UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto degli Scambi Internazionali - 2

2021-3-E1801M045-E1801M064M-T2

Learning objectives

The course aims to develop students' understanding of the fundamental principles governing international markets for goods and services, through the analysis of the origin and development of the World Trade Organization and its various principles and agreements.

Contents

The lessons will focus on the following topics:

1) The evolution of international trade liberalization: from the General Agreement on Tariffs and Trade 1947 to the Uruguay Round.

2) The birth of the World Trade Organization and the institutional structure

3) The principle of non-discrimination

4) The exceptions

5) The General Agreement on Trade in Services (GATS)

6) The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs Agreement)

7) The Agreement on Trade-Related Investment Measures Affecting Trade (TRIMs Agreement)

)8) The Agreement on Agriculture.

9) The Understanding on Dispute Resolution

10) The relationship between international trade law and environmental protection

Detailed program

The lessons will focus on the following topics:

1) The evolution of international trade liberalization: from the General Agreement on Tariffs and Trade 1947 to the Uruguay Round. Historical background of the present WTO covering the resort to protectionism after first world war, great depression in 1930s, rise of totalitarianism in Germany and Italy, realization of the mistakes by Allied powers and birth of the idea of Bretton Woods institutions, failure of the idea of International Trade Organization (ITO), inception of GATT 1947, different rounds of negotiations between 1947 and 1994, and finally the Uruguay Round.

2) The birth of the World Trade Organization. Structure and content of the WTO agreements. Overview on GATT 1994 and 12 other agreements contained in Annex 1A of the WTO Agreement that regulate policies relating to international trade in goods. The principle of single undertaking and its limits. The institutional structure of the WTO. The Members. The decision-making process and acts.

3) The rule of non discrimination . Most Favorite Nation Clause. National treatment clause. The principle of reciprocity. Concept of “Like products”. Non-tariff barriers. Agreement on Technical Barriers to Trade (TBT). Agreement on Sanitary and Phytosanitary (SPS) Measures. Rules of Origin.? Pre-shipment Inspection. Agreement on Import Licensing.

4) Prohibition of quantitative restrictions. Dumping and unti-dumping rights. Derogation and safeguard clauses. Exceptions to the prohibition of quantitative restrictions. Balance of payments safeguard measures. General exceptions. Regional economic integration zones.

5) The Agreement on Services (GATS). Historical background. The four modes of supply for the delivery of services in cross-border trade. Services Sector Classifications addressed in the GATS. Criticisms.

6) The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs). Background and history. Requirements TRIPs member states to provide strong protection for intellectual property rights. Access to essential medicines. Software and business method patents. Implementation in developing countries. Criticism.

7) The TRIMs Agreement on Trade-Related Investment Measures Affecting Trade. The notion of foreign direct investment. National restrictions on investment. The measures prohibited by TRIMS. The treatment of developing countries.

8) The Agreement on Agriculture. Origins and historical context. The three pillars of the Agreement on Agriculture: domestic support, market access, export subsidies. The treatment of developing countries: the special safeguard mechanism and special products.

9) Dispute Settlement Understanding. The procedure: from complaint to final report (the inverted consensus). WTO Appellate Body. The question of compliance and compensation/retaliation. The impasse of dispute settlement system.

10) The relationship between international trade law and environmental protection. Overview of trade restrictive measures in international environmental agreements and their compatibility with WTO law. Analysis of the practice resulting from the WTO dispute settlement mechanism in which international environmental agreements and principles have played a role.

Prerequisites

Teaching methods

Lectures/case law analysis

Assessment methods

The examination will take place in written form

Textbooks and Reading Materials

In addition to the material provided by the teacher, the topics covered in the lessons can be studied in depth by studying the text of G. Venturini, L'Organizzazione Mondiale del Commercio, Giuffré, ultima edizione

Semester

Second semester

Teaching language

Italian