

- US Gasoline Case
- Russia and Ukraine: Measures concerning traffic transit

Class Discussion:

- Trade and the protection of the environment

Session 5: Rules on unfair trade: Dumping and Anti-Dumping Measures; Subsidies and Countervailing Measures

Readings:

- WTO Gateway: Introduction to Antidumping in the WTO
https://www.wto.org/english/tratop_e/adp_e/adp_e.htm
- The Indian Shrimp Industry Organizes to Fight the threat of Anti-Dumping Action

Class Discussion

China and US trade war

Anti-dumping and developing countries

Subsidies and agriculture products.

Session 6: Regional and Bilateral trade agreements

Readings:

- WTO_ Regional trade agreements

https://www.wto.org/english/tratop_e/region_e/region_e.htm

Class discussion:

With the increase number of RTAs will WTO still have enough weightage?

Session 7: International trade and developing economies:

Enabling clause (WTO).

Readings:

- Understanding the WTO: *Developing countries*

https://www.wto.org/english/thewto_e/whatis_e/tif_e/dev1_e.htm

- Special and differential treatment provisions:

https://www.wto.org/english/tratop_e/dda_e/status_e/sdt_e.htm

Class discussion:

Can developing economies benefit from changes?

Session 8: International Sanctions.

Readings:

- European Commission: Sanctions and restrictive measures

https://finance.ec.europa.eu/eu-and-world/sanctions-restrictive-measures_en

- Further readings for this session will be provided during the course.

Session 9: International trade and competition law.

Readings:

- Competition policy, trade and the global economy: an overview of existing WTO elements, commitments in regional trade agreements, some current challenges and issues for reflection
[https://one.oecd.org/document/DAF/COMP/GF\(2019\)11/En/pdf](https://one.oecd.org/document/DAF/COMP/GF(2019)11/En/pdf)

Session 10: International trade and competition law

Readings:

- Competition policy, trade and the global economy: an overview of existing WTO elements, commitments in regional trade agreements, some current challenges and issues for reflection
[https://one.oecd.org/document/DAF/COMP/GF\(2019\)11/En/pdf](https://one.oecd.org/document/DAF/COMP/GF(2019)11/En/pdf)

Session 11: Revision and Q&A

This session will be a revision session. Please revise all the slides and material, we will have a Q & A session.

Session 12: Exams

The exam will consist of the whole syllabus. Please check the guidelines in the section below

Assessment

Total Assessment

The assessment for the course will be as follows:

- ATTENDANCE: 10% attendance
- CONTINUOUS EVALUATION: 40%
 - o PARTICIPATION: 5%
 - o GROUP CASE STUDY: 35%:
- EXAM: 50%:
 - o MULTIPLE CHOICE TEST

Group case study

Information

- The details of the group work will be provided in the beginning of the course.

Exam

Multiple choice

- The exam will consist of a multiple-choice test
- The multiple-choice questions will consist of theoretical and practical questions such as case studies.

| Summary of Student Work Hours | | | |
|-------------------------------|-----------------------|-----------------------------------|-----------------------|
| Activity | Number of class hours | Number of independent study hours | Total number of hours |
| Lecture | 20 | 30 | 50 |
| Practical class | | | |
| Debate | 4 | 10 | 14 |
| In class presentation | | | |
| Individual work | 5 | 10 | 15 |
| Work in collaboration | | | |
| Evaluation: one-minute paper | | | |
| Evaluation: class test | | | |
| Evaluation: exam | 1 | 5 | 6 |
| Evaluation: exam review | | | |
| Others | | | |
| ECTS Credits: 3 | 30 | 55 | 85 |