

SEMESTER I EXAMINATION 2002/2003

LL.B – SECOND, THIRD & FOURTH YEAR
BACHELOR OF CORPORATE LAW – THIRD YEAR
BACHELOR OF CIVIL LAW – SECOND AND THIRD YEAR
BACHELOR OF COMMERCE – THIRD YEAR
ERASMUS AND OCCASIONAL STUDENTS

INTERNATIONAL TRADE LAW (LW 364)

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Ms. A.L. Hinds

Time allowed: **TWO** hours. Erasmus students have **Two hours and Thirty minutes**.
Answer any **THREE** questions.

Note for invigilators: students are allowed to refer to the Legal Texts of the World Trade Organisation, including GATT, GATS and TRIPS, and the Dispute Settlement Understanding or to the relevant provisions thereof (photocopies or downloaded versions are permitted). Erasmus students are allowed to use dictionaries.

1. *"The Uruguay Round (UR) Agreement of the GATT/WTO has been described as 'the most important event in recent world economic history'. In addition, the WTO is already being described as the 'central international economic institution', and nations are becoming ever more engaged with the detailed processes of the WTO ..."*
Jackson, J.H., *The World Trade Organisation – Constitution and Jurisprudence*, Chapter 1.
Discuss.
2. The US and Canada are members of the World Trade Organisation (WTO). Canada accuses the US of granting more preferential tariff rates to Japan, a WTO contracting party, than to Canada. Canada decides to take action against the US for a breach of GATT provisions. Advise Canada as to the procedural and substantive issues that it must fulfil under Article XXII and XXIII GATT, the Dispute Settlement Understanding and any other relevant GATT provisions.
3. Explain how Article III GATT operates with reference to relevant case law.
4. Answer (a) OR (b):
 - (a) Ireland is a member of both the European Community (EC) and the World Trade Organisation (WTO). The WTO has decided to establish new agreements dealing with services and intellectual property. The Council of Ministers of the EC and the European Parliament have not yet exercised their power under Article 133(5) EC Treaty. Nonetheless, the European Commission decides to take responsibility for the negotiation and conclusion of these new WTO agreements. Ireland objects to this and wishes to prevent the Commission from doing so. Advise Ireland as to the possible outcome of the case with regard to provisions of the EC Treaty, the WTO Agreement and case law of the European Court of Justice.

OR

- (b) With reference to Article I and Article XXIV GATT, other relevant GATT provisions and the Article XXIV Understanding, explain how the European Community operates as a customs union.
5. Answer (a) OR (b):
 - (a) Explain how the WTO attempts to regulate the unfair trading practice of dumping under Article VI GATT and the Anti-Dumping Understanding.

OR

- (b) *"The links between trade and the environment are complex and multi-faceted."*
Trebilcock, M.J. and Howse, R., *The Regulation of International Trade*, Chapter 13.
Discuss.

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