



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

COURSE ON

WTO LAW AND JURISPRUDENCE

PART I - BASIC PRINCIPLES OF THE WORLD TRADE ORDER

12 October 2006 – 29 March 2007

Revised Programme
8 February 2007

Avenue Giuseppe Motta 31-33
C.P. 132
1211 Geneva 20
Switzerland
Telephone: +41 22 919 21 21
Fax: +41 22 919 21 22
Website: www.acwl.ch



No	Date	Subject
1	12 October	<p><u>Introductory Session</u></p> <ul style="list-style-type: none"> - Objectives and format of course - Comments by participants - Key international trade law concepts - Researching WTO law and jurisprudence: books, journals Websites, worldtradelaw.net
2 3	19 / 26 October	<p><u>Border measures: Tariffs</u></p> <p>Principle: Tariffs exceeding the rate bound in the Member's schedule of concessions and charges other than ordinary customs duties on bound items are prohibited.</p> <ul style="list-style-type: none"> ▪ Article II of the GATT - Schedule of Concessions ▪ Understanding on the Interpretation of Article II:1(b) of the GATT ▪ Article VIII of the GATT - Fees and Formalities connected with Importation and Exportation ▪ Agreement on Customs Valuation
4	2 November	<p><u>Border measures: Tariffs (continued)</u></p> <p><i>Argentina - Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items</i></p> <p><i>EC - Customs Classification of Certain Computer Equipment</i></p> <p><i>EC - Customs Classification of Frozen Boneless Chicken Cuts</i></p> <p><i>Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes</i></p>
5	9 November	<p><u>Border measures: Quantitative Restrictions</u></p> <p>Principle: Quantitative restrictions and other non-tariff barriers are prohibited.</p> <ul style="list-style-type: none"> ▪ Article XI - Quantitative Restrictions ▪ Article 4 of the Agreement on Agriculture <p><i>India - Quantitative Restrictions on Imports of Agricultural, Textile and Industrial Products</i></p> <p><i>India – Measures Affecting the Automotive Sector</i></p> <p><i>Argentina - Measures Affecting the Export of Bovine Hides and Imports of Finished Leather</i></p>

6	16 November	<p><u>Principle of Non-Discrimination</u></p> <p>Principle: Members shall treat like products equally irrespective of their origin.</p> <ul style="list-style-type: none"> ▪ Article I:1 - General most-favoured-nation (MFN) obligation ▪ Article XIII - Non-discriminatory application of quantitative restrictions ▪ Article XVII - State trading - purchases and sales based on commercial considerations only <p><i>Canada - Certain Measures Affecting the Automotive Industry</i></p> <p><i>European Communities - Measures Affecting the Sale, Importation and Distribution of Bananas</i></p> <p><i>European Communities - Measures Affecting the Importation of Certain Poultry Products</i></p>
7 8	23 / 30 November	<p><u>Exceptions to the Principle of Non-Discrimination: Regional Trade Agreements</u></p> <p>Principle: Members may form free-trade areas and customs unions meeting certain conditions.</p> <ul style="list-style-type: none"> ▪ Article XXIV - Free Trade Areas and Customs Unions ▪ Understanding on Article XXIV ▪ Paragraph 2(c) of the Enabling Clause <p><i>Turkey - Restrictions on Imports of Textile and Clothing Products</i></p> <p><i>US – Line Pipe Safeguards</i></p>
9	7 December	<p><u>Exceptions to the Principle of Non-Discrimination: The Enabling Clause</u></p> <p>Principle: Developing and least-developed countries may be accorded preferential tariff treatment.</p> <ul style="list-style-type: none"> ▪ The Enabling Clause <p><i>EC – Tariff Preferences</i></p>
10	14 December	<p><u>Internal Measures: National Treatment</u></p> <p>Principle: Imported products must be accorded treatment no less favourable than that accorded to like domestic products.</p> <ul style="list-style-type: none"> ▪ Article III - National Treatment on Internal Taxation and Regulation

		<p><i>United States - Measures Affecting Alcoholic and Malt Beverages</i></p> <p><i>Japan - Taxes on Alcoholic Beverages</i></p> <p><i>European Communities - Regime for the Importation, Sale and Distribution of Bananas</i></p> <p><i>European Communities - Measures Affecting Asbestos and Asbestos Containing Products</i></p> <p><i>Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes</i></p>
11	25 January 2007	<p><u>General Exceptions</u></p> <p>Principle: Measures inconsistent with the basic provisions of the GATT may be justified under the public policy exemptions set out in Article XX.</p> <ul style="list-style-type: none"> ▪ Article XX - General Exceptions <p><i>United States - Standards for Reformulated and Conventional Gasoline</i></p> <p><i>United States - Import Prohibition of Certain Shrimp and Shrimp Products</i></p> <p><i>Canada - Measures Relating to Exports of Wheat and Treatment of Imported Grain (Panel)</i></p>
12	1 February	<p><u>General Exceptions (continued)</u></p> <p>"Necessity test"</p> <p><i>Korea - Measures Affecting Imports of Fresh, Chilled and Frozen Beef</i></p> <p><i>European Communities - Measures Affecting Asbestos and Asbestos Containing Products</i></p> <p><i>Dominican Republic - Measures Affecting the Importation and Internal Sale of Cigarettes</i></p> <p><i>Mexico - Tax Measure on Soft Drinks and Other Beverages</i></p>
13	8 February	<p><u>General Exceptions (continued)</u></p> <p>Article XX: Chapeau</p> <p><u>Agreement on Technical Barriers to Trade (TBT Agreement)</u></p>

		<p>Principle: A Member may not use technical regulations, standards or conformity assessment procedures so as to create unnecessary obstacles to trade.</p> <ul style="list-style-type: none"> ▪ Relationship with the GATT 1994 and the SPS Agreement ▪ Article 2 - Technical Regulations and Standards ▪ Article 4 - Preparation, Adoption and Application of Standards ▪ Article 5 - Conformity Assessment Procedures <p><i>European Communities - Measures Affecting Asbestos and Asbestos Containing Products</i></p> <p><i>European Communities - Trade Description of Sardines</i></p>
14	15 February	<p><u>Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)</u></p> <p>Principle: WTO Members shall ensure that their SPS measures are applied only to the extent necessary to protect human, animal or plant life or health, and are based on scientific principles.</p> <ul style="list-style-type: none"> ▪ Relationship with Article XX(b) of the GATT 1994 and the TBT Agreement ▪ SPS Agreement: What measures are subject to the SPS Agreement? Articles 2 and 5 - SPS measures must be based on a risk assessment, sufficient scientific evidence, or be a provisional measure Articles 5.5 and 5.6 - SPS measures must be applied correctly Article 8 - Control, Inspection and Approval Procedures <p><i>EC - Measures Affecting Meat and Meat Products (Hormones)</i></p> <p><i>Australia - Measures Affecting the Importation of Salmon</i></p> <p><i>Japan - Measures Affecting Agricultural Products</i></p> <p><i>Japan - Measures Affecting the Importation of Apples</i></p> <p><i>EC - Biotech Products ("GMOs")</i></p>
15	22 February	<p><u>Regulation of subsidies: Agreement on Subsidies and Countervailing Measures (SCM Agreement)</u></p> <p>Principles: (1) Subsidies contingent upon export performance or the use of domestic over imported products are prohibited. (2) Members may take countermeasures if a subsidy causes adverse effects to their interests.</p> <ul style="list-style-type: none"> ▪ Article XVI of the GATT

		<ul style="list-style-type: none"> ▪ SCM Agreement Definition of subsidy Specificity Role of the illustrative list Prohibited subsidies
16	1 March	<p><u>Regulation of subsidies: Agreement on Subsidies and Countervailing Measures (SCM Agreement)</u></p> <p>Actionable subsidies</p> <p><i>Canada - Certain Measures Affecting the Automotive Industry</i></p> <p><i>Australia - Subsidies Provided to Producers and Exporters of Automotive Leather</i></p> <p><i>Indonesia - Certain Measures Affecting the Automobile Industry</i></p> <p><i>Brazil - Export Financing Programme for Aircraft</i></p> <p><i>Canada - Measures Affecting the Export of Civilian Aircraft</i></p> <p><i>Korea - Measures Affecting Trade in Commercial Vessels</i></p> <p><i>United States - Subsidies on Upland Cotton</i></p> <p><u>Regulation of subsidies (continued): Special regime for agricultural subsidies</u></p> <p>Principle: In respect of agricultural products Members may accord export subsidies and apply domestic support measures within the limits of their reduction commitments.</p> <ul style="list-style-type: none"> ▪ Agreement on Agriculture Commitments regarding export subsidisation Commitments regarding domestic support ▪ Relationship with the SCM Agreement and operation of the peace clause <p><i>Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products</i></p> <p><i>United States – Subsidies on Upland Cotton</i></p> <p><i>European Communities – Export Subsidies on Sugar</i></p>
17	8 March	<p><u>Moot Court Simulation Exercise</u></p> <p>Case based on <i>Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes</i></p> <ul style="list-style-type: none"> ▪ Preparatory session for course participants ▪ Review of the facts

		<ul style="list-style-type: none"> ▪ Course participants and ACWL lawyers sign up for teams Dominican Republic, Honduras, third parties and panellists ▪ Panellists draft questions
18	15 March	<p><u>Moot Court Simulation Exercise</u></p> <ul style="list-style-type: none"> ▪ Honduras presents opening statement and then Dominican Republic presents opening statement; ▪ Both parties reply to questions posed by panel
19	22 March	<p><u>Moot Court Simulation Exercise</u></p>
20	29 March	<p><u>Concluding Session</u></p> <ul style="list-style-type: none"> ▪ Panel renders its report ▪ Evaluation of the course ▪ Distribution of Certificates of Training