

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **WTO Law**
Semester-VII (Batch: 2013-18)

Mid Semester Test: August-2016**Date: 12th August, 2016****Duration: 2 hours****Max. Marks: 30****Instructions:**

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.
- **Bare Act is not allowed.**

**Answer the following questions:
(Maximum 550-600 words for each answer)**

**Marks
(3x10=
30)**

- Q.1 In view of a threat of global outbreak of Avian Influenza (AI), Rothania, a regular bulk importer of certain agricultural and poultry products from Caprican, had last year amended its Livestock Importation Act, 1898, to contain provisions regulating, restricting, or prohibiting the importation of livestock, which may be liable to be affected by infectious or contagious diseases. As per Section 2(d) of the said Act livestock products include meat and meat products of all kinds. Rothania's Department of Animal Husbandry, Dairying, and Fisheries (DAHDF) had prepared a National Action Plan (NAP) pursuant to the said Act, as amended, taking into account new experiences, lessons from the past and contemporary scientific information on various infectious or contagious diseases, including AI, affecting livestock to deal any eventuality. Owing to recent concerns related to AI, on 1st July 2016 Rothania imposed prohibitions on the importation of certain poultry products from Caprican. Whereas, Caprican fears that the said prohibition is inconsistent with the relevant provisions of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), and Articles I (Most-Favoured-Nation Treatment) and XI (General Elimination of Quantitative Restrictions) of the General Agreement on Tariffs and Trade, 1994 (the GATT, 1994), and thereby benefits accruing to it directly or indirectly under the cited agreements appear to be nullified or impaired. On 5th August 2016 Caprican moved the Dispute Settlement Body (DSB) of the World Trade Organization (WTO) requesting consultations with Rothania pursuant to Articles 1 and 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article 11 of the SPS Agreement, and Article XXII of the GATT, 1994 with respect to the above-said prohibitions. Kindly presume that Rothania and Caprican are members of the WTO.
- (a) As a legal counsel of Caprican, elaborate on the legal recourse Caprican can avail under the WTO dispute settlement mechanism with respect to consultations and also panel procedures, if the consultations fail.
- (b) In case the Panel and Appellate Body find Rothania's prohibitive measures

inconsistent with the above-cited agreements, what are the options available for Rothania for complying with the rulings and recommendations of the DSB?

- Q.2 'India had effectively blocked the adoption of Trade Facilitation Agreement (TFA), an agreement on new global customs rules, at the General Council meeting of the WTO held on 31st July 2014. After intensive consultations, the WTO Members reached an agreement at the General Council meeting on the Protocol text, amending the WTO Agreement, leading to the adoption of TFA on 27th November 2014'.
- (a) How could India successfully block the adoption of TFA at the General Council meeting held on 31st July 2014? Analyze in the light of the method of decision-making at the WTO.
 - (b) Pursuant to the above-given situation, elaborate how an amendment can be effected into the WTO Agreement.
- Q.3 Critically examine the issues of progressive trade liberalization under various negotiating rounds of the GATT during 1947-1994. Also, spell out the circumstances in which certain new trade sectors were brought into during the Uruguay round negotiations.
