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***SustainEUorPlanet – Jean Monnet Chair Project***

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**SustainEUorPlanet Seminars in Bologna**

Monday 30th March 2026, h. 9-11

AULA L Belmeloro, Edificio in Bo - via Beniamino Andreatta 8

***“WTO Subsidy Discipline:  
Evolution, Structure and  
Current Challenges”***

**Dr. Elettra Bargellini**

Max Weber Fellow, European University Institute (EUI)

*Introductory Remarks and Discussant*

**Prof. Elisa Baroncini**

*SustainEUorPlanet Jean Monnet Chair*

**Abstract:** In this class, I will provide an overview of the WTO's discipline on subsidies. I will begin by tracing the evolution and objectives pursued by the GATT/WTO disciplines. Proceeding from Articles VI and XVI, through a plurilateral Tokyo Round Subsidies Code, and ultimately to the Agreement on Subsidies and Countervailing Measures (SCM Agreement) with binding dispute settlement, the GATT/WTO regime has served a two-pronged level playing field objective aimed at (1) ensuring that concessions negotiated elsewhere in the GATT/WTO framework are not undermined by the use of subsidies and (2) constraining the use of CVDs as a means of raising tariffs on products otherwise subject to liberalising market access concessions.

I will then outline the key normative and institutional features of the current WTO subsidy framework, as mainly enshrined in the SCM Agreement. I will explain that, under this framework, subsidies are generally permitted unless they fall within the limited category of prohibited subsidies, which must be eliminated immediately by the granting member. Other subsidies, classified as actionable subsidies, are not outright prohibited but may be challenged if they cause adverse effects. Enforcement of the SCM Agreement relies on a complaint-driven mechanism, as WTO members are not required to notify subsidies in advance (*ex post* control). Thus, when a WTO member believes that a subsidy has an adverse effect on its market, it can either resort to the DSM or impose unilateral CVDs as a means of addressing the negative impacts resulting from the subsidy.

Finally, I will situate WTO subsidy disciplines in the context of the recent global resurgence of industrial policy. Particular emphasis will be placed on climate change as a key driver of contemporary subsidy practices and on the implications this has for the effectiveness of existing WTO rules. I will therefore introduce current debates on the modernisation of international subsidy disciplines, including discussions on plurilateral approaches inspired by the Tokyo Round Subsidies Code.

**Dr. Elettra Bargellini:** Elettra Bargellini is currently a Max Weber Postdoctoral Fellow in the Law Department at the European University Institute (EUI). She was awarded a PhD in EU Law and International Trade Law from Dublin City University, with a thesis entitled 'Subsidy Regulation under the EU–UK Trade and Cooperation Agreement: The Post-Brexit Arrangements in Comparison with WTO and EU Law.' She holds an LLM from King's College London and a combined LLB and LLM (Laurea Magistrale) in Law from the University of Bologna. In 2024, she was a Visiting Researcher at Princeton University, where she was affiliated with the School of Public and International Affairs.

Elettra's research and teaching address international economic law-related issues comprehensively, with a particular focus on industrial policy, trade and investment, international taxation, and the increasing intervention of the state in the economy. While grounded in legal doctrine, her work adopts a law-in-context approach, examining the influence of political and economic dynamics on the drafting and implementation of the law.

She has served both as a lecturer and as a guest lecturer at undergraduate and postgraduate levels, including at Dublin City University, Princeton University, and Yale Law School.

**Prof. Elisa Baroncini:** Full Professor of International Law, Elisa Baroncini is Member of the Permanent Court of Arbitration at The Hague (since October 2025). She has been elected (December 2023) Member of the Executive Council of the Society of International Economic Law (SIEL) and, in 2019, she founded DIEcon, the Interest Group on International Economic Law of the Italian Society of International Law (SIDI), which she currently coordinates after having been Co-Chair of the Interest Group on International Economic Law of the European Society of International Law for ten years (2013-2022). Member of the Scientific Council of the Institute of Advanced Studies (ISA) of the *Alma Mater Studiorum* – Università di Bologna, in June 2022 Elisa Baroncini was appointed by the European Commission "TSD Expert" to settle disputes within the Trade and Sustainable Development Chapters (TSD Chapters) of the new EU Trade Agreements, and, in May 2025, accepted by the International Law Association to be member of the ILA Committee on the Contributions of International Law to the Global Sustainable Development Goals and the Post-2030 Agenda. In May 2023, she was appointed by the Italian Government as an Independent Non-executive Director on the Board of Administration of Eni S.p.a., the Italian energy company. Elisa holds a *cum laude* Law Degree and a PhD in EU Law from the University of Bologna. After many years of EU Law and International Law teaching, she currently teaches International Trade and Investment Law (Re-Globe), International Law on Sustainable Development, and International Energy Law in Bologna and Ravenna, has been Visiting Professor at the China-EU School of Law, speaker in many international conferences, Visiting Researcher at the European University Institute. Elisa, currently Jean Monnet Chair of the Project SustainEUorPlanet (2025-2028), coordinates and participates in international, EU, and national research projects: *inter alia* Coordinator of the Jean Monnet Module Re-Globe (2022-2025), the Seed Funding Una Europa Project ImprovEUorGlobe (2023), the Seed Funding Una Europa Project WHC@50 (2022), the Projects "L'Organizzazione mondiale del commercio quale protagonista dello sviluppo sostenibile nel rilancio del sistema multilaterale" (2024-2025) and "Il sistema multilaterale degli scambi come piattaforma per affrontare le sfide globali: gli Accordi e le Iniziative

plurilaterali dell'OMC quali strumenti di governance del nuovo ordine economico mondiale" (2025-2026), both financed by the Italian Ministry of Foreign Affairs. She published extensively on EU External Relations Law, EU Trade Policy, and International Economic Law, mainly in English and Italian. Her main fields of research include: the crisis of the WTO Appellate Body and the WTO reform process; the relation between free trade and non-trade values; transparency in International Economic Law; the role of the European Parliament and the European Commission in the conclusion of international trade and investment agreements; the bilateral dispute settlement mechanisms of the new EU Trade Agreements; UNESCO and International Economic Law; EU trade policy and the Sustainable Development Goals of the UN 2030 Agenda; International and EU Energy Law.

**SustainEUorPlanet:** The Project proposes an interdisciplinary and critical analysis of the EU's international policies and legal frameworks directed to economic and social fairness, respect for the environment, access to clean energy and essential goods, while looking for security to overcome geopolitical tensions and asymmetries. SustainEUorPlanet has a twofold purpose. On one side, it offers a set of activities envisaging the promotion of a ruling and academic class of excellence, involving EU, national and international civil servants, politicians, NGOs, local businesses and public administration. On the other side, SustainEUorPlanet shows the leading role of the EU as a global actor in constantly promoting a sustainable agenda for trade, environment, energy and climate policies, highlighting the importance of economic operators' accountability and the relevance that EU citizens can have in shaping and enforcing EU's external tools through participation and transparency. Likewise, the Project focuses on political security policies in world economy. More information available on the [Project's website](#) and on [LinkedIn](#).

