



**University of Vienna
School of Law**

Winter Semester 2023/2024

Seminar Title: WTO Law: Institution & System of Dispute Settlement
Professor: Prof. ret. Dr. Friedl Weiss

I.) Course Description and Objectives

This course focuses on the World Trade Organization (WTO) as a *modern institution* – structure, organs, legal status, decision-making, relations with other organizations etc., its basic *principles and rules for the conduct of multilateral trade* by WTO Members – and on its unique dispute settlement system – structure, phases, causes of action, remedies, implementation and enforcement.

Ample scope will also be given to discussions by WTO Members of possible reforms of the institution and its dispute settlement system. Enhancement of its complex rule-based governance capacity is deemed essential to deal effectively with contemporary trade-related challenges including e-commerce, climate change and investment facilitation.

Since 1995 the WTO provides a multilateral “common institutional framework for the conduct of trade relations among its Members”, a new legal basis for the international movement of goods, services (GATS), trade -related investments (TRIMS) and intellectual property rights (TRIPS). Furthermore, the WTO occupies a central role in shaping the international trading environment regarding trade-related areas such as environmental protection, human rights, health, labor standards, multilateral competition and investment rules.

However, an important goal of the WTO is to substitute a mechanism of collective surveillance and enforcement of multilateral standards to the display and unilateral use of might by powerful states.

This underscores the particular importance of the procedural rules contained in the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU). The course will analyze and explain the essential characteristics of this system of dispute settlement, including its new groundbreaking feature of an appellate instance. It also seeks to familiarize participants with the special skills required for dealing with WTO case law, panel and Appellate Body Reports.

The course will also outline challenges resulting from unilateral actions of key WTO Members that have recently undermined its fundamental principles and rules.



II.) Note on literature and background reading

- WTO Analytical Index, Guide to GATT Law and Practice, 3 vols.(available at: https://www.wto.org/english/res_e/publications_e/ai17_e/ai17_e.htm)
- Peter van den Bossche & Werner Zdouc, The Law and Policy of the World Trade Organization, Text, Cases and Materials, 5th ed., CUP, 2021. (Alternatively: 4th ed., CUP, 2017).
- Michael J.Trebilcock, Joel Trachtman, Advanced Introduction to International Trade Law, 2nd ed., Edward Elgar (2020).
- Peter van den Bossche, Denise Prevost, Essentials of WTO Law, CUP, 2016
- Michael Trebilcock & Robert Howse, Antonia Eliason, The Regulation of International Trade, Routledge, 4d ed., 2013.
- John H. Jackson, William J. Davey and Alan O. Sykes, Legal Problems of International Economic Relations - Cases, Materials and Text, 4th ed., 2002 (abbr.: Jackson).
- WTO website, <http://www.wto.org>.

1. Introduction to the WTO as a legal framework for world trade
2. GATT/WTO: An institutional Profile
3. WTO Dispute Settlement
4. GATT Dispute Settlement
5. Key concepts
6. Appellate Body procedures
7. Implementation
8. Dispute settlement reform

III.) Assessment Method

Written examination (2 hrs) at the end of 2023.