

JUR – 3602 Introduction to International and EU Trade Law

Admission Requirements

Students must be on master level and should have a basic knowledge of EU law and public international law.

Students at the Integrated master's degree programme in law may choose this course as a partial fulfilment of the requirements for the elective part of the programme's fifth year, cf. Programme Specification for the Master's Degree in Jurisprudence at the University of Tromsø (Studieplan for graden Master i rettsvitenskap ved Universitetet i Tromsø), Sec. 4.

Followed by necessary application and admission process, other students (such as exchange students) may also choose this course, cf. Regulations for the Elective Component in the Master's Degree Programme in Jurisprudence (Reglement for den valgfrie delen av masterstudiet i rettsvitenskap) (Regulation).

Students who do not have admission to the Master of Law-studies at the Faculty of Law must contact the Faculty for information about required qualifications and application process for this course.

Course Contents

This course offers an introduction to International and EU Trade Law encompassing a general overview of both legal frameworks, and a more specific focus on selected key substantive and procedural law topics. Furthermore, the course intends to enable the participating students to understand, evaluate and to compare the main similarities and differences between WTO and EU trade law.

In respect of International Trade Law, the course first offers a brief overview of International Trade Law as a whole, but subsequently focuses exclusively on the World Trade Organization (WTO). Within the WTO framework, the course focuses particularly on the General Agreement on Tariffs and Trade (GATT 1994), on the General Agreement on Trade in Services (GATS), and on the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU). Consequently, topics discussed in the course include issues on market access, tariff and non-tariff barriers to trade, non-discrimination (national treatment and most-favoured-nation treatment), general and security exceptions, and settlement of disputes.

In respect of EU trade law, the course covers, firstly, a brief historical background of EU Law and the key EU institutions. Furthermore, the course focuses on the conferral and division of competences between Member States and the EU. Subsequently, the course delves into the

essence of the leading principles and remedies in place that ensure that EU Law is made into an effective legal system. Lastly, the course gives an introduction to an essential element of the substantive law of the EU, namely how the free movement of goods, persons and services is accomplished within the Union.

Objective of the Course

Knowledge:

Having passed the exam, the student shall have acquired:

- General knowledge of international trade law as a whole;
- General knowledge of the origins, structure, and functioning of the WTO;
- General knowledge of the Uruguay Round Agreements;
- Advanced knowledge of the basic rules of the GATT 1994;
- Advanced knowledge of the basic rules of the GATS;
- Knowledge of the DSU;
- General knowledge of the history of the EU and its institutions;
- General knowledge of how power is transferred from Member States to the EU and how competences are divided between Member States and EU institutions;
- General knowledge of the supremacy of EU Law and the means employed to ensure the effectiveness of the EU legal system;
- Advanced knowledge of free movement of goods within the EU Internal Market;
- Advanced knowledge of free movement of persons and services within the EU; Internal Market

Skills:

Having passed the exam, the student is able to:

- Identify and analyze legal problems of both theoretical and practical character within international and EU trade;
- Apply knowledge gained of International and EU Trade Law in a critical and independent way;
- Identify and discuss limitations of the current law;
- Construct and communicate legal reasoning, orally and in writing, in a clear and precise manner.

General Competence:

Having passed the exam, the student is able to:

- Apply the knowledge and skills obtained in the field of International and EU Trade Law individually and in cooperation with others;
- Communicate reasoning within the fields of International and EU Trade Law in a clear and precise manner, orally and in writing to the academic community and the general public;
- Identify and reflect on ethical dilemmas that may arise within International and EU Trade Law and deal with these in a responsible manner;
- Master the English language and terminology within the fields of International and EU Trade Law;
- Apply knowledge and skills acquired within International and EU Trade Law to research projects, legal counseling, and other tasks in their future careers.
- Make comparisons and to single out basic similarities and differences between the WTO and EU legal systems

Language of Instruction

All teaching will be held in English and the exam must be written in English.

Teaching Methods

30 hours of teaching divided between lectures and seminars. Student participation is sought through discussion of the prescribed material.

Assessment

The assessment for this course is conducted through a six hours written exam. The exam may include theoretical and/or practical case questions.

The grading scale is from A to F, where A constitutes the best grade and F constitutes fail. Students who fail their examination are entitled to re-sit the examination, cf. regulations for examinations at the University of Tromsø Sec.22.

Recommended Reading/Syllabus

- Peter Van den Bossche and Denise Prévoost, "Essentials of WTO Law", Cambridge University Press, 2016 (320p.)
- Nigel Foster, "Foster on EU Law", Sixth Edition, Oxford University Press, 2017 (358p.)

Additional Optional Readings (Books available at UiT Library)

- Peter Van den Bossche and Werner Zdouc, “The Law and Policy of the World Trade Organization”, Cambridge University Press, 4th edn., 2017.
- Michael Trebilcock, Robert Howse and Antonia Eliason, “The Regulation of International Trade”, Routledge, 2013.
- Daniel Bethlehem, Isabelle Van Damme, Donald McRae, and Rodney Neufeld, “The Oxford Handbook of International Trade Law”, Oxford University Press, 2012.

COURSE CONTENTS

A. International Trade Law

1. Introduction to International Trade Law (30 min.)
2. The World Trade Organization (WTO) general overview (30 min.)
3. The General Agreement on Tariffs and Trade (GATT 1994) (4 hours)
4. The General Agreement on Trade in Services (GATS) (4 hours)
5. The Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) (2 hours)

B. EU Trade Law

1. EU institutions and constitutional arrangements (2 hours)
2. EU and the effectiveness of its legal system (2 hours)
3. The rules of the internal market (2 hours)
4. Free movement of goods (2 hours)
5. Free movement of persons and services (3 hours)

C. Allocation of time for the International Trade Law part of the course

- **Lectures** – 11 hours of lectures integrating both theory and practical examples with the following division:
 Topic 1 (30 min.)
 Topic 2 (30 min.)
 Topic 3 (4 hours)
 Topic 4 (4 hours)

Topic 5 (2 hours)

- **Seminars:** 4 hours of seminars dedicated exclusively to solving practical cases.

D. Allocation of time for the EU Trade Law part of the course

- **Lectures** – 11 hours

Topic 1 (2 hours)

Topic 2 (2 hours)

Topic 3 (2 hours)

Topic 4 (2 hours)

Topic 5 (3 hours)

- **Seminars:** 4 hours of seminars dedicated exclusively to solving both practical cases and theoretical topics.