


Name:			
Enrolment No:			
UPES End Semester Examination, May 2024			
Course: International Trade and Investment Law Program: B.A./B.B.A./B.Com LL.B. Course Code: CLCP4008 Instructions:		Semester: VIII Time : 03 hrs. Max. Marks: 100	
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	Write a short note on Aggregate Measurement of support (AMS).	2	CO1
Q 2	Define the concept of Jurisdiction <i>Ratione Temporis</i> .	2	CO1
Q 3	Write a brief note on Tariffication under the framework of WTO.	2	CO1
Q 4	Write a brief note on contribution of ICSID in resolution of investment disputes.	2	CO1
Q 5	Define practice of "Treaty Shopping"	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	What do you mean by subsidies? State whether the following are prohibited or actionable subsidies. a. Local content subsidies. b. Production subsidy	5	CO2
Q 7	Explain the significance of the Annexures under the Marrakesh Agreement?	5	CO2
Q 8	Make a chart of the organizational structure of WTO.	5	CO2
Q 9	Explain the difference between the first and the second sentence of the III:2 of GATT.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	Enumerate and explain different criteria used to define a foreign investor in the light of decided international investment disputes.	10	CO3
Q 11	In light of India's recent signing of the Trade and Economic Partnership Agreement (TEPA), how has its stance on Regional Trade Agreements (RTAs) transformed over time? Outline India's evolving approach in three distinct phases.	10	CO3

SECTION-D
(2Qx25M=50 Marks)

Q 12	<p>Plaintiff, Chample Incorporation of Republic of Mambia, invested in Republic of Zamba to build hazardous-waste landfill in Guadalcazar, a town of Zamba. The Zamba Government , Defendant, told Plaintiff all requisite permits would be issued. A dispute arose on two grounds. The first was a set of events that cumulatively denied the Chample a permit to operate a hazardous waste disposal facility in Guadalcazar. The second was a state-level act that essentially converted the property into an ecological reserve, taking all private use rights away from plaintiff. Based on these facts would it be considered indirect expropriation? Answer this by analysing different factors which are to be considered to describe an act of state as expropriation.</p>	25	CO4
Q 13	<p>The case was brought by Canada against the European Union (the "EU") acting on behalf of France. Canada challenged a French decree that came into effect in January 1997 and that, in substantial part, banned the importation of products containing chrysotile asbestos. Theretofore, the leading exporter of those products had been Canada. Their exportation was of economic and political importance to Canada. The prohibitions in the French decree were grounded in the carcinogenic characteristics of chrysotile asbestos, which makes it harmful to human health. These prohibitions applied to asbestos products of domestic and foreign origin and did not single out products originating in Canada.</p> <p>Canada claimed violation of;</p> <ul style="list-style-type: none"> a) Article III:4 of GATT. b) non- tariff barriers is governed by Article XI of GATT c) is not exempted under XX (b) of GATT. <p>Give your opinion.</p>	7.5+5+12.5	CO4

Relevant Provisions

- 1) Article III:2, GATT- The products of the territory of any contracting party imported into the territory of any other contracting party shall not be subject, directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like domestic products. Moreover, no contracting party shall otherwise apply internal taxes or other internal charges to imported or domestic products in a manner contrary to the principles set forth in paragraph 1.
- 2) Article III:4, GATT- The products of the territory of any contracting party imported into the territory of any other contracting party shall be accorded treatment no less favourable than that accorded to like products of national origin in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution or use. The provisions of this paragraph shall not prevent the application of differential internal transportation charges which are based exclusively on the economic operation of the means of transport and not on the nationality of the product.
- 3) Article XI, GATT- No prohibitions or restrictions other than duties, taxes or other charges, whether made effective through quotas, import or export licences or other measures, shall be instituted or maintained by any contracting party on the importation of any product of the territory of any other contracting party or on the exportation or sale for export of any product destined for the territory of any other contracting party.
- 4) Article XX(b), GATT- Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures: ...*(b)* necessary to protect human, animal or plant life or health;