UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

International Trade Law

2526-2-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 analising 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 aid for development. The course will include an insight into the recent trend to address climate change throught trade measures, focusing on the Carbon Border Adjustment Mechanism (CBAM) and Deforestation Free Products Regulations of the European Union. 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. In the final part of the course, the analysis of some of the unilateral measures adopted by the US Administration with regard to international trade rules will introduce a reflection on the future of the WTO, which appears challenged by the ever more frequent turn of its Members towards the conclusion of regional and preferential agreements and by the resumption of protectionist policies by its Members.

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 -The EU trade policy and climate measures (CBAM and Deforestation Free Products Regulation) - 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 disputes settlement mechanism as the main feature for an assessment of the effectiveness of the multilateral system; its crisis and the temporary solution proposed by the EU and other countries - The crisis of the multilateral trading system and the prospects for its reform.

Prerequisites

Teaching methods

All lessons will begin with a first part in which concepts are presented (DE). Subsequently, students will be given the possibility of presenting group work and reflecting together on the topics exposed (DI). All lessons will be in presence.

Frontal teaching (DE): frontal lesson/seminar. Some topical issues may be discussed in seminars held by experts in the sector.
Interactive teaching (DI): 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.

Group project: Every week a “panel” of students will be asked to volunteer to prepare the assignments for the following week, in order to promote the use of soft skills (exposition, synthesis, to coordinate with other classmates) and to develop research capacity.

Self-learning methods: during the lessons, tools that allow the student to continuously update the knowledge learned will be presented (digital platforms, podcasts, specialized journals, WTO and European institutional pages).

Assessment methods

There are no intermediate exams.
The course ends with an oral examination consisting in open questions regarding the arguments examined during the lessons, that is ultimately aimed to assess the students' knowledge of the program and their capacity for autonomous reflection with respect to the topics covered.

On a voluntary basis, students will be able to carry out a final written exam based on open questions and case resultion on the basis of the principles studied during the course.
Group project: The objective is to value the capacity of analysis and presentation. This exercise will allow the student to add from 0-2 points to their final vote.

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.

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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).

D. BETHLEHEM, D. MC RAE, R. NEUFELD, I. VAN DAMME, The Oxford Handbook of International Trade Law (Oxford Handbooks), second edition, Oxford, 2022 (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