

<b>Name:</b>	 <b>UPES</b> UNIVERSITY WITH A PURPOSE
<b>Enrolment No:</b>	

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**Online End Semester Examination, May 2021**

**Course: International Trade Law (Hons.)**  
**Program: B.B.A., LL.B. (Hons.) Corporate Laws 2017**  
**Course Code: CLCP4003**

**Semester: VIII**  
**Time 03 hrs.**  
**Max. Marks: 100**

**SECTION A**

- 1. Each Question will carry 5 Marks**
- 2. Instruction: Answer in 30-50 words**

S. No.	Questions	CO
Q 1	Are the policy goals of GATT 1994, Article III: 2 and III: 4 different?	<b>CO2</b>
Q2	Write a note on the waiver power of the WTO.	<b>CO1</b>
Q3	Why did the WTO Panel explicitly reject the so-called "aim-and effect" test in Japan – Alcoholic Beverages II?	<b>CO3</b>
Q4	What is the nature of exception carved out for Regional Trade Agreements under GATT 1994?	<b>CO1</b>
Q5	How does the notion of judicial economy affect the effectiveness of the WTO Dispute Settlement System?	<b>CO2</b>
Q6	What are Regional Development Subsidies? Are they subject to countervailing duties under ASCM?	<b>CO1</b>

**SECTION B**

- 1. Each question will carry 10 marks**
- 2. Instruction: Answer in 100-150 words**

Q 7.	“I have some sympathy for the view that the dispute settlement panels and the appellate court must defer somewhat more to the political process instead of making law in controversial matters. I was astonished that the appellate court, in effect, reversed longstanding jurisprudence on process and production methods in Shrimp/Turtle case. I have little doubt that the jurists were reflecting the political pressures brought by the rich-country environmental NGOs and essentially made law that affected the developing countries adversely.” Do you agree with the above statement of Jagdish Baghwati? Substantiate.	<b>CO4</b>
Q 8	“Issues of national security are political matters not susceptible to review or capable of resolution by WTO dispute settlement. If the WTO were to undertake to review an invocation of Article XXI, this would undermine the legitimacy of the WTO's dispute settlement system and even the viability of the WTO as a whole” – Do you agree?	<b>CO3</b>
Q 9	Write a note on the requirement of ‘unforeseen developments’ in the imposition of safeguard measures in the context of Hatters Fur case (1951)	<b>CO2</b>
Q 10	How will you interpret Article III (8) of GATT, 1994 in the light of India – Certain Measures Relating to Solar Cells and Solar Modules?	<b>CO4</b>
Q 11	“WTO Members have the right to determine the level of protection of health that they consider appropriate in a given situation ... [t]he more vital or important [the] common interests or values pursued, the easier it would be to accept as ‘necessary’ measures designed to achieve those ends.” Elaborate upon the jurisprudential developments that have reduced down the threshold of proof of ‘necessary’ under Art. XX of the GATT.	<b>CO3</b>

**Section C**

**1. Each Question carries 20 Marks. Each sub question carries 10 marks**

**2. Instruction: Answer in 250-300 words**

Q.12	<p>A. Country A is a WTO Member. Alfa bikes and Zeta wheels are the largest producers of bicycles in the country. They produce mainly (90 per cent) mountain bikes. Alfa bikes and Zeta wheels represent 85 per cent of the domestic industry. Their production is almost entirely destined for export. Domestic sales of bicycles represent 4.9 per cent of the total production. In particular, out of the total production of mountain bikes, domestic sales amount to only 3.8 per cent; 60 per cent are exports to the large neighbouring country E; and the remaining production is exported to a few other medium-sized markets. Labour is relatively cheap in country A and, due to a recent devaluation of the national currency, exports are increasing. In the neighbouring WTO Member country E, there are seven major bicycle producers that have traditionally dominated the market. The overall economic trend in country E starts to weaken, and the market for bicycles experiences a slump. In particular, the domestic producers face declining market shares and decreasing profits. Four out of the seven major producers, representing 55 per cent of the total production, file a complaint before the competent authorities claiming that the bicycles from country A, in particular mountain bikes, are being dumped in country E's market. The competent authorities examine the facts and make a preliminary determination that there is sufficient evidence to start an anti-dumping investigation based on the information available in the complaint. The authorities define the product concerned as 'mountain bike' bicycles. You have been requested by Alfa bikes and Zeta wheels to prepare a report on the likelihood of an anti-dumping measure.</p> <p>You have been requested by Alfa bikes and Zeta wheels to prepare a report on the likelihood of an anti-dumping measure.</p> <p>B. Republic of Lotivia has developed a high labour standard over the years in conformity with the ILO Conventions. It has been the global leader in advocating for the incorporation of labour standards under the WTO regime. Retoria is a developing country with poor labour standard, and its economy is based on the flourishing asbestos industry run on highly deplorable labour standards. It has a very high percentage of mortality rate below 30 years of age due to cancer or related illness. In November 2018, Lotivian scientists, after a decade long research, publicly disclosed that the chrysotile asbestos from Retoria has a component which is highly dangerous to human health. During this revelation, the Lotivian scientists stated that there is a high probability of other asbestos produced in Retoria having similar toxic components due to poor processing standards. They also concluded this to be the prime reason behind the high level of underage mortality, not just of workers but also of the public in general, in Retoria. In December 2018, Lotivian representative to the World Health Summit urged the world community to take steps to protect their citizens as well as to protect the people in Retoria by adopting appropriate measures to ban import of asbestos from Retoria. In the same speech, he also mentioned that the Lotivia is also producing asbestos in a highly human friendly environment, and the toxic components of the asbestos are eliminated in the end product. In January 2019, the Government of Lotivia notified that "pursuant to the concerns expressed by us in the World Health Summit, the import of all six forms of asbestos from Retoria is prohibited". Retoria has approached the WTO Dispute Settlement Body against the trade embargo imposed by Lotivia. Sketch the arguments available for both the States.</p>	<b>CO5</b>
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