

12 MAY 2023

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination April-May – 2023

Semester: UG X Semester (International Trade and Investment Law Honours)

Subject: Trade in Services & Agriculture

Time: Three Hours

Marks: 100

*Instructions:*

- 1. All questions carry equal marks. Attempt any five questions.*
- 2. Brevity is appreciated.*
- 3. Read the questions completely and carefully before answering.*
- 4. In this examination no materials and texts of Agreements are permitted.*

Q.1)

“Overlaps between the subject matter of disciplines in General Agreement on Tariffs and Trade (GATT) 1994 and General Agreement on Trade in Services (GATS) are inevitable, and will further increase with the progress of technology and the globalisation of economic activities.”

In your opinion, do such overlaps undermine the coherence of the WTO system?

(Marks 20)

Q.2)

Discuss the scope and application of GATS Agreement in light of Article I of the agreement.

(Marks 20)

Q.3)

The general and specific obligations undertaken under GATS by Members in relation to non-discrimination and market access and a level playing field in services may, under certain circumstances, considerably restrict the pursuit of equally legitimate, non-economic policy goals and competing public interests and values other than unfettered competition between domestic and foreign services and service suppliers. Quite frequently, the protection of interests such as public health, public order, etc. requires the adoption of trade-restrictive measures, technically resulting in a direct conflict with GATS obligations. WTO law seeks to establish a proper balance between different policy goals. Such balance is sought and achieved in part by principles of progressive liberalization and inherent limitations. In part it is sought by allowing for general exceptions applicable to all the provisions and existing commitments under an agreement.

In light of this statement, discuss the general exception to GATS.

(Marks 20)

Q.4)

What is the relevance of Schedule of Specific Commitments under GATS? Explain in light of relevant provisions of the agreement.

(Marks 20)



Q.5)

Most-favoured-nation treatment is a general obligation under GATS that applies to all measures affecting trade in services. Explain the contours of MFN under GATS.

(Marks 20)

Q.6)

Explain the following obligations under GATS:

a. Market Access

b. Disclosure of confidential information

(Marks 10+10)