**International Economic Law (MM 121)**

**Final exam**

**Instructions:**

* The exam has the total duration of 180 minutes
* The exam is composed of three parts (A, B and C). Out of each part, you should select *one* option.
* The total score of the exam is 20 points.
* Answers should be drafted with a *clear handwriting* and **ought not extend beyond 4 pages** (i.e. one exam sheet).
* Candidates are allowed to answer this exam either in *Portuguese* or in *English*.
* Abbreviations can be used, provided that their meaning is explained when the abbreviation is used for the first time (e.g. IMF = International Monetary Fund).
* During the exam you are allowed to have access to your own written materials (legislation, notes, books, etc.).
* Quoting from external sources, whatever their nature (case law, legislation, books, articles, etc.) should be clearly indicated in your exam sheet through a brief reference to the external source. The transcription of passages taken from a third party should be duly mentioned in your answer, while failure to do so may amount to plagiary.
* **Please be aware that access or use of tablets, smartphones, laptops and all electronic gadgets that may allow you to have access to the internet is strictly forbidden during the entire duration of the exam**.

**Good luck!**

**Part A (10 points)**

Please say whether the following statements are **true** or **false** and provide a justification for each reply:

1) In order to bring a dispute to the WTO dispute settlement system, the complainant must necessarily argue that the respondent acted inconsistently with one of its obligations under the covered agreements.

2) Pursuant to Article II:1 of the GATT 1994, a WTO Member may not impose customs duties which are either below or above the tariff concession set out in that Member’s Schedule of Concession s (i.e. its Goods Schedule)

3) Under Article III:4 of the GATT 1994, it is prohibited to treat like products differently.

4) A product that is ‘like’ under Article III:2 of the GATT 1994 is also ‘like’ under Article III:4 thereof, but a product that is ‘like’ under Article III:4 is not necessarily ‘like’ under Article III:2.

5) The list of societal values and interests in Article XX of the GATT 1994 is not exhaustive, but merely illustrative.

**Part B (10 points)**

The Democratic Republic of Xanadu (DRX) is a Member of the WTO famous for many products, amidst which are its famous yellow rubber ducks. The state-owned electricity company has recently reached an agreement with all the domestic producers of rubber ducks which allows them to buy electricity at preferential rates (i.e. at a lower price per kilowatt in comparison with other producers established in the country, domestic or foreign). As a result, the domestic producers of yellow rubber ducks are able to sell them much cheaper in the international market and have been experiencing a considerable increase in their exports.

Based on the facts provided above (and on any reasonable assumptions you might make based on these facts), do you think there is any ground for a complaint before the WTO? Please justify your answer and focus your analysis on the *substantive* aspects of the case.