



FACULDADE DE DIREITO
Universidade de Lisboa

Ficha de unidade curricular

Curso de Doutoramento

Unidade curricular

Direito Internacional Económico I/II

Docente responsável e respetiva carga letiva na unidade curricular (preencher o nome completo)

Pedro Miguel Infante Mota, 2h semanais

Outros docentes e respetivas cargas letivas na unidade curricular

Objetivos de aprendizagem (conhecimentos, aptidões e competências a desenvolver pelos estudantes)

Os objetivos principais passam pela caracterização do Direito Internacional Económico enquanto ramo de Direito, pela chamada de atenção para a história, caracterização e dimensão do fenómeno da globalização que vivemos atualmente, pela identificação e solução (acolhida) dos problemas inerentes à regulação internacional dos contratos públicos e pelo estudo do novo acordo da OMC sobre contratos públicos (entrada em vigor em 7 de Abril de 2014).

Conteúdos programáticos

1. Introdução Histórica
2. Os Acordos dos Ciclos de Tóquio e do Uruguai
3. O Novo Acordo sobre Contratos Públicos
4. O âmbito de Aplicação
5. O Processo de Contratação
6. Os Princípios Fundamentais (Não Discriminação e Transparência)
7. As Exceções Gerais e Particulares
8. Os Mecanismos de Resolução de Litígios
9. A Jurisprudência Relevante
10. A Adesão de Novas Partes (referência especial ao caso da China)
11. Os Acordos Comerciais Preferenciais
12. Considerações Finais

Demonstração da coerência dos conteúdos programáticos com os objetivos da unidade curricular

A estrutura do programa avançado acompanha os objetivos principais da unidade curricular, visando proporcionar aos alunos o conhecimento das noções gerais, princípios e exceções do regime de contratação públicas no âmbito da Organização Mundial do Comércio.

Metodologias de ensino (avaliação incluída)

As aulas apresentarão uma componente teórico-prática e uma componente participativa por parte dos alunos e a avaliação resultará da apresentação oral do tema escolhido pelo aluno, do relatório escrito submetido a apreciação e da participação do aluno ao longo das aulas.



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Demonstração da coerência das metodologias de ensino com os objetivos de aprendizagem da unidade curricular

A metodologia de ensino adotada permite identificar e analisar os diversos problemas e questões que são discutidos em matéria de contratação pública no plano internacional, desde as questões puramente teóricas, passando pelo regime jurídico-internacional consagrado, até as decisões jurisprudenciais relevantes e aos casos concretos.

Bibliografia principal

AA. VV

- *The WTO Regime on Government Procurement: Challenge and Reform*, Sue Arrowsmith e Robert D. Anderson ed., Cambridge University Press, 2011.

ANDERSON, Robert D., PELLETIER, Philippe, OSEI-LAH, Kodjo e MÜLLER, Anna Caroline

- *Assessing the Value of Future Accessions to the WTO Agreement on Government Procurement (GPA): Some New Data Sources, Provisional Estimates, and An Evaluative Framework For Individual WTO Members Considering Accession*, Staff Working Paper ERSD-2011-15, World Trade Organization Economic Research and Statistics Division, 6-10-2011.

ARROWSMITH, Sue

- *Government Procurement in the WTO*, Kluwer Law International, Haia-Londres-Nova Iorque, 2003.

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DAVIES, Arwel

- *Remedies for Enforcing the WTO Agreement on Government Procurement from the Perspective of the European Community: A Critical View*, in *World Competition*, 1996-1997, pp. 113-135.

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- *Government Procurement*, in *Preferential Trade Agreement Policies for Development: A Handbook*, Jean-Pierre Chauffour e Jean-Christophe Maur ed., The World Bank, Washington, D.C., 2011, p. 367-385.

DIDIER, Pierre

- *Le code sur les marchés publics du cycle de l'Uruguay et sa transposition dans la Communauté*, in *Cahiers du Droit Européen*, 1996, pp. 257-327.

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- *Multilateral Disciplines and Government Procurement*, in *Development, Trade, and the WTO: A Handbook*, Bernard Hoekman, Aaditya Mattoo e Philip English ed., The World Bank, Washington, D.C., 2002, pp. 417-427.

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- *History of the Government Procurement Negotiations since 1945*, in *Public Procurement Law Review*, 1996, pp. 77-147.

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McCRUDDEN, Christopher

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REICH, Arie

- *The New GATT Agreement on Government Procurement: The Pitfalls of Plurilateralism and Strict Reciprocity*, in *Journal of World Trade*, 1997, pp. 125-151.

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RODRIGUES, Nuno Cunha

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- The Agreement on Government Procurement (Chapter 23), in *The World Trade Organization: Legal, Economic and Political Analysis*, Volume I, Patrick Macrory, Arthur Appleton e Michael Plummer Ed., Springer, Nova Iorque, 2005, pp. 1123-1163.

NOTA: este mapa é preenchido tantas vezes quantas as necessárias para descrever as diferentes unidades curriculares.

Curricular unit sheet

Course Scientific Master

Curricular unit

International Economic Law I/II

Responsible Academic staff and respective workload in the curricular unit (enter full name)

Pedro Miguel Infante Mota, 2hours per week

Other academic staff and respective workloads in the curricular unit

Learning outcomes of the curricular unit

The main objectives are the characterization of International Economic Law as a law branch, the history characterization, and dimension of the wave of globalization that we are now living, the identification and solution of the normal problems of international regulation of public procurement and, finally, the study of the new agreement of the World Trade Organization about public procurement (it entered into force in 7 April of 2014).

Syllabus

1. Historical Introduction

2. The Agreements of the Tokyo and Uruguay Rounds

3. The New Government Procurement Agreement

4. The Scope of Application



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5. The Procurement Process
6. The General Principles (Non-discrimination and Transparency)
7. the General and Particular Exceptions
8. The Dispute Settlement Mechanisms
9. The Relevant Case-Law
10. The Plurilateral Nature of the Agreement (special mention to the case of China)
11. The Preferential Trade Agreements
12. Final Observations

Demonstration of the syllabus coherence with the curricular unit's objectives.

The syllabus structure is in line with the main objectives of the course, giving to the students the knowledge of general notions and guiding principles and exceptions of the World Trade Organization public procurement regime.

Teaching methodologies (including evaluation)

Complementary theoretical and practical classes and the following method of evaluation: continuous evaluation, a oral presentation of the selected theme and a written report about the same theme.

Demonstration of the coherence between the teaching methodologies and the learning outcomes

The teaching methodology provide to the students not only the acquisition of the required knowledge and the answer of questions, but also the acquisition of competences of legal reasoning in the discussion of legal problems and in the resolution of practical cases.

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NOTE: this map can be filled in as many times as necessary to describe the different curricular units.