

EKSAMEN I JURIDISKE VALGEMNER

HØST 2013

Dato: Mandag 2. desember 2013

Tid: Kl. 10:00 – 14:00

JUS5850 – International Trade Law

The language of examination for this course is English: students may answer in English ONLY, answers in any other language than English will be given a F (F for fail).

Please note that you should spend more time on Part I than on Part II (approximately 2/3 on Part I and 1/3 on Part II).

Part I

Peter Hill was an enthusiastic globetrotter, and after having spent half a year in China he came back to his home country, Elbonia, with new ideas on how to promote healthy transportation. He wanted to import electrical bicycles (e-bikes) from China. The model he wanted to import had a maximum speed of 40 km per hour and could go a maximum of 80 km when fully charged. Elbonia is a mountainous country and most of the roads are considered to be narrow and dangerous. Elbonia relies heavily on hydropower for production of electricity; currently 95 % of electricity consumption is based on hydropower. Statistics show that only 1 % of the population uses bicycles daily while as many as 30 % use motorbikes and 60 % use cars.

Elbonian producers of bicycles were skeptical to the idea, and proposed that the Elbonian Ministry of Transportation adopt the following measures:

- 1) a tax on e-bikes corresponding to the tax on motorbikes (motorbikes were subject to a 20 % specific ad valorem tax due to their CO₂ emissions, there was no specific tax on bicycles),
- 2) a regulation requiring e-bikes to be sold only by retailers that also sell motorbikes (there are currently 30 such retailers in Elbonia), and
- 3) a regulation setting the maximum speed of e-bikes to 30 km per hour.

The Elbonian Bicycle Producer Organization was member of the American Bicycle Producer Organization, which had recently adopted a resolution stating that e-bikes should have a speed limit of 30 km per hour. The American Organization had national bicycle producer organization members from all Latin American countries.

You work as legal adviser for Elbonia's Ministry of Trade and Industry. Your Ministry receives a request from the Ministry of Transportation that asks whether any of the proposed measures could be in violation of



Elbonia's obligations under the WTO Agreement. The relevant part of Elbonia's schedule of specific commitments on services is set out in the annex.

Part II

Discuss the following statement: "The WTO Appellate Body emphasizes the 'ordinary meaning of the wording' in its treaty interpretation. This approach to treaty interpretation contributes to the willingness of countries to comply with decisions of the dispute settlement mechanism of the WTO."

Sensuren faller mandag 6 januar klokken 15.00. Kontroller på StudWeb eller ta kontakt med Infosenteret på 22 85 95 00.

Kandidatene har rett til en redegjørelse for sensurvedtaket ved henvendelse til sensorene innen en uke etter sensur. Kontaktinformasjon for sensorer finnes på Fakultetets nettsider. Du kan også ta kontakt med infosenteret. Klagefristen er tre uker etter sensur.

The result of the exams will be announced on Monday 6 January, at 15.00 hours. You can check the results in the StudWeb, or by contacting the Information Centre, phone 22 85 95 00.

After the exam results are announced, candidates have the right to be informed of the grounds for the result as long as a request is made within one week of the announcement. The names and contact information of the examiners can be found on the Faculty's website, or by contacting the Information Centre. The deadline for appeal is three weeks after the announcement of the results

Oslo, 2.12.2013

Annex - JUS5850

Elbonia

Schedule of Specific Commitments

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
4. Distribution services			
...			
C. Retailing	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	