# SUBJECT DETAILS

## Data on the subject

<table>
<thead>
<tr>
<th>Name</th>
<th>EU and International Trade Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Degree</td>
<td>Postgraduate in Master in International and European Business Law</td>
</tr>
<tr>
<td>Year</td>
<td>2016-17</td>
</tr>
<tr>
<td>Nature</td>
<td>Fall semester</td>
</tr>
<tr>
<td>ECTS Credits</td>
<td>3 ECTS</td>
</tr>
<tr>
<td>Department</td>
<td>Law</td>
</tr>
<tr>
<td>Area</td>
<td>Law</td>
</tr>
<tr>
<td>Teaching staff</td>
<td>Shared: Dr. Dorothy Estrada Tanck and Dr. Juan Jorge Piernas López (see details below)</td>
</tr>
</tbody>
</table>

## Data on the teaching staff

### Dr. Dorothy Estrada Tanck
- **e-mail**: Dorothy.Estrada-Tanck@eui.eu
- **Telephone**: 653340015
- **Office**: Upon request from students

### Dr. Juan Jorge Piernas López
- **e-mail**: juan.piernas@eui.eu
- **Telephone**: 605014534
- **Office**: Upon request from students

## SPECIFIC DATA ON THE SUBJECT

### Pre-requisites

None
Contribution of the degree to the professional profile

This subject will provide students with a general knowledge of the normative framework and main conceptual and practical challenges of International and EU Trade Law. Thus, it will contribute to preparing the professional development of skills useful to work in business enterprises, law firms, public institutions, chambers of commerce and any national or international organization dedicated to foreign commercial matters. It will also grant them tools to evaluate critically the current state of world and EU trade law and policy and its impact on broader issues of global development.

COMPETENCES TO BE IMPROVED

What skills you’ll gain from this class:

1. The student will develop the following general skills:

   Instrumental skills that will allow the student to deepen in the knowledge of International and EU Trade Law, and its application to practical cases. To review this branch of law critically against the more general background of Public International Law and EU Law.

   She or he will also foster interpersonal abilities, such as exercising participation skills and respect for the opinions of others.

   Finally, the student will enhance systemic skills in the fields of normative and critical analysis, as well as the ability to apply theoretical knowledge to practical problems.

2. The student will also gain the following specific competences of the subject:

   a) In the conceptual aspect (knowing)

      - To review the international treaties that regulate global trade: the WTO *par excellence*
      - To know the legal powers of the WTO and its part in the formation of a global normative and regulatory framework in the field of trade.
      - To review the international treaties that regulate bilateral and multilateral trade.
      - To understand their interaction with the WTO legal framework.
      - To examine the legal challenges regarding the role of International Trade Law in global issues such as human rights, gender equality, sustainable development and environmental protection.
      - To understand the modification in political priorities at the national and international level as a determining factor in international economic law and the policies of relevant institutions.
      - To understand the original objectives and subsequent development of the European integration process in the area of trade.
      - To know the functioning of the European Union institutional architecture as related to trade.
      - To understand the characteristics, role and significance of the participation of the European
Union in the WTO and examine the legal challenges regarding EU’s participation in the WTO.

- To review the international treaties that regulate bilateral and multilateral trade of the EU with other commercial partners.
- To understand the interaction of such treaties with the WTO legal framework.
- To understand the scope and limits of EU’s interaction with its Member States in International Economic Institutions.
- To know the functioning of the WTO Dispute Resolution System and review it critically.

b) In the procedural aspect (doing):
- To exemplify the functioning of the WTO through the study of practical cases.
- To participate in the resolution of a hypothetic case (based on existing precedents) in which each team will represent a different part in the dispute.
- Solve practical cases of policy and law making.
- Debate in class through small working groups.
- To illustrate the functioning of bilateral, regional and multilateral trade treaties through the analysis of practical cases.
- To demonstrate the impact of trade law on broader global concerns through case studies.
- To exemplify the interactions between the EU and the WTO through practical cases.
- To discuss the main issues regarding the EU’s interaction with the global trading system.

c) In the professional aspect (knowing how):
- To critically analyze the legal challenges involved in the subject.
- To argue in favor of a certain position based on the abilities acquired through discussion in class and exercises dealing with case studies.
- To analyze through case studies the actual functioning of the institutions of more relevance for trade operators at the WTO and the EU levels, and their relationship to the wider global economic and social context in which they operate.

THEMATIC AREA AND CONTENT

<table>
<thead>
<tr>
<th>AREA 1: International Trade Law</th>
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</thead>
<tbody>
<tr>
<td><strong>Theme 1: International treaties that regulate global trade: the World Trade Organization (WTO)</strong></td>
</tr>
<tr>
<td>1.1 Introduction: economic globalisation and trade</td>
</tr>
<tr>
<td>1.2 History of the World Trade Organization</td>
</tr>
<tr>
<td>1.2.1 Havana Agreement, GATT, UNCTAD</td>
</tr>
<tr>
<td>1.3 Normative and institutional framework of the WTO: powers, functions and composition</td>
</tr>
<tr>
<td><strong>Theme 2: International treaties that regulate bilateral, regional and multilateral trade</strong></td>
</tr>
</tbody>
</table>
2.1 Normative framework of bilateral, regional and multilateral trade treaties
   2.1.1 The case of Preferential Trade Agreements (PTAs)
   2.1.2 Examples of regional treaties: NAFTA, MERCOSUR (CARICOM, ASEAN, African agreements)
   2.1.3 Case studies
2.2 Interaction of the actors of such treaties with the WTO

AREA 2: International Trade Law, Public International Law and global public goods

Theme 1: Normative framework

1.1 Public International Law and International Trade Law (ITL)
1.2 ITL and International Economic Law
1.3 ITL, International Human Rights Law and International Environmental Law: the ‘international law of cooperation’
   1.3.1 Human rights law and trade law
   1.3.2 International legal regime for transnational corporations in the sphere of human rights

Theme 2: International Trade and Development

2.1 Sustainable Development, Human Development and Environmental Protection
   2.1.1 Case study
2.2 Trade for development: which development and for whom?
2.3 Developed and developing countries: the Doha agenda and beyond

Theme 3: Political and economic actors and the global order

3.1 The UN, international actors, and the global trade context
3.2 Recent trends of analysis: World Poverty, Global Justice and Gender Equality
   3.2.1 Gender equality and world development: a matter of global governance?

AREA 3: EU Trade Law

Theme 1: Introduction / The EU in the international trade system

1.1 Introduction
1.2 EU as an economic actor in the world trade system today
1.3 EU competences in external action
1.4 EU international representation

Theme 2: EU Trade Policy – Unilateral instruments

2.1 Introduction: Principles and General scheme
2.2 Instruments
   2.2.1 Common Customs Tariff
   2.2.2 Generalized tariff preferences
   2.2.3 General import regulations
   2.2.4 Anti-dumping
2.2.5 Anti-subsidy
2.2.6 The trade barriers instrument
2.2.7 Export policy
2.3 Main actors of Common Commercial Policy

**Theme 3: EU Trade Policy – Bilateral and Multilateral instruments**

- 3.1 Introduction
- 3.2 Bilateral Agreements
- 3.3 Multilateral Agreements
- 3.4 The EU in the WTO
- 3.5 The WTO in the EU

**AREA 4: The WTO Dispute Resolution System**

- **Theme 1: Introduction**
  - 1.1 Origins and evolution of the system
  - 1.2 Principles of current system
  - 1.3 Institutions involved

- **Theme 2: Proceedings**
  - 2.1 Consultations
  - 2.2 Panel proceedings
  - 2.3 Appellate review proceedings
  - 2.4 Enforcement

- **Theme 3: Case studies**

**AREA 5: Main International Trade rules**

- **Theme 1: Rules on market access**
  - 1.1 Tariff barriers to trade in goods
  - 1.2 Non-Tariff barriers to trade in goods
  - 1.3 Barriers to trade in services
  - 1.4 Case studies

- **Theme 2: Rules on unfair trade**
  - 2.1 Dumping and anti-dumping measures
  - 2.2 Subsidies and countervailing measures
  - 2.3 Case studies

**AREA 6: Exceptions to the Main International Trade rules**

- **Theme 1: Trade liberalisation versus other goods, societal values and norms**
  - 2.1 General exceptions under the GATT
  - 2.2 General exceptions under the GATS
  - 2.3 Regional integration exceptions
  - 2.4 Case studies
### Basic Bibliography

#### Text books


#### Chapters of books


Tamas, Kristof and Joakim Palme (eds.), *Globalizing Migration Regimes: New Challenges to Transnational Cooperation*, Research in Migration and Ethnic Relations Series, Ashgate, UK, 2006, specifically Chapters 15 and 17:

### Articles


### Websites

- [http://www.wto.org/english/res_e/booksp_e/analytic_index_e/analytic_index_e.htm](http://www.wto.org/english/res_e/booksp_e/analytic_index_e/analytic_index_e.htm)


Notes


Other material


Vienna Convention on the Law of Treaties

Statute of the International Court of Justice

Additional Bibliography

Text books


**Chapters of books**


**Articles**


**Other material**

# TEACHING METHODOLOGY

**General methodological aspects of the subject**

**Contact hours methodology: Activities**
- Critical assessment of relevant International and EU legal norms and principles.
- Analysis of relevant scholarly development on the subject.
- Application of theoretical framework to practical case studies.
- Completion of written exam.

**Independent study methodology: Activities**
- Reading of assigned materials.
- Analysis of normative instruments and academic literature to duly participate later in class.
- Preparation of written and oral interventions regarding application of theoretical material to practical case studies.
- Study of analysed materials in preparation for written exam.

## SUMMARY OF STUDENT WORK HOURS

<table>
<thead>
<tr>
<th>Activity</th>
<th>Number of contact hours</th>
<th>Number of independent study hours</th>
<th>Total number of hours</th>
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<tbody>
<tr>
<td>Lecture</td>
<td>20</td>
<td>30</td>
<td>50</td>
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<tr>
<td>Practical class</td>
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<tr>
<td>Debate</td>
<td>4</td>
<td>10</td>
<td>14</td>
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<tr>
<td>In class presentation</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Individual work</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Work in collaboration</td>
<td>5</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>Evaluation: one minute paper</td>
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<tr>
<td>Evaluation: class test</td>
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<tr>
<td>Evaluation: exam</td>
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<td>5</td>
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<tr>
<td>Evaluation: exam review</td>
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<td>Others</td>
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# GRADE EVALUATION AND CRITERIA

<table>
<thead>
<tr>
<th>Evaluation Activities</th>
<th>Generic Competences</th>
<th>Indicators</th>
<th>Evaluation Weighting</th>
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</thead>
<tbody>
<tr>
<td>Attendance</td>
<td>Punctuality, responsibility, respect for class</td>
<td>Arriving punctually to class and remaining present for the whole duration of the lecture, respecting the time assigned for breaks and duly re-joining the class in the schedule specified by the professors.</td>
<td>10%</td>
</tr>
<tr>
<td>Work in collaboration</td>
<td>Ability to work in teams through providing individual input and adding value to group position.</td>
<td>Preparation of written argumentation on case studies to be dealt with in class based on reviewed materials. Construction of legal arguments within assigned group. Adequate defence of a position reflecting application of legal and theoretical framework to practical case study. Development of views on a concrete case study in a written manner demonstrating well-founded critical thinking. Specific requirements of written piece of work will be announced in first session.</td>
<td>20%</td>
</tr>
<tr>
<td>Debate</td>
<td>Participation, oral presentation skills</td>
<td>Participation in class reflecting reading and understanding of the assigned/presented articles, chapters and case studies, either by reacting to direct</td>
<td>20%</td>
</tr>
<tr>
<td>Evaluation: exam</td>
<td>Theoretical knowledge and its practical application</td>
<td>Correct completion of a written exam consisting of multiple choice questions. Adequate reflection of general and specific knowledge of the theoretical and practical subjects dealt with in class.</td>
<td>50%</td>
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