

WTO Law on Subsidies & Countervailing Measures

This course will examine the provisions of the WTO Agreement on Subsidies and Countervailing Measures, their relationship with other WTO agreements, and the manner in which they have been interpreted and applied, particularly by the Appellate Body. The course will be divided into seven main parts: (i) introduction to the design and architecture of the SCM Agreement, including the constituent elements of a subsidy and the different types of subsidy; (ii) the constituent elements of a subsidy (financial contribution, benefit, specificity); (iii) prohibited subsidies (export contingent subsidies and import substitution subsidies); (iv) actionable subsidies (a subsidy as a genuine and substantial cause of adverse effects to trading partners (material injury, price and volume effects); (v) countervailing duties; (vi) the relationship between the SCM Agreement and other WTO agreements (including the GATT 1994 and the Anti-Dumping Agreement); and (vii) possible reforms of WTO subsidies law. Legal and practical questions will be raised during the course, and where appropriate examples of dispute settlement cases will be discussed.