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UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination – April, 2017

Program/course: B.Tech Energy Technology + LLB with IPR and B.Tech Cyber Law

Semester – XII

Subject: International Trade Law | **Max. Marks : 100**
Code : LLBL 554 | **Duration : 3 Hrs**
No. of page/s: 2

Section A (10 Marks)

(Word Limit: 150 Words)
(Attempt all questions. Each questions carry equal marks)
General Question- subject matter

Q. No. 1 Write a short note on benefits of WTO.

Q. No. 2 Write a short note on Bilateral Investment Treaties.

Section B (20 marks)- Conceptual Question

(Word Limit: 300 Words/one side of a page)
(Attempt all questions. Each questions carry equal marks)

Q. No. 3 Explain national treatment provision of GATT, 1947.

Q. No. 4 What is Non-Precluded Measures Provisions in Bilateral Investment Treaties?

Section C (20 marks)- Analytical question

(Word Limit: 500 Words/two sides of a page)
(Attempt all questions. Each questions carry equal marks)

Q. No. 5 Explain with the help of case laws and text of GATT, the interpretation taken by WTO tribunals in relation to like products in case of MFN.

Section D (50 marks)

(Attempt all questions. Each questions carry equal marks)
(Word Limit- 1000 Words/not more than two pages)

Q. No. 6 The State of Bravos and the State of Pentos signed a BIT, which came into force on 28 November 2016. Chilly Cyrus Inc. (CC) a Bravosi investor had been given oil exploration contracts in the State of Pentos. The operations of the CC led to significant level of environmental pollution in the State of Pentos. CC was found to be in violation of the environmental norms of Pentos. The Supreme Court of Pentos, on a PIL filed by it imposed a penalty of 53 million Pentosi Dollars (PD). The Bravos-Pentos BIT did not contain an investor-state arbitration provision. It contained only State-State arbitration provision. However, the state of Pentos had a BIT with the State of Casterly-Rock which had an investor-state arbitration provision but it did not have MFN clause. The Bravos-Pentos BIT, however has MFN clause. CC wants to challenge the decision of the Supreme Court in an investor-state arbitration and wants to invoke MFN clause of Pentos-Bravos BIT to access the dispute settlement provision of the Pentos-Casterly Rock BIT.

Argue the case from both the sides on the issue of jurisdiction.

Q. No. 7 Westeros, Bravos and Volantis are the members of the WTO. Westeros is the importer of the automobiles from Bravos and Volantis. Both Bravos and Volantis export both cars and SUVs to Westeros. The tariff charged by Westeros on imports from these two states, for both the categories i.e. cars and SUV is as follows:

Tax Rate charged by Westeros on	*Volume of Imports from Bravos to Westeros*	*Volume Imports from Volantis to Westeros*
Cars – 20 percent	90 percent	10 percent
SUVs – 50 percent	10 percent	90 percent

Does the aforesaid tariff regime amount to discrimination leading to the violation of MFN under Art I:1? Give reasons to justify your answer.