UNDERSTANDING INTERNATIONAL TRADE LAW

Time: Wednesday 09:30-12:30
Professor: Hyo-Young LEE
            hylee0116@naver.com
Office Hour: By appointment

■ COURSE DESCRIPTION

This course deals with existing and new developments in the world trading system, especially with regard to multilateral trade rules in the WTO. The main objective of this course is to provide necessary understanding and analytical capability to students who may practice in relevant subject areas or pursue scholarly interests in this field. In particular, the course will focus on policy and legal issues that have become increasingly important in the current world trading system.

This course will cover more fundamental issues in understanding the world trading system. The sequential course in the next semester will deal with more advanced topics in this subject area. Students taking this course will be expected to read relevant reading materials that include textbook chapters, academic articles, or policy reports related to the subject matter covered each week, and take active part in presentations on relevant WTO dispute cases each week.

■ READING MATERIALS

The basic textbook as required reading material to this course is Law and Policy of the World Trade Organization, Peter van den Bossche & Werner Zdouc (3rd ed., 2013). Students with serious interest in particular issues may want to refer to additional reading materials listed in the recommended reading list. Students are also advised to regularly keep up with current developments on international trade issues. Useful sources include, BNA International Trade Daily, Inside U.S. Trade’s World Trade Online, and the ‘world trade’ section in the Financial Times.

Other textbooks on international trade law will be required or recommended for reading of which you may also want to refer to for further research and studies in your area of interest:


■ EVALUATION

Students attending the course will be expected to prepare for the lectures in advance by reading related materials, and will be required to submit summaries of WTO dispute cases (maximum 2 pages) that are designated for the week (relevant to the covered subject) at the beginning of class. The format of the course will be lecture and student presentations on relevant WTO dispute cases, which will be evaluated and reflected in your course grades. Minimum requirements for students are:

- Class participation (including attendance): 10%
- Submitted summaries of WTO dispute cases: 10%
- Case presentation: 40%
- Final exam: 40%

■ COURSE OUTLINE & READINGS

1. Introduction to the Study of International Trade Policy and Law

REQUIRED
- WTO, World Trade Report 2008, Trade in a Globalizing World, Chapter II

RECOMMENDED

2. Institutional Evolution of the GATT/WTO

REQUIRED

RECOMMENDED
- John H. Jackson, Restructuring the GATT System (1990, The Royal Institute of International Affairs)
University Press)
- David A. Gantz, Liberalizing International Trade after Doha: Multilateral, Plurilateral, Regional and Unilateral Initiatives (2014, Cambridge)

3. Dispute Settlement System in GATT/WTO

REQUIRED
- WTO, Overview of the WTO Dispute Settlement System,
  https://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm
- WTO Dispute Cases, https://www.wto.org/english/tratop_e/dispu_e/dispu_status_e.htm
- WTO Legal Texts (including WTO Agreements),
  https://www.wto.org/english/docs_e/legal_e/legal_e.htm

RECOMMENDED
- J. Waincymer, WTO Litigation (2002, Cameron May)

4. Most Favored Nation (MFN) and National Treatment

REQUIRED
- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Chapters 4-5.
- WTO, Korea - Taxes on Alcoholic Beverages (WT/DS75/R)
- WTO, Korea - Measures Affecting Imports of Fresh, Chilled and Frozen Beef (WT/DS161, 169/R)

RECOMMENDED
- Matsushita et al., The World Trade Organization, Chapters 6-7.
- WTO, Chile - Taxes on Alcoholic Beverages (WT/DS87/R, WT/DS110/R)

5. Trade Remedies (I): Anti-Dumping

REQUIRED
- WTO, US - Anti-Dumping Measures on Stainless Steel Plate in Coils and Stainless Steel Sheet and Strip (WT/DS179/R)
- WTO, Explanation of the Anti-Dumping Agreement, www.wto.org/english/tratop_e/adp_e/antidum2_e.htm

RECOMMENDED
- Matsushita et al., The World Trade Organization, Chapter 10.
- Brink Lindsey & Dan Ikenson, Antidumping Exposed (2003, Cato Institute)

6. Trade Remedies (II): Subsidies and Countervailing Duties

REQUIRED
- WTO, Australia – Subsidies Provided to Producers and Exporters of Automotive Leather (WT/DS126/R)
- WTO, Japan – Countervailing Duties on DRAM from Korea (WT/DS336/R & WT/DS336/AB/R)
RECOMMENDED
- Matsushita et al., The World Trade Organization, Chapter 11.
- Luca Rubini, The Definition of Subsidy and State Aid: WTO and EC Law in Comparative Perspective (2009, Oxford)
- Claire Micheau, State Aid, Subsidy and Tax Incentives under EU and WTO Law (2014, Wolters Kluwer)

7. Trade Remedies (III): Safeguard Measures

REQUIRED
- WTO, Korea – Definitive Safeguard Measures on Imports of Certain Dairy Products (WT/DS98/AB/R)

RECOMMENDED
- Matsushita et al., The World Trade Organization, Chapter 12.
- Dukgeun Ahn, Restructuring the WTO Safeguard Mechanism, in The WTO Trade Remedy System: East Asian Perspectives (eds. by M. Matsushita, D. Ahn and T. Chen; Cameron May, 2006)
- WTO, US – Anti-Dumping and Countervailing Measures on Large Residential Washers from Korea (WT/DS464)

8. Regional Trade Agreements

REQUIRED
- WTO, Turkey – Restrictions on Imports of Textile and Clothing Products (WT/DS34/R)
- WTO, Brazil – Measures Affecting Imports of Retreaded Tyres (WT/DS332/R)

RECOMMENDED
- Matsushita et al., The World Trade Organization, Chapter 14.
- Jeffrey A. Frankel, Regional Trading Blocs in the World Economic System (1997, Institute for International Economics)
- Gary Horlick, WTO and NAFTA Rules and Dispute Resolution: Selected Essays on Antidumping, Subsidies and other Measures (2003, Cameron May)
- Gary Clyde Hufbauer & Jeffrey J. Schott, NAFTA Revisited: Achievements and Challenges
(2005, Institute for International Economics)

9. Article XX Exceptions

REQUIRED

RECOMMENDED
- Matsushita et al., The World Trade Organization, Chapter 20.
- WTO, EC – Measures Affecting Asbestos and Asbestos-Containing Products (WT/DS135/R)

COURSE SCHEDULE

Week 1 (September 5) - Introduction to the Study of International Trade Policy and Law
  ✓ Course introduction, sources for information, internet search methods, student presentation method

Week 2 (September 12) – Institutional Evolution of the GATT/WTO
  ✓ Lecture on how the WTO evolved from GATT

Week 3 (September 19) – Dispute Settlement System in GATT/WTO
  ✓ Lecture on how trade disputes are resolved under the WTO system

Week 4 (September 26) – Most Favored Nation (MFN) and National Treatment
  ✓ Lecture on the principles of non-discrimination and how to apply the rules

Week 5 (October 10) – Most Favored Nation (MFN) and National Treatment
  ✓ Student presentation (1): Korea – Taxes on Alcoholic Beverages
  ✓ Student presentation (2): Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef
Week 6 (October 17) – Trade Remedies (1): Anti-Dumping
   ✓ Lecture on the WTO rules on anti-dumping measures

Week 7 (October 24) – Trade Remedies (1): Anti-Dumping
   ✓ Student presentation (1): US – Anti-Dumping Measures on Stainless Steel
   ✓ Student presentation (2): US – Laws, Regulations and Methodology Calculating Dumping Margin

Week 8 (October 31) – Trade Remedies (2): Subsidies and Countervailing Duties
   ✓ Lecture on the WTO anti-subsidy mechanism

Week 9 (November 7) – Trade Remedies (2): Subsidies and Countervailing Duties
   ✓ Student presentation (1): Australia – Subsidies Provided to Producers and Exporters of Automotive Leather
   ✓ Student presentation (2): Japan – Countervailing Duties on DRAM from Korea

Week 10 (November 14) – Trade Remedies (3): Safeguard Measures
   ✓ Lecture on the WTO safeguard mechanism

Week 11 (November 21) – Trade Remedies (3): Safeguard Measures
   ✓ Student presentation (1): Korea – Definitive Safeguard Measures on Imports of Certain Dairy Products
   ✓ Student presentation (2): US – Definitive Safeguard Measures on Imports of Circular Welded Carbon Quality Line Pipe from Korea

Week 12 (November 28) – Regional Trade Agreements
   ✓ Lecture on Regionalism vs. Multilateralism
   ✓ Student presentation (1): Turkey – Restrictions on Imports of Textile and Clothing Products
   ✓ Student presentation (2): Brazil – Measures Affecting Imports of Retreaded Tyres

Week 13 (December 5) – Article XX Exceptions
   ✓ Lecture on Interface between Trade and Environment
   ✓ Student presentation (1): US – Import Prohibition of Certain Shrimp and Shrimp Products
   ✓ Student presentation (2): US – Import Prohibition of Certain Shrimp and Shrimp Products (Article 21.5)

Week 14 (December 12) – Final Exam (to be conducted in-class)