

Name:		
Enrolment No:		

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

Course: WTO and the Law	Semester: VIII
Programme: B.B.A.LL.B. (Hons.) (International Trade and Investment Law)	
Course Code: CLIN 4003	Time: 03 hrs. Max. Marks: 100

SECTION A

1. Each Question will carry 5 Marks
2. Instruction: Answer all the questions.

S. No		Marks	C O
	Attempt all questions. All questions carry equal marks. (5 marks each)		
Q 1	Write a short note on Most Favoured Nation.	5	C O 1
Q 2	Write a short note on National Treatment	5	C O 1
Q 3	Write a short note on Amber Box.	5	C O 1
Q 4	Write a short note on Actionable Subsidies	5	C O 1
Q 5	Write differences between The GATT Versus TBT Versus SPS	5	C O 1
Q6	Write Difference between Public and Private International Law	5	C O 1

SECTION-B

1. Each Question will carry 10 Marks
2. Instruction: Answer all the questions. Support your answers with relevant legal provisions and case laws (if any)

Q 7	“Art III of GATT 1994 presupposes non discrimination between the domestic and the imported goods under certain conditions” Discuss this statement in the light of ingredients of Article III of the GATT	10	C O 2
Q 8	Suppose United Kingdom imposes an internal ad valorem tax of 5% on imported candies and a 3% ad valorem tax on domestic chocolates. Is the UK tax discriminatory and if yes, under what article of GATT 1994.	10	C O 2

Q 9	US, Canada and India are member of WTO. North Korea and Libya are non members. Canada enters into a bilateral investment treaty with Libya extending MFN treatment to each other. Canada charges 3% export duty on Apparel export from Libya under the Bilateral Investment Treaty, while it charges 5% duty on like exports from India. India has approached to dispute settlement body through you. What advice will you lend to India in this case.	10	C O 3
Q 10	<p><i>“The agreement on Agriculture contains provisions regarding members commitment to reduce export subsidies. So if govt is providing subsidies for export then it is against WTO guidelines. However there also exist a provision of permissible limits”.</i></p> <p>In the light of the above statement justify what is the level of domestic support that could be provided by a WTO member to its agricultural sector and which is not required to be included in the calculation of its Current Total AMS?</p>	10	C O 3
Q 11	<p><i>Anti-dumping dispute, an international dispute that arises very frequently in modern international trade, exerts a great negative influence on the normal operation of international trade.</i></p> <p>In the light of the above statement justify explain what is dumping of goods and how a product is considered to be “dumped”? Discuss the scope and application of Article VI of GATT, 1994. Explain the process governing anti-dumping measures under the WTO.</p>	10	C O 2
SECTION-C			
Question for 20 marks. Support your answers with relevant legal provisions and case laws (if any)			
Q 12	<p>In a case that we discussed in class panel report said that <i>“Members must ensure that such measures are not more trade-restrictive than required to achieve their appropriate level of sanitary or phytosanitary protection”</i></p> <ol style="list-style-type: none"> a. In the light of the statement do you think governments can take adequate precautions when determining food safety and animal and plant health requirements, even in cases where there may not be sufficient scientific evidence for a definitive decision on appropriate safety measures? Can unsafe products be banned? b. Can SPS Agreement restrict a government's ability to establish food safety and plant and animal health laws? c. Do you feel the SPS Agreement affect countries' measures to protect the environment and animal welfare? 	20	C O 4