

# International Trade Regulation

Prof. Dr. Michael Hahn

**Start Date:** 20 September 2021

**End date:** 22 December 2021

**Time and place:**

- Mondays, 12:15-14:00, Silva Casa Auditorium, World Trade Institute, Hallerstrasse 6, Bern
- Wednesdays, 12:15 -14:00, Silva Casa Auditorium, World Trade Institute, Hallerstrasse 6, Bern

**Credits:** 10

## 1. Course overview

The course provides an introduction to the law and policy of the World Trade Organization (WTO) and the increasingly important world of preferential free trade agreements.

As WTO law remains the “floor” of international trade law, the course offers an examination of the multilateral system of the WTO and its agreements covering trade in goods and services, as well as trade-related intellectual property rights. The structure, decision-making processes, negotiating techniques and dispute settlement procedures of the WTO will be treated in detail. In-depth analysis of pertinent case law acquaints students with diverse situations of trade law in action, ranging from the effects of discrimination; quantitative restrictions and non-tariff measure;, technical regulations and standards; sanitary and phytosanitary measures to trade remedies and various exceptions that exist in the WTO rulebook.

The course goes on to explore the relationship between the multilateral trade regime and the regional sub-regimes in all continents. The course will focus on the fundamental compatibility of preferential trade agreements with the multilateral trade regime and will undertake to explain why states are increasingly turning away from the WTO as a forum for new law-making.

The course draws parallels with the regulation and policy formulation of trade at national and regional levels. Switzerland’s external trade relations, the common commercial policy of the European Union, as well as relevant case law are analysed in light of their relationship and consistency with WTO law. Sovereignty, environmental, labour and human rights protection, globalization and its impact on the protection of societal values are topics that are discussed with a view to identifying the linkages and gaining a better understanding of the real-life areas interacting with trade liberalization.

## 2. Participation

The course is designed for advanced students in law, economics or political science with a strong command of English and interest in international law and international relations. The preparation of the assigned reading materials as well as active participation in class is expected and will be critical to your success in the course.

## 3. Recommended books and materials

**3.1 Mitsuo Matsushita/Thomas Schoenbaum/Petros Mavroidis/Michael Hahn, *The World Trade Organization — Law, Practice, and Policy*, 3<sup>rd</sup> ed. (paperback), Oxford University Press, 2017;** the list price is approx. 47 GBP (approx. 60 CHF); students interested should contact the convenor for organizing the purchase at a discount or it can be found at WTI library, available for copying or scanning.

**3.2 *The WTO Agreements – The Marrakesh Agreement Establishing the World Trade Organization and its Annexes (Cambridge University Press, 1994; new version 2017)*.** The book is available at BUGENO or can be ordered via [https://onlinebookshop.wto.org/shop/article\\_details.asp?Id\\_Article=39&lang=EN](https://onlinebookshop.wto.org/shop/article_details.asp?Id_Article=39&lang=EN). Students can alternatively download the WTO legal texts from the WTO website ([www.wto.org](http://www.wto.org)) or from ILIAS. Please bring the legal texts with you to all lectures.

Additional materials, as well as the PowerPoint slides of the lectures will be made available on ILIAS.

## 4. Exam

Due to the COVID situation, the final exam will be either a 24 h take-home exam or an oral exam. In the evaluation, emphasis will be placed on the ability to critically assess the cases and materials provided during the course.

## 5. Further readings

### 5.1 Books

Van den Bossche, P., & Zdouc, W. (2017). *The Law and Policy of the World Trade Organization: Texts, Cases and Materials*, 4<sup>th</sup> edition, *Cambridge University Press*. [5<sup>th</sup> edition forthcoming in October/November 2021]

Van den Bossche, P., & Prévost, D. (2021). *Essentials of WTO Law*, 2<sup>th</sup> edition, *Cambridge University Press*.

Krajewski M. (2021) *Wirtschaftsvölkerrecht*, 5<sup>th</sup> edition, *C.F. Müller*.

Hilf M., & Oeter S. (2010) *WTO-Recht, Rechtsordnung des Welthandels*, 2<sup>nd</sup> edition, *Nomos*.

## 5.2 Journals

All these journals are available at the IEW/WTI library (Hallerstrasse 6, 3012, Bern):

*Journal of International Economic Law (JIEL)* <http://jiel.oxfordjournals.org/>

*Journal of World Trade* <http://www.kluwerlawonline.com>

*World Trade Review* <http://journals.cambridge.org/action/displayJournal?jid=WTR>

*American Journal of International Law (AJIL)* <http://www.jstor.org/journals/00029300.html>

*European Journal of International Law (EJIL)* <http://www.ejil.org/>

## 5.3 Webpages

The website of the **World Trade Organization (WTO)** ([www.wto.org](http://www.wto.org)) offers the most comprehensive information; **WTO Analytical Index** ([https://www.wto.org/english/res\\_e/publications\\_e/ai17\\_e/ai17\\_e.htm](https://www.wto.org/english/res_e/publications_e/ai17_e/ai17_e.htm)) serves as a guide to the interpretation and application of the WTO agreements by the Appellate Body, dispute settlement panels and other WTO bodies; **World Trade Law Net** ([www.worldtradelaw.net](http://www.worldtradelaw.net)) and **Trade Law Guide** (<https://www.tradelawguide.com/Home/Welcome>) often offer more accessible information specifically on WTO case law. The **Financial Times** ([www.ft.com](http://www.ft.com)) and the website of the **International Centre for Trade and Sustainable Development** (<http://www.ictsd.org/>) are also good sources of information on recent developments in WTO negotiations and adjudication. More interactive analytical platform can be found at the **International Economic Law and Policy Blog**: <http://worldtradelaw.typepad.com/>.