

The Laws of World Trade

UGRA_016215

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| Departments | Department of International, European Union and Comparative Law |
| Teaching Languages | English |
| ECTS | 6 |
| Teacher responsible | Olivier Georges Robert Baillet - olivier.baillet@esade.edu |

Course Goals

To acquire a sound knowledge of:

- the institutional framework within which international trade law is created, interpreted, implemented and applied;
- the core substantive principles of substantive law on the trade of goods, the provision of services, and trade-related intellectual property rights issues;
- how international trade is affected and reacts to the main geopolitical and economic challenges of our times, namely climate change and increased geopolitical tensions.

Previous knowledge

Public international law is a plus.

Prerequisites

Public international law is a plus.

Teaching methodology

The course will employ a Socratic teaching methodology, emphasising active student participation through continuous dialogue. Students will collaboratively construct their understanding of the subject matter. Assigned readings will be provided in advance, with a particular emphasis on contemporary case studies.

The course aims to foster critical thinking skills, encouraging students to analyse and evaluate complex issues within international trade law.

Description

Course contribution to program

The law of world trade is a critical body of international law to understand the framework within the current geopolitical challenges of our times are, should or could dealt within: commercial competition and wars, climate change, and globalisation generally. As such, it is crucial for citizens, businesses and lawyers and decision-makers generally to acquire a sound

understanding of it.

Short description

Can a State raise tariffs on cars in order to protect its domestic production in the face of an economic crisis or increased international competition? Is it legal to restrict trade in order to fight against climate change?

The laws of world trade regulate all of these questions at the international level. The course aims to provide an overview of the critical characteristics of this international regime, with a focus on its current structural, political, and legal challenges.

To ensure a comprehensive understanding, the course will first delve into the intellectual and legal history of world trade law. It will then examine the World Trade Organisation's institutional framework and the original but now controversial dispute settlement mechanism it established as the main international organisation in the field. In a third phase, it will examine the fundamentals of substantive trade law, and in particular: the General Agreement on Tariffs and Trade and the law applicable to trade of goods, the General Agreement on Trade in Services, which provides the framework for the progressive liberalisation of services, and the Trade-Related Aspects of Intellectual Property Rights agreement. Finally, the course will look at the growing phenomenon of regionalism in response to the blockage of through the specific lens of the EU's promotion of sustainable development.

Bibliography

Peter Van den Bossche; Werner Zdouc, *The Law and Policy of the World Trade Organization Text, Cases, and Materials*, Cambridge University Press, 9781108747103 (Book)

Peter Van den Bossche; Denise Prévost, *Essentials of WTO Law* . 5th edition, Cambridge University Press, 9781108878845 (Book)

, World Trade Organisation (Website)

, Understanding on Rules and Procedures Governing the Settlement of Disputes (WTO) (Legal Document)

, The General Agreement on Tariffs and Trade (GATT 1947) (Legal Document)

Joseph H.H. Weiler, The Rule of Lawyers and the Ethos of Diplomats Reflections on the Internal and External Legitimacy of WTO Dispute Settlement, *Journal of World Trade*, Issue 2, pp. 191-207, 2001, 35 (Article)

, Marrakesh Agreement Establishing the World Trade Organization (Legal Document)

, General Agreement on Trade in Services (GATS) (Legal Document)

Robert Howse and Joanna Langille, Continuity and Change in the World Trade Organization: Pluralism Past, Present, and Future, *American Journal of International Law*. 2023;117(1):1-47 (Article)

Robert Howse, Non-tariff Barriers and Climate Policy: Border-Adjusted Taxes and Regulatory Measures as WTO-Compliant Climate Mitigation Strategies (Article)

Anne Orford, How to Think About the Battle for the State at the WTO, *German Law Journal*. 2023;24(1):45-71 (Article)

, Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (Legal Document)

, Regulating for Globalization (Blog)

Kent Jones, The populist damage to the trading system (Electronic Article)

Chad Bown, The 2018 trade war and the end of dispute settlement as we knew it (Electronic Article)

Content

| # | Topic |
|---|--|
| 1 | Trade Law: Intellectual, Economic and Legal History |
| 2 | The World Trade Organisation: Institutional Framework and Dispute Settlement |
| 3 | Trade of Goods: the General Agreement on Tariffs and Trade (GATT) |
| 4 | The Liberalisation of Services: the General Agreement on Trade in Services (GATS) |
| 5 | Trade and Intellectual Property: the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement |
| 6 | World Trade, the Environment and Regionalism |

Assessment

| Tool | Assessment tool | Category | Weight % |
|----------------------------|-----------------------|----------------|----------|
| Group project | In-class Presentation | Ordinary round | 40.00% |
| Attendance and punctuality | Participation | Ordinary round | 20.00% |
| Written and/or oral exams | Final Exam | Ordinary round | 40.00% |

PROGRAMS

113-Law Exchange Program (Undergraduates: Law)
 113 Year 1 (Optative)

DD05-Double Degree Program (exchange) (Undergraduates: Law)
 DD05 Year 1 (Optative)

GBD20-Double Degree in Business Administration and Law (Undergraduates: Law)
 GBD20 Year 5 (Optative)

GDL20-Double Degree in Law and Global Governance, Economics and Legal Order (Undergraduates: Law)
 GDL20 Year 5 (Optative)

GED20-Bachelor in Law (Undergraduates: Law)
 GED20 Year 4 (Optative)