

International Trade Regulation

Prof. Dr. Michael Hahn

Start Date: Wednesday, 21 September 2022 (the class of Monday 19 September 2022 is cancelled; it will be replaced by either a catch-up class in person or by a Zoom lecture)

End date: 23 December 2022

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

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 also explores the relationship between the multilateral trade regime and the regional sub-regimes in all continents. The compatibility of preferential trade agreements with the multilateral trade regime will be discussed and the course will undertake to present the reasons for states 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*, 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.

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. 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 made available on ILIAS.

4. Exam

In anticipation of a possible new COVID wave, the final exam will be 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*, 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*.

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) 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/>.