



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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**3 December 2009 – 18 March 2010**

Revised Programme  
24 November 2009

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No.	Date	Subject
<b>INTERNAL MEASURES</b>		
7	3 December	<p data-bbox="379 353 906 392"><b><u>General national treatment obligation</u></b></p> <p data-bbox="379 430 1493 501">Principle: Imported products must be accorded treatment no less favourable than that accorded to like domestic products.</p> <ul data-bbox="440 539 1474 719" style="list-style-type: none"> <li data-bbox="440 539 1426 611">▪ Article III:2 of the GATT - National treatment obligation with respect to internal taxation.</li> <li data-bbox="440 611 1474 719">▪ 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	10 December	<p data-bbox="379 831 1366 869"><b><u>Technical regulations, standards and conformity assessment procedures</u></b></p> <p data-bbox="379 907 1423 978">Principle: A Member may not use technical regulations, standards or conformity assessment procedures so as to create unnecessary obstacles to trade.</p> <ul data-bbox="424 1016 1458 1234" style="list-style-type: none"> <li data-bbox="424 1016 1394 1055">▪ Article 2 of the TBT Agreement- Technical Regulations and Standards.</li> <li data-bbox="424 1055 1458 1126">▪ Article 4 of the TBT Agreement - Preparation, Adoption and Application of Standards.</li> <li data-bbox="424 1126 1385 1164">▪ Article 5 of the TBT Agreement - Conformity Assessment Procedures.</li> <li data-bbox="424 1164 1382 1234">▪ Relationship of the TBT Agreement with the GATT 1994 and the SPS Agreement.</li> </ul>
9	17 December	<p data-bbox="379 1346 893 1384"><b><u>Sanitary and phytosanitary measures</u></b></p> <p data-bbox="379 1422 1493 1494">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 data-bbox="424 1532 1490 1861" style="list-style-type: none"> <li data-bbox="424 1532 1490 1823">▪ 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 data-bbox="424 1823 1445 1861">▪ Relationship of the SPS Agreement with Article XX(b) of the GATT 1994.</li> </ul>

No.	Date	Subject
<b>SUBSIDIES</b>		
<b>10</b>	14 January 2010	<p data-bbox="403 342 946 376"><b><u>General obligations related to subsidies</u></b></p> <p data-bbox="403 416 1490 521">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 data-bbox="453 562 1406 701" 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>
<b>11</b>	21 January	<p data-bbox="403 819 708 853"><b><u>Agricultural Products</u></b></p> <p data-bbox="403 893 1490 999">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 data-bbox="453 1039 1465 1178" 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>		
<b>12</b>	28 January	<p data-bbox="403 1355 1155 1388"><b><u>Tariff preferences for and among developing countries</u></b></p> <p data-bbox="403 1429 1426 1496">Principle: Developing countries may be accorded, and may accord each other, preferential tariff treatment.</p> <ul data-bbox="453 1536 1490 1715" 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 data-bbox="403 1756 906 1789"><b><u>Non-reciprocity in trade negotiations</u></b></p> <p data-bbox="403 1830 1490 2000">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 data-bbox="453 2040 1374 2134" 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>	4 February	<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>	11 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>	18 February	Reserved Session
<b>16</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>17</b>	4 March	Moot Court Exercise (continued).
<b>18</b>	11 March	Moot Court Exercise (continued).
<b>19</b>	18 March	Lunch concluding the course