


Model Question Paper (Blank) is on next page

Name:			
Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2019			
Course: International Trade Law		Semester: X	
Program: B.Com,LLB Taxation Laws 2015		Time: 03 hrs.	
Course Code: LLBL554		Max. Marks: 100	
Instructions: Your answers should be precise and to the point			
S. No.		Marks	CO
Q 1	Answer the following questions within 30-50 words: (Answer any 6 questions)	5*6=30	
A	What are Regional Development Subsidies? Are they subject to countervailing duties under ASCM?	5	CO1
B	Is it permitted to use 'zeroing' in context of dumping margin calculation using weighted average-transaction methodology?	5	CO2
C	Two sentences of Article III: 2 of GATT contain different standards of proof. The broader categories of products under the second sentence are subject to higher standard of proof than that of the first sentence. Do you agree with this statement?	5	CO2
D	What is the nature of exception carved out for Regional Trade Agreements under GATT 1994?	5	CO3
E	How does the notion of judicial economy affect the effectiveness of the WTO Dispute Settlement System?	5	CO4
F	Why is the principle of reciprocity central to trade negotiations?	5	CO2
G	State three principles/objectives behind incorporating provisions for lower developing countries under Part IV of GATT, 1994	5	CO3
H	State any three measures that a contracting party is not allowed to undertake under the Market Access principle in GATS.	5	CO4
SECTION B			
Q 2	Answer the following questions within 100-150 words: (Answer any 5 questions. Question No. 'A' is compulsory to attempt)	10*5=50	
A	"I have some sympathy for the view that the dispute settlement panels and the appellate court must defer somewhat more to the political process instead of making law in controversial matters. I was astonished that the appellate court, in effect, reversed longstanding jurisprudence on process and production methods in Shrimp/Turtle case. I have little doubt that the jurists were reflecting the political pressures brought by the rich-country environmental NGOs and essentially made law that affected the developing countries adversely." Do you agree with the above statement of Jagdish Baghwati? Substantiate.	10	CO4

B	“Issues of national security are political matters not susceptible to review or capable of resolution by WTO dispute settlement. If the WTO were to undertake to review an invocation of Article XXI, this would undermine the legitimacy of the WTO's dispute settlement system and even the viability of the WTO as a whole” – Do you agree?	10	CO3
C	Write a note on the requirement of ‘unforeseen developments’ in the imposition of safeguard measures in the context of Hatters Fur case (1951)	10	CO3
D	How will you interpret Article III(8) of GATT, 1994 in the light of India – Certain Measures Relating to Solar Cells and Solar Modules	10	CO2
E	“WTO Members have the right to determine the level of protection of health that they consider appropriate in a given situation ... [t]he more vital or important [the] common interests or values pursued, the easier it would be to accept as ‘necessary’ measures designed to achieve those ends.” Elaborate upon the jurisprudential developments that have reduced down the threshold of proof of ‘necessary’ under Art. XX of the GATT.	10	CO2
F	<p>Rudemptia is a developed country, which is known for high standard of medical facilities provided at a reasonable cost. Every year, more than 500,000 patients across the globe avail the medical facilities in Rudemptian hospitals. Approximately 60% of these patients come from Bramholand, a neighboring State of Rudemptia. Due to significantly less amount of domestic production of medical diagnostic machineries, Rudemptia heavily relies on imports of them from Republic of Elvic. In January 2016, Government of Elvic got information about a possible armed attack by a rebel group in Elvic to overthrow the administration. With increasing intensity of threat of rebellion, the Government of Elvic declared trade restrictions on exports of medical diagnostic machineries to make them available to its military units. Rudemptia was seriously affected by Elvic’s trade restrictions. By December 2016, majority of the hospitals in Rudemptia had scarcity of machineries, which prejudicially affected the quality of services rendered in Rudemptian hospitals. Meanwhile, Bramholand started imposing an additional fee of \$ 1000 as license fee for those patients who travel Rudemptia to avail medical facilities. Rudemptia is challenging the measures of Elvic and Bramholand before the WTO Dispute Settlement Body. Sketch the arguments that can be put forward by the parties to the dispute.</p> <p>Note: All states are parties to the WTO Agreements. Bramholand’s schedule of commitments mentions ‘None’ against market access to ‘Medical services’ in all four modes of supply.</p>	10	CO5
G	Republic of Lotivia has developed a high labour standard over the years in conformity with the ILO Conventions. It has been the global leader in advocating for the incorporation of labour standards under the WTO regime. Retoria is a developing country with poor labour standard, and its economy is based on the flourishing asbestos industry run on highly deplorable labour standards. It has a very high percentage of mortality rate below 30 years of age due to cancer or related illness. In November 2018, Lotivian scientists, after a decade long research, publicly disclosed that the chrysotile asbestos from Retoria has a component which is highly dangerous to human health. During this revelation, the Lotivian scientists stated that there is a high probability of other asbestos produced in Retoria having similar toxic components due to poor processing standards. They also concluded this to be the	10	

	<p>prime reason behind the high level of underage mortality, not just of workers but also of the public in general, in Retoria. In December 2018, Lotivian representative to the World Health Summit urged the world community to take steps to protect their citizens as well as to protect the people in Retoria by adopting appropriate measures to ban import of asbestos from Retoria. In the same speech, he also mentioned that the Lotivia is also producing asbestos in a highly human friendly environment, and the toxic components of the asbestos are eliminated in the end product. In January 2019, the Government of Lotivia notified that “pursuant to the concerns expressed by us in the World Health Summit, the import of all six forms of asbestos from Retoria is prohibited”. Retoria has approached the WTO Dispute Settlement Body against the trade embargo imposed by Lotivia. Sketch the arguments available for both the States</p>		
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SECTION-D

<p>Q 7</p>	<p>Answer the following question within 300-500 words:</p> <p>Country A is a Member of the WTO. In the year 2000, in order to boost the slumping domestic industry of cellulose, the government of country A issues certain measures. These consist of:</p> <p>a) A programme involving stocking of domestically produced ‘lumber’, setting a maximum price and guaranteeing supply of raw material;</p> <p>b) A scheme granting credit to exporters of finished paper to be offset against the payment of customs duties on subsequent imports</p> <p>c) The reimbursement mechanism for production taxes is made more efficient for exporters. For cellulose exporters, the mechanism prescribes that when a company exports more than 60 per cent of its production, the tax payable on the cellulose sold on the domestic market is made payable at the end of the year instead of on a monthly basis;</p> <p>d) To 150 companies producing mainly cellulose, certain financial contributions, amounting to 0.90 per cent ad valorem, are made. The expressed purpose of these contributions is research and development, although it appears that some of the companies have used the financing for increased production.</p> <p>Country B, an industrialized neighboring WTO Member, has a small domestically orientated cellulose industry with insignificant exports, producing 60 per cent of the country’s consumption of cellulose. Following the introduction of country A’s measures, domestic producers in country B experience a loss of market-share and a decrease in price of both cellulose and finished paper. Simultaneously, the world market share of country A and country A’s imports of cellulose in country B increase rapidly.</p>	<p style="text-align: center;">20</p>	<p style="text-align: center;">CO3, CO4, CO5</p>
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	<p>The producers in country B file a complaint before the competent authorities, and tension builds between the two countries.</p> <p>1) You work for the government of country B and receive the complaint. You are made responsible for making a first evaluation of the situation. What is your position with regard to the following?</p> <p>(a) The character of the four measures issued by country A. Do these measures fall under the definition of ‘subsidies’ provided by the ASCM?</p> <p>(b) What are the possibilities to take action concerning the different measures, and can action be taken to stop the losses sustained by the finished paper industry in country B?</p> <p>(c) If country A is a developing Country but does not figure in Annex VII of the ACSM, would your answer in (a) and (b) be different?</p> <p>2) Suppose country C has an export oriented cellulose industry, originally mainly focused on neighboring country A’s market. Following the adoption of the measures in country A, country C’s exports to country A registered a remarkable decrease. Can country D, neighboring country of A and C, initiate countervailing duty action against country A alleging displacement of country C’s exports of cellulose from country A to its own market?</p>		
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