

## WTO Law on TBT and SPS Measures

**ECTS: 3**

**Root Number: 448997**

This course builds on basic knowledge regarding GATT obligations and applies this knowledge to trade-related regulatory issues that affect the business community and civil society. The classroom activities will focus on the policy space that Members have under the WTO Agreements on Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary Measures (SPS) to regulate trade in goods, including the production and sale of goods that have social and environmental implications. Based on participant interest, we will discuss trade and investment-related issues arising under the WTO and regional trade agreements (RTAs) including climate change mitigation, public health, obesity, food and beverage safety, gender, consumer protection, child and forced labour, public morals, the protection of the environment, and similar issues. (Brexit-related issues may also be discussed.) Particular attention will also be given to the needs of the business community – businesses thrive when government regulations are legitimate, transparent, and stable. It is not enough just to look at the needs of either business or civil society. Both must be examined to develop good regulations.

WTO rules allow Members to develop regulatory policies to further their legitimate objectives, and limit a Member's use of trade policy for protectionist purposes. This module will help participants determine where the line is between licit and illicit trade measures, and where Members have room to regulate.

This module examines three important WTO Agreements affecting a Member's ability to apply regulatory policies. It reviews Articles I, III and XX of the General Agreement on Tariffs and Trade (GATT 1994), then focuses on the Agreements on Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary Measures (SPS). The objective is to enable participants to better understand the policy space that Members enjoy, and the limits that these Agreements impose on a Member's regulatory power, thereby allowing policy makers to craft WTO-consistent national legislation that achieves their trade-related health, safety, environmental, business, and trade policy objectives.

Readings, lectures, class discussions, and group presentations will focus on the implementation of the GATT, TBT and SPS Agreements, and the types of regulatory practices and governance failures that might violate these agreements. Participants will gain a solid understanding of the operation of these Agreements, the relevant WTO "case law" applying these Agreements, and how WTO Members use taxation schemes, technical regulations, health-related import prohibitions, standards and testing, and certification and labelling programmes as a means to further their objectives.