

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: WTO Law

Semester- VII (Batch: 2019-24)

End Semester Examination: November 2022

Date: 13th Nov, 2022

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 550-600 words for each question

Answer any five of the following questions:

Marks

- Q.1 The Car Programme, 2018 of Rorampton provided that national cars manufactured in a foreign country, i.e., Clavampton, by the Rorampton nationals fulfilling the local content requirements prescribed by the Rorampton Ministry of Industry and Commerce should be treated the same as national cars manufactured in Rorampton and therefore were exempted from import duties and luxury tax. The Car Programme further provided that the above-said exemptions would be granted only once for a maximum period of one year and would involve a total number of vehicles to be stipulated by the said Ministry. Subsequently, cars imported from Noveria into Rorampton could not avail any import duty exemption. Presume that Rorampton, Clavampton and Noveria are members of the WTO. (Note: it is a hypothetical case and used only for examination purpose) (5x2= 10)
- a) Can the Car programme of Rorampton be held to be consistent with Article I:1 of the GATT, 1994? Examine.
 - b) Whether Article I:1 of the GATT, 1994 does include *de facto* discrimination? Explicate.
- Q.2 The EC Regulation of 1989 established common marketing standards for preserved sardines, specifying that only products prepared from 'Sardina pilchardus walbaum' (found mainly in the Eastern North Atlantic, in the Mediterranean Sea and the Black Sea) could be marketed/labelled as 'preserved sardines'. Peru being an exporter of products prepared from another species of sardines called 'Sardinops sagax sagax' (found mainly in the Eastern Pacific along the coasts of Peru and Chile) to the EC claimed that the said Regulation prevented its exports from continuing to use the trade description 'preserved sardines' for those products. It further claimed that as the *Codex Alimentarius* standards listed 'Sardinops sagax sagax' among those species which could be traded as 'sardines', the said Regulation constituted an unjustifiable barrier to trade, and was in violation of the provisions of the TBT Agreement. (5x2= 10)
- a) Does the EC Regulation constitute a 'technical regulation' in accordance with the TBT Agreement? Examine.

- b) How does a 'standard' differ from a 'technical regulation'? Evaluate in the light of the TBT Agreement.
- Q.3 A Korean regulatory scheme provided for a 'dual retail system' confining sales of imported beef to specialized stores. As a result, imported beef could be sold only in small-scale foreign beef shops, or in certain large-scale stores. The small retail shops had a choice regarding the beef they could sell. They could sell only Korean beef, or only foreign beef, but not both products. The large retailers like department store or supermarket could sell both imported and domestic beef, but only if so authorized. (5x2=10)
- a) Whether the Korean 'dual retail system' can be considered to be consistent with Article III:4 of the GATT, 1994? Examine.
- b) Can the concept of 'like products' in Article III:4 be interpreted in the same manner as in Article III:2, first sentence? Evaluate.
- Q.4 'If, as a result of unforeseen developments and of the effect of the obligations incurred by a contracting party under this Agreement, including tariff concessions, any product is being imported into the territory of that contracting party in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers in that territory of like or directly competitive products, the contracting party shall be free, in respect of such product, and to the extent and for such time as may be necessary to prevent or remedy such injury, to suspend the obligation in whole or in part or to withdraw or modify the concession.' (5x2=10)
- a) What is the rationale behind the economic emergency exception? Whether the safeguard measures are applied to fair or unfair trade? Clarify.
- b) What are the factors which constitute 'increased imports' within the meaning of the Agreement on Safeguards? Explicate.
- Q.5 European Communities (EC) initiated an anti-dumping investigation into certain imports of cotton-type bed linen from India, and thereupon identified a certain number of different 'models' or 'types' of that product. Then, the EC calculated for each of these 'models' a weighted average normal value and a weighted average export price. The EC next compared the weighted average normal value with the weighted average export price for each 'model'. By subtracting export price from normal value for these models, the EC found that for some 'models' normal value was higher than export price, and for some 'others' export price was higher than normal value. The EC, on the basis of accordingly found dumping margin, imposed anti-dumping duties on the imports of cotton-type bed linen from India. (5x2=10)
- a) Whether the method of 'zeroing' employed by the EC is consistent with Article 2.4.2 of the Agreement on Anti-dumping for establishing the margins of dumping? Elucidate.
- b) What are the basic requirements for the 'determination of injury' under Article 3 of the Agreement on Anti-dumping? Explicate.

Q.6 Write short notes on the following:

(5x2=
10)

- a) Non-violation Complaints under the WTO
- b) General Elimination of Quantitative Restrictions
