

Technical Barriers to Trade in Pursuit of Sustainable Development

Course Description

This one-week programme will provide participants with a thorough understanding of the legal and economic aspects of the WTO Agreement on Technical Barriers to Trade (TBT) as it relates to sustainable development. The focus will be on the legal and economic opportunities and limitations imposed by the TBT Agreement on laws and regulations designed to further sustainable development. The faculty will give prominent attention to environment-related WTO cases and EU regulations governing environmental goods and services (ESG), as well as the economic relationship arising from non-tariff measures (NTMs) designed to further sustainable development.

Arthur Appleton will lead the first two days of the programme. He will examine in detail the legal aspects of the TBT Agreement with an emphasis on its application to sustainable development NTMs. He will also deal with TBT provisions in regional trade agreements. Ample time will be allotted to WTO jurisprudence, case studies, and discussion.

Frank van Tongeren will lead day three which will be devoted to the economic implications arising from environmental NTMs. Among other questions, he will address: What effects do sustainable development NTMs have on international trade? What economic impacts do they have on consumers and producers, domestically and abroad? How can NTMs and their economic impacts be quantified? How can trade costs associated with NTMs be reduced?

Tetyana Payosova will lead days four and five. She will focus on practical examples of recent ESG initiatives, including the EU Carbon Border Adjustment Mechanism (CBAM) and the EU Deforestation Regulation. She will discuss whether the relevant WTO disciplines provide adequate regulatory policy space for WTO Members to pursue sustainable development, and the role of international standards designed to further sustainable development. Based on the most recent WTO case law, she will also analyse whether WTO law can effectively address NTBs adopted under the guise of sustainable development. She has invited Ms. Narmin Khalilova, a Programme Management Officer at UNCTAD, to give a guest lecture on the international classification of NTMs, UNCTAD's TRAINS database, and the role of international standards related to EGS.