
האוניברסיטה העברית בירושלים

סילבוס

דיני הסחר הבין-לאומי - 58353

תאריך עדכון אחרון 16-02-2014

נקודות זכות באוניברסיטה העברית: 2

תואר: בוגר

היחידה האקדמית שאחראית על הקורס: יחסים בינלאומיים

השנה הראשונה בתואר בה ניתן ללמוד את הקורס: 2

סמסטר: סמסטר ב'

שפת ההוראה: אנגלית

קמפוס: הר הצופים

מורה אחראי על הקורס (רכז): תומר ברודי

דוא"ל של המורה האחראי על הקורס: tomerbroude@gmail.com

שעות קבלה של רכז הקורס: ב' 13:30-14:30

מורי הקורס:

תאור כללי של הקורס:

This course examines the legal frameworks governing global business and international trade between states. Focusing on the law of the World Trade Organization (WTO) and regional trade agreements, the course will discuss fundamental questions of trade policy and international political economy from an essentially legal perspective, covering a broad range of international regulatory and legal issues, such as trade in goods, trade in services, trade remedies, technical standards and dispute settlement. Particular attention will be devoted to the non trade policy effects of international trade regulation, in fields such as public morals, health and the environment.

מטרות הקורס:

התלמידים יכירו היטב יסודות בדיני ארגון הסחר העולמי, לרבות יישוב סכסוכים, בהקשרים כלכליים ופוליטיים.

תוצרי למידה

בסיומו של קורס זה, סטודנטים יהיו מסוגלים:

- לנתח בעיה משפטית הנוגעת לארגון הסחר העולמי.
- להסביר סוגיות בכלכלה פוליטית של סחר, לרבות סכסוכים.
- לשמש כחברי צוות זוטרים במו"מ בינלאומי בהסכמי סחר.

דרישות נוכחות (%) :

80

שיטת ההוראה בקורס: הרצאה משולבת בדיון על חומרי קריאה.

רשימת נושאים / תכנית הלימודים בקורס:

CLASSES AND READINGS

1. Introduction: Cigarettes, seals and solar panels

- WT/DS441/1, Australia – Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements applicable to Tobacco Products and Packaging, Request for Consultations by the Dominican Republic, 23 July 2012, [http://www.worldtradelaw.net/cr/ds441-1\(cr\).pdf](http://www.worldtradelaw.net/cr/ds441-1(cr).pdf).

- Rob Howse, Joanna Langille and Katie Sykes, "Animal Welfare, Public Morals and Trade: the WTO Panel Report in EC – Seal Products", ASIL Insights, January 29, 2014, <http://www.asil.org/insights/volume/18/issue/2/animal-welfare-public-morals-and-trade-wto-panel-report-ec-%E2%80%93-seal-products>.

- Manoj Kumar and Rajesh Kumar Singh, "India warns U.S. about dumping investigation in solar trade spat", Reuters, February 11, 2014, <http://in.reuters.com/article/2014/02/11/india-us-wto-idINDEEA1A04Q20140211>.

2.-3. WTO basics: Theory, history and legal overview

- WTO, *Understanding the WTO* (2007), pp. 9-52, http://www.wto.org/english/thewto_e/whatis_e/tif_e/understanding_e.pdf.

- GATT Articles I, II, III, XI, XX.

4.-5. The WTO dispute settlement system: fundamentals and development

- Articles XXII, XXIII GATT; and WTO, *Understanding on Rules and Procedures Governing the Settlement of Disputes*, http://www.wto.org/english/docs_e/legal_e/28-dsu.doc.

- WTO, *Understanding the WTO* (2007), pp. 55-61, http://www.wto.org/english/thewto_e/whatis_e/tif_e/understanding_e.pdf.

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- *Application of Article I:1 to Tax Rebates – Ruling by the Chairman (1948) GATT BISD II/12* http://www.wto.org/english/tratop_e/dispu_e/48taxexp.pdf.

- *Spain – Tariff Treatment of Unroasted Coffee (1981) GATT BISD 28S/102*, http://www.wto.org/english/tratop_e/dispu_e/80coffee.pdf.

- J.H.H. Weiler, "The Rule of Lawyers and the Ethos of Diplomats: Reflections on the Internal and External Legitimacy of WTO Dispute Settlement", 35(2) *Journal of World Trade* 191 (2001), www.jeanmonnetprogram.org/archive/papers/00/000901.rtf.

- Gregory Shaffer and Dan Ganin, "Extrapolating purpose from practice: rebalancing or inducing compliance", in *THE LAW, ECONOMICS, AND POLITICS OF TRADE RETALIATION IN WTO DISPUTE SETTLEMENT*, Chad P. Bown & Joost Pauwelyn, eds., Cambridge University Press,

2009, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1321507 (click "Download this paper").

6. Tariff bindings

- Articles II:1 (a, b), II:2 GATT.

- WT/DS56/R, Panel Report, Argentina – Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items, adopted April 22, 1998, ([http://www.worldtradelaw.net/reports/wtopanelsfull/argentina-textiles\(panel\)\(full\).pdf](http://www.worldtradelaw.net/reports/wtopanelsfull/argentina-textiles(panel)(full).pdf)), pp. 3-5 and 86-91.

- WT/DS56/AB/R, Appellate Body Report, Argentina – Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items, adopted April 22, 1998, ([http://www.worldtradelaw.net/reports/wtoab/argentina-textiles\(ab\).pdf](http://www.worldtradelaw.net/reports/wtoab/argentina-textiles(ab).pdf)), pp. 14-20.

7. Quantitative Restrictions

- GATT Arts. XI; XII:1 and 2; and XIX:1(a).

- WT/DS155/R, Panel Report, Argentina – Measures Affecting the Export of Bovine Hides and the Import of Finished Leather, adopted February 16, 2001, ([http://www.worldtradelaw.net/reports/wtopanels/argentina-bovinehides\(panel\).pdf](http://www.worldtradelaw.net/reports/wtopanels/argentina-bovinehides(panel).pdf)), pp. 2-8 and 113-120.

8. National Treatment – Internal Taxation

- GATT Art. III and note ad Art. III.

- WT/DS87/AB/R, Appellate Body Report, Chile – Taxes on Alcoholic Beverages, -adopted April 22, 1998, ([http://www.worldtradelaw.net/reports/wtoab/chilealcohol\(ab\).pdf](http://www.worldtradelaw.net/reports/wtoab/chilealcohol(ab).pdf)), pp. 1-3, 11-23.

9. National Treatment – Internal Regulation

- GATT Art. III and note ad Art. III.

- WT/DS135/AB/R, Appellate Body Report, European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, adopted March 21, 2001, ([http://www.worldtradelaw.net/reports/wtoab/ec-asbestos\(ab\).pdf](http://www.worldtradelaw.net/reports/wtoab/ec-asbestos(ab).pdf)), pp. 31-55.

10. Public Policy Exceptions

- Arts. XX and XXI GATT.

- WT/DS135/AB/R, Appellate Body Report, European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, adopted March 21, 2001,

([http://www.worldtradelaw.net/reports/wtoab/ec-asbestos\(ab\).pdf](http://www.worldtradelaw.net/reports/wtoab/ec-asbestos(ab).pdf)), pp. 60-63.

- WT/DS58/AB/R, Appellate Body Report, United States – Importation of Certain Shrimp and Shrimp Products, adopted October 12, 1998, ([http://www.worldtradelaw.net/reports/wtoab/us-shrimp\(ab\).pdf](http://www.worldtradelaw.net/reports/wtoab/us-shrimp(ab).pdf)), pp. 46-76.

11. Trade in Services

- WTO, General Agreement on Trade in Services (GATS), http://www.wto.org/english/docs_e/legal_e/26-gats.doc.

- - WT/DS28/AB/R, Appellate Body Report, United States – Measures Affecting Cross Border Supply of Gambling Services, adopted April 20, 2005, ([http://www.worldtradelaw.net/reports/wtoab/us-gambling\(ab\).pdf](http://www.worldtradelaw.net/reports/wtoab/us-gambling(ab).pdf)), pp. 51-73.

12. The WTO and regional trade agreements

- Arts. I, XXIV:4, 5, 6, 8; Enabling Clause 1, 2.

- WT/DS34/AB/R, Appellate Body Report, Turkey – Restrictions on Imports of Textile and Clothing Products, adopted November 19, 1999 ([http://www.worldtradelaw.net/reports/wtoab/turkey-textiles\(ab\).pdf](http://www.worldtradelaw.net/reports/wtoab/turkey-textiles(ab).pdf)).

- WT/DS308/AB/R, Appellate Body Report, Mexico – Tax Measures on Soft Drinks and other Beverages, adopted March 6, 2006 ([http://www.worldtradelaw.net/reports/wtoab/mexico-sweetenertax\(ab\).doc](http://www.worldtradelaw.net/reports/wtoab/mexico-sweetenertax(ab).doc)).

- Marc L. Busch, “Overlapping Institutions, Forum Shopping, and Dispute Settlement in International Trade”, 61 International Organization 735 (2007), <http://www9.georgetown.edu/faculty/mlb66/forum%20shopping%20IO.pdf>.

13. The future of the WTO and international trade law

- To be announced.

חומר חובה לקריאה:
CLASSES AND READINGS

1. Introduction: Cigarettes, seals and solar panels

- WT/DS441/1, Australia – Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements applicable to Tobacco Products and Packaging, Request for Consultations by the Dominican Republic, 23 July 2012, [http://www.worldtradelaw.net/cr/ds441-1\(cr\).pdf](http://www.worldtradelaw.net/cr/ds441-1(cr).pdf).
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- Manoj Kumar and Rajesh Kumar Singh, “India warns U.S. about dumping investigation in solar trade spat”, Reuters, February 11, 2014, <http://in.reuters.com/article/2014/02/11/india-us-wto-idINDEEA1A04Q20140211>.

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Internal and External Legitimacy of WTO Dispute Settlement", 35(2) *Journal of World Trade* 191 (2001),
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חומר לקריאה נוספת:

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הערכת הקורס - הרכב הציון הסופי :

מבחן מסכם בכתב/בחינה בעל פה 80 %

הרצאה 0 %

השתתפות 0 %

הגשת עבודה 20 %

הגשת תרגילים 0 %

הגשת דו"חות 0 %

פרויקט מחקר 0 %

בחנים 0 %

אחר 0 %

מידע נוסף / הערות:

Up to 5 point bonus for participation