

## **BA.LL.B (HONS.) – VIII-SEMESTER**

### **INTERNATIONAL TRADE LAW**

#### **COURSE CODE:**

**Course Objectives:** The International Trade Law has gained more importance in recent decades in the wake of unprecedented focus of nations on developing close international economic relations. Initially, the General Agreement on Tariffs and Trade (GATT), 1947 provided the necessary setting, norms and regulations for the evolution of international trade law.

#### **Course Outcomes:**

1. To understand the basic principles of fair International Trade Law perspectives
2. To analyse the international perspectives of trade and commercial law
3. To differentiate various types of trade practices
4. To analyse the role WTO in regulating International Trade, promote fair competition and enforcement procedures
5. To identify and able to conduct research on emerging trends in International Trade law

**UNIT-I:** An Overview - Concept and Nature of International Trade Law – Origins - Theories of International Trade, Globalization and International Trade, Historical Background of the General Agreement on Tariffs and Trade (GATT, 1947) -Evolution of WTO – GATT 1994 and WTO – South Asia and GATT/WTO, Legal Structure, Principles and working of WTO and Its Covered Agreements – Understanding the structures of the Covered Agreements – Issues concerning implementation of WTO agreements and rulings

**UNIT-II:** Most-favoured Nation Treatment (MFN) – History and Basic issues – Grandfather clauses – Definitional Issues - GATT/WTO cases concerning MFN, National Treatment – scope and application – History and Basic issues – GATT/WTO cases concerning National Treatment, Like products – scope and application – aim and effect test – the product and process distinction, Plurilateral Trade Agreements (PTAs) (Article XXIV of GATT), PTAs and Customs Union (Article XXIV of GATT), Conditions to be satisfied for a PTA to be consistent with Article XXIV of GATT (internal and external trade requirements), Notification and Transparency mechanism for PTAs, SAFTA

**UNIT-III:** Imposition of Anti Dumping Duties under the Anti Dumping Agreement, Dumping and Anti dumping Measures; Challenging anti dumping measures; Concept of Zeroing in anti dumping investigations; Determination of Injury and demonstration of a causal link, Standard of review in the Anti Dumping Agreement, Imposition of Safeguard measures under the Agreement on Safeguard Measures,

**UNIT-IV:** Relationship Between Article XIX of GATT and the Agreement on Safeguards, Conditions to be satisfied for imposition of Safeguard Measures, Injury requirement in safeguard measures, Causation requirement, Parallelism in imposition of safeguard measures, Characteristics of Safeguard measures

**UNIT-V:** Imposition of Technical Barriers to Trade, What standards of the TBT Agreement a country has to satisfy while imposing technical requirements on trade? TBT Agreement Article, – National Treatment and Most Favoured Nation (meaning of ‘treatment no less favourable’), TBT Agreement Article 2.2 – More Trade Restrictive than Necessary, Obligation to base technical barriers to trade on international standards

#### **Text Books:**

1. S Lester, B Mercurio et al (2012), 'World Trade Law: Text, Materials and Commentary (Hart Publishing: Oxford)
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3. Mitsuo Matsushita, Thomas J. Schoenbaum and Petros C. Mavroidis, The World Trade Organization: Law, Practice and Policy (Oxford University Press:2006).
4. Michael Trebilcock, Robert Howse, Antonia Eliason, The Regulation of International Trade, 4th edition (Routledge:2012)
5. Peter Van den Bossche and Werner Zduoc (2013), 'The Law and Policy of the World Trade Organization' (CUP: Cambridge)

**Reference Books:**

1. Bernard Hoekman and Michel Kostecki, The Political Economy of the World Trading System (Oxford: Oxford University Press, 2005)
2. John H. Jackson, The World Trading System: Law and Policy of International Economic Relations, 2d edition(Cambridge: MIT Press, 1997).
3. Kenneth W. Dam, The GATT: Law and International Economic Organization (Chicago: University of Chicago Press, 1970).
4. Christper Arup, The New World Trade Organisation Agreements (Cambridge University Press:2000).
5. Robert E. Hudec, The GATT Legal System and World Trade Diplomacy (Salem, New Hampshire: Butterworth, 2d edition, 1990).
6. UNCTAD, The Outcome of the Uruguay Round: An Initial Assessment (Geneva: UNCTAD, 1994), 41-105, 205-219
7. [www.wto.org](http://www.wto.org) (for all GATT/WTO cases and other primary documents)
8. [www.unctad.org](http://www.unctad.org) (for the perspective of developing countries)
9. [www.southcentre.org](http://www.southcentre.org) (for the perspective of developing countries)