

International Trade Regulation

Prof. Dr. Michael Hahn

Root Number:	7446
Semester:	Fall semester – HS2022
ECTS:	10
Start Date:	19 September 2022
End date:	23 December 2022
Dates:	Mondays, 12:15-14:00 and Wednesdays, 12:15 -14:00,
Room:	Silva Casa Auditorium, World Trade Institute
Registration:	19/11/2022 - 7/11/2022 in KSL only
Deregistration:	19/11/2022 – 2/12/2022 in KSL only
Assessment:	Active participation during the seminar, the final exam will be in written in class.

Course overview

The course provides an overview of the law and policy of the current international legal regime governing trade. It offers an examination of the multilateral trading system (in particular World Trade Organization (WTO) law, but also the bilateral strand of trade agreements), with a particular emphasis on the rules and regulations dealing with trade in goods (GATT, SPS Agreement, TBT Agreement, Anti-Dumping and Subsidies law). Rules and regulations concerning services, as well as trade-related intellectual property rights will also be introduced to students. Special attention is given to the structure, decision-making processes, negotiating techniques and dispute settlement procedures of the WTO. In-depth analysis of the case law acquaints students with diverse situations of trade law in action. Where relevant, the course provides a forward-looking analysis of the proposals to reform the WTO and their political context, overall contributing to a thorough understanding of the present and future of the multilateral trade system. In addition, the course will discuss in detail regional trade agreements.

The course draws parallels between 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. Non-trade concerns (such as sovereignty, environmental protection, labour rights, animal welfare, culture and human rights protection) are discussed with a view to their linkage to national and international trade law rules.

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. Active participation in the class is expected. Students need to prepare the assigned reading materials

Learning Outcomes

- To understand the key features of the contemporary international trading system;
- To know the main features of the WTO as an international organization;
- To understand the main WTO Agreements, know the related case-law and evaluate a wide range of technical legal issues of the international trading system;
- To understand the relationship between national regulation and international trade rules and assess the impact of the WTO at the national level;
- To assess how the WTO's rules impact upon a number of other policy areas, such as the protection of the environment, human rights and development;
- To be able to analyse real-life WTO related cases and formulate an expert opinion.

Course Schedule

SD	Weekday	Date	Beginning	End
1	Monday	19/9/2022	12:15	14:00
2	Wednesday	21/9/2022	12:15	14:00
1	Monday	26/9/2022	12:15	14:00
2	Wednesday	28/9/2022	12:15	14:00
1	Monday	3/10/2022	12:15	14:00
2	Wednesday	5/10/2022	12:15	14:00
1	Monday	10/10/2022	12:15	14:00
2	Wednesday	12/10/2022	12:15	14:00
1	Monday	17/10/2022	12:15	14:00
2	Wednesday	19/10/2022	12:15	14:00
1	Monday	24/10/2022	12:15	14:00
2	Wednesday	26/10/2022	12:15	14:00
1	Monday	31/10/2022	12:15	14:00
2	Wednesday	2/11/2022	12:15	14:00
1	Monday	7/11/2022	12:15	14:00
2	Wednesday	9/11/2022	12:15	14:00
1	Monday	14/11/2022	12:15	14:00
2	Wednesday	16/11/2022	12:15	14:00
1	Monday	21/11/2022	12:15	14:00
2	Wednesday	23/11/2022	12:15	14:00
1	Monday	28/11/2022	12:15	14:00
2	Wednesday	30/11/2022	12:15	14:00
1	Monday	5/12/2022	12:15	14:00

2	Wednesday	7/12/2022	12:15	14:00
1	Monday	12/12/2022	12:15	14:00
2	Wednesday	14/12/2022	12:15	14:00
1	Monday	19/12/2022	12:15	14:00
2	Wednesday	21/12/2022	12:15	14:00

Recommended books and materials

1. **Mitsuo Matsushita/Thomas Schoenbaum/Petros Mavroidis/Michael Hahn, *The World Trade Organization — Law, Practice, and Policy*, 3rd 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.
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. Students can alternatively download the WTO legal texts from the WTO website (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 available on ILIAS.

Further readings

Books

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

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

Krajewski M. (2021) *Wirtschaftsvölkerrecht*, 5th edition, C.F. Müller.

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

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/>

Webpages

The website of the **World Trade Organization (WTO)** (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) 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) 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) 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/>.