

## **INTERNATIONAL TRADE LAW AND POLICY**

**Bachelor in Philosophy, Politics, Law and Economics PPLE  
SEP-2023 ITLP-PP.3.M.A**

Area Public Law and Global Governance

Number of sessions: 30

Academic year: 23-24

Degree course: THIRD

Number of credits: 6.0

Semester: 2<sup>o</sup>

Category: COMPULSORY

Language: English

Professor: **JOHANNA JACOBSSON**

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Johanna Jacobsson is Adjunct Professor of European and International Law at IE Law School. She holds an LL.B. and LL.M. from the University of Helsinki and a Ph.D. in International Trade Law from the European University Institute (Florence, Italy). She also holds a B.A. in Russian and East European Studies from the University of Helsinki. Professor Jacobsson's main research interests are in the fields of international trade and business law, EU law and international dispute settlement. She has previously acted as a law clerk at the Court of Justice of the European Union and been a researcher at the Finnish Institute of International Affairs. Professor Jacobsson has also practiced law in a commercial law firm where her practice focused on dispute settlement (national/EU litigation and commercial arbitration) as well as on competition, employment and general corporate law. Professor Jacobsson is a member of the Executive Council of the Society of International Economic Law (SIEL). In addition to teaching at IE Law School, she acts as an independent consultant and legal entrepreneur.

### **Office Hours**

Office hours will be on request. Please contact at:

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## **SUBJECT DESCRIPTION**

World trade covers almost any economic activity in the globalised world and touches upon a number of disciplines, most intimately those of law, politics and economics. It provides the arena where all states come together to cooperate and make progress, as well as battle existing and new conflicts. The prosperity and pacific relations of our interdependent global society are to a large extent determined in the area of world trade.

The purpose of the course is to give an overview of the principal legal disciplines of the international trade system as well as how trade policy is conducted by governments. The focus is on the most important rules of the World Trade Organization (WTO) and those emerging in regional and bilateral trade agreements. We will examine rules governing trade in goods and services, as well as rules applicable to intellectual property and digital trade. Policy considerations will be emphasised – such as the developmental and public health implications of trade rules, and the relationship between WTO rules and rules governing environmental protection, labour, and human rights. We will also analyse the implications of the current geopolitical and international security situation on the governance of the global trading order and analyse possible solutions to the current paralysis or even crisis of the multilateral trading system.

## LEARNING OBJECTIVES

- Understand the structure and logic of the international trade system
- Comprehend the general rules governing international trade and commerce, including how these rules affect policy decisions
- Appreciate how the international trade regime influences the resolution of international problems – such as the climate change, health, environmental, labour, and human rights concerns
- Acquire the skills to identify, frame and address legal problems underlying international trade
- Learn to think critically about policy choices relating to international trade

## TEACHING METHODOLOGY

IE University teaching method is defined by its collaborative, active, and applied nature. Students actively participate in the whole process to build their knowledge and sharpen their skills. Professor's main role is to lead and guide students to achieve the learning objectives of the course. This is done by engaging in a diverse range of teaching techniques and different types of learning activities such as the following:

Learning Activity	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	20.0 %	30.0 hours
Discussions	13.33 %	20.0 hours
Exercises in class, Asynchronous sessions, Field Work	13.33 %	20.0 hours
Group work	20.0 %	30.0 hours
Individual studying	33.33 %	50.0 hours
TOTAL	100.0 %	150.0 hours

## **PROGRAM**

### **SESSION 1 (LIVE IN-PERSON)**

Introduction to the Governance of International Trade: History and Institutional Structure of the Multilateral Trading System (WTO)

READINGS:

*Book Chapters: Peter Van den Bossche and Werner Zdouc (2022), "The law and policy of the World Trade Organization" Chapter 1: sections 1-2 (CED)*

### **SESSION 2 (LIVE IN-PERSON)**

Mandate of the WTO; Accession and Membership in the WTO; WTO Dispute Settlement

READINGS:

*Book Chapters: Peter Van den Bossche and Werner Zdouc (2022), "The law and policy of the World Trade Organization" Chapter 2: sections 1-3 (CED)*

### **SESSION 3 (LIVE IN-PERSON)**

Rationale for trade protection. Tariffs, Quotas and Non-Tariff Measures.

READINGS:

*Book Chapters: Peter Van den Bossche and Werner Zdouc (2022), "The law and policy of the World Trade Organization" Chapter 1, sections 3-4 (CED)*

### **SESSION 4 (LIVE IN-PERSON)**

The General Agreement on Tariffs and Trade (GATT); the Most-Favoured Nation (MFN) discipline

READINGS:

*Book Chapters: Peter Van den Bossche and Werner Zdouc (2022), "The law and policy of the World Trade Organization" Chapter 4; sections 1-2 (CED)*

*Practical Case: The Spanish Coffee Case (Will be Provided by Professor)*

### **SESSION 5 (LIVE IN-PERSON)**

GATT: National Treatment discipline (the Prohibition on Discriminatory Taxes and Discriminatory Regulation)

READINGS:

*Book Chapters: Peter Van den Bossche and Werner Zdouc (2022), "The law and policy of the World Trade Organization" Chapter 5; sections 1-2 (See Bibliography)*

*Practical Case: The Japan Alcoholic Beverages Case (Will be Provided by Professor)*

### **SESSION 6 (LIVE IN-PERSON)**

GATT: National Treatment discipline (the Prohibition on Discriminatory Taxes and Discriminatory Regulation)

READINGS:

*Book Chapters: Peter Van den Bossche and Werner Zdouc (2022), "The law and policy of the World*

*Trade Organization" Chapter 5; sections 1-2 (See Bibliography)*

*Practical Case: The Japan Alcoholic Beverages Case (Will be Provided by Professor)*

## **SESSION 7 (LIVE IN-PERSON)**

General Exceptions (public health, public morality, protection of the environment, etc.)

READINGS:

*Practical Case: The Asbestos Case (Will be Provided by Professor)*

*Practical Case: The Brazil Tires Case (Will be Provided by Professor)*

*Practical Case: The Korea Beef Case (Will be Provided by Professor)*

*Book Chapters: Peter Van den Bossche and Werner Zdouc (2022), "The law and policy of the World Trade Organization" Chapter 8; sections 1-2 (See Bibliography)*

## **SESSION 8 (LIVE IN-PERSON)**

General Exceptions (public health, public morality, protection of the environment, etc.)

READINGS:

*Book Chapters: Peter Van den Bossche and Werner Zdouc (2022), "The law and policy of the World Trade Organization" Chapter 8; sections 1-2 (See Bibliography)*

*Practical Case: The Asbestos Case (Will be Provided by Professor)*

*Practical Case: The Brazil Tires Case (Will be Provided by Professor)*

*Practical Case: he Korea Beef Case (Will be Provided by Professor)*

## **SESSION 9 (LIVE IN-PERSON)**

The National Security Exception

READINGS:

*Practical Case: Ukraine-Russia Traffic in Transit Case (Will be provided by Professor)*

*Book Chapters: Peter Van den Bossche and Werner Zdouc (2022), "The law and policy of the World Trade Organization" Chapter 8; section 4 (See Bibliography)*

## **SESSION 10 (LIVE IN-PERSON)**

Going beyond discrimination: the TBT and SPS Agreements

READINGS:

*Book Chapters: Van Den Bossche and Prevost - Essentials of WTO Law (2016) – Chapter 6 (CED)*

*Practical Case: The Sardines Case (Will be Provided by Professor)*

*Practical Case: The Seal Case (Will be Provided by Professor)*

*Practical Case: The Beef Hormones Case (Will be Provided by Professor)*

## **SESSION 11 (LIVE IN-PERSON)**

Trade Remedies: Subsidies/CVDs, Anti-Dumping Duties, Safeguards

READINGS:

*Book Chapters: Van Den Bossche and Prevost - Essentials of WTO law (2016) – Chapter 5 (See Bibliography)*

*Book Chapters: Van Den Bossche – Economic Emergency Exceptions (Safeguards) (CED)*

## **SESSION 12 (LIVE IN-PERSON)**

Trade Remedies: Subsidies/CVDs, Anti-Dumping Duties, Safeguards

READINGS:

*Book Chapters: Van Den Bossche and Prevoost - Essentials of WTO law (2016) – Chapter 5 (See Bibliography)*

*Book Chapters: Van Den Bossche – Economic Emergency Exceptions (Safeguards) (CED)*

## **SESSION 13 (LIVE IN-PERSON)**

WTO and Developing Countries: Special and Differential Treatment

READINGS:

*Article: WTO's webpage on special and differential provisions for developing countries (WTO)*

*Article: Whither the WTO Doha Development Round? (CARICOM, The Caribbean Community; March 6, 2019)*

## **SESSION 14 (LIVE IN-PERSON)**

TRIPS: The Governance of Intellectual Property Protection

READINGS:

*Book Chapters: Peter Van den Bossche and Werner Zdouc (2022), "The law and policy of the World Trade Organization" Chapter 15; sections 1-3 (See Bibliography)*

*Article: Overview of the WTO's TRIPS Agreement (WTO)*

## **SESSION 15 (LIVE IN-PERSON)**

Mid-term exam

## **SESSION 16 (LIVE IN-PERSON)**

The General Agreement on Trade in Services (GATS)

READINGS:

*Book Chapters: Peter Van den Bossche and Werner Zdouc (2022), "The law and policy of the World Trade Organization" Chapter 4, sections 3-4 and Chapter 5, sections 3-4 (See Bibliography)*

*Practical Case: The Gambling Case (Will be Provided)*

## **SESSION 17 (LIVE IN-PERSON)**

## **SESSION 18 (LIVE IN-PERSON)**

Customs Unions and Free Trade Area Agreements (exceptions to the MFN principle)

READINGS:

*Other / Complementary Documentation: The WTO And Spaghetti Bowl of Free Trade Agreements - four proposals for moving forward - Panezi 2016 (CIGI)*

*Practical Case: The Turkish Textile Case (Will be Provided by Professor)*

## **SESSION 19 (LIVE IN-PERSON)**

Customs Unions and Free Trade Area Agreements (exceptions to the MFN principle)

READINGS:

*Other / Complementary Documentation: The WTO And Spaghetti Bowl of Free Trade Agreements - four proposals for moving forward - Panezi 2016 (CIGI)*

*Practical Case: The Turkish Textile Case (Will be Provided by Professor)*

### **SESSION 20 (LIVE IN-PERSON)**

Trade and the New Geopolitics: from Market Capitalism to Strategic Capitalism; WTO in crisis

(Readings will be provided later)

### **SESSION 21 (LIVE IN-PERSON)**

Session 21

Economic Policy as a Strategic Weapon: Trade Sanctions, FDI Screening, Export Restrictions etc.

(Readings will be provided later)

### **SESSION 22 (LIVE IN-PERSON)**

Student presentations

### **SESSION 23 (LIVE IN-PERSON)**

Student presentations

### **SESSION 24 (LIVE IN-PERSON)**

Sustainable Trade: Climate Change and Environment, International Labour Standards and Human Rights

(Readings will be provided later)

### **SESSION 25 (LIVE IN-PERSON)**

Student presentations

### **SESSION 26 (LIVE IN-PERSON)**

Student presentations

### **SESSION 27 (LIVE IN-PERSON)**

E-commerce and Digital Trade

(Readings will be provided later)

### **SESSION 28 (LIVE IN-PERSON)**

AI, Data Governance and International Trade

(Readings will be provided later)

## **SESSION 29 (LIVE IN-PERSON)**

Wrap-up and review session

## **SESSION 30 (LIVE IN-PERSON)**

Final exam

## **EVALUATION CRITERIA**

### **Evaluation**

The final grade for the course will be based on both individual and group work. The evaluation is based on:

- A. Class participation: 20%
  - B. Assignments: 20%
  - C. Mid-term exam: 30%
  - D. Final exam: 30%
- TOTAL: 100%

### **A. CLASS PARTICIPATION (20%)**

Students are expected to attend and prepare in advance for all class meetings and to participate actively in debates. The evaluation of class participation will depend on the depth and quality of the contribution, its clarity and the frequency of contributions. The contributions should demonstrate understanding and knowledge of the topic, capacity of independent analysis and reflection and ability to see the relationship between theory and practice. The contributions should be well-argued and expressed in clear manner that it is easy to follow.

Varios exercises are carried out during classes. The students' performance in them counts towards the class participation grade.

### **B. WRITTEN AND/OR ORAL ASSIGNMENTS (20%)**

Students will be requested to prepare two group assignments. The assignments will consist of a written analysis of a case and an oral presentation in front of the class. Students are expected to engage in independent research activity in preparing the memoranda and the presentations.

The evaluation of any written works will focus on whether they provide a comprehensive answer to the questions asked and how well the students reason. In addition, the document must be written in a clear and well-structured manner and it must include the relevant footnotes when referring to statements given, opinions expressed or facts provided by other authors. Both with written works and oral presentations, students must demonstrate that they are capable of conducting an independent analysis and explaining facts using their own words. The evaluation will take into consideration how well students understand the issues at stake and argue their views.

### **C. AND D. MID-TERM AND FINAL EXAMS (60%)**

The exams will consist of multiple choice questions, short essay or reflection questions and the resolution of cases or problem questions. The final exam may be organised as an oral exam.

It is essential that students know and understand the key concepts and main rules and principles of the topics studied in the course. Similarly, they should be familiar with how those rules and principles are applied and enforced in practice.

The evaluation of the exam is based on similar factors as the evaluation of the written group assignments. With regard to legal cases or practical problems, the students must analyse a factual situation, apply the appropriate legal principles to the facts and reason their conclusion.

The mid-term exam covers the first part of the course whereas the final exam is focused on the second part of the course.

criteria	percentage	Learning Objectives	Comments
Class Participation	20 %		
Assignments	20 %		
Mid-term exam	30 %		
Final exam	30 %		

## RE-SIT / RE-TAKE POLICY

### GENERAL OBSERVATIONS

Each student has four attempts over two consecutive academic years to pass this course.

Dates and location of the final exam will be posted in advance and will not be changed.

Students must attend at least 80% of the sessions (see the Attendance Policy below). Students who do not comply with the 80% attendance rule will receive a 0.0 on their first and second attempts and go directly to the third one (they will need to enroll in this course again the following academic year).

Students who are in the third or fourth attempt should contact the professor during the first two weeks of the course.

### RETAKE POLICY

Any student whose weighted final grade is below 5 will be required to sit for the retake exam to pass the course (except those not complying with the attendance rules, whom are banned from this possibility).

Grading for retakes will be subject to the following rules:

- The retakes will consist of a comprehensive exam. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be taken into account.
- The exam will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained is 8 out of 10.
- Dates and location of the retakes will be posted in advance and will not be changed.

The third attempt to pass this course will require the student to complete:

- Two individual written assignments (40%)
- a midterm (30%)
- a final exam (30%)

This is also applicable to students who do not have required attendance, e.g. sickness.

### PLAGIARISM / ACADEMIC HONESTY

Plagiarism is the dishonest act of presenting another person's ideas, texts or words as your own. This includes in order of seriousness of the offense:

- providing faulty sources;
- copy-pasting material from your own past assignments (self-plagiarism) without the instructor's permission;
- copy-pasting material from external sources even while citing them;
- using verbatim translations from sources in other languages without citing them;
- copy-pasting material from external sources without citing them;
- and buying or commissioning essays from other parties.



IEU students must contact the professor if they don't know whether the use of a document constitutes plagiarism. The professor will advise the student on how to present said material. All written assignments have to be submitted through Turn-it-in, which produces a similarity report and detects cases of plagiarism. Professors are required to check each student's academic work in order to guarantee its originality. If the originality of the academic work is not clear, the professor will contact the student in order to clarify any doubts. Students using external tutorial support should report it to the professor and the BIR Program from the moment they began receiving this support. In the event that the meeting with the student fails to clarify the originality of the academic work, the professor will inform the Director of the Bachelor Program about the case, who will then decide whether to bring the case forward to the BIR Academic Review Panel. Very high similarity scores will be automatically flagged and forwarded to the Academic Review Panel. Plagiarism constitutes a very serious offense and may carry penalties ranging from getting a zero for the assignment to expulsion from the university depending on the severity of the case and the number of times the student has committed plagiarism in the past.

## **BIBLIOGRAPHY**

### **Compulsory**

- Peter Van den Bossche, Werner Zdouc. (2022). *The Law and Policy of the World Trade Organization: Text, Cases, and Materials*. 5th. Cambridge University Press. ISBN 9781108784542 (Digital)

### **Recommended**

- Peter van den Bossche and Denise Prevost. (2016). *Essentials of WTO law*. Cambridge. ISBN 110703583X (Printed)

## **BEHAVIOR RULES**

Please, check the University's Code of Conduct [here](#). The Program Director may provide further indications.

## **ATTENDANCE POLICY**

Please, check the University's Attendance Policy [here](#). The Program Director may provide further indications.

## **ETHICAL POLICY**

Please, check the University's Ethics Code [here](#). The Program Director may provide further indications.