UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

International Trade Law

2223-2-F5602M008-F5602M014M

Learning objectives

The course aims at providing students with the knowledge necessary to understand and the critical thinking ability necessary to evaluate the trade policies and choices operated by the major players on the International markets of goods and services

Contents

Study will focus on the multilateral system administered by the World Trade Organization. Its evolution - from a tariff agreement in the aftermath of the Second World War, to an intergovernmental organization uniting, after China and Russia joined in, 164 countries representing almost the whole volume of International trade - will be exposed, together with its basic principles and rules. Particular attention will be placed in dealing with the relationship between the liberalization of trade and services' flows and the policy space maintained by WTO's Member States to pursue non trade values such as human rights, social rights, the environment, public health and development. The rationale and effectiveness of the rules shall be discussed in the light of the case law of the dispute settlement bodies of the Organization and of the status of WTO Agreements in EU law. A discussion on the impact of the present COVID-19 and of the 2007-2008 financial crisis on trade and on the capacity of the WTO system to restrain the raise of protectionism will introduce a final reflection on the future of the Organization, which appears challenged by the ever more frequent turn of its Members towards the conclusion of regional and preferential agreements and by the hostility of the Trump Administration towards multilateralism. A closer look into the TTIP negotiation will allow to give an insight into the recent trends in International investment law.

Detailed program

The debate on liberalized trade - Origin and structure of the World Trade Organization - Analysis of the basic rules

of the system .and of its leeways (waivers and derogations) - Special rules for developing countries - Protection of non trade values such as public health and the environment in the case law of the Panels and of the Appellate Body -Trade defence measures (anti-dumping, subsidies and safeguard measures) -

Critical issues in the liberalization of services - Structure and contents of the Agreement on the trade related aspects of intellectual property rights (TRIPs) - The tension between multilateralism and regionalism in international trade - The trade policy of the EU and the TTIP negotiation - The disputes settlement mechanism as the main feature for an assessment of the effectiveness of the multilateral system.

Prerequisites

Teaching methods

Lectures and case study. Much of the learning in this module will take place through class discussion and debate. Students will be expected to be in class having read the materials assigned. Every week a “panel” of students will be asked to volunteer to prepare the assignments for the following week.

During the COVID-19 emergency period, lessons will be held remotley asynchronously with synchronous videoconferencing events.

Assessment methods

The exam is oral, but attending students will be admitted to an optional final written exam. Assessment will value for two thirds the knowledge of the program covered by the course;, one third of the grading shall assess either the discussion in class of the assignments for attending students, or the discussion of one case law during the oral exam.

The commission will evaluate the degree of knowledge of the program, according to criteria of completeness of knowledge, appropriate use of legal language, critical thinking skills in the exposition of issues. There are no intermediate exams.

During the COVID-19 emergency exams will be online. They will be carried out using the WebEx platform; on the e-learning page of the course there will be a public link for access to the examination.

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Textbooks and Reading Materials

A. GUZMAN, J. PAUWELYN, J. HILLMAN, International Trade Law, 3rd Global Edition, New York, 2016, paperback (selected pages).

WTO Agreements and text of Panels and Appellate Body's Reports (http://www.wto.org); further materials shall be made available on the course e-learning page.

Semester

First semester

Teaching language

English

Sustainable Development Goals

GOOD HEALTH AND WELL-BEING | DECENT WORK AND ECONOMIC GROWTH | INDUSTRY, INNOVATION AND INFRASTRUCTURE | REDUCED INEQUALITIES | RESPONSIBLE CONSUMPTION AND PRODUCTION | CLIMATE ACTION