



Workshop organized by the Max Weber Programme & the Law Department of the European University Institute

Multilevel Judicial Governance between Global and Regional Economic Integration systems: institutional and substantive aspects

At this full-day workshop, institutional and substantive aspects of multilevel judicial governance between the world trading system and regional economic integration systems will be discussed.

The morning session, starting at 9.30, will focus on the *institutional aspects*. Issues that will be discussed revolve around the relationship between the WTO Appellate Body vis-à-vis regional trade dispute settlement bodies. For example, is the WTO Appellate Body competent to examine and review the rulings of regional dispute settlement bodies? Is there maybe even a sort of supremacy of WTO law over regional trade agreements? How much should the various dispute settlement bodies take each others' decisions into account? If they do not take them into account, what does this mean for the uniformity and consistency of trade law? What does this mean for an effective and final dispute resolution in trade cases? How could/should the judicial relationship between global and regional dispute settlement bodies be co-ordinated?

After lunch, the afternoon session, starting around 14.30, will focus on *substantive issues*, in particular regarding the right balancing between non-trade interests, such as environment/health, and free trade interests. For example, the question arises whether the exceptions of Article XX GATT and the interpretation of the chapeau is sufficiently taking non-trade interests into account. How much room for manoeuvre do states actually have to invoke non-trade reasons as justification for trade restrictions? It will be interesting to compare the GATT test with the tests applied in comparable cases within MERCUSOR and the EC. What are the commonalities and differences? How can they be explained? How could an import ban be constructed to be WTO-proof? What is the role and function of Article XXIV GATT that allows Regional Economic Entities to deviate from GATT rules? Could an additional WTO 'Understanding' assist in promoting more 'consistent interpretations' among national, regional and WTO dispute settlement bodies?

In short, this seminar will discuss many issues that will be of interest to general international law, trade law and EC law experts as well as for political and economic scientists who could broaden the picture and throw light on many different non-Law aspects for the lawyers.

The workshop will take place on Friday, 28 November 2008 at Villa la Fonte, San Domenico di Fiesole).

The workshop is free of charge, but limited to 25 participants: first come first served rule applies.

Please register as soon as possible but in any case before 1st November 2008 by sending an email with full contact details and affiliation to: Nikolaos.Lavranos@EUI.eu

The format will be a round table discussion allowing all participants to interact in the discussions. The 'Chatham House Rule'¹ will apply.

For a recent example in which many relevant aspects were raised, participants are invited to study the *Brazilian Tyres* case.²

¹ The Chatham House Rule reads as follows: "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed"; see: <http://www.chathamhouse.org.uk/about/chathamhouserule/>

² WTO, *Brazilian Tyres* case, DS 332, available at: http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds332_e.htm