



# Lawyering TTIP

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# 1. Welcome Message by LAWTTIP coordinator

*Dear reader,*

Welcome to the first issue of the Jean Monnet Network LAWTTIP Newsletter. Published twice a year, this Newsletter aims to present the research and training activities carried out by the LAWTTIP Network members, as well as their planned future events.

The Newsletter also includes insights and comments on major legal and judicial developments in the field of the EU Common Commercial Policy, as well as a selection of relevant publications and events promoted by other institutions.

Wishing you a Happy Easter,

Warm Regards,

*Lucia Serena Rossi*

## 2. Past Activities

### Public Lecture held by Professor Joseph H.H. Weiler on “The Normative Fault Lines in the World of International Trade Law”

Bologna, 16 March 2018

The International Research Centre on European Law (CIRDE) of the University of Bologna hosted a [Public Lecture](#) by Professor Joseph H.H. Weiler (NYU) on “The Normative Fault Lines in the World of International Trade Law”. It was the occasion to focus on: the existing fault line between the legal international regulatory framework in commercial issues and the principle of State sovereignty; the potential consequences of the Trump’s choice to impose tariffs on steel and aluminium imports; the legal and geopolitical implications of the current impasse concerning the conclusion of FTAs.

### KCL LAWTTIP Seminar Series Events on effective judicial protection under the EU FTAs

London, February/March 2018

The Centre of European Law of King’s College London, in cooperation with GW Law, hosted a series of seminars focusing on the principle of effective judicial protection under the EU’s Free Trade Agreements. More specifically, the [first seminar](#) focused on the EU-China trade relations; the [second seminar](#), moderated by Professor Chris Yukins (George Washington University) and Michael Bowsher QC (Visiting Professor, King’s College, London), concerned the resolution of international procurement disputes from the standpoint of both practitioners and Courts.

### KCL TTIPills Lecture Series Events

London, 21-22 February 2018

On 21 and 22 February 2018, the KCL Centre of European Law hosted the 2<sup>nd</sup> and the 3<sup>rd</sup> KCL LAWTTIPills Lecture Series. In the [second lecture](#), Flavia Marisi, Research Assistant at Faculty of Law of the Chinese University of Hong Kong, illustrated the topic of openness in investment arbitration by trying to answer the following questions: what is the state of the art of transparency in investment arbitration? Is transparency a value in itself? And what are the advantages of subjecting this method of international adjudication to public scrutiny? The [third lecture](#) was aimed at reviewing past and current investment treaty drafting praxis with specific attention to the chapters regarding investment dispute resolution.

## LAWTTIP IODE II Roundtable on “Who will draft international trade rules? Citizens’ challenges of the EU trade agreements with North America”

Rennes, 13 February 2018

The [II IODE Roundtable](#) on EU trade agreements analysed the major legal features related to the role that citizens may play in shaping the rules of international trade between the EU and North America. Speakers included Edouard Bourcieu (European Commission Representation in France), Jean-Baptiste Velut (Université Sorbonne Nouvelle) and Joel Lebullenger (Université de Rennes 1).

## LAWTTIP IODE I Roundtable on “Comparative law aspects of CETA: Provisional application, investors/State arbitration and regulatory cooperation”

Rennes, 5 February 2018

The [I IODE Roundtable](#) on EU trade agreements analysed some of the major legal features related to the EU-Canada Agreement (CETA). Speakers included Nanette Neuwahl (University of Montreal), Alan Herve (Sciences Po, Rennes) and Hervé Prince (University of Montreal).

## UNIBO TTIPills Lecture Series on EU Trade Agreements of New Generation

Bologna, Fall Semester 2017

[UNIBO TTIPills](#) consisted in lessons on: the interaction between the EU trade agreements and other multilateral and bilateral contractual obligations of the Union and its Member States, namely within the WTO umbrella; the incorporation of EU trade agreements into the EU legal order and its effects; and the protection of fundamental rights and the implementation of EU trade agreements. Lectures were given by leading scholars with strong expertise on the LAWTTIP Network topics.

## UNIBO LAWTTIP Seminar Series

Bologna, Fall Semester 2017

During the Fall semester of the a.y. 2017/18, the International Research Centre on European Law of the University of Bologna, in cooperation with the PhD Programme in European Law,

hosted a [LAWTTIP Seminar Series](#) focusing on the legal implications of the protection of EU fundamental rights emerging from the negotiation and implementation of EU FTAs.

## I LAWTTIP Joint Conference “TTIP and Beyond... Negotiating and implementing the EU’s Free Trade Agreements in an uncertain environment”

Rennes, 15-16 June 2017

The I LAWTTIP Joint Conference was aimed to review institutional, procedural and democratic issues raised by the negotiation and implementation of the new EU’s free trade agreements. It further considered the new legal issues that emerged as a consequence to the new scope of those treaties. The Conference consisted of two macro-sessions. The first one dedicated to the uncertain negotiation and conclusion of TTIP and other FTAs; and the second one was focused on the uncertain functioning of TTIP and other FTAs.

For the Executive Summary of the Conference, visit this [page](#).

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### 3. Future Activities

## II LAWTTIP Joint Conference on “Rights, Values and Trade: Is an Agreement between EU and US Still Possible?”

Bologna, 12-13 April 2018

The International Research Centre on European Law of the University of Bologna, together with IODE - Institut de l’Ouest: Droit et Europe of the University of Rennes 1 and the Centre of European Law at King’s College London is hosting the **II LAWTTIP Joint Conference**, which will be held at the Law School of the University of Bologna on **12-13 April 2018**, in Bologna. The Conference on “**Rights, Values and Trade: Is an Agreement between EU and US Still Possible?**” will put the political and social debate on the substantive implications of TTIP and other EU trade agreements of new generation for the EU’s system of protection of its values and fundamental rights into a legal perspective. Emphasis will be given in this respect to the possible developments related to the finalisation of the TTIP, the negotiation of which has been provisionally ‘frozen’ by Trump’s Administration.

The Conference aims at offering a comprehensive assessment of EU general principles and legal tools governing the relations between EU trade agreements and the European constitutional identity; striking a provisional balance between (European) risks and (international) benefits stemming from the bilateral partnerships; overcoming the information asymmetries between decision-makers and economic actors on the material scope of EU agreements’ negative ‘interferences’ with EU values and fundamental rights.

For further details, visit this [page](#).

## UNIBO Seminar Series Event on the European Citizens' Initiative and the EU Trade Cooperation

Bologna, 16 April 2018

The International Research Centre on European Law (CIRDE) of the University of Bologna will host, within the framework of the Jean Monnet Network LAWTTIP, a seminar by **Professor Ségolène Barbou des Places** (Paris 1 Panthéon Sorbonne University) on **“The European Citizens’ Initiative and the EU Trade Cooperation”**. The seminar will take place on the 16th of April 2018, 17:00-19:00, at the School of Political Sciences (Palazzo Hercolani, Strada Maggiore 45, Bologna) and will be chaired by Professor Lucia Serena Rossi, CIRDE Director.

For further details, visit this [page](#).

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## 4. Major developments in EU CCP

### Commissioner Malmström commented on the US decision to impose tariffs on steel and aluminium

On 8 March 2018, the US President Donald Trump signed orders imposing tariffs of 25 % on steel imports and 10 % on aluminium imports *vis-à-vis* all countries, except Canada and Mexico. Since President Trump first announced his intention to impose tariffs, on March 1<sup>st</sup>,



the European Commission and key US trading partners have expressed their concern over and, in some cases, readiness to respond to the measures. The Commission stated that it would “react firmly and commensurately to defend EU interests”. The Commission is therefore seeking an exemption for the EU from the US tariffs and, at the same time, preparing a proposal on how to respond to the US tariffs, if necessary.

On occasion of the **plenary session** of the European Parliament of Wednesday 14 March 2018, the Trade Commissioner Cecilia Malmström presented her [statement](#). Speaking before the MEPs, Commissioner Malmström said: “We regret the adoption of these measures. Justifying tariffs on the basis of national security considerations risks undermining the multilateral trading system. Moreover, the European Union, friends and allies in NATO, is not a threat to the national security of the US.” By considering the potential

damages to the transatlantic relations and the global rules system based on a common global order, the EU does not want an escalation. However, if EU exports will not be excluded from the scope of the US measures, a “**firm and resolute, but proportionate, response**” according to the WTO rules will follow, she said. Dialogue with the US is now intense and the EU remains available to continue working on this together with the United States. At the same time, the EU has been and remains a strong supporter of an open and rules-based global trade system.

For a replay of the closing statement by Cecilia Malmström during the plenary session in Strasbourg, visit this [page](#).

## The ECJ's ruling on the compatibility of Members States' BITs with EU law

On 6 March 2018, the Grand Chamber of the Court of Justice of the European Union rendered its long-awaited [decision in \*Slovakia v. Achmea\*](#) (C-284/16). The case concerned a preliminary reference sent to the ECJ by the German Federal Court in the context of an appeal against the rejection by a lower German Court of a challenge brought by Slovakia regarding an arbitration arising from the Czech Republic-Netherlands **bilateral investment treaty** (BIT), enacted on 1 January 1992. The Federal Court of Justice asked the Court of Justice whether the arbitration clause contested by Slovakia was compatible with the TFEU. The ECJ ruled that intra-EU investor-state arbitration was incompatible with EU law.



Firstly, it recalled that **investor-state arbitral tribunals**, constituted pursuant to an intra-EU BIT, may be called upon to **interpret and apply EU law**. This is so because EU law is both part of the domestic law of the Member States and is derived from an international agreement between Member States. The ECJ also held that arbitral tribunals are not courts or tribunals “of a Member State” pursuant to Article 267 TFEU and therefore cannot make a reference to the Court for a preliminary ruling. According to the Court, such a limitation could undermine the **unity and coherence of EU law**. Secondly, the ECJ was concerned by the fact that the arbitral tribunal’s decision is final and that it is free to determine its own procedure and to choose its seat and consequently the law applicable to the procedure governing **judicial review** of the validity of the award. However, with reference to this last point, the Court set that – unlike in the context of commercial arbitration proceedings – it is not possible to limit the opportunity for national courts to review the arbitral awards. In fact, while the former proceedings originate in the freely expressed wishes of the parties, the latter derive from a treaty by which Member States agree to remove from the system of judicial remedies which the EU Treaty requires them to establish in the fields covered by EU law, disputes which may concern the application or interpretation of EU law.



On those grounds, the Court found that, by concluding the BIT, Slovakia and the Netherlands established a mechanism for settling disputes which is not capable of ensuring that those disputes will be decided by a court within the judicial system of the EU, the latter court being the only one able to ensure the **full effectiveness of EU law**. In those circumstances, the Court concluded that the arbitration clause in the BIT has an adverse effect on the **autonomy of EU law** and is therefore **incompatible with EU law**.

The biggest question arising from the Achmea judgement is what will now happen to investor-state disputes that have been brought under intra-EU BITs. Such a ECJ's decision could mark the beginning of the end of ISDS in Europe.

## EU-Chile association agreement: negotiating directives made public

Political and economic relations between the EU and Chile have so far been governed by an association agreement which was signed in 2002 and fully implemented in 2005. On trade issues, that agreement has led to a substantial increase in trade in goods and services



between the EU and Chile, but it does not address some important trade and investment issues, such as specific provisions on investment, non-tariff barriers, intellectual property rights and some geographical indications and contributions to sustainable development. In order to enhance existing cooperation on political, security and trade matters, on 16 November 2017, negotiations for the conclusion of a **modernised agreement** to

deepen EU-Chile relations were launched.

On 22 January, the Council decided to publish the **mandate** given to the Commission on 13 November 2017 to modernise the existing association agreement with Chile. This is **the first time** that the Council has decided to make public the entire mandate for an association agreement covering political and trade aspects. It responds to calls for greater **transparency** and the need to better communicate the contents and the objectives of the negotiations.

## Commission sets up an advisory group on EU trade agreements

On 22 December 2017, the Commission announced the composition of the advisory group on EU trade agreements. The creation of the group is one of the elements aiming to increase **transparency** and **inclusiveness** in EU trade policy to which the Commission committed at the time of the 2017 State of the Union address. Through this group the Commission will benefit from the perspectives and insights of a **wide and balanced group of stakeholders**, ranging from trade unions, consumer groups and other non-governmental organisations. The nomination of **28 experts** has been based on an open call for applications and a clear set of criteria. The list is now available here and the first meeting of the group took place in early February.

## EU puts in place new trade defence rules

Following a proposal of the European Commission for a new method for calculating **dumping on imports** from countries where there are significant market distortions, on 20 December 2017 the EU's new trade defence legislation, an integral part of President Juncker's agenda on **A Europe That Protects**, entered into force. [Regulation \(EU\) 2017/2321 on protection against dumped and subsidies imports from third countries](#) introduces a new way of calculating whether dumping has occurred in imports into the EU from countries where the economy is distorted owing to state interference. The standard way of calculating dumping is to compare export prices with domestic prices or costs in the exporting country. If, due to state intervention in the economy, domestic prices or costs are distorted, the Commission will disregard these when calculating domestic value. Instead, it will use other benchmarks reflecting undistorted costs of production and sale.



The purpose of the new legislation is to make sure that Europe has trade defence instruments that can deal with current realities – notably state-induced distortions which too often lead to overcapacities – in the international trading environment, while fully respecting the EU's international obligations in the legal framework of the WTO. Before applying the new methodology, it will be necessary to show that significant distortions exist in the economy of the exporting country as a result of state interference. To do this the Commission will examine all the evidence presented in the course of an investigation, including information given by the EU industry. The Commission may also prepare **reports** describing the economies of certain countries or sectors in this context. In the course of each investigation, the Commission will examine if the use of the new methodology should be applied based on all the evidence in the file. All parties concerned by an investigation, including the government of the country concerned as well as exporting producers, will have the opportunity to comment on and disprove any findings made in the reports in the course of the relevant investigations.

## EU and Japan finalise Economic Partnership Agreement



On 8 December 2017, Trade Commissioner Cecilia Malmström and Japanese Foreign Minister Taro Kono announced the [successful conclusion of the final discussions](#) on the **EU-Japan Economic Partnership Agreement (EPA)**. The conclusion of these negotiations is an important milestone to put in place the biggest bilateral trade agreement ever negotiated by the European Union.

The Economic Partnership Agreement will open huge market opportunities for both sides, strengthen

cooperation between Europe and Japan in a range of areas and include for the first time a specific commitment to the Paris climate agreement. The Economic Partnership Agreement will remove the vast majority of the €1 billion of duties paid annually by **EU companies exporting** to Japan, as well as a number of long-standing regulatory barriers. It will also open up the Japanese market of 127 million consumers to key **EU agricultural exports** and will increase EU export opportunities in a range of other sectors. The agreement also opens up **services markets**, in particular financial services, e-commerce, telecommunications and transport. The deal also includes a comprehensive chapter on **trade and sustainable development**; sets the highest standards of labour, safety, environmental and consumer protection; strengthens EU and Japan's actions on sustainable development and climate change and fully safeguards public services.

Concerning **data protection**, which is being dealt with separately from the Economic Partnership Agreement, a Joint Statement was issued during the July Summit, in which the EU and Japan stress the importance of ensuring a high level of privacy and security of personal data as a fundamental right and as a central factor of consumer trust in the digital economy, which also further facilitate mutual data flows, leading to the development of digital economy.

After the legal verification of the text, the Commission will submit the agreement for the approval of the European Parliament and EU Member States, aiming for its entry into force before the end of the current mandate of the European Commission in 2019.

## The ECJ again on the mixity of European Union's Free Trade Agreements (Case C-600/14)

With its **judgment** in case C-600/14, delivered on 5 December 2017, the Grand Chamber of the ECJ has substantiated the Court's decision on the **Singapore Opinion** (Opinion 2/15), excluding that findings of shared competence render mixity mandatory. The EU judges have first recalled that the Treaties distinguish between the Union having an external competence (216(1) TFEU) and the exclusive or shared nature of such competence (Article 3(2) TFEU). The Union may, thus, have an external competence that falls outside the situations laid down in the Article 3(2) TFEU.

The ECJ then confirmed its position on mixity adopted in Opinion 2/15, where it found that **non-direct foreign investment provisions** (shared competence of the EU and MS), could not be approved by the Union alone. The Court specified that such finding was purely circumstantial, as it did no more than mirroring "the fact that, as stated by the Council [...], there was no possibility of the required majority being obtained within the Council for the Union to be able to exercise alone the external competence that it shares with the Member States in this area".

## State of the Union 2017: Commission unveils initiatives for a new trade policy



Following the State of the Union speech by President Jean-Claude Juncker on 13<sup>th</sup> September 2017, the Commission has unveiled a **weighty package of trade and investment proposals** for a progressive and ambitious trade agenda.

The key elements of the package are: a) a proposal for a European framework to screen **foreign direct investment**; b) recommendations to the Council to open negotiations for **trade agreements with Australia and New Zealand**; c) a recommendation to the Council to open negotiations to establish a **multilateral court for the settlement of investment disputes**; d) unprecedented **transparency**; e) the creation of an **Advisory Group on EU trade agreements**.

The details of this trade package are outlined in the Communication on “[A Progressive Trade Policy to Harness Globalisation](#)”. It is accompanied by a progress report on the EU trade policy strategy **Trade for All** looking at its implementation two years on.

## ECJ disclosed its Opinion on the envisaged FTA with Singapore

On 16<sup>th</sup> May 2017, the ECJ disclosed its [Opinion 2/15](#) on the exclusive competence of the EU to sign and conclude the **Free Trade Agreement (FTA) with Singapore** which represents the first ‘new generation’ bilateral free trade agreements. The ECJ, after clarifying that the Opinion relates only to the issue of whether the EU has exclusive competence and not on whether the content of the Agreement is compatible with EU law, held that the FTA with Singapore could not, in that form, be concluded by the Union alone, because some of the provisions envisaged fell within **competences shared** between the EU and the Member States. It followed that the FTA with Singapore could be concluded only by the EU and its Member States acting together.

In particular, the Court declared that the EU has **exclusive competence** on the parts of the FTA relating to the following matters: a) access to EU market and the Singapore market so far as it concerns goods and services, and in the fields of public procurement and of energy generation from sustainable non-fossil sources; b) the provisions concerning protection of direct foreign investments of Singapore nationals in the EU (and vice versa); c) the provisions concerning intellectual property rights; d) the provisions designed to combat anti-competitive activity and to lay down a framework for concentrations, monopolies and subsidies; e) the provisions concerning sustainable development; f) the rules relating to exchange of information and to obligations governing notification, verification, cooperation, mediation, transparency and dispute settlement between the Parties, unless those rules related to the field of non-direct foreign investment.

Ultimately, it is in respect of only two aspects of the FTA that - according to the ECJ - the Union is **not** endowed with **exclusive competences**, namely the field of **non-direct**

**foreign investments** and the regime governing **dispute settlement** between investors and States.

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## 5. Relevant publications

### LAWTTIP Digest 2017

For a survey on the most relevant works on EU trade cooperation published in 2017, please consult the LAWTTIP Digest 2017 available at this [page](#).

### New publications 2018

#### **Monographs, collective works and book chapters**

Lester S., Mercurio B., Davies A., *World Trade Law. Text, Materials and Commentary*, Hart Publishing, 2018.

Sattorova M., *The Impact of Investment Treaty Law on Host States. Enabling Good Governance?*, Hart Publishing, 2018.

#### **Journal articles**

Altemöller F., “Bilateralism and Unilateralism: The Future of International Trade Relations?”, *Global Trade and Customs Journal*, Vol. 13, Issue 2, 2018, pp. 62–68.

Baldon C., “La politique européenne de protection des investissements dans les traités de libre échange (CETA, TTIP...): De nouveaux risques pour l’Union européenne?”, *Revue de Droit des Affaires Internationales*, Vol.1, 2018, pp. 1-18.

Geraets D., “Changes in EU Trade Policy After Opinion 2/15”, *Global Trade and Customs Journal*, Vol. 13, Issue 1, 2018, pp. 13–18.

Gruni G., “Towards a Sustainable World Trade Law? The Commercial Policy of the European Union After Opinion 2/15 CJEU”, *Global Trade and Customs Journal*, Vol. 13, Issue 1, 2018, pp. 4–12.

Howse R., “Unspoken Truths: The Hidden Logic of Decision 2/15”, *Global Trade and Customs Journal*, Vol. 13, Issue 1, 2018, pp. 27–30.

Kleimann D., Kübek G., “The Signing, Provisional Application, and Conclusion of Trade and Investment Agreements in the EU: The Case of CETA and Opinion 2/15”, *Legal Issues of Economic Integration*, Vol. 45, Issue 1, 2018, pp. 13–45.

Korenica F., Zhubi A., Doli D., “TTIP’s Judicature in the Light of Opinion 2/13”, *European Public Law*, Vol. 24, Issue 1, 2018, pp. 73–97.

Kübek G., “The Non-Ratification Scenario: Legal and Practical Responses to Mixed Treaty Rejection by Member States”, *European Foreign Affairs Review*, Vol. 23, Issue 1, 2018, pp. 21–40.

Lenk H., “Prior Judicial Involvement in Investor-State Dispute Settlement: Lessons from the Court’s Rhetoric in Opinion 2/15”, *Global Trade and Customs Journal*, Vol. 13, Issue 1, 2018, pp. 19–26.

Martens D., Van den Putte L., Oehri M., Orbie J., “Mapping Variation of Civil Society Involvement in EU Trade Agreements: A CSI Index”, *European Foreign Affairs Review*, Vol. 23, Issue 1, 2018, pp. 41–62.

Melo Araujo B., “Labour provisions in EU and US mega-regional trade agreements: rhetoric and reality”, *International and Comparative Law Quarterly*, Vol. 67, No. 1, 2018, pp. 233–253.

Su C.H., “Regulatory Network Calibration in the EU-Korea Free Trade Agreement”, *European Foreign Affairs Review*, Vol. 23, Issue 1, 2018, pp. 1–19.

Voon T., “Consolidating International Investment Law: The Mega-Regionals as a Pathway towards Multilateral Rules”, *World Trade Review*, Vol. 17, No.1, 2018, pp. 33–63.

### **On-line journal articles**

Carta A., Ankersmit L., “AG Wathelet in C-284/16 Achmea: saving ISDS?”, *European Law Blog*, January 2018, available at <http://europeanlawblog.eu/2018/01/08/ag-wathelet-in-c-28416-achmea-saving-isds/>.

Chauvel J.M., “Normative Influence of the European Union in the Field of International Investment Law”, *Geneva Jean Monnet Working Papers*, available at [http://www.ceje.ch/files/9515/1990/7419/chauvel\\_8-2018.pdf](http://www.ceje.ch/files/9515/1990/7419/chauvel_8-2018.pdf).

Hindelang S., “The Limited Immediate Effects of CJEU’s Achmea Judgement”, *VerfBlog*, 09 March 2018, <https://verfassungsblog.de/the-limited-immediate-effects-of-cjeus-achmea-judgement>.

Thym D., “The CJEU ruling in Achmea: Death Sentence for Autonomous Investment Protection Tribunals”, *EU Law Analysis*, 9 March 2018, <http://eulawanalysis.blogspot.it/2018/03/the-cjeu-ruling-in-achmea-death.html>.

### **Papers and studies**

Harris G., *Global Trade: Time for Europe to Take the Lead?*, CEPOB - College of Europe Policy Brief series, March 2018, available at

[https://www.coleurope.eu/system/files\\_force/research-paper/harris\\_cepob\\_3\\_18.pdf?download=1](https://www.coleurope.eu/system/files_force/research-paper/harris_cepob_3_18.pdf?download=1).

UNCTAD, *The Use of the EU's Free Trade Agreements. Exporter and Importer Utilization of Preferential Tariffs*, January 2018, available at <https://www.kommers.se/Documents/dokumentarkiv/publikationer/2018/Publ-The-use-of-the-eus-ftas.pdf>.

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## 6. News

### Colloquium on International Investment Law & Competition Law

Zaragoza, 27-28 September 2018

The Faculty of Law of the University of Zaragoza is hosting, in the context of the Investment Law Initiative, a Colloquium on “International Investment Law & Competition Law”, which will take place on 27 and 28 September 2018, in Zaragoza, Spain. The Colloquium aims to address this topic and, to this end, interested academics and practitioners, both senior and junior, are invited to submit paper abstracts on the interaction between international investment law and competition law, by focusing on a number of topics including the EU FTAs agreements and the investor-state arbitral tribunals. Senior and junior academics and practitioners are invited to participate in the **call for papers** that will close on **31<sup>st</sup> March 2018**.

For further details, visit this [page](#).

### Summer Course on WTO and EU Trade Law

Trier, 9-13 July 2018

The **ERA Academy of European Law** is organising a **summer course** that will provide participants with comprehensive knowledge of the fundamentals of WTO and EU trade law as well as EU investment law. The course will focus on case-studies, applying instruments and concepts learned during the presentations to trade law practice. In particular, the course will focus on the features of substantive WTO law; the reform of EU trade defence instruments and the new EU methodology for dumping calculation; the key existing and forthcoming EU free trade agreements and the impact of the CJEU's Opinion 2/15; the proposal for a new investment court system; key challenges and legal issues of Brexit as for trade. Participants in this summer course will also have the opportunity to visit the European Court of Justice in Luxembourg.

For further details, visit this [page](#).

## International Conference on the EU and its Partners in Global Governance: “Trade, Investment, Tax and Sustainable Development”

Hong Kong, 14-15 June 2018

The Chinese University of Hong Kong and the Leuven Centre for Global Governance Studies of KU Leuven in the Framework of the Jean Monnet Network ‘The European Union at the Crossroads of Global Order’ (EUCROSS) are organising an International Conference to investigate how the EU can seek new partnerships to **reinforce global trade and investment** by implementing the Addis Ababa Action Agenda and **the 2030 Agenda for Sustainable Development**. The conference will bring together junior and senior scholars and practitioners from various disciplines, including Public and Private International Law, EU Law, International Relations, International Political Economy, European Studies and Political Science. Selected speakers will interact with established academics from EUCROSS partners. Successfully elaborated and presented papers may be selected for an international publication.

For more information, please visit this [page](#).

## 2018 Investment Arbitration & Trans-Pacific Transactions Conference

Singapore, 10-11 May 2018

The primary focus of the conference is the experience of States in the prevention of **investment treaty disputes**, and the improvement of State readiness for investment treaty claims. Leading international and regional arbitral institutions, various governments from the Asia-Pacific region and from outside the region, and leading scholars and practitioners will be involved in the conference. The conference will have numerous panel sessions on Thursday 10 May 2018, including one on the recent treaties concluded by the EU with Canada and Singapore. Then on Friday 11 May 2018 a working group on defence and prevention of investment disputes will be launched, and there will be a series of workshops during which participants will discuss the development of best practice “defence models” for States in investment arbitration. On the second day there will also be a separate stream of panel sessions on transpacific transactions, regulation on foreign direct investment and intellectual property rights.

For the draft programme of the Conference, please visit this [page](#).

## Conference at the University of Fribourg: “Le règlement des différends dans les accords de l’UE avec des pays tiers”

Fribourg, 2 May 2018

On 2 May 2018, the Law Faculty of the University of Fribourg is organising a conference on the rules relating to the **settlement of disputes** as an important component of the treaties between the European Union and third States. The purpose of the meeting is to address the



diversity of legal issues in this context and to draw the future of resolution mechanisms of conflict in modern agreements of the EU as well as opportunities for improving their effectiveness.

For further details, please visit this [page](#).

## Stakeholder meeting on the establishment of a multilateral investment court

Brussels, 13 April 2018

The European Commission is holding a stakeholder [meeting](#) on the **multilateral reform of investment dispute resolution** including the establishment of a multilateral investment court. The purpose of the meeting is to update stakeholders on the latest developments in this area at the EU and international level and to exchange views on the latest relevant EU policy developments. Speakers will be, Mr. Colin Brown, Deputy Head of Unit, Dispute Settlement and Legal Aspects of Trade Policy Moderator, and Ms Adeline Hinderer, Deputy Head of Unit, Information, Communication and Civil Society. The event will be livestreamed.

## The European Commission launches consultation on future “Counterfeit and Piracy Watch-List”

Bruxelles, 22 January 2018

**Intellectual property infringement** is a particular scourge on European industry and hampers investment and employment in industries reliant on creativity and innovation. According to the European Union Intellectual Property Office (EUIPO) and the OECD, trade in counterfeit and pirated products amount to around €338 billion worldwide. The European Union is particularly affected, with counterfeit and pirated products amounting up to around 5% of all imports or as much as €85 billion a year.

On 22 January 2018, the Commission launched a [public consultation](#) to establish its first world-wide “Counterfeit and Piracy Watch-List” to identify the marketplaces outside the EU where counterfeiting, piracy or other forms of intellectual property abuse are common practice. The initiative is part of the Commission’s strategy announced in the 2017 Communication [“A balanced Intellectual Property enforcement system responding to today’s societal challenges”](#). Based on stakeholders’ input, the future watch-list will help raise awareness among consumers that might be buying products in those marketplaces and encourage their operators and owners to crack down on intellectual property abuse. **Contributions** to the public consultation should be sent **before 31 March 2018**.



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Based on a consortium among the **International Research Centre on European Law of the University of Bologna**, the **Centre of European Law of the King's College London** and the **Institut de l'Ouest Droit et Europe of the University of Rennes 1**, the Jean Monnet Network **LAWTTIP – Legal Ambiguities withstanding TTIP** intends to promote a large-scale legal reflection of both the existing EU Free Trade Agreements of new generation and the ongoing negotiations on the Transatlantic Trade Investment Partnership (TTIP).

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