**HANOI LAW UNIVERSITY**

**FACULTY OF INTERNATIONAL TRADE AND BUSINESS LAW**

DEPARTMENT OF MULTILATERAL TRADE AND INTERNATIONAL INVESTMENT LAW

COURSE OUTLINE

THE WTO LAW

2017

I. COURSE INFORMATION

|  |  |
| --- | --- |
| Degree: | Bachelor of English Language |
| Course: | The WTO Law |
| Semester/Academic Year: | II/2017-2018 |
| Number of credits: | 02 |
| Lecture hours: | 10 credit hours |
| Seminar hours: | 20 credit hours |
| Team work hours: | 4 credit hours |
| Self-study hours: | 4 credit hours |
| Pre-requisite(s): | Public International Law |

II. LECTURERS INFORMATION

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No | Name | Title | Email | Tel |
|  | Nguyen Thanh Tam | Ph.D | luat\_tmqt@yahoo.com | 04.37731787 |
|  | Nguyen Thi Thu Hien | Ph.D | luat\_tmqt@yahoo.com | 04.37731787 |
|  | Nguyen Ba Binh | Ph.D | luat\_tmqt@yahoo.com | 04.37731787 |
|  | Nguyen Thi Anh Tho | LLM | luat\_tmqt@yahoo.com | 04.37731787 |
|  | Ho Thuy Ngoc | Ph.D | luat\_tmqt@yahoo.com | 04.37731787 |
|  | Vu Thi Kim Ngan | Ph.D | luat\_tmqt@yahoo.com | 04.37731787 |
|  | Trinh Hai Yen | PhD | luat\_tmqt@yahoo.com | 04.37731787 |
|  | Others |  |  |  |

III. COURSE DESCRIPTION

The course of the WTO Law provides the basic knowledge of the World Trade Organization’s legal system governing global trade. Through this course, students will be equipped with the following knowledge:

1) Overview of the WTO Law;

2) Fundamental principles of the WTO Law and its exceptions;

3) The WTO Agreements - Main source of the WTO Law;

4) Other sources of the WTO Law;

5) Relationship between the WTO Law and national law

IV. LEARNING OBJECTIVES

Upon completion of this course, students will be able to know:

* Overview of the WTO and WTO Law; the relationship between the WTO and FTAs;
* The principles of the WTO - the “Rules of the game” of global trade;
* Sources of the WTO law;
* Overview of the WTO Agreements governing the relations between WTO Members in three areas: trade in goods, trade in services and trade-related intellectual property rights;
* Issues raised for members on how to implement the WTO accession commitments;
* Initiate the analysis and analysis of legal issues in trade relations among the WTO members;
* Apply knowledge learned such as the principles of MFN, NT, freer trade, predictability, fair competition, encouraging development and economic reform, environment protection, the rules of WTO agreements, etc., to explain the specific situations in trade relations among the WTO members.

V. CONTENTS OF THE COURSE

**Issue 1. Overview of the WTO Law**

1.1. Multilateral trade system - Past, present and future

1.2. The WTO members

1.3. The WTO in the international economic order (including relationship between the WTO and FTAs)

1.4. The WTO and developing countries

**Issue 2. Fundamental principles of the WTO Law and Exceptions**

2.1. Reminding fundamental principles

2.2. Exceptions

**Issue 3. The WTO Agreements - Main source of the WTO Law**

3.1. Overview of WTO agreements within the Uruguay Round

3.2. Overview of WTO agreements after the Uruguay Round

**Issue 4. Other sources of the WTO Law**

4.1. Reports of the WTO’s dispute settlement body

4.2. International customs

4.3. Others

**Issue 5. Relationship between the WTO Law and national law**

5.1. Traditional theories on the relationship between the WTO law and national law

5.2. Three ways to implement the WTO commitments within the national legal order

**VI. DETAILED OBJECTIVES**

|  |  |  |  |
| --- | --- | --- | --- |
| **Objective**  **Issue** | **Level 1** | **Level 2** | **Level 3** |
| **1.**  Overview of the WTO Law | **1A1.** Introducing the history of the WTO.  **1A2.** Listing the purpose of the WTO.  **1A3.** Listing the functions of the WTO.  **1A4.** Introducing the structure of the WTO.  **1A5.** Determining the terms and conditions of entry for the applicant government in WTO.  **1A6.** Describing the relationship between the WTO and FTAs.  **1A7.** Presenting the incentives for developing countries in WTO | **1B1**. Analysing the purpose of the WTO.  **1B2.** Analysing the relationship among WTO's agencies.  **1B3.** Analysing the relationship between the WTO and other international organizations. | **1C1.** Givingcomments on the position and role of the WTO in the development of international trade.  **1C2.** Givingcomments on the participation of developing countries in WTO. |
| **2.**  Basic principles of the WTO Law | **2A1.** Presenting content of the basic principle: Non-Discrimination, “Freer trade: gradually, through negotiation”, “Predictability: through binding and transparency”, “Promoting fair competition”, “Encouraging development and economic reform”.  **2A2.** Presenting content exceptions of the basic principles of the WTO Law | **2B1**. Analysing the impact of basic principles on trade liberalization among WTO members.  **2B2**. Appling the exceptions of basic principles to solve specific case studies. | **2C1.** Giving comments on the role of basic principles for international trade of the members in WTO. |
| **3.**  The WTO Agreements - Main source of the WTO Law | **3A1.** Introducing the system of WTO agreements within the Uruguay Round and after the Uruguay Round.  **3A2.** Describing the WTO Agreement on Trade in Goods.  **3A3.** Presenting the basic contents of the GATT Agreement.  **3A4.** Presenting the basic contents of the GATS Agreement.  **3A5.** Presenting the basic contents of the TRIPs Agreement | **3B1.** Comparing the content between international trade in goods and international trade in services.  **3B2.** Analysing the relationship between trade in goods agreements, trade in services agreement and agreement on trade related aspects of intellectual property rights in WTO. | 3C1. Reviewing the successes and limitations of trade in goods agreements, trade in services agreement, agreement on trade related aspects of intellectual property rights, [the dispute settlement understanding](https://www.wto.org/english/tratop_e/dispu_e/disp_settlement_cbt_e/c1s2p1_e.htm) in WTO. |
| **4.**  Other sources of the WTO Law | **4A1.** Presenting the name and basic content of the three types of reports of the WTO Dispute Settlement Body  **4A2.** Describing the structure of a Report of the WTO Dispute Settlement Body.  **4A3.** Listing other sources of WTO law. | **4B1.** Analysing a report of the WTO Dispute Settlement Body.  **4B2.** Analysing the content of other sources of WTO law. | **4C1.** Giving comments on the importance of other sources of WTO law.  **4C2.** Giving comments on the relationship among the sources of WTO law. |
| **5.**  Relationship between the WTO Law and national law | **5A1.** Presenting content of the traditional theories on the relationship between the WTO law and national law.  **5A2.** Presenting three ways to implement the WTO commitments in the national legal order. | **5B1.** Analysing content of the traditional theories on the relationship between the WTO law and national law.  **5B2.** Analysing three ways to implement the WTO commitments in the national legal order. | **5C1.** Giving comments on three ways of implementing WTO commitments in practice. |

VII. READINGS

**Compulsory Readings:**

1. Hanoi Law University, *International Trade and Business Law Textbook*, the People’s Public Security Publishing House, Hanoi, 2012 (this Bilingual Textbook was published within framework of the Viet Nam - MUTRAP Project III).

**Others:**

**\* Books**

# Raj Bhala, *International Trade Law - Interdisciplinary Theory and Practice*, LexisNexis Publisher, third version, 2007(Loose-leaf version).

# [Peter Van den Bossche](https://www.amazon.com/s/ref=dp_byline_sr_book_1?ie=UTF8&text=Professor+Peter+Van+den+Bossche&search-alias=books&field-author=Professor+Peter+Van+den+Bossche&sort=relevancerank), *The Law and Policy of the World Trade Organization: Text, Cases and Materials*, Cambridge University Press; third edition (September 23, 2013).

# WTO Secretariat, *Understanding the World Trade Organization*

https://www.wto.org/english/thewto\_e/whatis\_e/tif\_e/understanding\_e.pdf

# John H. Jackson, *The World Trading System, Law and Policy of International Economic Relations*, 2nd edn, 2002.

1. *WTO Agreements Series*

https://www.wto.org/english/res\_e/publications\_e/wto\_agree\_series\_e.htm.

1. Craig Van Grasstek, *The History and Future of the World Trade Organization*, 2013

https://www.wto.org/english/res\_e/booksp\_e/historywto\_e.pdf

1. *The 2017 World Trade Report*

https://www.wto.org/english/res\_e/publications\_e/wtr17\_e.htm

1. WTO Dispute Settlement: One-Page Case Summaries (1995-2016)

https://www.wto.org/english/res\_e/publications\_e/dispu\_settlement\_e.htm.

1. *20 Years of the Information Technology Agreement*

https://www.wto.org/english/res\_e/publications\_e/ita20years2017\_e.htm

1. *The 2017 Annual Report*

https://www.wto.org/english/res\_e/publications\_e/anrep17\_e.htm

1. *WTO* [*Publications Catalogue*](https://www.wto.org/english/res_e/publications_e/wto_publications_catalogue_e.pdf)

<https://www.wto.org/english/res_e/publications_e/wto_publications_catalogue_e.pdf>

**\* International documents**

# WTO, Report of the Working Party on the Accession of Viet Nam and Viet Nam’s WTO Commitments.

<http://wtocenter.vn/sites/wtocenter.vn/files/wto/attachments/Report%20of%20the%20Working%20Party%20on%20the%20Accession%20of%20Vietnam.pdf>

2. WTO, Trade Policy Review - Viet Nam

<https://www.wto.org/english/tratop_e/tpr_e/tp387_e.htm>

3. WTO, Marrakesh Agreement and its Annexes.

**\* Websites**

* + 1. WTO, <http://www.wto.org>
    2. EU-MUTRAP, http://www.mutrap.org.vn
    3. http://chongbanphagia.vn
    4. MOFA, http://www.mofa.gov.vn
    5. MOIT, http://www.moit.gov.vn

**VIII. TEACHING AND LEARNING METHODS/APPROACHES**

- A combination of different teaching and learning methods, including: Lectures; Socrates; Case study; Workshop; Teamwork presentation; Others.

- Students are required to prepare the topics before attending class and to actively participate in class discussion.

IX. COURSE SCHEDULE/TEACHING PLAN

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Week** | **Issue** | **Lecture** | **Seminar** | **Team work** | **Self-study** | **Assignment** | **Total of credit hours** |
| 1 | 1 | 2 | (4) |  |  | Receiving assignments | 4 |
| 2 | 2 | 2 | (4) |  | (2) |  | 4 |
| 3 | 3 | 2 | (4) |  |  |  | 4 |
| 4 | 4 | 2 | (4) | (2) | (2) |  | 4 |
| 5 | 5 | 2 | (4) | (2) | (2) | Submitting individual assignment | 4 |
| **Total of credit hours** | | **10** | **20** | **2** | **3** |  | **30** |

**X. ASSESSMENT**

|  |  |  |  |
| --- | --- | --- | --- |
| No | Type of assignment | Rate | Requirements |
|  | 01 Individual assignment | 10% | * Form: In-class exam. * Content: Questions relating to the knowledge that students have learnt. |
|  | 01 teamwork paper and oral presentation | 10% | * Form: 3-5 page Essay (Appendix included, if any). * Content: Questions relating to the knowledge of whole course. |
|  | 01 Semester assignment | 10% | * Form: 3-5 page Essay (Appendix included, if any). * Content:Questions relating to the knowledge of whole course. |
|  | Final exam | 70% | * Form: Multiple choice test |
|  | Total | 100% |  |

XI. OTHER REQUIREMENTS

- Plagiarism in any forms will result in FAIL for the related academic work.

- Cheating on any exam also results in FAIL to the student who commits the cheating and to the person who allows others to copy his/her work.

- No excuses for the ignorance of the guidelines for academic works set by Hanoi Law University.