



British Institute of
International and
Comparative Law



Society of
International
Economic
Law

15th Annual WTO Conference

6 & 7 May 2015

London House, Goodenough College,
Mecklenburgh Square, Bloomsbury, London WC1N 2AB

“The WTO at 20: Taking Stock and Challenges Ahead”

Programme

WEDNESDAY 6 MAY

08:15-08:45 Registration with Tea & Coffee

08:45-09:00 Welcome and Opening Remarks

09:00-10:45 **Panel 1.1: Measures Pursuing Multiple Policy Objectives:
The Scope of Application and Overlapping Disciplines in GATT-TBT-SPS
after *Seals***

This panel will address a number of issues raised in the Appellate Body report in *Seals*, including; its interpretation of national treatment and MFN in the GATT v. TBT; the scope of application of TBT; how to address measures with multiple objectives under the GATT, TBT, and SPS; how to draw the line between TBT and SPS; and the analysis of measures with multiple objectives under GATT Article XX and its chapeau.

Chair

Speaker 1

Speaker 2

Speaker 3

Speaker 4

Andrew Lang

Lorand Bartels

Gracia Marin-Duran

Jan Yves Remy

Yahir Acosta

London School of Economics

University of Cambridge

University of Edinburgh

Sidley

UNAM

10:45-11:15 Tea & Coffee Break



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11:15-13:00 Panel 1.2: WTO Accession Protocols and Other Non-Treaty WTO Instruments or Texts: Legal Status and Interpretation in WTO Dispute Settlement

Recent Appellate Body reports, including the *China – Raw Materials* report, call into question the relationship between an Accession Protocol, and the Marrakesh Agreement and its annexed Multilateral Trade Agreements. This panel will address this issue, as well as other issues relating to the process of accession in the WTO and different steps of legal relevance, the interpretative impact of Secretariat notes, WTO committee decisions, ministerial declarations and statements, and WTO-plus issues.

Chair	Gabrielle Marceau	WTO
Speaker 1	Julia Ya Qin	Wayne State Univ./Tsinghua Univ.
Speaker 2	Marco Bronckers	VVGB Advocaten/Avocats
Speaker 3	Dylan Geraets	KU Leuven

13:00-14:15 Lunch and Informal Session on WTO internships

**14:15-16:00 Panel 1.3: Restoring the Negotiating Function of the WTO:
Are there Alternatives to the Single-Speed, Single Undertaking Approach?**

Discuss Trade Facilitation Agreement experience (and treatment of LDCs there); current treatment of environmental goods negotiations within the WTO; TISA negotiations process and ITA expansion; plurilaterals and new ways to define “consensus” or start negotiations (e.g. on services, even agriculture) within or outside the WTO with a sub-group of members only; legal effects of different ways of locking in negotiation results; resort to amendment or interpretative powers within the WTO Agreement?

Chair	Alejandro Jara	King & Spalding
Speaker 1	Stefan Amarasingha	Permanent Mission of the EU to the WTO
Speaker 2	Thomas Cottier	World Trade Institute, Bern
Speaker 3	Victor do Prado	WTO
Speaker 4	Nicolas Lamp	Queen’s University, Ontario

16:00-16:30 Tea & Coffee Break

16:30-18:00 Keynote Address by David Unterhalter, former Chairperson, WTO Appellate Body
Provisional Title: The Role of Law and Individual Adjudicators in WTO/Trade Agreements

Introduction and Discussion: Jennifer Hillman, former Chairperson, WTO Appellate Body

THURSDAY 7 MAY

08:15-08:45 Tea & Coffee

08:45-10:30 Panel 2.1: The Revival of Export Controls and Trade Sanctions: The Russia-Ukraine Conflict and Beyond

Although Russia has acceded to membership of the WTO, it has been alleged that Russia has used SPS and TBT type measures to coerce former Soviet satellite states and other countries to act consistently with Russia's economic and political goals, including the formation of the Eurasian Economic Union. After armed conflict was initiated in Ukraine, and Crimea was forcibly annexed by Russia, The US, the EU and other countries have imposed economic sanctions, including trade embargos, against Russia; Russia has retaliated with additional trade sanctions on terms designed to invoke security exceptions such as GATT Article XXI. This panel will address the WTO law and policy implicated by these events, and will explore the broader implications of the revival of export controls and trade sanctions for practicing lawyers and multinationals enterprises.

Chair	Jennifer Hillman	Georgetown Law
Speaker 1	Brendan McGivern	White & Case
Speaker 2	Stephen Kho	Akin Gump
Speaker 3	Konstantinos Adamantopoulos	HFW
Speaker 4	Marios Iacovides	Bocconi Univ. / Uppsala Univ.

10:30-11:00 Tea & Coffee Break

11:00-12:30 Panel 2.2 The "Plain Packaging" Public Health Strategy: Tobacco Products, Alcohol, Sugary Products: What Role (If Any) For the WTO?

A WTO dispute is in progress challenging Australia's adoption of a "plain packaging" strategy as a public health measure to deter tobacco use. Other challenges to this strategy have also been brought through investment treaty arbitration. This panel will discuss the current progress in these challenges, and the broader legal and policy issues framed in a variety of legal regimes (such as WTO, IP provisions of RTAs, BITs, and domestic law) by the adoption, or proposed adoption, of the plain packaging strategy across a range of "unhealthy products" such as tobacco, alcoholic beverages, sugary drinks, etc.

Chair	Joost Pauwelyn	Graduate Institute, Geneva/ Georgetown Law
Speaker 1	Duane Layton	Mayer Brown
Speaker 2	Helene Ruiz Fabri	Max Planck Institute Luxembourg
Speaker 3	Fernando Dias Simões	Univ. of Macau; Institute of International Studies, Bangkok
Speaker 4	Margherita Melillo	Scuola Superiore Sant'Anna

12:30-13:45 Lunch and Informal Session on Trade Law Jobs outside the WTO

13:45-15:15 Panel 2.3: Developments in WTO Dispute Settlement Procedure & Jurisprudence

This panel will address a variety of persistent or emerging issues relating to WTO dispute settlement, including: The increasing use of settlement agreements to permit WTO members to maintain measures that potentially breach WTO obligations (see, e.g., *US – Cotton*; *US – Clove Cigarettes*); the possibility of waiving WTO rights in FTAs, including right to initiate dispute settlement in the WTO (see, e.g., *Peru – Agricultural Products*); the definition of a measure; and the role of the DSB. The panel may also discuss substantive law developments in WTO cases of the past year, including AB reports expected to be circulated prior to the date of the conference, potentially including *US – CVD (China)* and *US – Carbon Steel (India)*. Other issues to be covered may include an update on the definition of a “public body”; the use of out-of-country benchmarks; US GPX law and the AB report in *US – Countervailing and Anti-Dumping Measures (China)*; and the prospect of US treatment of China as an NME after December 2016. and the potential impact on AD/CVD cases.

Chair	James Flett	European Commission
Speaker 1	Philippe De Baere	Van Bael & Bellis
Speaker 2	Sidonie Descheemaeker	IELPO, Univ. of Barcelona
Speaker 3	Atul Sharma	Lakshmikumaran & Sridharan SARL
Speaker 4	Clair Gammage	Cardiff Univ. School of Law and Politics

15:15-15:45 Tea & Coffee Break

15:45-17:30 Roundtable: Legal Innovations & Drafting Options in 21st Century Free Trade Agreements; Promoting Regulatory Coherence

This Roundtable will evaluate and discuss various efforts in recent FTAs and in the WTO to address so-called regulatory trade barriers. The boldest proposals are in the TTIP, but the TPP and the CETA also address these issues. Furthermore, there are long-standing obligations at the WTO, and more recent efforts to push these issues further in the TBT Committee. Are these efforts likely to be successful? Will overlapping rules in different trade agreements lead to more or less coherence? What is the proper role of trade agreements in addressing regulatory issues? What kind of institutions are needed here? We will discuss these questions, and also reflect on guiding principles such as non-discrimination, necessity, mutual recognition, harmonization, and other forms of cooperation mechanisms between regulators.

Chair	Simon Lester	IIEL and Cato Institute
Discussant 1	Greg Shaffer	Univ. California, Irvine
Discussant 2	Jan Wouters	KU Leuven
Discussant 3	Alejandro Jara	King & Spalding

17:30-17:45 Closing Remarks