

Publications on International Economic Law 2013–2014

This chapter shall provide an overview of publications in the field of international economic law during 2013 and 2014. This selection cannot and does not claim to be complete but it gives an impression of the diversity and variety of topics shaping the large body of international economic law and its recent developments.

Aggarwal, Vinod K./Govella, Kristi (eds.): *Linking Trade and Security – Evolving Institutions and Strategies in Asia, Europe, and the United States*, Springer, New York 2013

The volume explores the relationship between trade and security by analysing how they influence each other. The focus is on Asia as a region where trade and security policy are currently very much in a state of flux. However, the volume also compares the EU and US practices regarding the interrelationship of trade and security policies. Case studies offered in this project include the World Trade Organization, the Association of Southeast Asian Nations, ASEAN Plus Three, the East Asia Summit, the Asia-Pacific Economic Cooperation forum, the Shanghai Cooperation Organization, and bilateral preferential trade agreements.

Albrecht, Eike/Schmidt, Michael/Mißler-Behr, Magdalena/Spyra, Simon P. N. (eds.): *Implementing Adaption Strategies by Legal, Economic and Planning Instruments on Climate Change*, Springer, Berlin 2014

The volume provides the reader with different ideas, approaches and tools with respect to the adaptation to climate change in certain countries and regions. The contributions thereby not only address (existing) legal instruments, but also examine

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the implementation of economic instruments and planning tools, and their development.

Anderson, Kym (ed.): *Measuring WTO's Contributions to Global Economic Welfare*, Elgar Publishing, Cheltenham 2014

The volume gathers empirical studies evaluating the national as well as global impacts on welfare through multilateral trade liberalisation spurred by the GATT/WTO. It includes contributions on the effects of WTO accessions, trade facilitation initiatives and the TRIPS Agreement.

Antoine, Rose-Marie: *Confidentiality in Offshore Financial Law*, 2nd edition, Oxford University Press, Oxford 2014

Focusing on confidentiality and disclosure obligations in offshore financial law the book also examines related issues such as the right to privacy. It analyses key legislation in offshore jurisdictions, considering the relevant treaties. The second edition holds a new chapter on Tax Information Exchange Agreements, considers the emerging FATCA initiative, the EU Savings Directive and the G20 measures and covers upgraded anti-money laundering regimes as well as confidentiality and disclosure rules for United States offshore financial entities.

Baetens, Freya/Caiado, José (eds.): *Frontiers of International Economic Law: Legal Tools to Confront Interdisciplinary Challenges*, Brill Academic Publishers, Leiden 2014

Combining both the general theory of international economic law and answers to practical questions with today's global interdisciplinary challenges, the volume structures the contributions as follows: facing economic crises and uncertainties, confronting environmental challenges, considering human rights and development objectives, and finally, regulating energy transit and new technologies.

Bardhan, Ashok/Jaffee, Dwight M./Kroll, Cynthia A. (eds.): *The Oxford Handbook of Offshoring and Global Employment*, Oxford University Press USA, New York 2013

The Oxford Handbook of Offshoring and Global Employment addresses the question of how globalisation, economic growth and technological developments interact to impact employment. It presents analyses and viewpoints from both developed and developing countries, from all continents. The contributions cover both manufacturing and services sectors.

Berger, Allen N./Molyneux, Philip/Wilson, John O. S. (eds.): *The Oxford Handbook of Banking*, 2nd edition, Oxford University Press, Oxford 2014

The book covers topics of research in banking in different parts of the world and has a strong policy orientation. The second edition not only updated topics from the first edition but introduced new chapters on banking in Africa, competition in banking, complexity and systemic risk, corporate governance in banking, liquidity creation, market discipline in financial markets, securitisation, shadow banking, sovereign debt crises, and supervision of systemically important banks.

Bings, Sophie Luise: *Neuordnung der Außenhandelskompetenzen der Europäischen Union durch den Reformvertrag von Lissabon: Mit Fokus auf ausländische Direktinvestitionen und Handelsaspekte des geistigen Eigentums*, Nomos, Baden-Baden 2014

The monograph addresses the competences of the EU on Foreign Direct Investment under Art. 207(1) of the TFEU. It examines the scope of the powers transferred and the respective legal consequences, focusing on existing bilateral and multilateral treaties of EU Member States. Further, it considers procedural changes and the EU's obligations under Art. 21 TEU regarding its external action.

Bjorklund, Andrea K. (ed.): *Yearbook on International Investment Law & Policy 2012–2013*, Oxford University Press USA, New York 2014

The *Yearbook on International Investment Law & Policy 2012–2013* covers the 2012–2013 trends in international investment agreements, the Foreign Direct Investment (FDI) trends, and the challenge of investment policies for outward FDI, as well as a review of 2012 international investment law and arbitration. It further includes essays from the *Symposium on Sustainable Development and International Investment Law: Bridging the Divide* and general articles, such as on the role of municipal laws in investment arbitration, the status of State-controlled entities under international investment law, the US and the Trans-Pacific partnership (TPP) and on the regulation of FDI in Bolivia.

Blair, Roger D./Sokol, D. Daniel (eds.): *The Oxford Handbook of International Antitrust Economics*, Oxford University Press USA, New York 2014/2015

The two-volume handbook provides a multidisciplinary approach to developments in antitrust policy over the past 60 years from both economics and law perspectives. It further offers some ideas about future directions of antitrust scholarship and policy.

Bonnitcha, Jonathan: *Substantive Protection under Investment Treaties: A Legal and Economic Analysis*, Cambridge University Press, Cambridge 2014

The monograph proposes a new framework for identifying and evaluating the costs and benefits of differing levels of investment treaty protection. The results are then applied to evaluate the levels of protection for foreign investors implied by different interpretations of the fair and equitable treatment and indirect expropriation provisions of investment treaties. Evaluating arguments in favour and against

investment treaties it is proposed that the ‘economic’ justifications for investment treaty protections are much weaker than is generally assumed and as such, the ‘economic’ objectives of investment treaties do not inevitably contravene ‘non-economic’ objectives.

Bonzon, Yves: *Public Participation and Legitimacy in the WTO*, Cambridge University Press, Cambridge 2014

The book considers the limits and potential of public participation mechanisms by advancing a conceptual framework which distinguishes the four ‘implementation parameters’ of public participation: the goal, the object, the modalities, and the actors. It analyses the institutional structure of the WTO and its different types of decisions, and suggests specific amendments to existing WTO arrangements on public participation.

Bown, Chad P./Pauwelyn, Joost (eds.): *The Law, Economics and Politics of Retaliation in WTO Dispute Settlement*, Cambridge University Press, Cambridge 2014 (paperback edition)

The volume assesses the law, economics and politics of trade sanctions in WTO dispute settlement. The contributions offer analyses of the legal rules on permissible WTO retaliation as well as assessments of the economic rationale and calculations behind the mechanism. They further address the question of how the system can effectively work also for small countries as well as what could be learned from related fields such as remedies for non-compliance in investment arbitration and competition or anti-trust regimes.

Brown, Chester (ed.): *Commentaries on Selected Model Investment Treaties*, Oxford University Press, Oxford 2013

The volume provides an article-by-article commentary on Model BITs of 19 jurisdictions. Thereby, the contributions focus on the analysis of each State’s investment treaty practice, examining the historical development of the State’s Model BITs and the treaty negotiations. This practical illustration is complemented by giving consideration to the relevant investment treaty arbitration decisions.

Bruszt, Laszlo/McDermott, Gerald A. (eds.): *Leveling the Playing Field: Transnational Regulatory Integration and Development*, Oxford University Press, Oxford 2014

The volume gathers contributions from various disciplines that provide a comparative examination of transnational integration and development. It delivers analyses of different issues, including food safety, manufacturing, telecommunications, finance, as well as labour and environmental rights. The contributions identify mechanisms that can serve to promote transnational integration settlements as well as broad based domestic institutional and economic upgrading.

Buchmüller, Christian: *Strom aus erneuerbaren Energien im WTO-Recht: Zur Vereinbarkeit von Einspeisevergütungssystemen und Quotenmodellen mit Zertifikatehandel mit dem WTO-Recht*, Nomos, Baden-Baden 2013

The monograph examines the compatibility of domestic instruments to support the generation of electricity from renewable energies with the law of the World Trade Organization. The instruments commonly applied by States tend to discriminate against foreign power producers and are thus scrutinised under the relevant WTO provisions.

Carmody, Chi/Garcia, Frank J./Linarelli, John (eds.): *Global Justice and International Economic Law: Opportunities and Prospects*, Cambridge University Press, Cambridge 2014 (paperback edition)

The volume compiles and reflects the results of a symposium held at Tillar House, the American Society of International Law headquarters in Washington, DC, in November 2008. It offers viewpoints from philosophers, legal scholars and economists approaching the topic of international economic law from the perspective of rights and justice, focusing on distributive justice.

Chen, An: *The Voice from China: An CHEN on International Economic Law*, Springer, Berlin 2013

The volume offers 24 selected articles on international economic law and the international economic order from the author that have been published over the past 30 years. They provide an insight into the author's personal views on these issues rooting in the particular Chinese situation. The articles are grouped along six major topics, including the jurisprudence of contemporary international economic law, China's strategic position on contemporary international economic order issues and contemporary Chinese practices on international economic disputes (case analysis).

Choudhury, Barnali: *Public Services and International Trade Liberalization: Human Rights and Gender Implications*, Cambridge University Press, Cambridge 2014 (paperback edition)

In the course of continuing public services liberalisation this book examines the resulting implications in light of human rights and gender concerns. It foremost relies on a legal approach but also makes use of case studies, empirical research and gender theories.

Cimoli, Mario/Dosi, Giovanni/Maskus, Keith E./Okediji, Ruth L./Reichman, Jerome H. (eds.): *Intellectual Property Rights: Legal and Economic Challenges for Development*, Oxford University Press, Oxford 2014

The volume depicts the role of intellectual property rights in developing countries. It is maintained that contrary to the general assumption innovation rates do not increase with stricter IP rights. On the contrary, they often hinder imitation and

innovation diffusion in developing countries. The contributions then turn to discuss various policy measures to reform the existing system, considering areas such as the non-patentability of scientific discoveries and the reduction of the depth and breadth of IPR patents.

Collins, David: *The BRIC States and Outward Foreign Direct Investment*, Oxford University Press, Oxford 2013

This book addresses the relatively recent phenomenon of outward foreign direct investment (FDI) from the large emerging market countries. It focuses on the BRIC States (Brazil, Russia, India, and China) and on the services sector, in particular telecommunications, finance, and transport and also considers the States' commitments under BITs, the GATS, the IMF and the World Bank. The book proposes a multilateral investment treaty to protect FDI in services which would enhance ISDS legitimacy and the recognition of public policy objectives.

Conrad, Christiane R.: *Processes and Production Methods (PPMs) in WTO Law: Interfacing Trade and Social Goals*, Cambridge University Press, Cambridge 2014 (paperback edition)

The monograph depicts and examines the major legal problems revolving around PPMs in WTO law. It contextualises these problems within the ongoing debate and considers economic and regulatory background. It advances a new approach based on the objectives and established economic rationales of the WTO Agreements.

Coppens, Dominic: *WTO Disciplines on Subsidies and Countervailing Measures: Balancing Policy Space and Legal Constraints*, Cambridge University Press, Cambridge 2014

The monograph examines not only the rationale behind subsidisation through governments but also behind the willingness to restrict this policy space. This is done by an analysis of the SCM Agreement and the Agreement on Agriculture, going back to their historical origins. In this analysis the book also includes the relevant case law and proposals during the Doha Round.

Cremona, Marise/Hilpold, Peter/Lavranos, Nikos/Staiger Schneider, Stefan/Ziegler Andreas R. (eds.): *Reflections on the Constitutionalisation of International Economic Law: Liber Amicorum for Ernst-Ulrich Petersmann*, Brill Academic Publishers, Leiden 2013

The volume gathers contributions in honour of Professor Ernst-Ulrich Petersmann. The articles address the fields of international economic law, international constitutional law/transnational constitutionalism, EU law and human rights. The articles aim to consider structural issues of law as well as recent developments, particularly in international economic law.

Dann, Philipp: *The Law of Development Cooperation: A Comparative Analysis of the World Bank, the EU and Germany*, Cambridge University Press, Cambridge 2013

The book analyses the normative structures and conceptual questions of development cooperation. It illustrates the growing pervasion of development cooperation by legal rules which makes it no longer purely a matter of politics, economics or ethics. It depicts the rules of development cooperation which are utilised to approach the institutional law dealing with the process, instruments and organisation of this cooperation. The monograph thus provides a comparative study on the laws of foreign aid and discusses how accountability, autonomy, and human rights can be maintained while combating poverty.

Depreeuw, Sari: *The Variable Scope of the Exclusive Economic Rights in Copyright*, Wolters Kluwer, The Hague 2014

The monograph addresses the question of the scope of copyright protection under current international and European law, including the WIPO Copyright Treaty and the Computer Programs Directive, the Directive on Satellite and Cable, the Database Directive and the Information Society Directive and their interpretation by the European Court of Justice. It delineates the reproduction right and the rights of communication to the public. Particular regard is given to the influence of technologies on the definition of the protected act and to the exploitation of the work.

Diebold, Nicolas F.: *Non-Discrimination in International Trade in Services: 'Likeness' in WTO/GATS*, Cambridge University Press, Cambridge 2014 (paperback edition)

The monograph turns to examine the concept of “like services and service suppliers” in GATS rules on non-discrimination. In light of the sparse amount of WTO jurisprudence on this issue the book addresses the legal questions around “like services and service suppliers” through contextualisation and comparison, *inter alia* comprising the GATT, NAFTA, BITs and EC law. The analysis thereby considers “less favourable treatment” and regulatory purpose as additional elements of non-discrimination.

Douglas, Zachary/Pauwelyn, Joost/Viñuales, Jorge E. (eds.): *The Foundations of International Investment Law: Bringing Theory into Practice*, Oxford University Press, Oxford 2014

The volume delineates the various theoretical foundations of international investment law and arbitration and analyses the perceived failings of the system. The book illustrates that divergent conceptual ways to approach international investment law directly influence the outcomes in investment awards. It further depicts that the growing number of legal principles of international investment law

and its increasing relevance nonetheless leave international investment law and arbitration subject to continuous change.

Drabek, Zdenek/Mavroidis, Petros (eds.): *Regulation of Foreign Investment: Challenges to International Harmonization*, World Scientific Publishing Company, Singapore 2013

Examining international rules on foreign direct investment and the crucial challenges to international harmonisation of those rules, the book takes particular regard to disputed and contended issues in this area. It evaluates the prospects for introducing global rules on FDI by examining the role of national and international legislation, regulatory issues like technology transfer, environment, and sovereign wealth funds and further approaches theoretical and practical issues.

Eckardt, Melanie Nadine: *Die Entwicklung des Individualrechtsschutzes im internationalen Investitionsschutzrecht*, Nomos, Baden-Baden 2014

The monograph examines the development of individual rights beyond human rights in international investment law. Starting point is the position of the individual in general public international law from which it draws conclusions regarding international investment law. It aims to create a conceptual framework regarding individual rights of investors and examines if BIT provisions create individual rights of investors or if they merely benefit from rights between the parties of the treaties.

Eger, Thomas/Oeter, Stefan/Voigt, Stefan (eds.): *Economic Analysis of International Law: Contributions to the XIIIth Travemünde Symposium on the Economic Analysis of Law (March 29–31, 2012)*, Mohr Siebeck, Tübingen 2014

The volume offers contributions on a wide variety of topics from the debate on the economic analysis of international law. These issues include the legitimacy of customary international law, internet privacy, private military contractors, the fight against piracy, the International Criminal Court and so-called land grabbing.

Espósito, Carlos/Yuefen, Li/Bohoslavsky, Juan Pablo (eds.): *Sovereign Financing and International Law: The UNCTAD Principles on Responsible Sovereign Lending and Borrowing*, Oxford University Press, Oxford 2013

The contributions in this volume analyse the UNCTAD principles for responsible sovereign lending and borrowing practices that were developed in response to the global financial and economic crisis. They analyse the UNCTAD principles' legal and economic framework as well as their financial and institutional consequences. It is contended that general principles of international law already form a basis on which principles for sovereign financing can be developed and that the UNCTAD principles correspond with them.

Fan, Kun: *Arbitration in China: A Legal and Cultural Analysis*, Hart Publishing, Oxford 2013

The book sheds light on the question of how the internationalisation of arbitration practice and local traditions of dispute resolution influence each other. China, with its historic tradition of non-confrontational means in settling disputes serves as example. The monograph thereby provides a multidisciplinary, theoretical analysis as well as practical considerations.

Faull, Jonathan/Nikpay, Ali (eds.): *Faull and Nikpay: The EU Law of Competition*, 3rd edition, Oxford University Press, Oxford 2014

The volume delineates EU competition law with special regard to the law and policy that apply in practice. The third edition introduces a new chapter on pharmaceuticals, covering, *inter alia*, dominance in abusive conduct cases and competition between manufacturers of generic medicines. The volume also holds new separate chapters on communications and media and expanded the chapters on mergers and cartels.

Feichtner, Isabel: *The Law and Politics of WTO Waivers: Stability and Flexibility in Public International Law*, Cambridge University Press, Cambridge 2014 (paperback edition)

The monograph illustrates the procedural and substantive requirements for granting waivers and examines issues of judicial review and interpretation of waivers. It systemises GATT and WTO waiver practice and offers a typology of waivers, i.e. individual exception, general exception and rule-making instruments. It further assesses the waivers' capability to provide flexibility and adaptability in public international law in general and WTO law in particular.

Foltea, Marina: *International Organizations in WTO Dispute Settlement: How Much Institutional Sensitivity?*, Cambridge University Press, Cambridge 2014 (paperback edition)

The monograph addresses the role of international organisations in WTO dispute settlement drawing from WTO jurisprudence. Particularly, it examines the roles of the IMF, WIPO, WCO and WHO. In WTO adjudication they can be given weight by means of the Vienna Convention rules of interpretation. The examination in this book draws conclusions regarding the level of institutional sensitivity of the WTO adjudicator towards the respective organisations.

Gantz, David A.: *Liberalizing International Trade after Doha: Multilateral, Plurilateral, Regional, and Unilateral Initiatives*, Cambridge University Press, Cambridge 2013

With the background of a practical standstill in the Doha Development Round, this book outlines alternative ways to promote further trade liberalisation, either among some WTO members or even on a global level. Such possibilities include “plurilateral” trade agreements, new or revised regional trade agreements covering both goods and services, and liberalised national trade laws and regulations in the WTO member nations.

Garcia, Frank J.: *Global Justice and International Economic Law: Three Takes*, Cambridge University Press, Cambridge 2013

The book proposes a way to evaluate, construct and manage international trade that is based on norms of economic justice, comparative advantage and national interest that is built around truly consensual trade negotiations and the kind of international economic system they would structure. It assesses three ways to conceptualise the issue of trade and global justice, drawing from Rawlsian liberalism, communitarianism and consent theory.

Gathii, James Thuo: *African Regional Trade Agreements as Legal Regimes*, Cambridge University Press, Cambridge 2013 (paperback edition)

The monograph offers an examination of the legal framework governing African regional trade integration. It assesses trade liberalisation in each region, the financing of RTAs, their trade remedy and judicial regimes, and how well they meet the requirements of Article XXIV GATT. The book further addresses monetary unions, intra-African regional integration as well as non-African regions such as the Economic Partnership Agreements with the European Union.

Gervais, Daniel (ed.): *Intellectual Property, Trade and Development*, 2nd edition, Oxford University Press, Oxford 2014

The volume illustrates the interrelations of intellectual property and trade rules in economic and social development. The second edition introduces new chapters on access to educational resources and innovation in the developing world, the use of traditional knowledge as a source of innovation, TRIPS, TRIPS Plus and developments across the whole of South Asia.

Hallwood, Paul: *Economics of the Oceans: Rights, Rents and Resources*, Routledge, Oxon/New York 2014

The monograph analyses ocean uses from a law and economics perspective. Topics addressed in the book include ocean governance, the economics of oceanic resource exploitation, offshore oil, coral reefs, shipwrecks and maritime piracy.

Van Harten, Gus: *Sovereign Choices and Sovereign Constraints: Judicial Restraint in Investment Treaty Arbitration*, Oxford University Press, Oxford 2013

The book offers an empirical, theoretical and doctrinal assessment of publicly-available awards to explore how arbitrators have exercised their authority and illustrates why international arbitration should be restrained by the same mediating factors limiting domestic judicial review. It maintains that arbitrators have been somewhat indulgent in their attitude towards States in comparison to the restraint typically exercised by national and international courts.

He, Juan: *The WTO and Infant Industry Promotion in Developing Countries: Perspectives on the Chinese Large Civil Aircraft*, Routledge, Oxon/New York 2014

The book examines how developing countries are challenged, how they improve and foster their industrial structure and trade composition, and focuses on the issue of infant industry promotion under the legal framework of WTO treaty and case law. China's regulatory measures to build up a large civil aircraft supplier serve as an example to analyse the key trade agreements relevant to infant industry promotional policies and practices. It is argued that the WTO rules do not provide developing countries with sufficient regulatory space to encourage new and technologically advanced areas of production and trade.

Kamperman Sanders, Anselm (ed.): *The Principle Of National Treatment In International Economic Law – Trade, Investment and Intellectual Property*, Elgar, Cheltenham 2014

The book explores the principle of national treatment across different fields of international economic law. It covers international trade law, international investment law and intellectual property law. From a multidisciplinary perspective the book examines the commonalities and disparities of the principle between the different fields.

Kennedy, David/Stiglitz, Joseph E. (eds.): *Law and Economics with Chinese Characteristics: Institutions for Promoting Development in the Twenty-First Century*, Oxford University Press, Oxford 2013

Drawing from the experiences of the Chinese market economy the volume explores ways that could serve other countries to achieve equitable and sustained development. It thereby provides a critique of the predominant law and economics doctrines that have globally shaped legal doctrines and institutions. The volume further aims to assess which institutional arrangements, including legal systems, are most likely to promote development.

Kjos, Hege Elisabeth: *Applicable Law in Investor-State Arbitration: The Interplay Between National and International Law*, Oxford University Press, Oxford 2013

The monograph analyses national and/or international law that arbitral tribunals apply on the merits to settle disputes between foreign investors and host States. It thereby not only draws from the relevant jurisprudence but also from the legal instruments and scholarship regarding arbitral practice. Because the arbitrators of an arbitral proceeding are free in designating the applicable law and also in light of the hybrid nature of the legal relationship between investors and States, the book concludes that there is a considerable interaction and interdependence of the national and the international legal regimes in investor-State arbitration.

Lang, Andrew: *World Trade Law after Neoliberalism: Reimagining the Global Economic Order*, Oxford University Press, Oxford 2013 (paperback edition)

The book addresses the perceived tension between free trade and human rights, delineating and critically examining the assumptions informing the debate. It offers an overview of the trade and human rights debate and puts forward a new approach that involves the WTO as a forum which provides the expert knowledge and informal relationships that drive States in their international economic relations.

Lee, Yong-Shik (ed.): *Microtrade: A New System of International Trade with Volunteerism Towards Property Elimination*, Routledge, Oxon/New York 2013

The volume addresses “Microtrade” as international trade on a small scale, based primarily on manually produced products using small amounts of capital and low levels of technology available at a local level in lesser developed countries. It examines the theory, application and legal framework regarding microtrade. It contends that microtrade, if it is effectively administered on a global scale, can contribute to ending extreme poverty.

Mangan, Mark/Reed, Lucy/Choong, John: *A Guide to the SIAC Arbitration Rules*, Oxford University Press, Oxford 2014

The book offers a commentary on the SIAC Arbitration Rules and also compares the 2007, 2010 and 2013 SIAC Rules to those of other major arbitral institutions. It considers Singapore law when it is relevant as well as SIAC awards, the views of the Secretariat and materials not previously published, such as the *travaux préparatoires* of the 2010 SIAC Arbitration Rules Drafting Committee. Pertinent documents are added, including SIAC Practice Notes and the SIAC Code of Ethics for Arbitrators.

Mattli, Walter/Dietz, Thomas (eds.): *International Arbitration and Global Governance: Contending Theories and Evidence*, Oxford University Press, Oxford 2014

The volume provides a theoretical approach to global private justice, a debate that is usually rather practice-oriented, technical, and promotional and very much informed by inside analyses. It places international arbitration in the context of global governance and addresses issues like legitimacy and constitutional order and justice beyond classical nation State institutions.

Mavroidis, Petros C.: *Trade in Goods*, 2nd edition, Oxford University Press, Oxford 2013 (paperback edition)

The book provides an analysis of the WTO agreements on trade in goods from an economic and legal perspective. The second edition includes all WTO agreements concerned with trade in goods and also explores the “new generation” agreements such as the TBT and the SPS agreement as well as plurilateral agreements.

Mendez, Mario: *The Legal Effects of EU Agreements*, Oxford University Press, Oxford 2013

The monograph examines the legal effects of EU concluded treaties, highlighting the significance of this area of law for the Member States’ constitutions. The EU has so far concluded more than 1,000 treaties and the book undertakes to analyse their impact on the legal order of the EU and that of its Member States, *inter alia*, by examining over 300 cases involving private parties, Member States, and institutions. A PDF version of this book is available for free in open access via www.oup.com/uk as well as on the OAPEN Library platform, www.oapen.org.

Mercurio, Bryan/Ni, Kuei-Jung (eds.): *Science and Technology in International Economic Law: Balancing Competing Interests*, Routledge, Oxon/New York 2013

The volume gathers contributions that examine the status and interaction of science, technology and international economic law. They cover issues such as investment law, international trade law, and international intellectual property and analyse the place of science and technology in the development of international economic law. The book assesses how international trade and investment regimes utilise science and technology, and whether they do so fairly and with a view to broader public policies.

Narlikar, Amrita/Daunton, Martin/Stern, Robert M. (eds.): *The Oxford Handbook on The World Trade Organization*, Oxford University Press, Oxford 2014 (paperback edition)

The volume aims to provide a comprehensive and interdisciplinary understanding of the tasks of the WTO, its procedures, achievements and problems, and how it might cope with some critical challenges.

Nikol, Ralph/Bernhard, Thomas/Schniederjahn, Nina (eds.): *Transnationale Unternehmen und Nichtregierungsorganisationen im Völkerrecht*, Nomos, Baden-Baden 2013

The volume examines the role of transnational corporations (TNCs) and non-governmental organisations in influencing the classical subjects of international law and thereby shaping international law and its application. The volume focuses on the legal challenges regarding the responsibility of TNCs for human rights violations but also covers issues of international investment law.

Okediji, Ruth L./Bagley, Margo A. (eds.): *Patent Law in Global Perspective*, Oxford University Press USA, New York 2014

The volume analyses and reviews developments in national patent laws and efforts to reform the global patent system, taking regard of existing geopolitical interests. Topics include the role of patent law in economic development, the efficacy of patent rights in facilitating innovation, limitations and exceptions to patent scope and protection (including exhaustion, compulsory licensing, and research exceptions), patents on plants and other living organisms and the impact of emerging economies on global patent system governance.

Ostrove, Michael/Salomon, Claudia/Shifman, Bette (eds.): *Choice of Venue in International Arbitration*, Oxford University Press, Oxford 2014

The volume delineates strategic considerations in choosing the seat of arbitration by providing a comparative examination of 20 venues including the major global seats. It not only offers practical considerations but also explores the history of and development in these seats.

Patel, Kiran Klaus/Schweitzer, Heike (eds.): *The Historical Foundations of EU Competition Law*, Oxford University Press, Oxford 2013

The book sets out the foundations of European competition law drawing from its history and development during the 1980s. It thereby illustrates the internal developments and external influences that shaped this area of law and historically contextualises the current debates on a legal reform of EU competition law. It further considers the role the European Court of Justice has played in establishing the protection of competition as one of the pillars of the common market.

Pauer, Nada Ina: *The Single Economic Entity Doctrine and Corporate Group Responsibility in European Antitrust Law*, Wolters Kluwer, The Hague 2014

The monograph analyses and evaluates relevant ECJ cases and Commission pronouncements to determine whether current practice under the single economic

entity doctrine provides an appropriate and effective enforcement of this aspect of European competition law. It also illustrates the underlying policy considerations and ways to include global elements in effective enforcement of European competition law.

Perry-Kessarlis, Amanda (ed.): *Socio-Legal Approaches to International Economic Law: Text, Context, Subtext*, Routledge, Oxon/New York 2014 (paperback edition)

The volume delineates the analytical, empirical and normative elements that distinguish socio-legal approaches to international economic law both from each other, and from other approaches. It takes particular regard of the substantive focus of socio-legal approaches, contending that they not only consider the text but also context and, often, subtext.

Pettis, Michael: *The Great Rebalancing: Trade, Conflict, and the Perilous Road Ahead for the World Economy*, Princeton University Press 2013

The monograph undertakes to examine the underlying reasons for the ongoing economic crisis and its effects on the world economies. It contends that distorting policies that led to severe trade imbalances propelled the financial crisis. The book further predicts a critical rebalancing of the world economies by analysing the Chinese, European and US economic policies.

Phelan, William: *In Place of Inter-State Retaliation: The European Union's Rejection of WTO-style Trade Sanctions and Trade Remedies*, Oxford University Press, Oxford 2014

The book examines the European Union as a distinctive form of international organisation from a legal and political science perspective. It focuses on the lack of inter-State retaliation within the European legal order that plays a crucial role in the enforcement of obligations in other inter-State trade regimes such as the World Trade Organization. The monograph puts forward that the effectiveness of Europe's special form of legal integration is promoted by intra-industry trade, parliamentary forms of national government, and European welfare States.

Piérrola, Fernando: *The Challenge of Safeguards in the WTO*, Cambridge University Press, Cambridge 2014

The monograph depicts the safeguard mechanism in the multilateral trading system. It depicts its historical and conceptual foundations and delineates the different requirements to impose safeguard measures as well as the conduct of safeguard investigations. It analyses the case law of WTO panels and the Appellate Body and makes practical propositions for the resolution of complex issues which

have arisen in practice and also takes regard of the difficulties that companies face in such situations.

Posner, Eric A./Sykes, Alan O.: *Economic Foundations of International Law*, Harvard University Press, Cambridge 2013

The book offers a framework to approach the problems of exchange of goods and ideas among nations, cross-border pollution, global warming, and international crime. It does so from a rational choice perspective and describes conditions under which international law can either be successful or fail.

Sacerdoti, Giorgio/Aconci, Pia/Valenti, Mara/De Luca, Anna (eds.): *General Interests of Host States in International Investment Law*, Cambridge University Press, Cambridge 2014

The volume explores the tensions that can arise vis-à-vis the rights of investors when States take measures to maintain their financial stability, stimulate economic development or promote their non-economic interests (such as health, the environment and food security). It offers an analysis of these issues in light of the case law of arbitral investment tribunals and other international courts, and illustrates how cross-fertilisation between trade and investment can serve the resolution of conflicts.

Salacuse, Jeswald W.: *The Three Laws of International Investment: National, Contractual, and International Frameworks for Foreign Capital*, Oxford University Press, Oxford 2013

The book undertakes to put forward a comprehensive method of analysis for examining the law governing foreign investment. It considers all three bodies of applicable law, i.e. national laws of both the host country and the investor's home country, contracts between the investor and the host country or among investors and their associates and international law, consisting of applicable treaties, customs, and general principles of law. The book analyses their content and illustrates how they interact and when they potentially conflict.

Santa Maria, Alberto: *European Economic Law*, Wolters Kluwer, 3rd edition, The Hague 2013

The book provides an analysis of the interrelations between issues like the right of establishment and the free provision of services by business companies, the harmonisation of company laws and the regulation of international trade, with due regard of the role of the European Court of Justice in the development of European economic law. The third edition considers developments in the course of the economic and financial crisis in the European Union and contends that either

profound, constitutional reforms aimed at renewing the European Union in the collective imagination have to be established or the EU runs the risk of becoming merely an economic community with a far-from-ideal single market where individuals and enterprises are guaranteed nothing beyond the four basic freedoms.

Sauvant, Karl P. (ed.): *Yearbook on International Investment Law & Policy 2011–2012*, Oxford University Press USA, New York 2013

The volume outlines recent trends and developments in the global international investment law and policy field. It further provides a discussion on regulatory and policy developments regarding FDIs in extractive industries, focusing on the scope of protection afforded by international investment treaties.

Schill, Stephan W.: *The Multilateralization of International Investment Law*, Cambridge University Press, Cambridge 2014 (paperback edition)

The monograph examines the function of most-favoured-nation clauses, the possibilities of treaty-shopping and the impact of investor-State arbitration which relies on precedent and other multilateral approaches to treaty interpretation in the seemingly fragmented field of international investment law. It puts forward that despite of its large basis in BITs, international investment law evolves into a multilateral system of law based on converging principles of investment protection which supports the functioning of the global market economy.

Schropp, Simon A. B.: *Trade Policy Flexibility and Enforcement in the WTO: A Law and Economics Analysis*, Cambridge University Press, Cambridge 2014 (paperback edition)

The monograph addresses trade policy flexibility mechanisms in the WTO, which are designed to deal with contractual gaps in the WTO agreements, and complementing enforcement instruments in case of unlawful extra-contractual conduct. It analyses how contractual incompleteness, trade policy flexibility mechanisms, contract enforcement, and WTO members' willingness to cooperate and to commit to trade liberalisation interrelate and puts forward a reform agenda to overcome the weaknesses of the current system.

Shan, Wenhua/Su, Jinyuan (eds.): *China and International Investment Law: Twenty Years of ICSID Membership*, Brill Academic Publishers, Leiden 2014

The volume examines current issues of international investment law and arbitration in interaction with China. It takes special regard to ongoing negotiations of bilateral and regional investment treaties, including the TPP, TTIP and also covers China's BIT negotiations with the EU and USA.

Sprankling, John G.: *The International Law of Property*, Oxford University Press, Oxford 2014

The monograph explores the emergence of international property law. It thereby considers international human rights law, indigenous rights, foreign investment law, intellectual property, the law of the sea, and airspace law. The book puts forward that an international right to property should be recognised and distinguishes five elements of ownership: acquisition, use, destruction, exclusion, and transfer.

Struck, Christian: *Product Regulations and Standards in WTO Law*, Wolters Kluwer, The Hague 2013

The monograph examines the rules on harmonisation within the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures. It puts forward a scheme for the harmonisation of public and private regulations and standards to reduce non-tariff barriers to trade.

Trakman, Leon/Ranieri, Nicola (eds.): *Regionalism in International Investment Law*, Oxford University Press USA, New York 2013

The volume offers an outline of foreign direct investment from both academic and practical viewpoints and examines different bilateral, regional, and multinational agreements, focusing on the European Union, Australia, North America, Asia, and China. It addresses issues like global commerce, sovereignty, regulation, expropriation, dispute resolution, describing their development and application in different regions of the world.

Treves, Tullio/Seatzu, Francesco/Trevisanut, Seline (eds.): *Foreign Investment, International Law and Common Concerns*, Routledge, Oxon/New York 2013

The volume assesses the relationship between foreign investments and common concerns and the potential conflicts between the interests of the investor and of the host State. It approaches the problem from an international law perspective and gives special consideration to the role of the main international development banks in resolving the tensions between the interests of foreign investors with the protection of common concerns, such as the environment, human rights and labour rights.

Van Grassek, Craig: *The History and Future of the World Trade Organization*, WTO Publications, Geneva 2013

The book delineates the roots of the trading system, membership and management of the WTO, trade negotiations and the development of coalitions among the

membership, and the WTO's relations with other international organisations and civil society. It further addresses the WTO's dispute settlement rules, the rise of regional trade agreements and the launch and evolution of the Doha Round.

Villalta Puig, Gonzalo: *Economic Relations between Australia and the European Union: Law and Practice*, Wolters Kluwer, The Hague 2014

The monograph provides an examination of the law and policy of trade and investment between Australia and the EU, two major trading partners whose economic relations are not governed by an economic integration agreement. It analyses, *inter alia*, the Partnership Framework Agreement between Australia and the EU, the Mutual Recognition Agreement, the Wine Agreement, and other sectoral agreements between Australia and the EU, the economic constitutions of Australia and the EU and their judicial interpretation. The book argues for the necessity of a trade and investment agreement to remove the agricultural tariffs and quarantine requirements and to harmonise the regulatory divergences that impede bilateral trade.

Wöss, Herfried/San Román Rivera, Adriana/Spiller, Pablo/Dellepiane, Santiago: *Damages in International Arbitration under Complex Long-term Contracts*, Oxford University Press, Oxford 2014

The book addresses the legal, financial, and economic implications of damages in international arbitration in the application of different rules of law on damages and loss of income (UK, US, France, Mexico, Germany, CISG and UNIDROIT Principles). It employs a step-by-step approach for the application of the but-for method and its relationship to loss, causation and the measure of damages and makes reference to ICC, UNCITRAL and ICSID cases and unpublished awards in which the authors were involved.

Yilmaz, Müslüm (ed.): *Domestic Judicial Review of Trade Remedies: Experiences of the Most Active WTO Members*, Cambridge University Press, Cambridge 2013

The volume explores the judicial review mechanism of the importing country utilised by importers that are confronted with trade remedies, i.e. anti-dumping, countervailing and safeguard measures. It analyses how the judicial review process has performed and reviews the experiences in the domestic courts of the 21 WTO members that are the biggest users of trade remedies.

Zillman, Donald N./McHarg, Aileen/Bradbrook, Adrian/Barrera-Hernandez, Lila (eds.): *The Law of Energy Underground: Understanding New Developments in Subsurface Production, Transmission, and Storage*, Oxford University Press, Oxford 2014.

The volume offers an interdisciplinary study into the law applicable to the production, transmission, and storage of energy underground, covering issues like ownership, the impact on the environment, and the need to provide compensation for any damage caused. It explores the challenges posed to the existing legal framework both at the international level and in various national jurisdictions by new developments such as fracking, geothermal energy, underground electrical activity, and carbon capture and storage.