


Model Question Paper (Blank) is on next page

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, Aug 2020

Course: International Trade Law

Semester: X

Program: B.Com,LLB Taxation Laws 2015

Time: 03 hrs.

Course Code: LLBL554

Max. Marks: 100

Instructions: Your answers should be precise and to the point

S. No.		Marks	CO
Q 1	Answer the following questions within 30-50 words: (Answer any 6 questions)	5*6=30	
A	What was the significance of the Bretton Woods Conference in the aftermath of World War – I?	5	CO1
B	Are the policy goals of GATT Article III: 2 and III: 4 different?	5	CO2
C	Write a note on the amendment procedure at the WTO.	5	CO2
D	Why did the WTO Panel explicitly reject the so-called "aim-and effect" test in Japan – Alcoholic Beverages II?	5	CO3
E	What does the Enabling Clause, 1979 state in relation to Special & Differential Treatment to Developing and Least-developed Countries?	5	CO4
F	What is false judicial economy?	5	CO2
G	What are Tokyo Round Codes?	5	CO3
H	What are import substitution subsidies?	5	CO4

SECTION B

Q 2	Answer the following questions within 100-150 words: (Answer any 5 questions. Question No. 'A' is compulsory to attempt)	10*5=50	
A	“If an interpretation of the chapeau of Article XX were followed which would allow a Member to adopt measures conditioning access to its market for a given product upon the adoption by exporting Members of certain policies, including conservation policies, GATT 1994 and the WTO Agreement could no longer serve as a multilateral framework for trade among Members as security and predictability of trade relations under those Agreements would be threatened. This follows because if one WTO	10	CO4

	Member were allowed to adopt such measures, then other Members would also have the right to adopt similar measures on the same subject but with differing, or even conflicting, policy requirements. Indeed, as each of these requirements would necessitate the adoption of a policy applicable not only to export production ... but also domestic production, it would be impossible for a country to adopt one of those policies without the risk of breaching other Members' conflicting policy requirements for the same product and being refused access to these other markets” – Do you agree? Discuss in light of important cases.		
B	“[T]he elimination of ‘duties and other restrictive regulations of commerce’ between parties to a free-trade area ... is the very raison d’être of any free-trade area. If the alleged violation of GATT 1994 forms part of the elimination of ‘duties and other restrictive regulations of commerce’, there can be no question of whether it is necessary for the elimination of ‘duties and other restrictive regulations of commerce?’” – Discuss the panel report of US-Line Pipe in the light of the above observation	10	CO3
C	Write a note on the concept of ‘parallelism’ involved in a safeguard action discussed in the light of Argentina – Footwear (EC).	10	CO3
D	“We gave a good deal of thought to the question of the security exception which we thought should be included in the Charter. We recognized that there was a great danger [in] having too wide an exception [...] because that would permit anything under the sun. Therefore we thought it well to draft provisions which would take care of real security interests and, at the same time [...] to limit the exception so as to prevent the adoption of protection for maintaining industries under every conceivable circumstance. [...] It is really a question of balance.” – Substantiate.	10	CO2
E	Does the waiver power of WTO help in reconciliation of competing interests? Discuss in light of Kimberly and TRIPS waiver.	10	CO2
F	Country A, a WTO Member has recently transformed its economy and opened up to international trade. Since that time, the country has increased exports within several industrial sectors. At the same time increasing imports in other sectors are gradually taking over parts of the domestic market. Country A is a large producer of porcelain and ceramics, of which 55 per cent goes for export and the rest is sold domestically. Domestic producers have traditionally held 80 per cent of the market share on the domestic market. One of the main export markets is country D, a country that is in serious economic crisis. Last year exports to country D fell and finally two of the main porcelain and ceramics producers in country A went bankrupt and closed down their production. Imports during this period have increased only marginally. However, the market share of the domestic producers fell. The remaining domestic producers are very concerned about the situation, and call for government protection.	10	CO5

	<p>a) Would this situation signify “increased imports”, which could justify safeguard measures under the SA?</p> <p>b) In the assessment of injury, which factors should be examined? Could another factor other than increased imports be causing the injury?</p>		
G	<p>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>	10	
SECTION-D			
Q 7	<p>Answer the following question within 300-500 words:</p> <p>Since the Republic of Arcadia became a Member of the WTO in 1996, the Government of that country has been preoccupied by the low ratings of Arcadian-origin programmes broadcast on the country’s single television network, ArcaTV. In order to change this state of affairs, the government decided to create the Arcadian Broadcasting Control Board (the “ABCB”) in 1999. The ABCB is a non-governmental body that has been delegated broad powers to regulate television transmission services in Arcadia, and to issue mandatory directives to promote the development of a national television production industry. In 2001, the ABCB issued</p>	20	CO3, CO4, CO5

the “Broadcast Directive”, which includes a provision requiring that a majority of television transmission time be reserved for Arcadian-produced programmes. The Directive also states that this requirement shall be enforced by “whatever means necessary” and that, in particular, the re transmission of all foreign news bulletins is prohibited. Numerous WTO Members have criticized the decision of the ABCB, claiming that it discriminates against foreign television production and distribution services and service suppliers. However, Arcadian officials have replied that this Directive is “aimed at protecting Arcadian culture and advancing vital national interests” and, is therefore not subject to the GATS. Moreover, at the time of the negotiation on accession to the WTO, Arcadia did not include Commitments on “Audiovisual services” and “Radio and television services” in its Schedule of Specific Commitments.

a) Is the “Broadcast Directive” a measure covered by the GATS?

b) Assuming that the GATS applies to the “Broadcast Directive”, is such a measure inconsistent with any provision of the GATS?

In 2002, Arcadia and its neighbor, the Kingdom of Utopia, reached a bilateral agreement on mutual cooperation in the areas of culture and education. By the end of 2002, the ABCB amended the “Broadcast Directive” in order to implement the new bilateral agreement. Under the amended “Broadcast Directive”, which entered into force on 1 January 2003, 15 per cent of total television transmission time shall be reserved exclusively for programmes of Utopian origin. The amended Directive also grants to Utopian television production companies the right to establish branches to produce television programmes in Arcadia. Such rights have not been extended to services or services suppliers of other WTO Members.

c) Is the amended “Broadcast Directive” consistent with Article II of the GATS? (Please note that Arcadia did not schedule any Article II Exemptions).

d) Is Arcadia under an obligation to inform the GATS Council for Trade in Services of the amendment to the “Broadcast Directive”?

