

Module Title: International Trade Law
Credit Points: 10 ECTS / 20 UK credits

Overview:

The course has been designed focusing on an analysis of national and international law that applies to transactions for goods or services that cross national boundaries. Detailed attention is paid to the role of the WTO as it is considered one of the most important developments in the history of international trade law. GATT is another significant area upon which there is significant focus. The course also critically examines recent developments in international trade law generally.

Aims (To provide students with):

- a knowledge of the legal structures and mechanisms of international trade law.
- an introduction to the concept of the legal system governing international trade with a central focus on WTO and the General Agreement on Tariffs and Trade.
- an overview of the world trading system.
- an overview of European trade law and its effect on trade in other EU Member States.
- an appreciation of the future trends and patterns of development in international and regional trade authorities.
- an understanding of the impact of international trade on other areas including international environmental law and international human rights.

Module Content

- Fundamentals of International law.
 - Main features of international law and historical aspects
 - Sources of international trade Law
 - International law and national Law
 - International organisations, individuals and others
 - State responsibility
 - Growth and importance of international trade
 - International Trade Policy
- The World Trade Organisation
 - The Constitution of the WTO
 - The Sutherland Report
 - The WTO Dispute Settlement Understanding
 - The operation of the WTO Dispute Settlement System
 - Implementation and retaliation procedures
 - Transparency
 - Institutional structures of the WTO
 - The national and international trading systems
 - Legal Structure of WTO and GATT
- Tariffs, Quotas
 - GATT Tariff Commitments
 - Agricultural products
 - Clothing and textile products
 - State trading
- Non Tariff barriers
 - Free trade areas and customs unions
 - General Exceptions & Technical Barriers
- Dumping
 - Regulation of Dumping
 - The WTO Rules on Dumping
 - Anti-Dumping and Developing countries
- Developing Countries and the WTO System
 - The Generalised System of Preferences
 - WTO Caselaw
 - European Communities – Conditions for granting of tariff preferences to developing countries
 - The Doha Ministerial Conference

- The Law of Treaties
 - Agreements
 - Final Act & Agreement establishing the WTO
 - General Agreement on Tariffs and Trade 1994
 - General Agreement on Trade in Services
 - North American Free Trade Agreement
 - Rules and Procedures Governing the Settlement of Disputes
 - UNCITRAL Model Law on Procurement of Goods, Construction and Services
 - UNIDROIT Principles of International Commercial Contracts GATT
 - GATT and the legal structure
 - Dispute settlement system
 - Decision making in WTO and GATT
 - Effect of the WTO/GATT Agreements on Domestic Law
 - Most Favoured Nation Obligation in GATT
 - GATT Rules and developing countries
- Trade Regulation and their Policies
 - Reference to both national government regulation and international regulation (WTO)
 - Study of border measures (tariffs and quotas)
 - Most favoured nation clause (meaning non-discrimination as among nations)
 - National Treatment clauses (non-discrimination between imported and domestically produced goods or services)
 - Safeguard measures
 - Unfair trade measures
- Trade in Services
 - Competition policy
 - Free Trade Areas and Customs Unions
 - General Agreement on Trade in Services
 - Discussion problem on services

Indicative Reading

- Burca, G.D. & Scott, J., 2003. *The EU and the WTO: Legal and Constitutional Issues* New ed., Hart Publishing.
- Dillon, S., 2002. *International Trade and Economic Law and the European Union*, Hart Publishing.
- Griffin, B., 2003. *The Law of International Trade* 3rd ed., OUP.
- Cottier, T., Pauwelyn, J. & Burgi, E., 2006. *Human Rights and International Trade*, Oxford University Press, USA.
- Craig, P. & Burca, G.D., 2002. *EU Law: Text, Cases and Materials* 3rd ed., Oxford University Press, USA.
- Jackson, J.H., 2007. *The Jurisprudence of GATT and the WTO: Insights on Treaty Law and Economic Relations* 1st ed., Cambridge University Press.
- Jackson, J.H., Davey, W.J. & Sykes, A.O., 2008. *Legal Problems of International Economic Relations* 5th ed., West Publishing Co ,U.S.
- Kennedy, D.L.M. & Southwick, J.D., 2008. *The Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec* 1st ed., Cambridge University Press.
- Lowenfeld, A.F., 2008. *International Economic Law* 2nd ed., Oxford University Press, USA.
- Matsushita, M., Schoenbaum, T.J. & Mavroidis, P.C., 2006. *The World Trade Organization: Law, Practice, and Policy* 2nd ed., Oxford University Press, USA.
- Petersmann, E. & Harrison, J., 2005. *Reforming the World Trading System: Legitimacy, Efficiency, and Democratic Governance* illustrated edition., Oxford University Press, USA.
- Qureshi, A.H., 1998. *The World Trade Organisation: Implementing International Trade Norms* New edition., Manchester University Press Melland Schill Studies.

Assessment methods

30% Assignment

70% Exam