



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 I - BASIC PRINCIPLES OF WTO LAW***

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**8 October 2009 – 18 March 2010**

Programme  
25 September 2009

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No.	Date	Subject
<b>INTRODUCTION</b>		
1	8 October	<p data-bbox="379 360 667 394"><b><u>Introductory Session</u></b></p> <ul data-bbox="443 434 1347 613" style="list-style-type: none"> <li>▪ Objectives and format of the course.</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 agreements.</li> <li>▪ Where do I find WTO law and jurisprudence?</li> </ul>
<b>BORDER MEASURES</b>		
2	15 October	<p data-bbox="379 842 481 875"><b><u>Tariffs</u></b></p> <p data-bbox="379 913 1481 981">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 data-bbox="443 1021 1366 1200" style="list-style-type: none"> <li>▪ Article II of the GATT - Schedule of Concessions.</li> <li>▪ Understanding on the Interpretation of Article II:1(b) of the GATT.</li> <li>▪ Articles XXVIII and XXVIIIbis of the GATT - The negotiation and renegotiation of tariff bindings.</li> </ul>
3	22 October	<p data-bbox="379 1319 928 1352"><b><u>Customs valuation, fees and formalities</u></b></p> <p data-bbox="379 1391 1289 1458">Principles: Tariffs shall be levied on the basis of the transaction value. Fees must be commensurate with the cost of services rendered.</p> <ul data-bbox="443 1498 1407 1644" style="list-style-type: none"> <li>▪ Articles 5 - 7 of the Agreement on Customs Valuation - Methods of determining the customs value.</li> <li>▪ Articles II:2(c) and VIII of the GATT - Fees and formalities connected with importation and exportation.</li> </ul>

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4	29 October	<p><b><u>Restrictions</u></b></p> <p>Principle: Import quotas and other non-tariff restrictions are prohibited.</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>▪ Articles 2 and 3 of the Agreement on Import Licensing Procedures - Automatic and non-automatic import licensing procedures.</li> </ul>
<b>THE PRINCIPLE OF NON-DISCRIMINATION</b>		
5	5 November	<p><b><u>Scope of the principle of non-discrimination</u></b></p> <p>Principle: 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) obligation in respect of tariffs.</li> <li>▪ Article XIII of the GATT - Non-discriminatory application of quantitative restrictions and tariff quotas.</li> <li>▪ Article XVII of the GATT - Non-discrimination in respect of purchases and sales by state trading enterprises.</li> </ul>
6	12 November	<p><b><u>Exceptions to the principle of non-discrimination</u></b></p> <p>Principle: Discrimination within the framework of regional trade arrangements is permitted.</p> <ul style="list-style-type: none"> <li>▪ Article XXIV of the GATT - Free trade Areas and customs unions.</li> <li>▪ Understanding on Article XXIV - Criteria and procedures for the review of free trade areas and customs unions.</li> <li>▪ Paragraph 2(c) of the Enabling Clause - Trade arrangements among developing countries.</li> </ul>

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<b>INTERNAL MEASURES</b>		
7	19 November	<p><b><u>General national treatment obligation</u></b></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"> <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>
8	26 November	<p><b><u>Technical regulations, standards and conformity assessment procedures</u></b></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"> <li>▪ Article 2 of the TBT Agreement- Technical Regulations and Standards.</li> <li>▪ Article 4 of the TBT Agreement - Preparation, Adoption and Application of Standards.</li> <li>▪ Article 5 of the TBT Agreement - Conformity Assessment Procedures.</li> <li>▪ Relationship of the TBT Agreement with the GATT 1994 and the SPS Agreement.</li> </ul>
9	3 December	<p><b><u>Sanitary and phytosanitary measures</u></b></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.</p> <ul style="list-style-type: none"> <li>▪ Basic requirements set out in the SPS Agreement: Articles 2 and 5 - SPS measures must be based on a risk assessment, sufficient scientific evidence, or applied provisionally. Article 5.5 - The level of protection shall not be determined in an arbitrary manner. Article 5.6 - SPS measures shall not be more trade-restrictive than required. Article 8 - Members shall administer their control, inspection and approval procedures in an efficient and transparent manner.</li> <li>▪ Relationship of the SPS Agreement with Article XX(b) of the GATT 1994.</li> </ul>

No.	Date	Subject
<b>SUBSIDIES</b>		
10	10 December	<p><b><u>General obligations related to subsidies</u></b></p> <p>Principles: (1) Subsidies contingent upon export performance or the use of domestic over imported products are prohibited. (2) Members should not cause through the use of any subsidy adverse effects to the interests of other Members.</p> <ul style="list-style-type: none"> <li>▪ Articles 1 and 2 of the SCM Agreement - Definition of a subsidy.</li> <li>▪ Article 3 and 4 of the SCM Agreement - Prohibited subsidies.</li> <li>▪ Articles 5 - 7 of the SCM Agreement - Subsidies with adverse effects.</li> <li>▪ Article 8 of the SCM Agreement - Non-actionable subsidies.</li> </ul>
11	14 January 2010	<p><b><u>Agricultural Products</u></b></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"> <li>▪ Articles 3.3, 9 - 11 of the Agreement on Agriculture - Export subsidies.</li> <li>▪ Articles 3.2, 6 and 7 of the Agreement on Agriculture - Domestic support.</li> <li>▪ Relationship between the Agreement on Agriculture and the SCM Agreement.</li> </ul>
<b>SPECIAL AND DIFFERENTIAL TREATMENT</b>		
12	21 January	<p><b><u>Tariff preferences for and among developing countries</u></b></p> <p>Principle: Developing countries may be accorded, and may accord each other, preferential tariff treatment.</p> <ul style="list-style-type: none"> <li>▪ Paragraph 2(a) of The Enabling Clause - The General System of Preferences.</li> <li>▪ Paragraph 2(c) of the Enabling Clause - "South-South" preferential arrangements.</li> <li>▪ Paragraph 2(d) of the Enabling Clause - Special treatment for least-developed countries.</li> </ul> <p><b><u>Non-reciprocity in trade negotiations</u></b></p> <p>Principles: (1) Developed countries do not expect the developing countries, in the course of trade negotiations, to make contributions which are inconsistent with their individual development, financial and trade needs. (2) Developing countries expect their capacity to make contributions to improve with the progressive development of their economies.</p> <ul style="list-style-type: none"> <li>▪ Part IV of the GATT - Trade and Development.</li> <li>▪ Paragraphs 5 - 8 of the Enabling Clause - Principles governing trade negotiations.</li> </ul>

No.	Date	Subject
<b>GENERAL EXCEPTIONS</b>		
<b>13</b>	28 January	<p><b><u>Public policy exceptions</u></b></p> <p>Principle: Measures inconsistent with the basic provisions of the GATT may be justified if taken to achieve one of the ten public policy purposes listed in Article XX of the GATT.</p> <ul style="list-style-type: none"> <li>▪ Article XX of the GATT - General Exceptions.</li> <li>▪ The jurisprudence of the Appellate Body on Article XX.</li> </ul>
<b>14</b>	4 February	<p><b><u>Foreign policy exceptions</u></b></p> <p>Principle: Members may suspend their trade relations with another Member to protect their essential security interests and may reserve the right not to apply the WTO Agreement to new Members.</p> <ul style="list-style-type: none"> <li>▪ Article XXI of the GATT - Security exceptions.</li> <li>▪ Article XIII of the WTO Agreement - Non-application of multilateral trade agreements between particular Members.</li> </ul>
<b>15</b>	11 February	Reserved Session
<b>16</b>	18 February	Reserved Session
<b>17</b>	25 February	<p><b><u>Moot Court Exercise</u></b></p> <p>Simulation of a dispute settlement proceeding involving a problem based on some of the legal principles discussed during the course. Participants will be divided into panellists and teams representing different parties and third parties to the dispute.</p>
<b>18</b>	4 March	Moot Court Exercise (continued).
<b>19</b>	11 March	Moot Court Exercise (continued).
<b>20</b>	18 March	Lunch concluding the course