

Ontario Justice Education Network Summer Law Institute 2003 – Canada and the World Trading System, Milos Barutciski

<u>Multilateral Agreements</u>	<u>Bilateral and Regional Trade Agreements</u>	<u>Canadian Domestic Rules</u>
<p>GATT 1947:</p> <ul style="list-style-type: none"> - Rules-based system for international trade in <u>goods</u>; - Fundamental elements: bound tariffs; national treatment; most-favoured-nation (MFN) treatment; prohibition of quantitative restrictions; - Exceptions and qualifications; some sectors (agriculture and textiles) falling out of the system; - Special rules for developing countries; - <i>Ad hoc</i> dispute settlement (binding? consensus rule?); - Membership growing steadily from 24 in 1947 to 140 in 1993 (conclusion of the Uruguay Round); <p>WTO 1994</p> <ul style="list-style-type: none"> - New institution; single undertaking backed by binding dispute settlement; - GATT 1947 carried forward and revised; - Agriculture and textiles back in the fold; - Coverage extended to include <u>services</u> (GATS) and <u>intellectual property</u> (TRIPS); - Codes specifying obligations in relation to: Agriculture; Sanitary and Phytosanitary Measures (SPS); Textiles and Clothing; Technical Barriers to Trade (TBT); Trade-Related Investment Measures (TRIMS); Anti-Dumping; Customs Valuation; Pre-Shipment Inspection; Rules of Origin; Import Licensing; Subsidies and Countervailing Measures; and Safeguards - Trade Policy Review Mechanism (TPRM); - Dispute Settlement Understanding (DSU); - <u>Doha Round</u>: development agenda; market access; agriculture, services; IP; Singapore Issues (competition policy, investment, government procurement and trade facilitation); - New issues impacting on WTO include: environment, labour rights and human rights. 	<ul style="list-style-type: none"> - Canada-US Free Trade Agreement (1989) - North American Free Trade Agreement (1993) - Other FTA's, including Chile, Costa Rica and Israel. Negotiations under way with Central America, EFTA and Singapore - Free Trade Area of the Americas (FTAA) - Foreign Investment Protection Agreements (21 in force; 2 signed but not yet in force); <ul style="list-style-type: none"> - Key elements are: national treatment, MFN, rules against expropriation without compensation, fair & equitable treatment and dispute settlement; - Customary international law; - Exceptions and reservations; - NAFTA chapter 11; - Multilateral Agreement on Investment (MAI) or RIP? 	<p>Customs Act</p> <p>Customs Tariff</p> <p>Import and Export Permits Act</p> <p>Special Import Measures Act</p> <p>Canadian International Trade Tribunal Act</p> <p>and many other statutes dealing with, e.g., food & drug regulation, hazardous products, foreign ownership, and any other matter that might affect the conditions of competition between foreign and domestic goods, services and investment</p> <p><u>Enforcement and Dispute Settlement</u></p> <p>In Canada: The Courts Canadian International Trade Tribunal (CITT) Department of Foreign Affairs and International Trade (DFAIT) Canada Customs and Revenue Agency (CCRA)</p> <p>International: WTO dispute panels and Appellate Body NAFTA and FTA panels Investor-state arbitration Negotiation and <i>ad hoc</i> resolution (managed trade?)</p>

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