



**University of Vienna
School of Law**

Winter Semester 2020/2021

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

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 ground breaking 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.

II.) Note on literature and background reading

- WTO Analytical Index, Guide to GATT Law and Practice, 3 vols.
- Waldemar Hummer & Friedl Weiss, Vom GATT’47 zur WTO’94: Dokumente zur alten und zur neuen Welthandelsordnung, Nomos-Verl.-Ges, 1997.
- 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).
- Peter van den Bossche & Werner Zdouc, The Law and Policy of the World Trade Organization, Text, Cases and Materials, 4th ed., CUP, 2017.
- Peter van den Bossche, Denise Prevost, Essentials of WTO Law, CUP, 2016



- Friedl Weiss (ed.), Improving WTO Dispute Settlement Procedures: Issues and Lessons From the Practice of Other International Courts and Tribunals, Cameron/May, London 2000.
- 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 2020.