

## FICHA TÉCNICA DE LA ASIGNATURA

<b>Datos de la asignatura</b>	
<b>Nombre</b>	International Trade Law: The Multilateral Trading System
<b>Código</b>	
<b>Titulación</b>	Official master
<b>Curso</b>	
<b>Créditos ECTS</b>	4
<b>Carácter</b>	Optional
<b>Departamento</b>	
<b>Lengua de instrucción</b>	English
<b>Descriptor</b>	Discusses the current trends in international commercial policies related to the multilateral trading system developed through the World Trade Organization, Free Trade Agreements and Investment Protection Treaties. Regulation of international trade is studied through the analysis of different sectors of the economy. Special interest is given to the relationship of trade policies with sectoral public policies. Additional interest is given to the recent tendencies of protectionist national economic policies and how they affect the international trading system.

<b>Datos del profesorado</b>	
<b>Profesor</b>	
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<b>Horario de tutorías</b>	From 8-19 May every day 15:00-16:00 Rest of the semester with previous appointment through facetime

## DATOS ESPECÍFICOS DE LA ASIGNATURA

### Contextualización de la asignatura

#### Aportación al perfil formativo y profesional de la titulación

Students are expected:

- to acquire detailed knowledge about key regulatory topics of the international trading system
- to have a good understanding of current economic and political debates related to international trade
- to critically discuss the regulation of international trade and propose modifications
- to use trade data to describe economic sub-sectors
- to analyse WTO cases to deduct regulation
- to resolve hypothetical trade law cases and present legal arguments in WTO moot court
- to participate in regulatory debate simulation taking up pre-established position
- to make projections about future development of the international trading system

#### Prerrequisitos

No existen formalmente requisitos previos.

## BLOQUES TEMÁTICOS Y CONTENIDOS

### Tema 0: General Introduction

- International Trade and Development
- Historic Development of Trade Liberalization
- International Trade Liberalization in the World Trade Organization
- Doha Development Round of the World Trade Organization
- Multilaterality, Regional Economic Integrations, Free Trade Agreements
- Protectionist policies in current world trade system

### Bloque 1: Institutions and Legal Principles of the International Trading System

#### Tema 1: FTAs and Multilateral Trading System

- Regulatory Issues in FTAs
- Examples of Free Trade Agreements of the European Union (Canada, Colombia, Brazil -under negotiation)
- Projections in International Trade Liberalization (Trans Pacific Partnership (TPP), Transatlantic Trade and Investment Partnership (TTIP))
- Chinese trade agreements (especially China-Australia)
- Future of the Multilateral Trading System

#### Tema 2: WTO/FTAs structure and functioning

- WTO major regulatory topics (Trade in Goods, Trade in Services, TRIPs and TRIMs)
- Institutional structure of the WTO
- Dispute Settlement System and its legal effects
- FTA committees
- Dispute resolution in FTAs

**Tema 3: Legal Principles – WTO/FTAs**

- MFN
- National Treatment
- Non-discrimination and its exceptions

**Bloque II: Main Regulatory Areas of International Trade****Tema 4: Tariff and Non-Tariff Barriers / TBT/SPS**

- Regulation of Tariffs
- Non-Tariff Barriers
- Technical Barriers to Trade
- Sanitary and Phytosanitary Measures

**Tema 5: Subsidies / Safeguards / Agricultural products**

- Subsidies Regulation and Countervailing Measures
- Safeguard provisions
- Trade of agricultural goods

**Tema 6: Antidumping / Trade in Services**

- Antidumping Regulation and Countervailing Measures
- General Rules of Trade in Services in WTO
- Trade in Services in FTAs

**Bloque III: Additional Trade related Regulatory Topics****Tema 7: New Listings in Trade Related Regulatory Topics**

- Trade Related Intellectual Property Rights
- Public Procurement
- Human Rights' Clauses
- Environmental Protection
- Labour Rights

**Tema 8: Protection of Foreign Investment**

- Trade Related Investment Measures
- Bilateral Investment Treaties
- Protection of Foreign Investment in FTAs

**METODOLOGÍA DOCENTE****Aspectos metodológicos generales de la asignatura**

Topics are developed in class as a result of continuous discussions with students based on previously assigned readings. Classes are practical and case law based. Current trends are also analysed through statistical data.

## EVALUACIÓN Y CRITERIOS DE CALIFICACIÓN

Actividades de evaluación	Criterios de valoración	Peso
<p><b>Related to Tema 0 – General Introduction</b></p> <p><b>Presentation of session’s short readings</b> - Short articles are distributed in class to each student to be revised and discussed in same class.</p>	<p>The exercise is designed to initiate active participation of students in class discussions based on the assigned readings of the session (individual work, oral exercise in class).</p>	5%
<p><b>Related to Tema 1: FTAs and Multilateral Trading System</b></p> <p><b>Kick-off topic presentations</b>  <b>Group 1 - Trans Pacific Partnership (TPP)</b>  <b>Group 2 – EU-Canada Comprehensive Economic and Trade Agreement (CETA)</b>  <b>Group 3 - China-Australia Free Trade Agreement (ChAFTA)</b></p>	<p>The exercise is designed to generate debate in class about the three FTAs. <u>Mini-research and preparation of power point slides out of class</u> and oral presentation in class. The written part of the assessment is a pp presentation.</p>	10%
<p><b>Related to Tema 2: WTO/FTAs structure and functioning</b></p> <p><b>Presentation of core reading in class</b></p> <p><b>Group 1 – Institutional Structure and Decision-making in the WTO</b>  <b>Group 2 – Key Features and Institutions of WTO dispute settlement</b>  <b>Group 3 – Dispute settlement in the FTAs</b></p> <p>Readings to be prepared are the relevant parts of Chapters 2 and 3 of Van den Bossche cited below as well as analysis of selected FTA.</p>	<p>The exercise is designed to maintain active participation of students in class discussions based on revision of core reading assigned to class (group work, oral exercise – <u>preparation of reading out of class</u>, presentation of readings in class).</p>	10%
<p><b>Related to Tema 3: Legal Principles – WTO/FTAs</b></p> <p><b>Case preparation</b> – topic related WTO cases are analysed.</p>	<p>The written part of the assessment is a 1-2-page case summary (group work, written and oral exercise in class). Each of the three working groups analyses and presents a WTO case distributed in class. The written summary is prepared in form of bullet points in class.</p>	5%

<p><b>Related to Tema 4: Tariff and Non-Tariff Barriers / TBT/SPS</b></p> <p><b>Debate Forum –</b></p> <p>Happy State is a WTO member emerging economy with increasing local consumption and important potential to export meat and meat products from cattle including the European Union. 40% of cattle farming for meat is concentrated through large producers of min. 300 heads (frequently more) representing 10% of all producers. Other producers are small producers of 1-20 heads. There is no sanitary regulation related to these products in Happy State. Modernization of the sector is essential public policy interest. Happy State government organized a discussion group to evaluate positions of interest groups. It is expected that a common approach is decided at the meeting to be presented to Happy State government officials.</p> <p><b>Group 1- BigBeef – representing large producers</b>  <b>Group 2 – SmallBeef – representing small producers</b>  <b>Group 3 – HealthyBeef – representing consumers for non-hormone beef</b></p> <p>Interest group positions' should be based on arguments resulting from mini-research. Common approach should comply with WTO norms and consider EU approach.</p>	<p>The Debate Forum discusses a specific regulatory issue in an organized manner, where negotiating positions are previously established and must be assumed through role play (group work, <i>oral exercise</i> in class – <u>mini-research out of class</u>, presentation of results in class).</p>	<p>10%</p>
<p><b>Related to Tema 5: Subsidies / Safeguards / Agricultural products</b></p> <p><b>Moot Court</b></p>	<p>The Moot Court is to reconstruct a hypothetical case applying the rules of the WTO Dispute Settlement System (group work, <i>written and oral exercise</i> in class). The written part of the assessment is a 2-3-page DSS document depending on assigned role</p>	<p>5%</p>

<p><b>Related to Tema 6: Antidumping / Trade in Services</b></p> <p><b>Case Study (15%) –</b></p> <p>Students in three working groups are free to choose one services' sector each group, relevant in international trade and analyse main trading partners and world trade tendencies (e.g. transport, travel, other business services, financial services, telecommunications). It is recommended to include TPP and TTIP aspects.</p>	<p>The case study is an exercise to project international trade tendencies of a given services' sector using among others statistical data and public policy analysis (group work, <i>written and oral exercise – <u>mini-research and preparation of power point slides out of class</u> and oral presentation in class</i>). The written part of the assessment is a pp presentation.</p>	<p>15%</p>
<p><b>Related to Tema 7: New Listings in Trade Related Regulatory Topics</b></p> <p><b>Short Essay on Session Topic</b></p>	<p>The short essay is an exercise of critical argumentation regarding a specific problem chosen by the student within the topic of any current free trade agreement of the European Union (in force, signed or under negotiation). Length 3-4 pages including foot notes and references (Bluebook, APA) (individual work – <u>mini-research out of class</u> and oral presentation in class; <u>essay writing out of class</u>).</p>	<p>30%</p>
<p><b>Related to Topic 8: Protection of Foreign Investment</b></p> <p><b>Political debate summaries</b></p> <p><b>Group 1 - EU-Canada Comprehensive Economic and Trade Agreement (CETA) – investment dispute settlement</b></p> <p><b>Group 2 – Human rights and investment arbitrations</b></p> <p><b>Group 3 – Environmental regulation and investment protection</b></p>	<p>The exercise is to bring the issues of the political debate about the protection of foreign direct investment to class. <u>Mini-research and preparation of power point slides out of class</u> and oral presentation in class. The written part of the assessment is a pp presentation.</p>	<p>10%</p>

RESUMEN HORAS DE TRABAJO DEL ALUMNO	
Horas presenciales	Horas no presenciales
40	120

## BIBLIOGRAFÍA Y RECURSOS

### Bibliografía Básica

#### Libros de texto

##### Topic 1 -

Rodrik, Dani (2011): The Globalization Paradox, W. W. Norton & Company, New York, pp 47-66.

##### Topic 2 -

Van den Bossche, Peter (Ed.) The Law and Policy of the World Trade Organization Text, Cases and Materials: Cambridge University Press, 2013, Chapter 2 – The World Trade Organization (sub-chapters on Institutional Structure and Decision-making in the WTO) Chapter 3 – WTO Dispute Settlement

##### Topic 3-

Van den Bossche, Peter (Ed.) The Law and Policy of the World Trade Organization Text, Cases and Materials: Cambridge University Press, 2013, Chapters 4-5 – Most-favoured-nation treatment; National treatment

##### Topic 4 -

Matsushita, Mitsuno: The World Trade Organization Law, Practice and Policy, Oxford University Press, 2006, Chapter 13 - Technical Barriers to Trade: TBT and SPS

##### Topic 5 -

Van den Bossche, Peter (Ed.) The Law and Policy of the World Trade Organization Text, Cases and Materials: Cambridge University Press, 2013, Chapters 12 – Subsidies

##### Topic 6 -

Van den Bossche, Peter (Ed.) The Law and Policy of the World Trade Organization Text, Cases and Materials: Cambridge University Press, 2013, Chapters 11 – Dumping

##### Topic 7 -

Newfarmer, Richard (Ed.): Trade, Doha, and Development: Window into the Issues: World Bank, 2006, Chapters 20-26 - Regional Trade Agreements: The Second Front of Negotiations

##### Topic 8 –

Lowenfeld, Andreas F.: International economic law, Oxford University Press, 2008, Pages 535-592.

#### Otros materiales

**Chapter summaries and power point presentations for each topic.**

##### Topic 0 class readings

##### **No hay que llorar por la muerte de los acuerdos comerciales**

<https://www.project-syndicate.org/commentary/no-mourning-dead-trade-agreements-by-dani-rodrik-2016-12/spanish>

**La deficiente política industrial de Trump**

<https://www.project-syndicate.org/commentary/trump-defective-industrial-policy-by-dani-rodrik-2017-01/spanish>

**Brexit Into Trumpland (solo en inglés)**

<https://www.project-syndicate.org/commentary/theresa-may-hard-brexit-by-philippe-legrain-2017-01>

**El problema Trump en América Latina**

<https://www.project-syndicate.org/commentary/latin-america-trump-problem-by-andres-velasco-2016-11/spanish>

**A New Year's Development Resolution (solo en inglés)**

<https://www.project-syndicate.org/commentary/update-development-policy-inequality-by-kaushik-basu-et-al-2016-12>

**Rethinking Labor Mobility (solo en inglés)**

<https://www.project-syndicate.org/commentary/displaced-workers-globalization-mobility-by-harold-james-2017-01>

**Una economía socialista de mercado con contradicciones chinas**

<https://www.project-syndicate.org/commentary/china-socialist-market-economy-contradictions-by-adair-turner-2016-12/spanish>

**Una agenda de crecimiento para China**

<https://www.project-syndicate.org/commentary/china-state-enterprise-reform-for-growth-by-michael-spence-and-qian-wan-2016-12/spanish>

**The Crisis of Market Fundamentalism (solo en inglés)**

<https://www.project-syndicate.org/commentary/populist-revolt-crisis-of-capitalism-by-anatole-kaletsky-2016-12>

**Trump withdraws from Trans-Pacific Partnership amid flurry of orders (solo en inglés)**

<https://www.theguardian.com/us-news/2017/jan/23/donald-trump-first-orders-trans-pacific-partnership-tpp>

**Las nuevas “naciones indispensables” de Europa**

<https://www.project-syndicate.org/commentary/europe-defense-french-german-leadership-by-joschka-fischer-2017-01/spanish>

**A New Deal to Save Europe (solo en inglés)**

<https://www.project-syndicate.org/commentary/new-deal-for-europe-by-yanis-varoufakis-2017-01>

**¿La UE puede sobrevivir al populismo?**

<https://www.project-syndicate.org/commentary/european-union-populist-target-by-daniel-gros-2017-01/spanish>

**Russia's Imperial Instinct (solo en inglés)**

<https://www.project-syndicate.org/commentary/russia-imperialism-eastern-europe-by->



carl-bildt-2017-01

**¿Europa dejará que Alemania lidere?**

<https://www.project-syndicate.org/commentary/germany-merkel-eu-leadership-by-marcel-fratzscher-2016-12/spanish>

**Bibliografía Complementaria**

**Otros materiales y recursos**

[www.wto.org](http://www.wto.org)

<http://ec.europa.eu/trade/policy/in-focus/new-trade-strategy/>

<https://ustr.gov/trade-agreements/free-trade-agreements>

<http://dfat.gov.au/trade/agreements/pages/trade-agreements.aspx>

<http://fta.mofcom.gov.cn/english/>