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Leopoldo Biffi



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International Trade and Investment Dispute Settlement Giorgio Sacerdoti, Niall Moran, 2025-06-17 This book provides a thorough comparative analysis of the trade dispute settlement system of the WTO Regional Trade Agreements and of Investor State Dispute Settlement ISDS Reviewing in parallel their origins features development and current challenges highlighting commonalities and differences the book analyzes criticisms leveled against both regimes explores current reform efforts at the WTO ICSID and UNCITRAL including the controversial proposal to replace ISDS with a Multilateral Investment Court and engages in the on going debate by evaluating possible outcomes As to trade the book highlights the WTO system s successful operation for more than 20 years and its hobbling functioning since the paralysis of the Appellate Body in 2019 As to ISDS the book details the procedural protection granted to foreign investors under Bilateral Investment Treaties BITs other International Investment Agreements and investment chapters of trade agreements such as NAFTA USMCA CETA and the CPTPP alongside the impact of case law on the regulatory space of states This authoritative book intends to serve as a fundamental reference for students and researchers in international investment and trade law as well as for international lawyers adjudicators and diplomats involved in dispute settlement Global Values and International Trade Law Csongor

István Nagy, 2021-12-26 Exploring the relationship and interaction between economic interests and normative non trade values this book argues that the emergence and development of non trade values is based on a complex dialectic interaction between selfish economic interests and normative values and examines how their structural interdependence has given rise to a remarkable evolution in international trade Conceiving this relationship as an intricate dialectic one that is neither purely value driven nor purely economic interest driven it addresses the emergence function and role of non trade values in international trade with a synthetizing approach and explores the results of their interaction in international economic intercourse Approaching the non trade issues of trade in a holistic manner the book demonstrates that trade can operate smoothly only if it is framed by an architecture of normative value standards and international trade liberalization has reached the level where further development calls for cooperation also in fields that at first glance may appear to be non trade in nature

Research Handbook on Intellectual Property and Investment Law Christophe Geiger, 2020-06-26 This innovative Research Handbook explores the complex and controversial interactions between intellectual property IP and investment law In light of recent developments at national European and international levels the chapters critically examine the legitimacy of current practices with regard to the social function of IP rights and the regulatory autonomy of States to undertake measures in the public interest

ASEAN and the Reform of Investor-State Dispute Settlement Calamita, Nicolas J., Giannakopoulos, Charalampos, 2022-07-19 The reform of Investor State Dispute Settlement ISDS is a subject of ongoing debate in international institutions yet an ASEAN perspective on the subject has been largely absent to date This book addresses that gap by presenting analysing and assessing ISDS reform from an ASEAN perspective taking into account

the experience needs and concerns of ASEAN as a community and of its member states

The Canada Model and Post-Brexit EU Trade Relations Nanette Neuwahl, Amy Verdun, 2025-09-30 This book provides an overview of the relationship between Canada and the European Union EU offering a comprehensive treatment of the Canada model frequently mentioned in the discussions surrounding Brexit Addressing the issues in three ways examining the economic relations between Canada and the EU comparing the essence of Canada's relationship to the EU with that of the United Kingdom UK post Brexit and considering the relations with their respective large neighbours this book offers a deeper understanding of what the Canada model really means Contributions from different disciplinary perspectives provide expert accessible coverage by analysing both the relationships between Canada and the EU and between the UK and its partners This book will be of key interest to scholars students and practitioners of EU politics British politics Canadian politics international trade comparative politics and international relations

Constitutional Review and International Investment Law David Schneiderman, 2024-04-10 The revival of interest in comparative constitutional studies alongside the rise of legal limitations to state action due to investment treaty commitments calls for a unique analysis of both investment law and comparative constitutional law The unresolved tensions that arise between the two are only beginning to be addressed by judges Are courts resisting these new international limitations on their constitutional space Constitutional Review and International Investment Law Deference or Defiance pioneers this discussion by examining how a selection of the highest courts around the world have addressed this potential discord A comparison of decisions in the US Europe Colombia Indonesia Israel and elsewhere reveals that rather than issuing declarations of constitutional incompatibility courts are more likely to respond to constitutional tensions indirectly Their rulings adopt stances that range from hard deference such as the Peruvian Constitutional Court viewing constitutional law and investment law as entirely compatible to soft defiance for example the Colombian Constitutional Court requiring only modest renegotiation of some treaty terms so that they are constitutionally compliant Readers learn that judges are not aiming to undermine the investment law regime but are seeking to mitigate constitutional collision

International Arbitration and EU Law Nikos Lavranos, Stefano Castagna, 2024-08-06 In this substantially revised and updated second edition this work examines the intersection of EU law and international arbitration based on the experience of leading practitioners in both commercial and investment treaty arbitration law It expertly illustrates the depth and breadth of EU law's impact on party autonomy and on the margin of appreciation available to arbitral tribunals This second edition covers all relevant new developments in law and practice and tracks the ever increasing influence of EU law and the jurisprudence of the Court of Justice of the EU CJEU in international arbitration

Rethinking Investor-State Arbitration Flavia Marisi, 2023-10-18 A significant increase in investor State arbitration cases has been observed since the 2000s The trust placed by investors and States in this method of dispute resolution stems from several strengths In addition to its neutrality one of the primary reasons for its widespread use is its

adaptability enabling it to address specific challenges that have emerged in recent decades The following elements highlight this adaptability the arbitration procedure can be customised to meet the specific needs of the disputing parties and stakeholders involved It effectively responds to evolving cultural norms and ethical considerations such as diversity gender representation corporate social responsibility environmental issues and human rights Moreover it can adapt to global health crises by facilitating online hearings Finally during times of international armed conflict economic exchanges trade investment and investor State dispute settlement foster economic integration and interdependence contributing to maintaining commercial peace and supporting international peace and security However investor State arbitration has sparked vigorous debates with many advocating for reform in three crucial aspects transparency legitimacy and consistency Multilateral negotiations are currently underway on various fronts including the negotiation of more sustainable investment treaties amendments to institutional arbitral rules the design of a multilateral investment court and the development of enhanced policy frameworks This book delves into the history of investor State dispute resolution to provide readers with an understanding of how its main features have evolved over time It examines the most intensely debated procedural issues analyses their multifaceted characteristics reviews the complex relationship between investor State arbitration and the European Union and explores potential options for addressing stakeholder concerns

The EU and the Rule of Law in International Economic Relations Biondi, Andrea, Sangiuolo, Giorgia, 2021-10-22 This timely book explores the complexities of the EU's international economic relations in the context of its commitment to the rule of law both within the Union and internationally Bringing together diverse perspectives from both EU and international law scholars and practitioners the book investigates some of the most controversial and lively issues in the field of EU external relations and the relationship between EU law and international law

Too Complex or Too Ambitious? Leopoldo Biffi, 2021-02-09 This ePaper looks at the recent politics of EU trade and specifically at the political hurdles characterising the enforcement of free trade agreements FTAs negotiated by the European Commission It argues that civil society advocacy groups have played a key yet undertheorised role in accounting for the recent politicisation of a number of EU FTAs which has often translated into obstacles to ratification The TTIP the CETA and the EU Mercosur FTA constitute relevant examples The analysis privileges a Commission standpoint conceiving ratification hurdles as public management issues tackled by Brussels in view of rescuing its trade policy mandate from domestic vetoes We argue that the Commission is particularly compelled to implement FTA reviews and safeguards when advocacy concerns are endorsed by official level policy actors like the European Parliament enjoying ultimate veto powers In a final step the research also enquires into the narrower reality of mixed FTAs focusing on the case study of the CETA In this regard it suggests that prolonged national level ratification poses no extraordinary obstacle to the Commission as treaty enforcement is aided by lock in dynamics involving both official level and civil society veto players even in the absence of full de jure ratification We conclude that while the above ratification obstacles have been

addressed by the Commission on an ad hoc basis as contingent policy issues their prolonged occurrence suggests that they will need to be tackled more systematically in the future This will require operating at the level of treaty design by addressing pressing concerns like trade and sustainable development more thoroughly and bindingly ahead of concluding negotiations in view of preventing otherwise inescapable enforcement hurdles The Global Energy Transition Peter D Cameron,Xiaoyi Mu,Volker Roeben,2021-01-14 Global energy is on the cusp of change and it has become almost a truism that energy is in transition But what does this notion mean exactly This book explores the working hypothesis that characteristically the energy system requires a strategy of the international community of states to deliver sustainable energy to which all have access This strategy is for establishing rules based governance of the global energy value cycle The book has four substantive parts that bring together contributions of leading experts from academia and practice on the law policy and economics of energy Part I The prospects of energy transition critically discusses the leading forecasts for energy and the strategies that resource rich countries may adopt Part II Rules based multilateral governance of the energy sector details the development and sources of rules on energy Part III Competition and regulation in transboundary energy markets discusses principal instruments of rules based governance of energy Part IV Attracting investments and the challenges of multi level governance focuses on the critical governance of the right investments This book is a flagship publication of the Centre for Energy Petroleum and Mineral Law and Policy at the University of Dundee It launches the Hart series Global Energy Law and Policy and is edited by the series general editors Professors Peter D Cameron and Volker Roeben and also Dr Xiaoyi Mu *International Law* Jan Wouters,Cedric Ryngaert,Tom Ruys,Geert De Baere,2018-12-13 This textbook offers for the first time a comprehensive analysis of the classic doctrines and main areas of international law from a European perspective meeting the needs of the many European law schools teaching public international law in English Special attention is devoted to the practice of the European Union the Council of Europe and European States both civil law and common law countries with regard to international law In particular the book analyses the interplay between international law EU law and national law in the case law of the Court of Justice of the EU the European Court of Human Rights and national jurisdictions in Europe It provides the reader with insights into how the international legal practice of the EU and its Member States impacts the development of international law both in terms of doctrines such as treaty making and customary law the exercise of extraterritorial jurisdiction state responsibility and the settlement of disputes as well as particular sub fields of international law such as human rights law and international economic law In addition the book covers other important areas such as the use of force and collective security the law of armed conflict and global and regional international organisations It provides European perspectives on all these issues and will be of great value to students scholars and practitioners Rethinking the Role of African National Courts in Arbitration Emilia Onyema,2018-06-07 With the increase in commercial transactions within the fifty four independent African states and at the international level it has

become apparent that most of the legal framework for arbitration across the continent require reform Accordingly in recent years as this first in depth treatment of arbitration in Africa shows jurisprudence from national courts of various African jurisdictions demonstrates that the courts are becoming more pro arbitration and judges increasingly better understand that their role is to support or complement the arbitral process This book documents the second SOAS Arbitration in Africa conference held in Lagos in June 2016 In thirteen lucid chapters African practitioners and academics and European specialists in African legal and arbitral systems provide a remarkably thorough overview of the relation of courts and arbitration in the continent Among the matters that arise for discussion are the disposition of courts in Africa towards arbitration whether supportive or interventionist involvement of courts in the arbitral process before during and after an award has been rendered publication and access to arbitration related decisions from African courts enforcement of annulled awards in African states under the New York Convention prospects for the establishment of a pan African investment court and how foreign courts particularly in the United States France and Switzerland perceive African arbitration Because of the wide range of developmental stages among Africa s numerous court and legal systems Part I of the book explores generic issues relevant to courts and arbitration followed by detailed descriptions including court decisions of the situation in eight specific jurisdictions Egypt South Africa Sudan Mauritius Nigeria Ghana Rwanda and Kenya The authors of these latter chapters are legal practitioners and academics from each of these countries Throughout this book policy recommendations for improving access to court decisions and laws in African states are brought to the fore In its expertise based advocacy for a mutually harmonious and supportive co existence for arbitration and litigation in the context of the complexities and peculiarities of African states and its confrontation of the predominantly negative perception that often leads to arbitration flight from the continent this book helps companies investors and their advisors to base their decisions on facts and not perceptions It will be of great value to practising lawyers in arbitration as counsel or arbitrators companies doing transnational business global law firms government officials and academics in the field

The EU and its Member States' Joint Participation in International Agreements Nicolas Levrat, Yuliya Kaspiarovich, Christine Kaddous, Ramses A Wessel, 2022-02-24 EU law has developed a unique and complex system under which the Union and its Member States can both act under international law separately jointly or in parallel International law was not set up to deal with such complex and hybrid arrangements which raise questions under both international and EU law This book assesses how EU law has been adapted to cope with the constraints of international law in situations in which the EU and its Member States act jointly in relations with other States and international organisations In an innovative scholarly approach reflecting this duality each chapter is jointly written by a team of two authors The various contributions offer new insights into the tension that continues to exist between EU and international law obligations in relation to the joint participation of the EU and its Member States in international agreements

International Economic Dispute Settlement Manfred Elsig, Rodrigo

Polanco, Peter van den Bossche, 2021-07-22 The post Cold War era has seen an unprecedented move towards more legalization in international cooperation and a growth of third party dispute settlement systems WTO panels the Appellate Body and investor state dispute settlement cases have received increasing attention beyond the core trade and investment constituencies within governments Scrutiny by business civil society academia and trade and investment experts has been on the rise This book asks whether we observe a transformation or a demise of existing institutions and mechanisms to adjudicate disputes over trade or investment It makes a contribution to the question in which direction international economic dispute settlement is heading in times of change uncertainty and increasing economic nationalism In order to do so it brings together chapters written by leading researchers and experts in law and political science to address the challenges of settling disputes in the global economy and to sketch possible scenarios ahead of us Law and Practice of the Common Commercial Policy, 2020-12-15 Law and Practice of the Common Commercial Policy provides a critical analysis of the European Union EU's trade law and policy since the Treaty of Lisbon In particular it analyses the salient changes brought by the Treaty of Lisbon to the Common Commercial Policy CCP focussing on the relevant case law of the Court of Justice of the European Union ECJ EU free trade agreements investment protection trade defence institutional developments and the nexus between the CCP and other EU policies The volume brings together a group of distinguished authors including former and current members of the ECJ practitioners officials from EU institutions and Member States and leading scholars in the area of EU trade and external relations law **Differentiated Integration and Disintegration in a Post-Brexit Era** Stefan Gänzle, Benjamin Leruth, Jarle Trondal, 2019-11-15 Assessing the consequences of Brexit on EU policies institutions and members this book discusses the significance of differentiation for the future of European integration This book theoretically examines differentiated integration and disintegration focuses on how this process affects key policy areas norms and institutions of the EU and analyses how the process of Brexit is perceived by and impacts on third countries as well as other organizations of regional integration in a comparative perspective This edited book brings together both leading and emerging scholars to integrate the process of Brexit into a broader analysis of the evolution establishment and impact of the EU as a system of differentiation This book will be of key interest to scholar and students of European Union politics European integration Brexit and more broadly to Public Administration Law Economics Finance Philosophy History and International Relations **Complexity's Embrace** Oonagh E. Fitzgerald, Eva Lein, 2018-03-31 An unprecedented political economic social and legal storm was unleashed by the United Kingdom's June 2016 referendum to leave the European Union and the government's response to the vote After decades of strengthening European integration and independence Brexit necessitates a deep understanding of its international law implications on both sides of the English Channel in order to chart the stormy seas of negotiating and advancing beyond separation In Complexity's Embrace international law practitioners and academics from the United Kingdom Europe Canada and the United States look beyond the rhetoric of Brexit Means Brexit

and no agreement is better than a bad agreement to explain the challenges that need to be addressed in the diverse fields of trade financial services insolvency intellectual property environment and human rights The authors in this volume articulate with unvarnished clarity the international law implications of Brexit providing policy makers commentators the legal community and civil society with critical information they need to participate in negotiating their future within or outside Europe Complexity s Embrace explores the many unprecedented questions about the UK s future trading arrangements Contributors include Thomas Cottier Armand de Mestral Oonagh E Fitzgerald David A Gantz Markus Gehring Valerie Hughes Matthias Lehmann Eva Lein Dorothy Livingston Richard Macrory Luke McDonagh Marc Mimler Howard P Morris Gabriel Moss Helen Mountfield Federico M Mucciarelli Joe Newbiggin Colm O Cinneide Damilola S Olawuyi Christoph G Paulus Maziar Peihani Freedom Kai Phillips Stephen Tromans Diana Wallis and Dirk Zetzsche

Standardizing the World

Francesco G. Duina, Crina Viju-Miljusevic, 2023 In Standardizing the World Francesco Duina and Crina Viju Miljusevic have gathered a group of leading experts to present an unprecedented assessment of the EU s efforts to standardize a wide array of economic political and social aspects of life through its trade agreements across the globe Drawing on economic sociology and constructivist strands in international political economy ten leading scholars from across the world offer as many chapters on EU agreements with all major trading partners and cover efforts in social and labor rights the environment investments rule of law and anti corruption agriculture and food quality services public procurement sustainable development and more

The Law of EU External Relations Jan Wouters, Frank Hoffmeister, Geert De Baere, Thomas Ramopoulos, 2021-01-21 The third edition of this book incorporates more than 10 years of fascinating dynamics since the entry into force of the Lisbon Treaty Apart from analysing the general basis of the Union s external action and its relationship to international law the book explores the law and practice of the EU in more specialized fields of external action such as common commercial policy neighbourhood policy development cooperation cooperation with third countries humanitarian aid external environmental policy and common foreign and security policy as well as EU sanctions Five years after the second edition published this fully updated edition contains major developments within the law itself along with changes and restructuring of the themes within the book Carefully selected primary documents are accompanied with analytic commentary on the issues they raise and their significance for the overall structure of EU external relations law The primary materials selected include many important legal documents that are hard to find elsewhere but give a vital insight into the operation of EU external relations law in practice

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