



THIRTEENTH ANNUAL WTO CONFERENCE

Wednesday 15 – Thursday 16 May 2013

Organized by the British Institute of International and Comparative Law in association with the Institute of International Economic Law at Georgetown Law, and the Journal of International Economic Law, Queen Mary, University of London

This event is kindly sponsored by:

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Location: BMA House, Tavistock Square, London, WC1H 9JP

Wednesday 15 May

8.15 – 8.45 **Registration with Tea & Coffee**

8.45 – 9.00 **Welcome and Opening Remarks**

9.00 – 10.45 **Panel 1.1: Energy and Trade**

Government policies designed to promote the development of clean energy are not immune from the requirements of trade laws. The question is, however, whether trade laws – which were designed more than twenty years ago – are up to the job. The very recent Canada - Feed-in Tariff Panel reports, which have been appealed before the Appellate Body, are an excellent reminder of this. This panel discusses the various issues raised by these reports. Topics include (a) the dividing line between 'public procurement' and 'normal trade'; (b) the debate on local content policies; (c) the continuing quest for defining subsidies; (d) the assessment of the more general scenario of WTO law vis-à-vis green trade.

10.45 – 11.15 **Tea & Coffee Break**

11.15 – 13.00 **Panel 1.2: Economic Analysis in WTO Law**

WTO provisions relying upon economic theory, or economic evidence of trade effects, range from measures that invoke economic issues (e.g., subsidies in Airbus/Boeing) to those that require the assessment of de facto trade effects, such as compliance of technical measures. There does not seem to be much consistency among panels or on the part of the AB regarding the persuasiveness of mainstream economic theory as a framework for understanding various aspects of the WTO covered agreements, or regarding the quantum of proof needed in varying contexts to carry the burden of persuasion. These issues can be loosely grouped in terms of "causation" (especially when economic theory provides the framework for the understanding of how a certain economic effect is brought about), and "problems of proof" (especially when an alleged effect needs to be quantified, or requires the assembly of empirical data, in order to prove its existence). This panel will explore this complex, emerging area of concern.

13.00 – 14.15 **Lunch**

14.15 – 16.00 **Panel 1.3: Dispute Settlement Procedure**

Renewed attention is being paid to the structural and procedural aspects of the WTO dispute settlement process. This panel will be devoted to exploring such issues, including proposed reforms to the process by which panels are composed, the proliferation of preliminary ruling requests under Article 6.2 of the DSU, and other currently contested procedural aspects of the dispute resolution process.

16.00 – 16.30 **Tea & Coffee Break**

16.30 – 18.00 **Panel 1.4: Digital Trade**

The Internet in less than 20 years of common use has radically changed how people communicate, store and find information, entertain themselves, and – among many other things – do business. Huge amounts of global business are now internet based, from the invention of products to their purchase to their transmission. Trade in knowledge may already exceed conventional cross border trade in goods or services – if we could measure it accurately. International trade law ‘must’ apply at least in good part to the Internet Economy, since it relates to trade in goods or services, but it is not always clear how. The panel will discuss what rules apply now to the internet, including various aspects of regulation of cross-border information flows, electronic financial flows, the regulation of data storage and access, the integrity of commercial data held in the “cloud” or in off-shore storage, and issues not yet invented, and whether and how they can be improved to help attain those goals.

Thursday 16 May

8.15 - 8.30 **Tea & Coffee**

8.30 - 10.30 **Panel 2.1: Financial Crises and Sovereign Debt Crises, What Next for International Financial Regulation?**

The systemic problems triggered by the global financial crisis have yet to be resolved. In the Eurozone, the financial crisis mutated into a sovereign debt crisis in some Member States. In order to break the vicious link between bank debt and sovereign debt, the EU has embarked in a ‘banking union’ project and adopted other measures. A distinguished panel of experts will discuss the problems posed by the twin financial and sovereign debt crises, the difficulties of managing global systemic risk in the financial sector and the emerging architecture nationally and internationally. The future of international financial regulation and of the cross-border resolution of systemically important financial institutions are some of the major issues the international community must face to set the foundations for global growth and stability.

10.30 – 10.45 **Tea & Coffee Break**

10.45 – 12.30 **Panel 2.2: International Finance and International Trade**

International Economic Law provides an intellectual umbrella to understand the fundamental relationship between global money and finance and world trade. The prevention of systemic failure is a unifying principle in the rule-oriented schemes that should govern trade and finance. Under the GATS agreement, WTO is involved in cross-border financial services issues, and the interplay between the potential liberalization of such services and the stability of the financial system requires examination. This entails a careful analysis of the institutional links between WTO and international financial institutions and a reassessment of the architecture of the international monetary system in the XXIst century.

12.30 – 13.30 **Lunch**

13.30 – 15.15 **Panel 2.3: The Emergence of the TBT Agreement**

The TBT Agreement seems destined to play an important role in the trade disputes of the future. The recent WTO disputes that have been resolved under that Agreement, (Tuna II, Clove Cigarettes, and COOL), and further on-going TBT disputes, raise difficult and complex issues that will need to be resolved, including a) the proper interpretation and application of the Annex 1.1 definition of a “technical regulation”; b) clarification of the factors relevant to making a “like product” analysis under Article 2.1; c) the role of a “legitimate regulatory distinction” in assessing whether the detrimental effect of the measure in question on the conditions of competition faced by the imported product is discriminatory; and d) the complexities of the core requirement of Article 2.2 that “technical regulations shall not be more trade-restrictive than necessary to fulfill a legitimate objective, taking account of the risks non-fulfillment would create.” This panel will explore these key issues.

15.15 – 15.30 **Tea & Coffee Break**

15.30 – 17:15 **Panel 2.4: Post-Doha: Where Do We Go Now?**

Can the Doha agenda be reset? Does the WTO risk being left behind? This panel will discuss the variety of new initiatives of plurilateral/regional character, including: a) the Trans-Pacific Partnership negotiations, the overlapping APEC-sponsored Free Trade Area of the Asian Pacific (FTAAP) negotiations, and the recently launched Regional Comprehensive Economic Partnership initiative; b) the push to create a large-scale US-EU bilateral agreement; c) the on-going negotiations regarding a plurilateral International Services Agreement; and d) trade facilitation negotiations. A key question will be whether the potential for success in such negotiations may spur WTO members to reexamine what might be accomplished in Doha.

17:15 – 17:30 **Closing Remarks**