STUDY PROGRAMME ACADEMIC YEAR SEMESTER

Second

1. European Legal Studies Programme

2019-20

(2) Transatlantic Affairs

COURSE TITLE

WTO Law: Substantive and Institutional Aspects

COURSE PROFESSOR COURSE ASSISTANT

P. Bachelier

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NATURE OF COURSE (COMPULSORY, OPTIONAL) LANGUAGE OF INSTRUCTION

Optional

English

ECTS CREDITS

5

1. **COURSE OBJECTIVES**

Against the background of the re-emergence of economic nationalism and the danger of imminent trade wars among the world’s largest economies, this course aims to give students a clear understanding of the law governing international trade relations. The course addresses the institutional and substantive rules of the multilateral trading system, i.e. the WTO system. During the first session, the course will focus on rule-making and dispute settlement by the WTO as well as on the principal substantive rights and obligations under WTO law. During the second and third session, students will analyse a number of case studies based on real life situations relating to specific problems of international trade.

The case studies will deal with: the WTO dispute settlement (‘Right Over Might’); national treatment under GATT 1994 and GATS ('Beer'); general exceptions under GATT 1994 and GATS (‘Starbucks’ ethical cocoa’); technical barriers to trade (‘Safe Cars’); and subsidies (‘Have you flown in an Airbus lately?’).

Students will be able to analyse international trade problems and apply the relevant provisions of WTO law.

For MATA students, this course improves their knowledge about the law governing international trade relations, and particularly transatlantic trade relations.

1. **LEARNING OUTCOMES**

The course objectives tie in with the following learning outcomes of the programme European Legal Studies:

1.1. Possess advanced knowledge of the European Union (EU), its institutions, competences, substantive principles and legal doctrines.

1.2. Possess general knowledge on the main elements of the EU’s law and policy at large.

1.3. Possess in-depth, scientific knowledge on specific areas of EU law.

2.1. Be able to think analytically, correctly analysing complex legal problems in a multi-level legal order, the various sources of law, legal instruments and actors, and to formulate a scientifically sound position on the basis of logical reasoning.

2.2. Be able to think dynamically, to understand the constantly changing and evolving nature of the European integration process and to provide constructive commentary on its possible future development.

2.3. Be able to think critically, formulating an independent opinion and interpretation of complex legal problems, contextualising findings and weighing a multitude of different factors, including findings from other disciplines.

2.4. Be able to process a large amount of information within a short amount of time and to deliver accurate and reflective outcomes.

2.5. Be able to work with primary sources of law, such as judgments and legislation, and to reflect independently on their significance and interpretation.

2.6. Be able to work in a multi-cultural context, understanding and mediating different legal systems, legal traditions and normative frameworks in a constructive way.

2.7. Be able to develop, research, discus and critically answer questions regarding a scientific research question of EU law in a scientifically responsible way.

2.8. Have a pro-active attitude towards self-development, through self-study, lifelong learning and professional growth, particularly though preparatory reading for group discussion in the courses.

2.9. Draft a clear legal scientific text in the area of EU law.

2.10. Present and defend orally an issue relating to EU law on the basis of legal argumentation or a personal position.

2.11. Be able to study and work in the area of EU law in English and French, including through interaction with native speakers.

The course objectives tie in with the following learning outcomes of the programme Transatlantic Affairs :

1.1 The graduate masters the most important theoretical approaches and concepts of, depending on his or her disciplinary focus, Economics, International Relations and Diplomacy Studies, Legal Studies and/or Political Science relevant for the analysis of transatlantic affairs.

1.2 The graduate can describe, explain and illustrate the current state of scientific research in the field of transatlantic affairs in a broad sense and, is, in line with his or her disciplinary focus, able to critically assess the results of this research.

1.3 The graduate has good knowledge of, depending on his or her disciplinary focus, the political and/or legal systems, the decision-making processes, the economic structures and the main internal and external policies of the European Union and the United States.

1.4 The graduate has insights into historical, political, legal and economic aspects of transatlantic affairs as well as into those policy areas that are of essential importance to transatlantic affairs. He or she can use these insights to contextualize and interpret new developments.

1.5 The graduate is able to incorporate knowledge and understanding of various fields of transatlantic affairs and of different related disciplines (such as Economics, International Relations, Legal Studies, Political Science) as well as to adopt both a European and a US perspective on transatlantic affairs.

2.1 The graduate can approach the field of transatlantic affairs in a broad sense analytically by assessing the challenges in this domain with an open mind for diversity and for complex situations.

2.2 The graduate has the ability to critically reflect upon problems regarding an extensive range of transatlantic affairs, to adopt well-informed points of view and to communicate them effectively orally and in writing, whether working independently or in a team.

2.4 The graduate is capable of processing a large amount of information and appropriately analyse relevant sources depending on his or her disciplinary focus within a short period of time and of suggesting possible actions that contribute to problem-solving in a creative way.

2.5 The graduate has the intellectual maturity and skills to take responsibilities and function autonomously in a professional environment at national or international level, and especially in a transatlantic context, and to work efficiently and effectively through planning, organizing, setting priorities, meeting deadlines, cooperating across cultural boundaries and networking.

1. **COURSE CONTENTS**

•Economic globalisation and the law of the WTO (on the phenomenon of economic globalisation, the arguments for and against free trade and the role of law in international economic and trade relations);

•The World Trade Organization (on the history, objectives, structure, functions, decision-making and membership of the WTO);

•WTO dispute settlement (on the WTO's unique system for the resolution of trade disputes);

•Principles of non-discrimination (on the obligations of most-favoured-nation treatment and national treatment);

•Rules on market access (on tariff barriers and non-tariff barriers to trade in goods and services);

•Rules on unfair trade (on dumping, anti-dumping measures, subsidies and countervailing measures);

•Rules on technical barriers to trade (on technical regulations, standards, conformity assessment procedures) and SPS measures;

•Trade liberalisation versus other societal values (on general and security exceptions; economic emergency exceptions; regional trade exceptions, etc.)

•Challenges to the multilateral trading system (on the institutional and procedural deficiencies of the WTO; the proliferation of regional trade agreements; integration of developing countries in the multilateral trading system; expanding the scope of WTO law, etc.).

1. **TEACHING METHOD**

The course will be conducted in the form of interactive lectures (first session) and case studies (second and third session).

1. **FURTHER DETAILS ON THE TEACHING METHOD**

In preparation for the second and third session, students will write legal briefs on the case studies dealt with during these sessions. Students will prepare for these sessions in small groups.

1. **COURSE MATERIAL**

P. VAN DEN BOSSCHE and D. PREVOST, Essentials of WTO Law (Cambridge University Press, 2016). See <http://www.cambridge.org/us/academic/subjects/law/international-trade-law/essentials-wto-law?format=PB#BjTZRqT5e1xvi9SD.97>.

Students may also find P. VAN DEN BOSSCHE and W. ZDOUC, The Law and Policy of the World Trade Organization (Cambridge University Press, 2017) useful in preparing for the case studies.

See <http://www.cambridge.org/nl/academic/subjects/law/international-trade-law/law-and-policy-world-trade-organization-text-cases-and-materials-4th-edition?format=PB#zP4cCBDVjziSgYTP.97>.

Both books refer to additional reading materials on all topics covered in this course.

1. **EVALUATION**

The students will be evaluated as follows:

50% of the final grade on two of the legal briefs referred to above randomly picked by the Professor;

50% of the final grade on a 2-hour written exam with two short essay questions.

During the written exam, students are allowed to use a non-annotated copy of the WTO

agreements.

Exams organised in second session period are 100% written exams.