

## RESEARCHERS' TEST

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### Instructions for Researchers

- The duration of this test is 60 minutes.
  - This is a closed book test. Researchers are not allowed to access any print or electronic material during this test.
  - Read the questions carefully. No clarifications can be sought during the test period.
  - Unless otherwise indicated in the question, there is only 1 correct answer to each question.
  - You are required to choose the correct answer and mark the corresponding circle. Kindly mark the circle using blue or black ball pen.
  - Each question carries 1 mark. There is no negative marking.
  - In case of a tie, ranks of researchers will be determined, first, based on who has answered more questions in Part A correctly.
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### PART A

1. The WTO Ministerial Conference meets:
  - a. Every year
  - b. Every two years
  - c. Every four years
  - d. Every five years
2. The \_\_\_\_\_ is responsible for overseeing the functioning of the GATS.
  - a. Committee on Trade in Services
  - b. Trade in Services Division
  - c. Rules Division
  - d. Council for Trade in Services
3. The \_\_\_\_\_ convenes as the Dispute Settlement Body to deal with disputes relating, inter alia, to trade in services between WTO members.
  - a. General Council
  - b. Council for Trade in Services
  - c. WTO Dispute Settlement Council
  - d. Market Access Committee
4. Decisions at the WTO are normally made by:
  - a. Consensus
  - b. Simple majority vote
  - c. Weighted majority vote
  - d. Both a and c
5. The concept of progressive liberalization implies that:

- a. Members offer liberalization measures across all service sectors and modes of supply
  - b. The scope of the GATS is extended to services that are currently not covered
  - c. Both a and b
  - d. Members negotiate the removal of existing limitations and non-bindings, and the inscription of new sectors in their schedule of commitments
6. A panel report must be adopted by the DSB unless:
- a. At least one Member disagrees
  - b. A majority of Members disagrees with the report
  - c. All Members disagree, and there is consensus not to adopt
  - d. 2/3rd majority of Members disagree with the report
7. The Drina Massacre took place in:
- a. Anduin
  - b. Endor
  - c. Baranduin
  - d. None of the above
8. GATS entered into effect in:
- a. January 1995
  - b. January 1996
  - c. January 1998
  - d. January 2000
9. The scope of the GATS includes measures taken by:
- a. Any service supplier
  - b. Domestically incorporated suppliers
  - c. Governments as well as non-governmental bodies with delegated authority
  - d. NGOs
10. The following services are not covered by the GATS:
- a. Services supplied in exercise of governmental authority
  - b. Services supplied by governmental agencies in competition with private sector agencies
  - c. Services purchased by government agencies
  - d. Both a and c
11. The GATS is:
- a. A part of the Marrakesh Agreement with voluntary compliance requirement for WTO Members
  - b. Standalone multilateral agreement on services trade that WTO Members may choose to sign
  - c. A part of the Marrakesh Agreement and applies to all WTO Members
  - d. A plurilateral agreement within the WTO covered agreement
12. The Most-Favoured Nation principle requires WTO Member to treat services and service suppliers from other WTO Members no less favourably than:

- a. “Like” services and service suppliers from any other country
  - b. “Like” service and service suppliers of national origin
  - c. “Unlike” services and service suppliers from any other WTO Member
  - d. None of the above
13. Laws relating to localization of data relate to:
- a. National Treatment limitation
  - b. Market Access limitation
  - c. Exemption from Most-Favoured Nation treatment
  - d. None of the above
14. Which of the follow statement relating to the GATS is false:
- a. Under certain circumstance, GATS permits WTO Members to take unilateral actions to protect essential security interest
  - b. GATS denies access to service suppliers from non-WTO members
  - c. GATS permits for scheduling provisions that may be inconsistent with National Treatment principles
  - d. GATS allows for negotiating progressive liberalization
15. Under the GATS, Most-Favoured Nation treatment applies for:
- a. Every service that is covered within the GATS
  - b. Governmental services covered by GATS
  - c. Services subject to specific commitments under the country’s schedule of commitments
  - d. For all services including those that are not currently covered by the GATS
16. National Treatment under the GATS is:
- a. Granted to specific trading partners
  - b. Granted to all WTO Members
  - c. Granted on a sector and mode-specific basis
  - d. Granted to regional trading partners
17. The automobile industry of Country X, a WTO Member, faces a trade barrier in Country Y, also a WTO Member, in the form of the imposition of a new requirement to use at least 20% of goods from Country Y in the automobile manufacturing process. The industry body of the automobile industry in Country X believes that this new requirement is incompatible with WTO and is looking for a strategic path to challenge the requirement at the WTO. What can the industry body do?
- a. The industry body can bring a complaint in the WTO dispute settlement system by requesting consultations with the government of Country Y
  - b. The industry body can petition the government of Country X to bring a dispute before the WTO, where the industry body can be a third party to the dispute
  - c. The industry body can petition the government of Country X to bring a dispute at the WTO
  - d. None of the above

18. An NGO based in Anduin is concerned with certain data privacy issues surrounding the Social Credit Plan. How can this NGO participate in the on-going dispute?
- The NGO can become a third-party to the dispute
  - The NGO can file an amicus curiae submission to the panel
  - The NGO cannot participate in the dispute in any way
  - Both a and b
19. A WTO dispute relating to trade in services is currently taking place. The Respondent country argues that even if the challenged measure at issue is found to be inconsistent with the provisions of the GATS, it did not nullify or impair any benefits. The Complainant has not forwarded any argument in this regard. What course of action must the Panel take?
- The Panel will dismiss the complaint since the Complainant has not demonstrated how the measure nullifies or impairs benefits
  - The Panel provides additional time to both parties to re-submit their written arguments
  - The Panel will continue working on the dispute since there is no requirement of nullification or impairment for a violation complaint to succeed
  - The Panel will request both parties to the dispute to enter into a fresh round of consultations
20. Before the Panel report in *Anduin – Certain Measures Affecting Social Media Services* is circulated, Anduin and Baranduin are able to find a mutually agreed solution. Another WTO Member, Country C, however believes that the mutually agreed solution runs afoul the WTO covered agreements. What can Country C – a third-party to the dispute – do?
- Country C does not have any recourse to voice its protest since it is a third-party to the dispute
  - Country C can raise concerns regarding the alleged inconsistencies with WTO covered agreements in the DSB meeting
  - Country C can file an appeal with the Appellate Body since it is a third-party to the dispute
  - None of the above

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### PART B

21. Given the wide-ranging national security implications of this dispute, Anduin and Baranduin wanted to enlist former judges of the International Court of Justice as panelists. Is this permitted?
- No. WTO disputes are technical in nature. Therefore, adjudicating these disputes is reserved for persons who work on WTO matters.
  - Yes. If the three former judges of the International Court of Justice agree to adjudicate the dispute, then they can be the panelists.
  - Yes. Former judges of the International Court of Justice are given preference due to their extensive work on international dispute settlement.
  - No. WTO Secretariat appoints panelists in WTO disputes.

22. The establishment of a branch of *B-Connected*, a firm headquartered in Barandium, in Anduin to service the Anduian market is an example of which mode of services supply?
- Mode 1
  - Mode 2
  - Mode 3
  - Mode 4
23. The panel report in *Russia — Traffic in Transit* was not adopted since the Russian Federation appealed the report to the Appellate Body. Is this statement true or false?
- True
  - False
24. Article III:4 of the GATT applies to “all laws, regulations and requirements affecting [the] internal sale, offering for sale, purchase, transportation, distribution or use [of products]”. In general terms, the national treatment obligation of Article III:4 concerns regulation affecting the sale and use of products. Given this, which of the following statement relating to Article III:4 of the GATT is correct:
- The use of the term “affecting” has been interpreted to mean that Article III:4 covers only laws and regulations that directly govern the conditions of sale or purchase
  - The use of the term “affecting” means that Article III:4 does not cover not only laws and regulations which directly govern the conditions of sale or purchase but also any laws and regulations even if they do not adversely modify the conditions of competition between the domestic and imported products on the internal markets
  - The use of the term “affecting” has been interpreted to mean that Article III:4 should cover not only laws and regulations which directly govern the conditions of sale or purchase but also any laws and regulations which might adversely modify the conditions of competition between the domestic and imported products on the internal markets
  - None of the above
25. Which of the following panel reports dealt with Article III:4 of the GATT for the first time:
- Korea — Alcoholic Beverages*
  - Korea — Various Measures on Beef*
  - Italy — Agricultural Machinery*
  - EC — Asbestos*
26. Article III:4 of the GATT applies, *inter alia*, to “requirements”. Which of the following statements relating to the term “requirements” are correct? More than one answers are correct.
- “Requirement” within the meaning of Article III:4 of the GATT necessarily needs to be a government-imposed requirement
  - Private action can be a “requirement” within the meaning of Article III:4 of the GATT if there is such a *nexus* between that action and the action of a government
  - In *Canada — Autos*, the Panel examined commitments by Canadian car manufacturers to increase value added to cars in their manufacturing plants. This was considered to be a “requirement”
  - In *Canada — FIRA*, the Panel made as assessment of the term “requirement”

27. The three-tier test of consistency with which article of the GATS requires the examination of the following:
- The measure at issue affects trade in services;
  - The foreign and domestic services or service suppliers are ‘like’ services or service suppliers;
  - The foreign services or service suppliers are granted treatment no less favourable.
- a. Article III
  - b. Article XVII
  - c. Article XIV
  - d. Article XVI
28. “Any WTO Member that provides formally different treatment to foreign and domestic services or service suppliers does not act in breach of the national treatment obligation if that WTO Member does not modify the conditions of competition in favour of the domestic services and service suppliers despite providing formally different treatment.” Is this statement true or false?
- a. True
  - b. False
29. The Most Favoured-Nation treatment obligation and the National Treatment obligation are the two main principles of \_\_\_\_\_ in WTO law.
- a. Transparency
  - b. Regulation
  - c. Equality
  - d. Non-Discrimination
30. The GATS contains two broad groups of obligations: general obligations and specific commitments. Which of the following options covers the general obligations contained within the GATS?
- a. MFN treatment, Transparency
  - b. MFN treatment, National Treatment
  - c. MFN treatment, Market Access
  - d. Transparency, Market Access
31. In paragraph 7.99 of *Russia – Traffic in Transit*, the Panel states “The discussions of “security” issues throughout the negotiating history [of Article XXI of the GATT] should therefore be understood in that context.” What context is the Panel indicating?
- a. Cold War
  - b. World War I
  - c. World War II
  - d. None of the above
32. “*B-Connected* set up operations in Anduin after the passing of the Social Media Regulation Act”. Is this statement true or false?
- a. True

- b. False
33. According to the Social Credit Plan, persons with a good \_\_\_\_\_ would be granted citizenship in Anduin in accordance with Article 6(1)(b) of the Constitution of Anduin.
- Moral character
  - Public Record
  - Social Standing
  - Social Disposition
34. In which month did the President of Anduin declare in her annual State of the Nation address that Anduin would not accept any more refugees from Endor with immediate effect?
- June 2019
  - July 2019
  - August 2019
  - June 2018
35. What are the two primary distinctions between *B-Connected* and *Let's Talk*?
- B-Connected* has an internal message system and *Let's Talk* does not have an internal messaging system; *Let's Talk* requires users to approve social connections whereas anyone could follow another person on *B-Connected*
  - B-Connected* requires users to approve social connections whereas anyone could follow another person on *Let's Talk*; *B-Connected* has an internal messaging system and *Let's Talk* does not have an internal messaging system
  - Let's Talk* requires users to approve social connections whereas anyone could follow another person on *B-Connected*; *Let's Talk* has an internal messaging system and *Be-Connected* does not have an internal messaging system
  - None of the above
36. Why did the data centres of *B-Connected* not meet the requirements set out in Notification No. 21/2019?
- The Global Technology Team of *B-Connected*, as a matter of policy, only used technology equipment made in Baranduin for security purposes.
  - The Global Technology Team of *B-Connected*, as a matter of policy, only used technology equipment made in Baranduin for quality purposes.
  - The Global Technology Team of *B-Connected*, as a matter of policy, only used technology equipment made in Baranduin for public policy purposes.
  - The Global Technology Team of *B-Connected*, as a matter of policy, only used technology equipment made in Baranduin for data privacy purposes.
37. Which year did the General Agreement on Tariff and Trade enter into effect?
- 1945
  - 1947
  - 1948
  - 1950

38. How many Demarcated Zones exist in Anduin?
- 4
  - 5
  - 6
  - 7
39. In Argentina – *Financial Services*, the Panel noted that the chapeau of Article XIV of the GATS is drafted in terms very similar to the *chapeau* of \_\_\_\_\_ of the GATT 1994.
- Article XI
  - Article XX
  - Article XXI
  - Article I
40. The Panel in \_\_\_\_\_ identified two elements that a party invoking paragraph (a) of Article XIV had to demonstrate: “(a) the measure must be one designed to "protect public morals" or to "maintain public order"; and (b) the measure for which justification is claimed must be "necessary" to protect public morals or to maintain public order.”
- EC – Seal Products*
  - US – Gambling*
  - EU – Energy Package*
  - Argentina – Financial Services*