

WTO Law on Border Management and Trade Facilitation

This course is intended to introduce the students to the main international trade rules on market access for goods, focusing in particular on tariff classification and tariff barriers, quantitative restrictions, trade facilitation and customs matters. Students are expected to acquire a thorough understanding of the different rules applicable to different forms of barriers and to appreciate the challenges inherent to the current inconsistencies affecting WTO rules on import and export tariffs and quantitative restrictions.

The first part of the course will cover the many challenges of managing the border. The basics of customs law, namely tariff classification, customs valuation and rules of origin will be addressed both from the domestic perspective of WTO members states as well as from the practical perspective of traders and companies trying to put in practice market access principles via customs law. The relevant main case law of domestic courts worldwide as well as of WTO law as well as the relevant international treaties dealing with the matter, be them under the umbrella of the World Trade Organization or of the World Customs Organization, will be analyzed in detail too, in other words, the course will also review the key legal and negotiating challenges arising in customs law,

Based on the knowledge acquired in the first part of the course, the second part will focus on the WTO rules applicable to the most traditional border measures (i.e. tariffs and quantitative restrictions), including the relevant WTO practice and jurisprudence, like the Trade Facilitation Agreement. This part of the course will explore, through focused discussions and practical exercises, the legal and practical implications of issues such as Schedules of concessions, bound tariffs, tariff renegotiations under Article XXVIII, other duties and taxes, tariff rate quotas, non-tariff barriers, prohibitions and restrictions, as well as the manner in which the new agreement on Trade Facilitation Agreement seeks to improve border procedures.

This course will be of particular interest to those interested in private sector trading, agriculture and government negotiations and regulation. It will also be of particular interest to those working in customs compliance matters or on the export side of companies and those supporting such companies as consultants or via institutions like the Chambers of Commerce.