

Loyola School of Law
INTERNATIONAL TRADE LAW
Fall 2018

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BASIC INFORMATION and SYLLABUS – version 01

Class room: Burns 210

Class hours: Mondays and Wednesdays, 3:20-4:50pm

Cancelled classes Monday, 27 August

Make-up classes: *Monday or Tuesday, 8-9 October*

Course Materials:

1. DANIEL C.K. CHOW AND THOMAS J. SCHOEBAUM, INTERNATIONAL TRADE LAW: PROBLEMS, CASES, AND MATERIALS (3rd edition, 2017) Do **not** read authors' "PROBLEMS" and "NOTES AND QUESTIONS" in assigned pages unless specifically directed in this syllabus.
2. WTO and bilateral treaties posted on TWEN. We will focus on "GATT 1947," "GATT 1994" and the "DSU" but elements of other posted treaties will be discussed.
3. *Supplemental materials as described in the syllabus.* As with treaties, all supplemental readings are available on TWEN.

Evaluation and Class Format:

Grading in the course will be based on a final, 24-hour take home examination. In addition, class participation will be used to adjust grades upward or downward. **Students are expected to be prepared each class to participate based on class readings.** Internet use during class is strictly FORBIDDEN. *Students found to be using the internet during class will have their final grade lowered significantly.*

SYLLABUS

Again, there is NO need to read the casebook authors' "PROBLEMS" or "NOTES AND QUESTIONS" unless specifically assigned in the syllabus, but DO read text under headers like "NOTE ON DISPUTE RESOLUTION"

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I. THE REALITY, HISTORY, AND INSTITUTIONS OF THE GLOBAL ECONOMY

Casebook pages

8 - 42 ["International Trade Flows" to "NOTES AND QUESTIONS"]

Additional TWEN readings, briefly review (do not read in detail):

Hawaii-US Treaty of Friendship, Commerce, and Navigation 1849

Argentina-US Treaty of Friendship, Commerce, and Navigation 1853

Casebook pages

49 - 62 ["Negotiating Trade Concessions" (including Figure 1-12) to "The Proposed Trans-Pacific Partnership"]

83-96 ["Dispute Settlement Within the WTO" to *Japan – Measures Affecting . . . Paper*]

105 - 108 ["E. Principles of Interpretation . . ." including *Japan – Taxes on Alcoholic Beverages*]

Additional TWEN readings [skim to become familiar with article headings]

GATT 1947

GATT 1994

WTO "*Dispute Settlement Understanding*" (DSU)

II. THE INTERNATIONAL LAW/DOMESTIC LAW INTERFACE FOR TRADE

Casebook pages

115 - 136

III. NATIONAL TREATMENT -- GATT ARTICLE III

TWEN: *GATT 1947 – Article III*

Casebook pages

149 ["Introduction"]

162 - 179 ["III. National Treatment" through *Canada – Certain Measures . . .*]

IV. THE MOST-FAVORED-NATION CLAUSE – GATT ARTICLE I

TWEN: *GATT 1947 – Article I*

Casebook pages

149 - 150 ["II. The Most Favored Nation Principle]

154 - 157 [*Treatment by Germany of Imports of Sardines*]

Additional TWEN readings, excerpts from

Japan – Tariff on Imports of Spruce-Pine-Fur (SPF) Dimension Lumber, GATT Panel Report adopted 19 July 1989, 36th Supp. BISD 167 (1990) [Japan – SPF edited.doc]

Spain – Tariff Treatment of Unroasted Coffee, GATT Panel Report, adopted 11 June 1981, 28th Supp. BISD 102 (1982) [Spain Coffee edited.doc]

Casebook pages

157 - 162 [Canada – Certain Measures Affecting the Automobile Industry and “D. Exceptions to MFN Obligations”]

V. CUSTOMS AND TARIFF LAW – CLASSIFICATION, VALUATION AND RULES OF ORIGIN

Casebook pages

199 - 204 [through *Argentina – Measures Affecting Imports of Footwear . . .*]

208 - 209 [“III. Harmonized Tariff System”]

213 - 215 [to “IV. Customs Procedures” to “V. Product Classification”]

222 - 231 [*Bausch & Lomb, Mead Corporation* through *I.E. Dupont de Nemours*]

236 - 255 [*Luigi Bormioli* to “VIII. Customs and Free Trade Areas”]

VI. CLASSIC NON-TARIFF BARRIERS

TWEN: *GATT 1947 – Articles X.1, XI, III.1, III.2 and IV*

Casebook pages

265 - 280 [to *European Communities – Regime for . . . Bananas*]

296 – 312 [“IV. Technical Regulations and Product Standards” to “V. State Trading Enterprises”]

VII. REGIONAL AND HISTORY-BASED TRADING ARRANGEMENTS

TWEN: *GATT 1947 – Article XXIV*

Casebook pages

51 - 57 [“VII. Preferential Trade Agreements” to PROBLEMS 1-12]

280 - 284 [*European Communities – Regime for . . . Bananas*]

255 – 264 [VIII. Customs & Free Trade Areas. . . (skim formulae at end)]

VIII. THE “GENERAL EXCEPTIONS” TO WTO/GATT

TWEN: *GATT 1947 – Articles XX and XXI*

WTO Agreement on Sanitary and Phytosanitary Measures

Casebook pages

319 – 320

344 -361 [III. Product Safety to “Notes and Questions”]

364 - 372 [“Note on the EC Biotech Products Case” through *Brazil – Retreaded Tyres*]

321 – 344 [II. Environmental Protection]

152 – 153 [Belgian Family Allowances]
395 – 398 [VIII. Workers’ Rights through “Note on Human Rights . . .]

IX. DUMPING, SUBSIDIES, AND SAFEGUARDS

Casebook pages

467 – 474 [to “C. The Calculation of Anti-Dumping Duties”]
492 – 501 [“E. International Law Discipline” through *United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products*]
521 – 524 [“C. Challenging Subsidies at the WTO . . .”]
531 – 537 [*Indonesia – Certain Measures Affecting the Automobile Industry*]
541 – 550 [“Note on the Aircraft Trade Subsidy War . . .” through *United States – Countervailing Duty Investigation on DRAMS*]

X. UNDERSTANDING THE MULTI-FRONT STRUGGLES OF THE TRUMP ADMINISTRATION

You guessed it – STILL TO COME.

*I sincerely doubt we will be able to cover all the material in Parts IX and X.
So, stay tuned, as I update on readings and pages.*

End of syllabus, version 01

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THIS IS AVAILABLE ON THE TWEN SYSTEM