

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May, 2019

Course: International Trade Law	Semester: X
Programme: B.Com.LLB (Taxation Laws)	CC:LLBL 554
Time: 03 hrs.	Max. Marks: 100
Instructions:	

SECTION A

S. No.		Marks	CO
Q 1	What do you understand by the 'Enabling Clause'?	5	3
Q 2	Differentiate between <i>de jure</i> and <i>de facto</i> discrimination.	5	3

SECTION B

Q 3	What measures does the TRIMS Agreement prohibit? What role did the FIRA case play in this regard?	10	3
Q 4	Which provisions enumerated under GATT Article XX are of particular relevance to the protection of the environment? Elaborate, supporting your answer with GATT/WTO case law where necessary.	10	3

SECTION-C

Q 5	Why have the structural adjustment requirements under the IMF and the World Bank come under a lot of criticism? Discuss.	20	3
	OR		
Q 6	What was the key focus of the Uruguay Round negotiations? Discuss the achievements of this Round in light of the immediately preceding Round.	20	3

SECTION-D

	Saxony is a developed country located in the temperate region of the world. It has a preferential trade agreement with its neighbours Ireland and Belgium among others. In 2018, it brought in new regulations concerning import duties of rice. Under Regulation 1573/95 import duties were fixed at 80% and 85% for husked Indica and husked Japonica rice respectively while for milled Indica and milled Japonica varieties, duties were increased to 164% and 166% respectively (Indica and Japonica rice primarily differ in their appearance and starch content). In addition, special treatment was accorded to Basmati rice (milled Indica variety) originating in India		
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	and Pakistan so that duties were brought down by around 40%. All countries trading in rice with Saxony export a combination of all varieties mentioned above except Malgosia (an Asian country), which exclusively exports the milled Indica variety. Malgosia believes that the new regulations imposed by Saxony are in contravention of the provisions of GATT. It has chosen to bring a complaint to the WTO after Consultations failed, claiming that Regulation 1573/95 is inconsistent with GATT Article I: 1.		
Q 7	Prepare arguments on behalf of Malgosia citing relevant GATT/WTO jurisprudence.	20	3
Q 8	Prepare counter arguments on behalf of Saxony.	15	3
Q 9	What options are open to Malgosia should the WTO Panel rule in its favour but Saxony is unwilling to comply with the recommendations of the Panel?	15	3

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SECTION A

S. No.		Marks	CO
Q 1	What is the 'Gold Standard'?	5	3
Q 2	What does the Theory of Absolute Advantage refer to?	5	3

SECTION B

Q 3	What kind of discrimination was found by the Panel in the Spanish Coffee case? What test was applied?	10	3
Q 4	What was the key focus of the Tokyo Round negotiations? Discuss the achievements of this Round in light of the first five Rounds.	10	3

SECTION-C

Q 5	When and under what circumstances can WTO member states choose arbitration to settle certain issues in conflict? Elaborate, citing relevant cases.	20	3
	OR		
Q 6	What were the main findings of the Appellate Body in the Shrimp-Turtle dispute? Discuss how GATT/WTO jurisprudence had evolved since the Tuna-Dolphin case.	20	3

SECTION-D

	<p>Xanadu is a developing country located in the tropical region of the continent of Africa. In early 2018, it adopted a new tax measure for soft drinks of all categories and other fruit beverages. Under this regime, soft drinks using non-cane sweeteners such as High Fructose Corn Syrup (HFCS) and beet sugar are subject to 15 % transfer and service tax while soft drinks and beverages sweetened with traditional cane sugar are exempted. A number of countries export soft drinks and/fruit beverages to Xanadu using a combination of both cane and non-cane sweeteners. However, both Germania and Trista export soft drinks and other beverages to</p>		
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	<p>Xanadu using only HFCS or beet sugar as sweetener. In Xanadu on the other hand, around 30% of soft drinks are produced using HFCS while all fruit beverages exclusively use cane sugar, which in turn boosts the domestic sugar industry.</p> <p>Both Germania and Trista have chosen to bring complaints to the WTO alleging that the new tax measure imposed by Xanadu (also a WTO member) is inconsistent with GATT Article III: 2.</p>		
Q 7	<p>Prepare arguments on behalf of Germania and Trista supporting their claim that Xanadu's new tax measure is inconsistent with GATT Article III:2, first and second sentence.</p>	25	3
Q 8	<p>Prepare counter arguments in support of Xanadu, which claims that its tax measure on soft drinks and other beverages falls within the de minimis threshold.</p> <p>In preparing your arguments, cite relevant GATT/WTO jurisprudence where applicable.</p>	25	3