

*The Hebrew University of Jerusalem*  
*Syllabus*

**INTERNATIONAL TRADE LAW - 58353**

*Last update 16-02-2014*

HU Credits: 2

Degree/Cycle: 1st degree (Bachelor)

Responsible Department: International Relations

Academic year: 2

Semester: 2nd Semester

Teaching Languages: English

Campus: Mt. Scopus

Course/Module Coordinator: Tomer Broude

Coordinator Email: [tomerbroude@gmail.com](mailto:tomerbroude@gmail.com)

Coordinator Office Hours: Monday 13:30-14:30

Teaching Staff:

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Dr. Tomer Broude

Course/Module description:

*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.*

Course/Module aims:

*Students will be familiar with basic legal elements of WTO law and jurisprudence, in economic and political context.*

Learning outcomes - On successful completion of this module, students should be able to:

- Analyze a WTO legal issue.*
- Explain the political economy of international trade issues, including disputes.*
- Engage as junior staff in trade negotiations.*

Attendance requirements(%):

80

*Teaching arrangement and method of instruction: Lecture and discussion of readings.*

Course/Module Content:

**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,*

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[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%93seal-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](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](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](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](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](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](http://www.jeanmonnetprogram.org/archive/papers/00/000901.rtf).

- Gregory Shaffer and Dan Ganin, "Extrapolating purpose from practice: rebalancing or inducing compliance", in

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*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](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/chile-alcohol\(ab\).pdf](http://www.worldtradelaw.net/reports/wtoab/chile-alcohol(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.

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- 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](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.

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Required Reading:

CLASSES AND READINGS

1. Introduction: Cigarettes, seals and solar panels

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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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- 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](http://www.jeanmonnetprogram.org/archive/papers/00/000901.rtf).

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

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- 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



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- To be announced.

Additional Reading Material:

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Course/Module evaluation:

End of year written/oral examination 80 %

Presentation 0 %

Participation in Tutorials 0 %

Project work 20 %

Assignments 0 %

Reports 0 %

Research project 0 %

Quizzes 0 %

Other 0 %

Additional information:

ציון מיטיב על השתתפות - עד 5 נקודות.