



## SUBJECT DETAILS

Data on the subject	
Name	International and EU Trade Law
Degree	Postgraduate in Master in International and European Business Law
Year	2018-19
Nature	Fall semester
ECTS Credits	3 ECTS
Department	Law
Area	Law
Teaching staff	Shared: Dr. Juan Jorge Piernas López (see details below) and Dr. Isabel Maravall Buckwalter

Data on the teaching staff	
Teaching staff	Dr. Isabel Maravall Buckwalter
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Tutoring Schedule	Upon request from students

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## SPECIFIC DATA ON THE SUBJECT

<b>Pre-requisites</b>
None
<b>Contribution of the degree to the professional profile</b>
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

### COMPETENCES TO BE IMPROVED

<b>What skills you'll gain from this class:</b>
<b>Generic Competences</b>
GC 1: Analysis and synthesis abilities GC 3: Ability to manage information GC 6: Team work skills GC 7: Ability to work in an international context GC 8: Critical appraisal skills GC 10: Ability to develop autonomous learning skills GC 11: Concern for quality GC 12: Ability to apply theoretical knowledge into practice
<b>Specific competences of the subject</b>
SC 1 - Having a critical view of the functioning and interaction of various institutions with relevance for international business SC 2 - Mastering the main relevant international treaties in the field of international trade, distinguishing between binding instrument and mere recommendations or instruments merely of an interpretive or guiding nature (soft law) SC 3 - Knowing the advantages in international trade for EU companies and those from other states of the WTO and properly identifying the corresponding business implications

## THEMATIC AREA AND CONTENT

<b>AREA 1: International Trade Law</b>
<b>Theme 1: International treaties that regulate global trade: the World Trade Organization (WTO)</b>
1.1 Introduction: economic globalisation and trade 1.2 History of the World Trade Organization 1.2.1 Havana Agreement, GATT, UNCTAD

1.3 Normative and institutional framework of the WTO: powers, functions and composition
<b>Theme 2: International treaties that regulate bilateral, regional and multilateral trade</b>
2.1 Normative framework of bilateral, regional and multilateral trade treaties <ul style="list-style-type: none"> <li>2.1.1 The case of Preferential Trade Agreements (PTAs)</li> <li>2.1.2 Examples of regional treaties: NAFTA, MERCOSUR (CARICOM, ASEAN, African agreements)</li> <li>2.1.3 Case studies</li> </ul> 2.2 Interaction of the actors of such treaties with the WTO
<b>AREA 2: International Trade Law, Public International Law and global public goods</b>
<b>Theme 1: Normative framework</b>
1.1 Public International Law and International Trade Law (ITL) <ul style="list-style-type: none"> <li>1.2 ITL and International Economic Law</li> <li>1.3 ITL, International Human Rights Law and International Environmental Law: the 'international law of cooperation' <ul style="list-style-type: none"> <li>1.3.1 Human rights law and trade law</li> <li>1.3.2 International legal regime for transnational corporations in the sphere of human rights</li> </ul> </li> </ul>
<b>Theme 2: International Trade and Development</b>
2.1 Sustainable Development, Human Development and Environmental Protection <ul style="list-style-type: none"> <li>2.1.1 Case study</li> </ul> 2.2 Trade for development: which development and for whom? <ul style="list-style-type: none"> <li>2.3 Developed and developing countries: the Doha agenda and beyond</li> </ul>
<b>Theme 3: Political and economic actors and the global order</b>
3.1 The UN, international actors, and the global trade context <ul style="list-style-type: none"> <li>3.2 Recent trends of analysis: World Poverty, Global Justice and Gender Equality <ul style="list-style-type: none"> <li>3.2.1 Gender equality and world development: a matter of global governance?</li> </ul> </li> </ul>
<b>AREA 3: EU Trade Law</b>
<b>Theme 1: Introduction / The EU in the international trade system</b>
1.1 Introduction <ul style="list-style-type: none"> <li>1.2 EU as an economic actor in the world trade system today</li> <li>1.3 EU competences in external action</li> <li>1.4 EU international representation</li> </ul>
<b>Theme 2: EU Trade Policy – Unilateral instruments</b>
2.1 Introduction: Principles and General scheme <ul style="list-style-type: none"> <li>2.2 Instruments <ul style="list-style-type: none"> <li>2.2.1 Common Customs Tariff</li> <li>2.2.2 Generalized tariff preferences</li> </ul> </li> </ul>

<ul style="list-style-type: none"> <li>2.2.3 General import regulations</li> <li>2.2.4 Anti-dumping</li> <li>2.2.5 Anti-subsidy</li> <li>2.2.6 The trade barriers instrument</li> <li>2.2.7 Export policy</li> <li>2.3 Main actors of Common Commercial Policy</li> </ul>
<b>Theme 3: EU Trade Policy – Bilateral and Multilateral instruments</b>
<ul style="list-style-type: none"> <li>3.1 Introduction</li> <li>3.2 Bilateral Agreements</li> <li>3.3 Multilateral Agreements</li> <li>3.4 The EU in the WTO</li> <li>3.5 The WTO in the EU</li> </ul>
<b>AREA 4: The WTO Dispute Resolution System</b>
<b>Theme 1: Introduction</b>
<ul style="list-style-type: none"> <li>1.1 Origins and evolution of the system</li> <li>1.2 Principles of current system</li> <li>1.3 Institutions involved</li> </ul>
<b>Theme 2: Proceedings</b>
<ul style="list-style-type: none"> <li>2.1 Consultations</li> <li>2.2 Panel proceedings</li> <li>2.3 Appellate review proceedings</li> <li>2.4 Enforcement</li> </ul>
<b>Theme 3: Case studies</b>
<b>AREA 5: Main International Trade rules</b>
<b>Theme 1: Rules on market access</b>
<ul style="list-style-type: none"> <li>1.1 Tariff barriers to trade in goods</li> <li>1.2 Non-Tariff barriers to trade in goods</li> <li>1.3 Barriers to trade in services</li> <li>1.4 Case studies</li> </ul>
<b>Theme 2: Rules on unfair trade</b>
<ul style="list-style-type: none"> <li>2.1 Dumping and anti-dumping measures</li> <li>2.2 Subsidies and countervailing measures</li> <li>2.3 Case studies</li> </ul>
<b>AREA 6: Exceptions to the Main International Trade rules</b>
<b>Theme 1: Trade liberalisation versus other goods, societal values and norms</b>
<ul style="list-style-type: none"> <li>2.1 General exceptions under the GATT</li> <li>2.2 General exceptions under the GATS</li> </ul>

2.3 Regional integration exceptions  
2.4 Case studies

## BIBLIOGRAPHY AND RESOURCES

### Basic Bibliography

#### Text books

Baldwin, Richard and Patrick Low (eds.), *Multilateralizing Regionalism: Challenges for the Global Trading System*, World Trade Organization, Cambridge University Press, New York, 2008.

Eeckhout, Piet, *External Relations of the European Union: Legal and Constitutional Foundations*, Oxford University Press, 2011.

Eibner, Wolfgang, *International economic integration: selected International Organizations and the European Union*, München Oldenbourg, 2008.

Folsom, Ralph H., *Principles of International Trade Law: including the World Trade Organization, NAFTA and the European Union*, Concise Hornbook Series, West Academic Publishing, U.S., 2014.

Govaere, Inge, Reinhard Quick and Marco Bronckers, *Trade and Competition Law in the EU and Beyond*, Edward Elgar, UK, 2011.

Hoekman, Bernard M. and Petros C. Mavroidis, *The World Trade Organization: Law, economics, and politics*, The Global Institution Series, Routledge, London and New York, 2007.

Lowenfeld, Andreas F., *International economic law*, Oxford University Press, Oxford/New York, 2nd ed., 2008.

Odell, John (ed.), *Negotiating Trade: Developing Countries in the WTO and NAFTA*, Cambridge University Press, Cambridge, 2006.

Van den Bossche, Peter, Zdouc Werner, *The Law and Policy of the World Trade Organization: Text, Cases and Materials*, 3<sup>rd</sup> ed., Cambridge University Press, 2013.

Willem Van Genugte, Willem, *The World Bank Group, the IMF and Human Rights: A Contextualised Way Forward*, Intersentia, The Netherlands, April 2015.

#### Chapters of books

Eeckhout, Piet, 'Common Commercial Policy', in *EU external relations law*, Oxford University Press, 2011.

Eeckhout, Piet, 'The EU and its Member States in the WTO - Issues of Responsibility', in *Regional*

*trade agreements and the WTO legal system*, Lorand Bartels & Federico Ortino (eds.), 2006.

Hillion, Christophe, 'Mixity and coherence in EU External Relations: The significance of the "duty of cooperation', in *Mixed Agreements Revisited*, Cristophe Hillion & Panos Koutrakos (eds.), 2010.

Hoekman, Bernard and L. Alan Winters, 'Multilateralizing preferential trade agreements: a developing country perspective' (Chapter 13), in Baldwin, Richard and Patrick Low (eds.), *Multilateralizing Regionalism: Challenges for the Global Trading System*, World Trade Organization, Cambridge University Press, New York, 2008, pp. 636-680.

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:

Oucho, John O., 'Cooperation and barriers to people and goods: examples from Africa', pp. 218-232.

Koslowski, Rey, 'Towards an international regime for mobility and security?', pp. 274-288.

#### Articles

Billiet, Stijn, 'The EC and the WTO Dispute Settlement: The Initiation of Trade Disputes by the EC', in 10 *European Foreign Affairs Review*, 2005.

Dimopoulos, Angelos, 'The validity and applicability of international investment agreements between EU Member States under EU and international law', in 48 *Common Market Law Review*, 2011.

Howse, Robert and Donald Regan, 'The Product/Process Distinction - An Illusory Basis for Disciplining 'Unilateralism'', in *European Journal of International Law*, 2000, available at <http://ejil.oxfordjournals.org/content/11/2/249.full.pdf>

Jackson, John H., 'Comments on Shrimp Turtle and the Product Process Distinction', in *European Journal of International Law*, 2000, available at <http://www.ejil.org/pdfs/11/2/526.pdf>

Klabbers, Jan, 'Safeguarding the Organizational Acquis: The EU's External Practice', in *International Organizations Law Review*, 2007.

Pauwelyn, Joost, 'Bridging Fragmentation and Unity: International Law as a Universe of Inter-Connected Islands', in *Michigan Journal of International Law*, Vol. 25, 2004, pp. 903-916.

Steinberger, Eva, 'The WTO Treaty as a Mixed Agreement: Problems with EC's and the EC Member States' Membership of the WTO', in 17 *European Journal of International Law*, 2006.

#### 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)

<https://www.nafta-sec-alena.org/Default.aspx?tabid=87&language=en-US>

<http://www.mercosur.int/>

Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, A/HRC/17/31, 21 March 2011, available at <http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf>.

Millennium Development Goals, available at [www.un.org/millenniumgoals](http://www.un.org/millenniumgoals).

The Millennium Development Goals Report 2010, United Nations, New York, 2010, available at <http://www.un.org/millenniumgoals/pdf/MDG%20Report%202010%20En%20r15%20-low%20res%2020100615%20-.pdf>

The World Bank, *World Development Report 2012: Gender Equality and Development*, April 2012, available at <http://econ.worldbank.org/> [Go to WDR2012]

The ABC of European Union Law, [http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en\\_GB/-/EUR/ViewPublication-Start?PublicationKey=OA8107147](http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/EUR/ViewPublication-Start?PublicationKey=OA8107147)

#### Notes

Alston, Philip, ‘Rethinking the World Bank’s Approach to Human Rights’, Keynote address to the Nordic Trust Fund for Human Rights and Development Annual Workshop on “The Way Forward”, The World Bank, Washington D.C., 15 October 2014.

#### Other material

Howse, Robert and Ruti G. Teitel, *Beyond the Divide: The Covenant on Economic, Social and Cultural Rights and the World Trade Organization*, Dialogue on Globalization, Occasional Paper No. 30, Friedrich-Ebert-Stiftung, Geneva Office, April 2007.

Mayne, R., ‘Regionalism, Bilateralism, and “TRIPS Plus” Agreements: The Threat to Developing Countries’, UNDP Human Development Report Office, Occasional Paper 18, 2005, available at: [http://hdr.undp.org/docs/publications/background\\_papers/2005/HDR2005\\_Mayne\\_Ruth\\_18.pdf](http://hdr.undp.org/docs/publications/background_papers/2005/HDR2005_Mayne_Ruth_18.pdf)

Vienna Convention on the Law of Treaties

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#### Additional Bibliography

##### Text books

Chalmers *et. al.*, *European Union Law: text and materials*, Cambridge University Press, 2010.

De Baere, Gert, *Constitutional Principles of EU External Relations*, Oxford University Press, 2008.

Kolsky Lewis, Meredith and Susy Frankel (editors), *International economic law and national autonomy*, New York, Cambridge University Press, 2010.

Langford, Malcolm, Wouter Vandenhole, Martin Scheinin and Willem van Genugten (eds.), *Global Justice, State Duties: The Extraterritorial Scope of Economic, Social and Cultural Rights in International Law*, Cambridge University Press, UK, 2013.

McBeth, Adam, *International economic actors and human rights*, Routledge, London/New York, 2010.

#### Chapters of books

Chang, Ha-Joo, "The 2008 World Financial Crisis and the Future of World Development", in Calhoun, Craig J., *Aftermath: a new global economic order? /* edited by Craig Calhoun and Georgi Derluguian, New York: New York University Press, 2011, pp. 39-63.

Pierik, Roland and Wouter Werner (eds.), *Cosmopolitanism in context: perspectives from international law and political theory*, edited by Cambridge; New York, Cambridge University Press, 2010 (PART II. International Economic Law and Global Justice).

Warleigh, Alex (ed.), *Understanding European Union institutions*, Routledge, London, New York, 2001 (Part II the policy-making institutions).

#### Articles

Hoffmeister, Frank, 'Outsider or Frontrunner? Recent Developments under International and European Law on the status of the European Union in International Organizations and Treaty Bodies', in 44 *Common Market Law Review*, 2007.

Ličková, Magdalena, 'European Exceptionalism in International Law', in 19 *European Journal of International Law*, 2008.

Weiler, J. H. H., 'The Transformation of Europe', in *The Yale Law Journal*, Vol. 100, No. 8, Symposium: International Law, Jun., 1991, pp. 2403-2483.

#### Other material

Petersmann, Ernst-Ulrich, "The future of international economic law: a research agenda", Working Paper 2010/06, European University Institute, Florence, 2010.



## 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

Activity	Number of contact hours	Number of independent study hours	Total number of hours
Lecture	20	25	45
Practical class			
Debate	4	10	14
In class presentation			
Individual work			
Work in collaboration	5	5	10
Evaluation: one minute paper			
Evaluation: class test			
Evaluation: exam	1	5	6
Evaluation: exam review			
Others			
<b>ECTS Credits: 3</b>	<b>30</b>	<b>45</b>	<b>75</b>

## GRADE EVALUATION AND CRITERIA

Evaluation Activities	Generic Competences	Indicators	Evaluation Weighting
Attendance	Punctuality, responsibility, respect for class	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.	10%
Work in collaboration	GC 1: Analysis and synthesis abilities GC 3: Ability to manage information GC 6: Team work skills GC 8: Critical appraisal skills GC 11: Concern for quality GC 12: Ability to apply theoretical knowledge into practice	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.	20%
Participation	GC 1: Analysis and synthesis abilities GC 3: Ability to manage information GC 7: Ability to work in an international context GC 8: Critical appraisal skills	Participation in class reflecting reading and understanding of the assigned/presented articles, chapters and case studies, either by reacting to direct	20%

	<p>GC 10: Ability to develop autonomous learning skills</p> <p>GC 11: Concern for quality</p> <p>GC 12: Ability to apply theoretical knowledge into practice</p>	<p>questions of the professors to each student, by open questions to all the class, or by spontaneous interventions related to the subject matter that is being explained or debated.</p>	
<p>Evaluation: exam</p>	<p>GC 1: Analysis and synthesis abilities</p> <p>GC 3: Ability to manage information</p> <p>GC 8: Critical appraisal skills</p> <p>GC 10: Ability to develop autonomous learning skills</p> <p>GC 11: Concern for quality</p> <p>GC 12: Ability to apply theoretical knowledge into practice</p>	<p>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.</p>	<p>50%</p>