



Advisory Centre on WTO Law  
Centre Consultatif sur la Législation de l'OMC  
Centro de Asesoría Legal en Asuntos de la OMC

# ACWL COURSE ON WTO LAW AND JURISPRUDENCE

## PART III – WTO DISPUTE SETTLEMENT PROCEEDINGS

2 OCTOBER 2014 – 21 MAY 2015

### Proposed Programme



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NO.	DATE	SUBJECT
INTRODUCTION		
1	2 October 2014	<p><b>Introductory Session</b></p> <ul style="list-style-type: none"> <li>▪ Objectives and format of the course</li> <li>▪ Researching WTO law and jurisprudence</li> <li>▪ How did we get here? From Havana to Doha in forty minutes</li> <li>▪ Legal structure of the WTO Agreement and the hierarchy of WTO legal instruments</li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>– F. Roessler, 'The Agreement Establishing the World Trade Organization' in J.H.J Bourgeois <i>et al</i> (eds.) <i>The Uruguay Round Results: A European Lawyers' Perspective</i> (1995).</li> <li>– C. VanGrasstek, <i>The History and Future of the World Trade Organization</i>, (2013) pp. 39-80.</li> </ul>
2	9 October	<p><b>The Basic Principles of WTO Law (Open Markets and MFN)</b></p> <p><b>Principle:</b> Members shall provide market access subject only to tariffs and other duties and charges specified in Members' Schedules of Commitments.</p> <ul style="list-style-type: none"> <li>▪ Article XI of the GATT - General prohibition of quantitative restrictions</li> <li>▪ Article 4 of the Agreement on Agriculture - Restrictions applied to imports of agricultural products</li> <li>▪ Article 11 of the Agreement on Safeguards - Voluntary export restraints and similar measures</li> <li>▪ Article II of the GATT - Tariff bindings</li> </ul> <p><b>Principle:</b> When applying restrictive border measures, Members shall treat like products equally irrespective of their origin.</p> <ul style="list-style-type: none"> <li>▪ Article I:1 of the GATT - General most-favoured-nation (MFN) treatment obligation</li> <li>▪ Article XIII of the GATT - Non-discriminatory application of quantitative restrictions and tariff quotas</li> </ul> <p>Relationship of principles governing trade in goods to rules governing trade in services, intellectual property, <i>etc.</i></p> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>– P. Van den Bossche and W. Zdouc, <i>The Law and Policy of the World Trade Organization</i>, Third Edition (2013), pp. 317-330, 445-453, 481-495.</li> <li>– J. Pauwelyn, <i>Conflict of Norms in Public International Law – How WTO Law Relates to Other Rules of International Law</i>, (2003), pp. 396-405.</li> <li>– J. Lacarte and F. Piérola, <i>Comparing the WTO and GATT Dispute Settlement Mechanisms: What Was Accomplished in the Uruguay Round?</i>, in J. Lacarte and J. Granados (eds.), "Inter-Governmental</li> </ul>

NO.	DATE	SUBJECT
		Trade Dispute Settlement: Multilateral and Regional Approaches" (2004), pp. 33-62.
3	16 October	<p><b>The Basic Principles of WTO Law (National Treatment and Exceptions)</b></p> <p><b>Principle:</b> Imported products must be accorded treatment no less favourable than that accorded to like domestic products.</p> <ul style="list-style-type: none"> <li>▪ Article III:1 of the GATT – The general principle</li> <li>▪ Article III:2 of the GATT - National treatment obligation with respect to internal taxation.</li> <li>▪ Article III:4 of the GATT - National treatment obligation with respect to all laws and regulations affecting the sale, purchase, transportation, distribution or use of products.</li> </ul> <p><b>Principle:</b> Members have policy space to take GATT-inconsistent measures in certain circumstances.</p> <ul style="list-style-type: none"> <li>▪ Overview of exceptions under Articles XX and XXI of the GATT</li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>– P. Van den Bossche and W. Zdouc, <i>The Law and Policy of the World Trade Organization</i>, Third Edition (2013), pp. 350-403, 545-582, 595-599.</li> <li>– R. E. Hudec, <i>GATT/WTO Constraints on National Regulation: Requiem for an "Aim and Effects" Test</i>, <i>The International Lawyer</i>, Vol. 32, No. 3 (1998), pp. 619-649.</li> <li>– G. Marceau, <i>The New TBT Jurisprudence in US – Clove Cigarettes, WTO US – Tuna II, and US – Cool</i>, 8 <i>Asian J. WTO &amp; Int'l Health L &amp; Pol'y</i> 1 (2013).</li> </ul>
4	23 October	<b>Review Session: The Basic Principles of WTO Law</b>
<b>THE INITIATION OF A WTO DISPUTE</b>		
5	30 October	<p><b>The history of the DSU</b></p> <ul style="list-style-type: none"> <li>▪ The history and basic features of the DSU</li> <li>▪ Developing-country experience with the DSU</li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>– D. Palmeter and P. C. Mavroidis, <i>Dispute Settlement in the World Trade Organization, Practice and Procedure</i>, Second Edition, Cambridge University Press (2004), pp. 6-11, 15-16, 171-174.</li> <li>– F. Roessler and P. Gappah, 'A re-appraisal of non-violation complaints under the WTO Dispute Settlement Procedures' in P.F.J. Macrory et al (eds.) <i>The World Trade Organization: Legal, Economic and Political</i></li> </ul>

NO.	DATE	SUBJECT
		<p><i>Analysis, Volume I</i> (2005).</p> <ul style="list-style-type: none"> <li>- WTO Secretariat, <i>A Handbook on the WTO Dispute Settlement System</i>, Cambridge University Press (2004), pp. 12-16, 109-115.</li> <li>- P. Van den Bossche and W. Zdouc, <i>The Law and Policy of the World Trade Organization</i>, Third Edition (2013), pp. 299-302.</li> </ul>
6	6 November	<p><b>Making effective use of the WTO dispute settlement procedures</b></p> <ul style="list-style-type: none"> <li>▪ Can you achieve your objectives through the DSU?</li> <li>▪ Should you opt for WTO dispute settlement or RTA dispute settlement?</li> <li>▪ What remedies does the DSU provide to the complainant?</li> <li>▪ What provisions of WTO law cannot be effectively enforced through DSU procedures?</li> <li>▪ What other avenues are available in addition to the DSU?</li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>- F. Roessler, 'The Scope of WTO Law Enforced Through WTO Dispute Settlement Procedures' in M. E. Janow et al. (eds.), <i>The WTO: Governance, Dispute Settlement, and Developing Countries</i> (2008).</li> <li>- F. Piérola and G. Horlick, <i>WTO Dispute Settlement and Dispute Settlement in the 'North-South' Agreements of the Americas: Considerations for Choice of Forum</i>, <i>Journal of World Trade</i> 41(5) (2007), pp. 885-908.</li> <li>- D. Palmeter and P. C. Mavroidis, <i>Dispute Settlement in the World Trade Organization, Practice and Procedure</i>, Second Edition, Cambridge University Press (2004), pp. 262-265.</li> <li>- P. Gallagher, <i>Guide to Dispute Settlement</i>, Kluwer Law International World Trade Organization (2002), pp. 47-52.</li> </ul>
7	13 November	<p><b>What law is interpreted in DSU proceedings?</b></p> <ul style="list-style-type: none"> <li>- What principles of treaty interpretation can you invoke?</li> <li>- What is the role of precedent in WTO law?</li> </ul> <p><b>Initiating proceedings under the DSU (1)</b></p> <ul style="list-style-type: none"> <li>- What is a "measure"?</li> <li>- Articles 4.4 and 6.2 of the DSU</li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>- C. M. Valles, <i>Treaty Interpretation: A Move Away From Rigid Approach</i> (2006).</li> <li>- D. Palmeter and P. C. Mavroidis, <i>Dispute Settlement in the World Trade Organization, Practice and Procedure</i>, Second Edition, Cambridge University Press (2004), pp. 21-35, 49-84.</li> <li>- P. Van den Bossche and W. Zdouc, <i>The Law and Policy of the World</i></li> </ul>

NO.	DATE	SUBJECT
		<p><i>Trade Organization</i>, Third Edition (2013), pp. 160-172, 179-205.</p> <ul style="list-style-type: none"> <li>- WTO Secretariat, <i>A Handbook on the WTO Dispute Settlement System</i>, Cambridge University Press (2004), pp. 90-91.</li> </ul>
8	20 November	<p><b>Initiating proceedings under the DSU (2)</b></p> <ul style="list-style-type: none"> <li>▪ Which measures can be challenged? <ul style="list-style-type: none"> <li>○ Terminated or future measures</li> <li>○ Discretionary legislation prior to its application</li> <li>○ Measures taken during the course of the proceedings</li> </ul> </li> <li>▪ Whose measures can be challenged? <ul style="list-style-type: none"> <li>○ Measures by sub-federal governments</li> </ul> </li> <li>▪ Which measures cannot be challenged? <ul style="list-style-type: none"> <li>○ Measures by private entities, such as export or import cartel arrangements, or private standards</li> </ul> </li> <li>▪ What do panels decide?</li> <li>▪ Use of judicial economy</li> </ul>
9	27 November	<p><b>Initiating proceedings under the DSU (3)</b></p> <ul style="list-style-type: none"> <li>▪ Sources of a legal claim in WTO dispute settlement proceedings</li> <li>▪ Which legal instruments can be invoked in WTO dispute settlement proceedings and in what capacity?</li> <li>▪ Alternative dispute settlement mechanisms under the DSU</li> <li>▪ Practical considerations in making the choice between panels and good offices, mediation, conciliation or arbitration.</li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>- ACWL, <i>Alternative Dispute Resolution Mechanisms Under the DSU, Background Note for ACWL Training Course, Session 8, 20 November 2014.</i></li> <li>- H. Nottage and J. Bohanes, <i>Arbitration as an Alternative to Litigation in the WTO: Observations in the Light of the 2005 Banana Tariff Arbitration</i>, in Y. Taniguchi, A. Yanovich, J. Bohanes (eds.), "The WTO in the Twenty-first Century" (2007), pp. 212-247.</li> </ul>

CONSULTATIONS / PANEL PROCEEDINGS		
10	4 December	<p><b>Consultations</b></p> <ul style="list-style-type: none"> <li>▪ Role of consultations: to resolve a dispute or assist the complainant in preparing its case</li> </ul>

		<ul style="list-style-type: none"> <li>▪ Drafting a request for consultations</li> <li>▪ The difference between Article XXII and XXIII consultations</li> <li>▪ Preparing advance questions</li> <li>▪ Composing delegations, the role of lawyers</li> <li>▪ Use of information obtained during consultations</li> <li>▪ Seeking to join consultations – what is a "substantial trade interest"?</li> </ul> <p><b>Requesting the establishment of a Panel</b></p> <ul style="list-style-type: none"> <li>▪ How to draft the panel request</li> <li>▪ Identification of the specific measures at issue</li> <li>▪ Article 6.2: avoiding disputes on terms of reference of the panel</li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>– D. Palmeter and P. C. Mavroidis, <i>Dispute Settlement in the World Trade Organization, Practice and Procedure</i>, Second Edition, Cambridge University Press (2004), pp. 86-115.</li> <li>– WTO Secretariat, <i>A Handbook on the WTO Dispute Settlement System</i>, Cambridge University Press (2004), pp. 43-50.</li> <li>– P. Van den Bossche and W. Zdouc, <i>The Law and Policy of the World Trade Organization</i>, Third Edition (2013), pp. 209-214, 244-274.</li> </ul>
11	11 December	<b>Review session: Scope of DSU Proceedings/Consultations/Request for the Establishment of a Panel</b>
<b>End of the year break</b>		
12	15 January 2015	<p><b>Composition of a Panel and the Organizational Meeting</b></p> <ul style="list-style-type: none"> <li>▪ Panel selection: procedures</li> <li>▪ Criteria for panelists; criteria for chair; seeking a "balanced" panel; whether to seek sectoral expertise; whether to exclude non-governmental nationals of disputing or third parties; rights of developing-country Members; role of Secretariat</li> <li>▪ Composition by the Director General</li> <li>▪ Organizational meeting</li> <li>▪ The timetable</li> <li>▪ Panel procedures: issues to consider <ul style="list-style-type: none"> <li>○ Preliminary rulings</li> <li>○ Business Confidential Information</li> <li>○ Amicus Briefs</li> <li>○ "Open" Hearings</li> </ul> </li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>– D. Palmeter and P. C. Mavroidis, <i>Dispute Settlement in the World Trade Organization, Practice and Procedure</i>, Second Edition, Cambridge University Press (2004), pp. 135-143.</li> <li>– WTO Secretariat, <i>A Handbook on the WTO Dispute Settlement System</i>, Cambridge University Press (2004), pp. 50-53.</li> </ul>

		<ul style="list-style-type: none"> <li>- P. Van den Bossche and W. Zdouc, <i>The Law and Policy of the World Trade Organization</i>, Third Edition (2013), pp. 214-231.</li> </ul> <p><b>Distribution of Moot Court Problem</b>  <i>This exercise will examine issues related to issues taught during the course. Participants will work on moot court submissions during the rest of the course. There will be an oral hearing during the 26 March 2015 class and the Panel will deliver its report during the end-of-course lunch on 21 May 2015.</i></p> <ul style="list-style-type: none"> <li>▪ Circulation of facts.</li> <li>▪ Course participants and ACWL lawyers sign up for complainant, respondent, third party and panel teams.</li> </ul> <p>Teams will have until 5 February to submit any requests for clarification of the facts.</p>
13	22 January	<p><b>Presenting a case before a Panel (1)</b></p> <ul style="list-style-type: none"> <li>▪ Panel Procedures: Sequence and Timing of Submissions</li> <li>▪ The full panel process - in a table</li> <li>▪ How is the burden of proof distributed between the parties?</li> <li>▪ What evidence do you need to adduce? <ul style="list-style-type: none"> <li>○ Economic studies</li> <li>○ Access to information</li> <li>○ Adverse inferences</li> <li>○ Domestic law</li> </ul> </li> <li>▪ How do you make the most effective use of experts?</li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>- D. Palmeter and P. C. Mavroidis, <i>Dispute Settlement in the World Trade Organization, Practice and Procedure</i>, Second Edition, Cambridge University Press (2004), pp. 116-135, 143-152.</li> <li>- P. Van den Bossche and W. Zdouc, <i>The Law and Policy of the World Trade Organization</i>, Third Edition (2013), pp. 274-283.</li> </ul>
14	29 January	<p><b>Presenting a case before a Panel (2)</b></p> <ul style="list-style-type: none"> <li>▪ The Perspective of the Complainant: <ul style="list-style-type: none"> <li>○ Drafting submissions</li> <li>○ First and rebuttal submissions</li> <li>○ The facts: telling the story convincingly</li> <li>○ Legal argument</li> <li>○ Collecting and presenting exhibits</li> <li>○ Panel hearings: answering questions from the panel</li> <li>○ Managing multiple complaints</li> <li>○ Judicial economy</li> <li>○ Interim review</li> <li>○ Special considerations in trade remedies cases</li> </ul> </li> </ul>



		<ul style="list-style-type: none"> <li>▪ The Perspective of the Respondent: <ul style="list-style-type: none"> <li>○ Presenting a defence before a panel</li> <li>○ Countering the complainant convincingly</li> <li>○ Affirmative defences and the rule/exception distinction</li> <li>○ Defences that are frequently used without success</li> </ul> </li> <li>▪ The perspective of a Third Party: <ul style="list-style-type: none"> <li>○ What are the different third-party rights at the panel stage?</li> <li>○ What are enhanced third-party rights and how can they be obtained?</li> <li>○ Drafting effective third-party submissions</li> </ul> </li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>- F. Piérola, <i>Practical Considerations for Trade Remedies Disputes at the National and World Trade Organization Levels, Part 4: How to Act in WTO Disputes on Trade Remedies</i>, Global Trade and Customs Journal (2007), pp. 209-216.</li> <li>- D. Palmeter and P. C. Mavroidis, <i>Dispute Settlement in the World Trade Organization, Practice and Procedure</i>, Second Edition, Cambridge University Press (2004), pp. 109-111.</li> </ul>
15	5 February	<p><b>Review session: Panel Proceedings</b></p> <p><b>Moot Court Exercise:</b></p> <ul style="list-style-type: none"> <li>▪ Deadline to submit any requests for clarification of the facts.</li> </ul>
16	12 February	<p><b>Moot Court Exercise:</b></p> <ul style="list-style-type: none"> <li>▪ Any requested factual clarifications will be provided to the teams.</li> <li>▪ Complainant, respondent and third party teams meet to prepare written submissions and oral statements.</li> <li>▪ Panel team meets to prepare an outline of its report.</li> <li>▪ Complainant, respondent and third party teams will file their written submissions by <u>13 March 2015</u>.</li> </ul>
APPELLATE BODY PROCEEDINGS		
17	19 February	<p><b>Appellate Review Proceedings (1)</b></p> <ul style="list-style-type: none"> <li>▪ Composition of the Appellate Body</li> <li>▪ AB's Working Procedures</li> <li>▪ Timeline of an Appeal</li> <li>▪ Appeals v Cross Appeals</li> <li>▪ 60-day deadline to start an appeal</li> <li>▪ 90-day deadline to complete an appeal</li> <li>▪ Third participant and third party status at the Appellate Body</li> </ul> <p><i>Recommended reading:</i></p>

		<ul style="list-style-type: none"> <li>- D. Palmetter and P. C. Mavroidis, <i>Dispute Settlement in the World Trade Organization, Practice and Procedure</i>, Second Edition, Cambridge University Press (2004), pp. 210-233.</li> <li>- WTO Secretariat, <i>A Handbook on the WTO Dispute Settlement System</i>, Cambridge University Press (2004), pp.63-74.</li> <li>- P. Gallagher, <i>Guide to Dispute Settlement</i>, Kluwer Law International World Trade Organization (2002), pp. 36-41.</li> <li>- P. Van den Bossche and W. Zdouc, <i>The Law and Policy of the World Trade Organization</i>, Third Edition (2013), pp. 231-244.</li> </ul>
18	26 February	<p><b>Appellate Review Proceedings (2)</b></p> <ul style="list-style-type: none"> <li>▪ What can be appealed? Scope of appellate review (distinction between facts and law, completing the legal analysis)</li> <li>▪ Appeals related to Article 11 of the DSU</li> <li>▪ Drafting a notice of appeal/other appeal: checklist of issues</li> <li>▪ How do you draft submissions?</li> <li>▪ Advocacy at the Appellate Body and responding to questions by the Appellate Body division</li> <li>▪ The problem of the lack of remand</li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>- F. Piérola 'The Question of Remand Authority for the Appellate Body' in A. D. Mitchell (ed.), <i>Challenges and Prospects for the WTO</i> (2005).</li> <li>- P. Van den Bossche and W. Zdouc, <i>The Law and Policy of the World Trade Organization</i>, Third Edition (2013), pp. 209-231, 283-291.</li> </ul>
<b>SETTLING AND SUSPENDING DISPUTES / ADOPTION AND POST-ADOPTION SURVEILLANCE</b>		
19	5 March	<p><b>Settling and Suspending Disputes / Adoption and post-adoption surveillance</b></p> <ul style="list-style-type: none"> <li>▪ Suspending dispute settlement proceedings:             <ul style="list-style-type: none"> <li>○ Article 12.12 of the DSU</li> <li>○ Withdrawal of notice of appeal</li> <li>○ When can you "suspend" a case?</li> </ul> </li> <li>▪ Settlements/Mutually Agreed Solutions:             <ul style="list-style-type: none"> <li>○ How do you negotiate mutually agreed solutions?</li> <li>○ What is the content of a mutually agreed solution?</li> <li>○ Legal effects under WTO law</li> <li>○ How do you notify a mutually agreed solution?</li> <li>○ What are the rights of the third parties in this phase?</li> </ul> </li> <li>▪ Adoption of Panel/AB reports</li> <li>▪ Post-adoption Surveillance</li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>- D. Palmetter and P. C. Mavroidis, <i>Dispute Settlement in the World Trade Organization, Practice and Procedure</i>, Second Edition, Cambridge University Press (2004), pp. 221-222.</li> <li>- F. Piérola, <i>Some Thoughts on How to Make a WTO Mutually Agreed</i></li> </ul>

		<p><i>Solution Meaningful</i>, Global Trade and Customs Journal (2008), pp. 81-83.</p> <ul style="list-style-type: none"> <li>- F. Piérola, <i>Can Transaction Costs Explain the Lack of Negotiated Settlements in WTO Dispute Resolution?</i>, Global Trade and Customs Journal (2008), pp. 147-148.</li> <li>- P. Gallagher, <i>Guide to Dispute Settlement</i>, Kluwer Law International World Trade Organization (2002), pp. 19-22.</li> <li>- P. Van den Bossche and W. Zdouc, <i>The Law and Policy of the World Trade Organization</i>, Third Edition (2013), pp. 183-184, 282-283, 290.</li> </ul>
20	12 March	<p><b>Review Session: Litigation before the Appellate Body</b></p> <p><b><u>Reminder: Moot Court Exercise</u></b>  <u>13 March</u>: Complainant, Respondent and Third Party teams file their submissions (by email to <a href="mailto:secretariat@acwl.ch">secretariat@acwl.ch</a>).</p>
IMPLEMENTATION		
21	19 March	<p><b>Determining the Reasonable Period of Time to implement under Article 21.3 of the DSU</b></p> <ul style="list-style-type: none"> <li>▪ Negotiations on the reasonable period of time under Article 21.3(b)</li> <li>▪ Arbitration on the reasonable period of time: <ul style="list-style-type: none"> <li>○ The arbitration process</li> <li>○ Standard for determining the reasonable period of time</li> <li>○ Key factors relevant in arbitral decisions under DSU Article 21.3(c)</li> </ul> </li> <li>▪ Can there be more than one implementation period?</li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>- D. Palmetier and P. C. Mavroidis, <i>Dispute Settlement in the World Trade Organization, Practice and Procedure</i>, Second Edition, Cambridge University Press (2004), pp. 234-247.</li> <li>- R. Hansen and D. McRae 'Reconciling the International and the Domestic: the Reasonable Period of Time Under Article 21.3 of the DSU' in M. E. Janow et al. (eds.), <i>The WTO: Governance, Dispute Settlement, and Developing Countries</i> (2008)</li> <li>- WTO Secretariat, <i>A Handbook on the WTO Dispute Settlement System</i>, Cambridge University Press (2004), pp.76-78.</li> <li>- P. Van den Bossche and W. Zdouc, <i>The Law and Policy of the World Trade Organization</i>, Third Edition (2013), pp. 291-293.</li> </ul>
22	26 March	<p><b>Moot Court Exercise:</b></p> <ul style="list-style-type: none"> <li>▪ Complainant, respondent and third party teams meet to prepare oral statements for the hearing.</li> <li>▪ Panel team meets to prepare follow-up questions to the parties.</li> </ul>

<b>Spring break</b>		
23	16 April	<p><b>Disputes regarding compliance under Article 21.5 of the DSU</b></p> <ul style="list-style-type: none"> <li>▪ The context and basic principles</li> <li>▪ The "sequencing" problem</li> <li>▪ Operational challenges: <ul style="list-style-type: none"> <li>○ Who can request Article 21.5 proceedings?</li> <li>○ What is a "measure taken to comply"?</li> <li>○ What claims or issues can be raised?</li> </ul> </li> <li>▪ What is the role of third parties in proceedings under Article 21.5?</li> <li>▪ DSU reform?</li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>– F. Roessler, <i>The Responsibilities of a WTO Member Found to Have Violated WTO Law</i>, in Y. Taniguchi, A. Yanovich, J. Bohanes (eds.), "The WTO in the Twenty-first Century" (2007), pp. 141-147.</li> <li>– D. Palmeter and P. C. Mavroidis, <i>Dispute Settlement in the World Trade Organization, Practice and Procedure</i>, Second Edition, Cambridge University Press (2004), pp. 247-258.</li> <li>– J. E. Kearns and Steve Charnovitz, <i>Adjudicating Compliance in the WTO: A Review of DSU Article 21.5</i>, <i>Journal of International Economic Law</i> (2002), pp. 331-352.</li> <li>– P. Van den Bossche and W. Zdouc, <i>The Law and Policy of the World Trade Organization</i>, Third Edition (2013), pp. 293-295.</li> </ul>
24	23 April	<p><b>Moot Court Exercise: The Panel Hearing (at the WTO)</b></p>
25	30 April	<p><b>Suspension of concessions and other obligations under Article 22 of the DSU</b></p> <ul style="list-style-type: none"> <li>▪ When do you negotiate compensation under Article 22.1?</li> <li>▪ When do you request authorisation to "retaliate" under Article 22.2?</li> <li>▪ Principles and procedures</li> <li>▪ Preparation of the "retaliation list"</li> <li>▪ "Carousel" suspension</li> <li>▪ How do you determine "equivalence" in the suspension of concessions?</li> <li>▪ Securing the removal of "retaliation" when a Member believes it has brought itself into conformity with its WTO obligations</li> <li>▪ Cross-retaliation</li> <li>▪ What is the role of third parties in proceedings under Article 22.6?</li> </ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"> <li>– C. M. Valles and B. McGivern, <i>The Right to Retaliate under the WTO Agreement</i>, <i>Journal of World Trade</i> (2000), pp. 63-84.</li> <li>– B. McGivern, <i>Seeking Compliance with WTO Rulings: Theory, Practice and Alternatives</i>, <i>The International Lawyer</i>, Vol. 36 (2002), No.1, pp. 141-157.</li> </ul>

		<ul style="list-style-type: none"> <li>- D. Palmetier and P. C. Mavroidis, <i>Dispute Settlement in the World Trade Organization, Practice and Procedure</i>, Second Edition, Cambridge University Press (2004), pp. 266-278.</li> <li>- P. Gallagher, <i>Guide to Dispute Settlement</i>, Kluwer Law International World Trade Organization (2002), pp. 47-52.</li> <li>- P. Van den Bossche and W. Zdouc, <i>The Law and Policy of the World Trade Organization</i>, Third Edition (2013), pp. 296-298.</li> </ul>
26	7 May	<b>Review Session: Implementation of DSB Recommendations and Rulings/Retaliation</b>
<b>Break</b>		
27	21 May	<p><b>Concluding Session – Lunch</b></p> <ul style="list-style-type: none"> <li>▪ Discussion of the Moot Court Panel Report</li> <li>▪ Evaluation of the course</li> </ul>