

Roll No.

SAP ID



**SET B**

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**

**End Semester Examination, July 2020**

**Open Book – Through Blackboard Learning Management System**

**Course: International Trade Law**

**Course Code: LLBL554**

**Semester: 8**

**Programme: BBA, LL.B. (Hons.) Corporate Laws 2016**

**Time: 03 hrs.**

**Max. Marks: 100**

**Instructions:**

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

**All Questions are Compulsory**

**Answer each question in not more than 500 words**

S. No.		Marks	CO
1	“Most Favoured Nation Clause (MFN) and National Treatment are central to multilateral trading”. Analyse this statement briefly in the light of Article 1 of General Agreement on Tariffs and Trade (GATT) 1994. What are its exceptions? Support your answer with the help of WTO decision namely “ <i>Venezuela, Brazil versus US: gasoline case</i> ”	20	CO1 CO2
Ans.			
2	1. Can one country tell another what its environmental regulations should be? 2. Do trade rules permit action to be taken against the method used to produce goods (rather than the quality of the goods themselves)? Examine the following questions in light of Tuna- Dolphin Case settled at WTO.	20	CO2
Ans.			
3	“Enacted in 1989, the U.S. Endangered Species Act, Section 609 is a provision with extraterritorial reach that would become known as the Sea Turtle Act The carrot, Section 609(a), calls upon the departments of state and commerce to initiate negotiation of agreements with other countries "for the protection and conservation of sea turtles," specifically including all governments with jurisdiction	20	CO4 CO3

	<p>over commercial fishing operations that "may affect adversely such species of sea turtles." The stick comes in Section 609(b), which prohibits, after May 1, 1991, the import of wild-caught shrimp "which have been harvested with commercial fishing technology which may affect adversely such species of sea turtles.</p> <p>In a controversial twist, however, Section 609 allowed for an exception to the importation ban alluded to in 609(b). Exporting nations were deemed to be exempted from the prohibition of 609(b) if "certified" by the President based on "documentary evidence of the adoption of a regulatory program governing the incidental taking of such sea turtles in the course of such harvesting that is comparable to that of the United States" and an average rate of incidental take of turtles comparable to the U.S. average."</p> <p>Do you think such U.S. restrictions on the importation of shrimp violated Articles 1:1, XI: I, and XHI: I of GATT 1994? Further whether or not Section 609 qualify under the exceptions of Article XX (b) or XX (g).</p>		
Ans.			
4	<p>"About two thirds of the WTO's around 164 members are developing countries. They play an increasingly important and active role in the WTO because of their numbers, because they are becoming more important in the global economy, and because they increasingly look to trade as a vital tool in their development efforts. Developing countries are a highly diverse group often with very different views and concerns."</p> <p>How does WTO deal with the special needs of developing countries? Explain elaborately.</p>	20	CO5
Ans.			
5	<p>Part I: Article 3 of Agreement on Anti- dumping on "determination of injury" stipulates that a determination of injury for purpose of Article VI of GATT 1994 shall be based on positive evidence and involve an objective examination of both</p> <ol style="list-style-type: none"> <li>The volume of the dumped imports and the effects of the dumped imports on price in the domestic market for like products and</li> <li>The consequent impact of these imports on domestic producers of such product.</li> </ol> <p>Explain.</p>	20	CO3 CO1
Ans.			

I, ....., understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.