

A decorative L-shaped frame made of thick, dark brown lines. The vertical line is on the left side, and the horizontal line is at the top. The right side of the frame is a vertical line that starts from the top right and goes down to the bottom right, where it meets a horizontal line that goes back to the left.

EU TRADE POLICY

Federica Cristani, PhD
Jean Monnet Module on EU Foreign Policy

Lectures' and seminars' content

- The main features of the EU foreign trade policy
- The EU foreign investment policy
- Which consequences of the current global health crisis on the EU trade and investment policy?
- The EU digital single market: an introductory overview
- Web-sources and materials on EU trade policy

Let's build up our *list of most liked* 😊

- <https://docs.google.com/document/d/1xjr14DVeYCx6oGT4FZSTVVoZjJ9hrQNxKLAG-WCKUZc/edit>



— EU FOREIGN TRADE POLICY

Link	Notes (optional)
https://www.reuters.com/article/us-italy-m-a-government/italy-to-defend-strategic-companies-from-foreign-takeovers-idUSKBN21512L	Italy is <u>introducing golden power</u> mechanism: what about compliance with EU law?
https://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=2313	UNCTAD's estimates on FDI inflows
https://www.europarl.europa.eu/news/en/headlines/priorities/globalisation/20190528STO53303/making-the-most-of-globalisation-eu-trade-policy-explained	quick explanation of EU trade policy
https://www.consilium.europa.eu/en/policies/eastern-partnership/ukraine/	EU relations with Ukraine (from the European Council webpage)
https://www.politico.com/newsletters/morning-trade/2020/04/21/lawmakers-put-new-focus-on-china-export-rules-787013	new rules on China export rules: which consequences for the EU-China relations?

EU TRADE POLICY

- Two dimensions:
 - *Internal market: among 27 member states (regional economic integration)*
 - *Common commercial policy: with non-EU third countries*

	TRADE -RELATED ISSUES	INVESTMENT-RELATED ISSUES
EUROPEAN UNION	X	X
WTO	X	
UNITED NATIONS	X	X
CJEU	X	X
WTO DSB	X	
PCA	X	X
ICSID		X
BIT		X
FTA	X	X
CETA	X	X
DCFTA	X	X

International actors

International dispute settlement mechanisms

International trade and investment agreements



**WHICH CONSEQUENCES OF THE
CURRENT GLOBAL HEALTH CRISIS
ON THE EU TRADE AND
INVESTMENT POLICY?**

COVID-19 EFFECTS ON WORLD TRADE POLICY

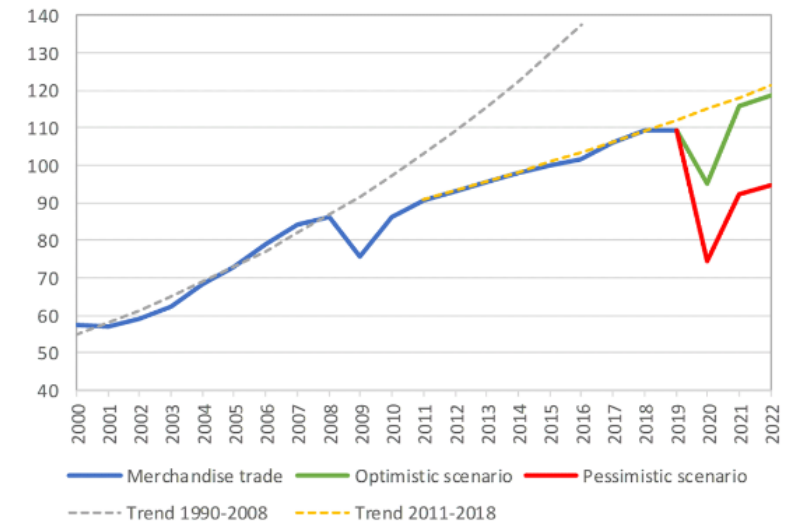
- The global COVID-19 pandemic has had, and will continue to have, significant implications for businesses involved in international commerce.
- States around the world are adopting **trade restrictions** on import/export of products (eg health-related products) on the ground of the emergency situations they are facing

Trade set to plunge as COVID-19 pandemic upends global economy

World trade is expected to fall by between 13% and 32% in 2020 as the COVID 19 pandemic disrupts normal economic activity and life around the world.

Chart 1 - World merchandise trade volume, 2000-2022

Index, 2015=100



Source: WTO Secretariat.

National COVID-19-related trade policy measures

Some countries have decided to establish **export controls** over certain medical products (eg medical ventilators, certain drugs, personal protective equipment) **in the form of temporary export bans or the addition of licensing/authorisation requirements.**

- *In principle, those measures are WTO-compatible, as they are justified as necessary to protect public health.*

Other countries, concerned with the security of their food supplies, have introduced **export restrictions over specific agricultural products**

- *Joint statement by the Directors-General of the Food and Agriculture Organization (FAO), the World Health Organization and the World Trade Organization (WTO) “uncertainty about food availability can spark a wave of [additional] export restrictions, creating a shortage on the global market”*



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Agency chiefs issue joint call to keep food trade flowing in response to COVID-19

The heads of the World Trade Organization (WTO), the UN Food and Agriculture Organization and the World Health Organization (WHO) issued a joint statement on 31 March calling on governments to minimise the impact of COVID-19 related border restrictions on trade in food. It is the time to show solidarity, act responsibly and adhere to our common goal of enhancing

https://youtu.be/CMephpBgB_9o



[TRADE TOPICS](#)

COVID-19 and world trade

The COVID-19 pandemic represents an unprecedented disruption to the global economy and world trade, as production and consumption are scaled back across the globe.

On this page:

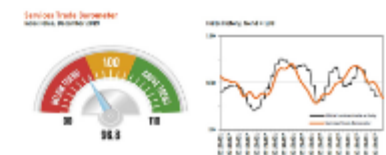
- [Latest news](#)
- [DG Azevêdo video message](#)
- [FAQs](#)
- [WTO reports](#)
- [Trade and trade-related measures](#)

One of the most effective means of addressing this crisis is through timely, accurate information. An informed public is better positioned to make sound decisions including on questions related to trade. This is why we have created this dedicated page on the WTO website. It will provide up-to-the minute trade-related information including relevant notifications by WTO members, the impact the virus has had on exports and imports and how WTO activities have been affected by the pandemic.

Share



WTO TRADE BAROMETERS



The WTO has developed a set of indicators to provide "real-time" information on trends in world trade: the



- > Overview
- > Timeline - Council actions on COVID-19
- > Fighting disinformation
- > European solidarity

COVID-19 coronavirus outbreak and the EU's response

Highlight

EU leaders to discuss phasing out measures and the EU's recovery strategy



Flexibility in EU rules

The EU has enabled **maximum flexibility in the application of EU rules** on:


- state aid measures to support businesses and workers
- public finances and fiscal policies, e.g. to accommodate exceptional spending

Overview of exceptional measures taken by MS customs authorities during COVID-19 crisis

https://ec.europa.eu/taxation_customs/sites/taxation/files/covid-19-overview_exceptional_measures_ms_ctc.xlsx

For further details, see the country specific sheets.																										
EU MS																										
	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	
Exceptional temporary measures																										
General COVID-19 measures																										
- limited staff in the offices (teleworking, ...)		x							x	x			e		x						x					
- limit physical contacts		x	x		x			x	x	x					x				x		x	x				
- wear protective equipment and to regularly disinfect all public areas					x				x						x											
- avoid paper-based documents			x		x				x						x				x			x				
- reduction of physical checks of goods		x			x				x	x					x											
Transit																										
- No additional measures in place						x	x								x		x		x							
- Use of existing electronic system (NCTS, ETD,...)			x												x				x			x				
- Authorised consignor / consignee (no physical contacts)			x		x										x							x				
At customs office of departure																										
- Set longer time limits on request for certain itineraries (Article 297 IA)	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
- Continued use of paperbased supporting/accompanying documents		x	x		x										x											
- when endorsement is required		x	x		x				x						x											
- upon appointment		x							x																	
- left in a special post box in a separate room of the Customs office and picked up by the holder of the procedure					x																					
- Use of electronic documents		x			x			x																		
- trader may add or send scanned documents (transport document,					x			x	x										x			x	x			



English 

[European Commission](#) > [Taxation and Customs Union](#) > [COVID-19 Taxud Response](#) >

[Guidance on Customs issues related to the COVID-19 emergency](#)

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Guidance on Customs issues related to the COVID-19 emergency

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**CUSTOMS GUIDANCE
FOR TRADE**





Video conference of the members of the European Council, 23 April 2020

Agenda highlights

On 23 April 2020 EU leaders will follow up, by video conference, on the EU's response to the COVID-19 outbreak. It will be the fourth video meeting of this kind.

In his letter issued on 21 April, President Michel invited EU leaders to discuss joint action to overcome the COVID-19 crisis. He presented a **joint roadmap for recovery, prepared together with President von der Leyen**. The roadmap focuses on the single market, massive investment efforts, EU global action and on better governance and resilience.

ESM, SURE AND 'CORONA-BONDS'/'EUROBONDS'

- European Stability Mechanism (**ESM**): the EU bailout fund that already permits Eurozone countries to borrow capital on similarly conditions
 - *Article 3 of the ESM Treaty (2012): the ESM's mission is to provide financial assistance to euro area countries experiencing or threatened by severe financing problems. To this end, the ESM shall be entitled to raise funds by issuing financial instruments or by entering into financial or other agreements or arrangements with ESM Members, financial institutions or other third parties.*
- "**Eurobonds**" or "corona bonds" as a form of long-term common debt instrument that would mutualize Eurozone debt
- A European instrument for temporary Support to mitigate Unemployment Risks in an Emergency (**SURE**)
 - *financial assistance to Member States (in the forms of loans) to address sudden increases in public expenditure for the preservation of employment. SURE should act as a second line of defence, supporting short-time work schemes and similar measures*

COVID-19 EFFECTS ON EU INVESTMENT POLICY

- How the Coronavirus pandemic is affecting FDI flows worldwide
- Which instruments are being adopted at the national and EU levels
- Which consequences for foreign investors in Europe?

How the Coronavirus pandemic is affecting FDI flows worldwide

- UNCTAD's estimates of 26 March 2020 show a dramatic 30% to 40% drop in FDI flows worldwide during 2020-2021
- The hardest-hit sectors:
 - *energy*
 - *basic materials industries (e.g. oil)*
 - *airlines*
 - *automotive industry*

UNCTAD, Coronavirus could cut global investment by 40%, new estimates show [26 March 2020], <https://unctad.org>

Which instruments are being adopted at the national and EU levels (1)

- National measures affecting future FDI inflows:
 - *incentives to prospective foreign investors*
 - *safeguards to national critical infrastructures*
 - state subsidies to support domestic industries
 - screening mechanisms of FDI to avoid hostile takeovers

UNCTAD, *Investment Policy Monitor* No. 23 [2 April 2020],
<https://investmentpolicy.unctad.org>

IMF: <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19>

Which instruments are being adopted at the national and EU levels (2)

EU Commission: Guidelines for member states on how to apply the FDI Screening Regulation during the COVID-19 pandemic (25 March 2020)

- Regulation 2019/452 establishing a framework for the screening of foreign direct investments into the Union (it will apply from 11 October 2020)*

Regulation (EU) 2019/452

Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for screening of foreign direct investments into the Union

- The Regulation establishes a ‘mechanism for cooperation between Member States, and between Member States and the Commission, with regard to foreign direct investments likely to affect security or public order
- The principal instruments of cooperation are mechanisms for notifications and for sharing information on FDI screening among Member States and between Member States and the Commission and the possibility for the Commission to issue non-binding opinions to Member States regarding the screening of concrete FDI projects

STATE OF THE UNION 2017

FOREIGN DIRECT INVESTMENT - AN EU SCREENING FRAMEWORK

“Let me say once and for all: we are not naive free-traders. Europe must always defend its strategic interests. This is why today we are proposing a new EU framework for investment screening. If a foreign, state-owned company wants to purchase a European harbour, part of our energy infrastructure or a defence technology firm, this should only happen in transparency, with scrutiny and debate.”
European Commission President, Jean-Claude Juncker, State of the Union Address, 13 September 2017

Welcoming foreign direct investment while protecting essential interests

Foreign direct investment from third countries is a source of growth and jobs. The EU has one of the world's most open investment regimes, as acknowledged by the OECD, and we will make sure that it will stay just as open in the future.

What is Foreign Direct Investment?
These are investments made by companies or individuals from a third country by setting up or buying a business in the EU.

THE EU IS THE WORLD'S LEADING SOURCE AND DESTINATION OF FOREIGN DIRECT INVESTMENT

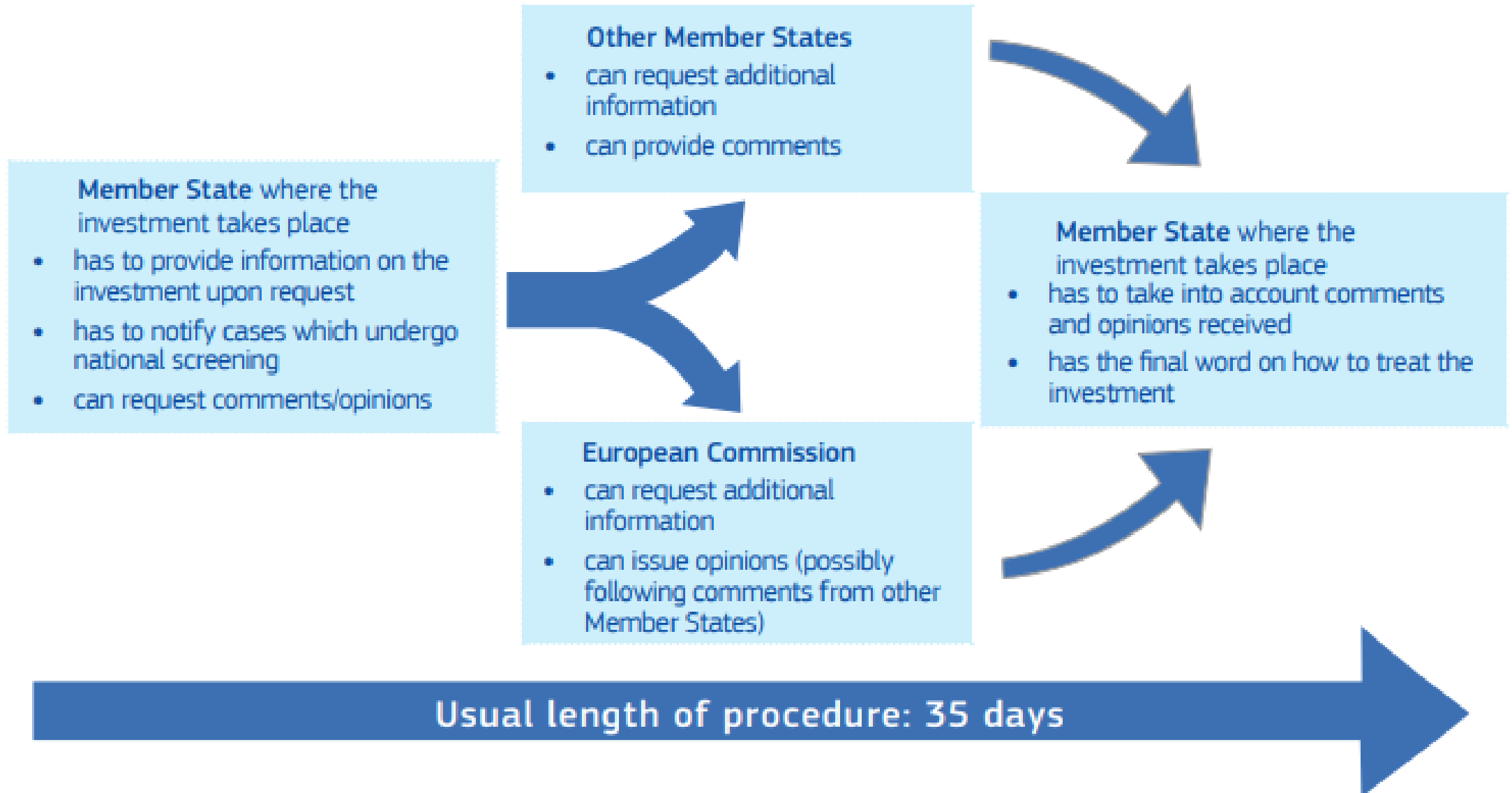
Region	Inward investment in billion EUR (in 2015)
EU	5.7
USA	5.1
CHINA (including Hong Kong)	1.5

The companies controlled by third country investors are still small in number in the EU, but they have a significant economic impact because of their larger than average size and their focus on high-technology sectors.

New investment trends are appearing with some emerging economies, playing an increasing role as providers of foreign direct investment.

EU FRAMEWORK FOR SCREENING INVESTMENTS

Member States and the Commission will, for the first time, have the possibility to cooperate on incoming foreign direct investment affecting security and public order.



WHAT INFORMATION WILL BE EXCHANGED?

- Who is the investor and the target company?
- In which sectors do they operate and where?
- What is the value of the investment and where the funding is coming from?
- When does the transaction take place?

PROJECTS & PROGRAMMES OF UNION INTEREST

- The Regulation lists several EU funded projects and programmes which may be relevant for security and public order, and which will deserve a particular attention from the Commission.
- That list includes for instance Galileo, Horizon 2020, Trans-European Networks and the European Defence Industrial Development Programme. The list will be updated as necessary.

CRITERIA THAT MAY BE TAKEN INTO CONSIDERATION

• The Regulation sets an indicative list of factors to help Member States and the Commission determine whether an investment is likely to affect security or public order. That list includes the effects of the investment on:

- critical infrastructure,
- critical technologies,
- the supply of critical inputs, such as energy or raw materials
- access to sensitive information or the ability to control information, or
- the freedom and pluralism of the media.

Which instruments are being adopted at the national and EU levels (3)

EU Commission: *Guidelines for member states on how to apply the FDI Screening Regulation during the COVID-19 pandemic* (25 March 2020)

- “**FDI screening** should take into account the impact on the EU as a whole, in particular with a view to ensuring the continued critical capacity of EU industry, going well beyond the healthcare sector”
- “[**P**]ortfolio investments [...] may be screened by the Member States in compliance with the Treaty provisions on free movement of capital”
- “Member States may retain special rights in certain undertakings (“**golden shares**”)

EU Internal Market

THE 4 FREEDOMS OF THE UNION



- FREE MOVEMENT OF PERSONS
- FREE MOVEMENT OF GOODS
- FREE MOVEMENT OF SERVICES
- FREE MOVEMENT OF CAPITAL

NON-DISCRIMINATION

- NON-DISCRIMINATION
ON GROUNDS OF
NATIONALITY

FDI screening mechanism and the protection of the free market principles (1)

- *Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for screening of foreign direct investments into the Union*
 - *Preamble, point(4): This Regulation is without prejudice to the right of Member States to derogate from the free movement of capital as provided for in point (b) of Article 65(1) TFEU. Several Member States have put in place measures according to which they may restrict such movement on grounds of public policy or public security. Those measures reflect the objectives and concerns of Member States with respect to foreign direct investment, and might result in a number of mechanisms which are different in terms of scope and procedure. Member States wanting to put in place such mechanisms in the future could take into account the functioning, experiences and best practices of existing mechanisms.*

TFEU -CHAPTER 4. CAPITAL AND PAYMENTS

Article 63

1. Within the framework of the provisions set out in this Chapter, all restrictions on the movement of capital between Member States and between Member States and third countries shall be prohibited.
2. Within the framework of the provisions set out in this Chapter, all restrictions on payments between Member States and between Member States and third countries shall be prohibited.

Article 65

1. The provisions of Article 63 shall be without prejudice to the right of Member States:

- (a) to apply the relevant provisions of their tax law which distinguish between taxpayers who are not in the same situation with regard to their place of residence or with regard to the place where their capital is invested;
- (b) to take all requisite measures to prevent infringements of national law and regulations, in particular in the field of taxation and the prudential supervision of financial institutions, or to lay down procedures for the declaration of capital movements for purposes of administrative or statistical information, or **to take measures which are justified on grounds of public policy or public security.**

2. The provisions of this Chapter shall be without prejudice to the applicability of restrictions on the right of establishment which are compatible with the Treaties.

3. **The measures and procedures referred to in paragraphs 1 and 2 shall not constitute a means of arbitrary discrimination or a disguised restriction on the free movement of capital and payments as defined in Article 63. [...]**

COMMUNICATION FROM THE COMMISSION

Guidance to the Member States concerning foreign direct investment and free movement of capital from third countries, and the protection of Europe's strategic assets, ahead of the application of Regulation (EU) 2019/452 (FDI Screening Regulation)

4. What are the justifications to restrictions on capital movements?

Article 63 TFEU provides for free capital movements not only within the EU but also with third countries and any restriction needs to be suitable, necessary and proportionate to attain legitimate public policy objectives. Such objectives are defined in the Treaty or in the case-law of the Court of Justice as overriding reasons in the general interest. Such objectives should not be purely economic.⁵ Grounds of public policy, public security and public health can be relied on if there is a genuine and sufficiently serious threat to a fundamental interest of society⁶.

In case of “predatory buying” of strategic assets by foreign investors (e.g. with a view to limit supply to the EU market of a certain good/service), the most relevant exception is “public policy or public security” set out in Article 65 TFEU. This could justify, for instance, restrictive measures necessary to ensure security of supply (for instance in the energy field) or the provision of essential public services if less restrictive measures (e.g. regulatory measures imposing public service obligations on all companies operating in certain sectors) are insufficient to address a genuine and sufficiently serious threat to a fundamental interest of society. Restrictive measures may also be taken to address threats to financial stability⁷.

In addition, public health has been recognised by the Court of Justice of the European Union as an overriding reason in the general interest⁸. Overriding reasons of general interest recognised by the Court of Justice in relation to other Treaty freedoms include also protecting consumers, preserving the financial equilibrium of the social security system, achieving social policy objectives, that could possibly be relevant in emergency situations.

Finally, it needs to be noted that in the analysis of justification and proportionality, restrictions on the movement of capital to and from third countries take place in a different legal context compared to restrictions to intra-EU capital movements⁹. Consequently, under the Treaty additional grounds of justification may be acceptable in the case of restrictions on transaction involving third country. The permissible grounds of justification may also be interpreted more broadly.

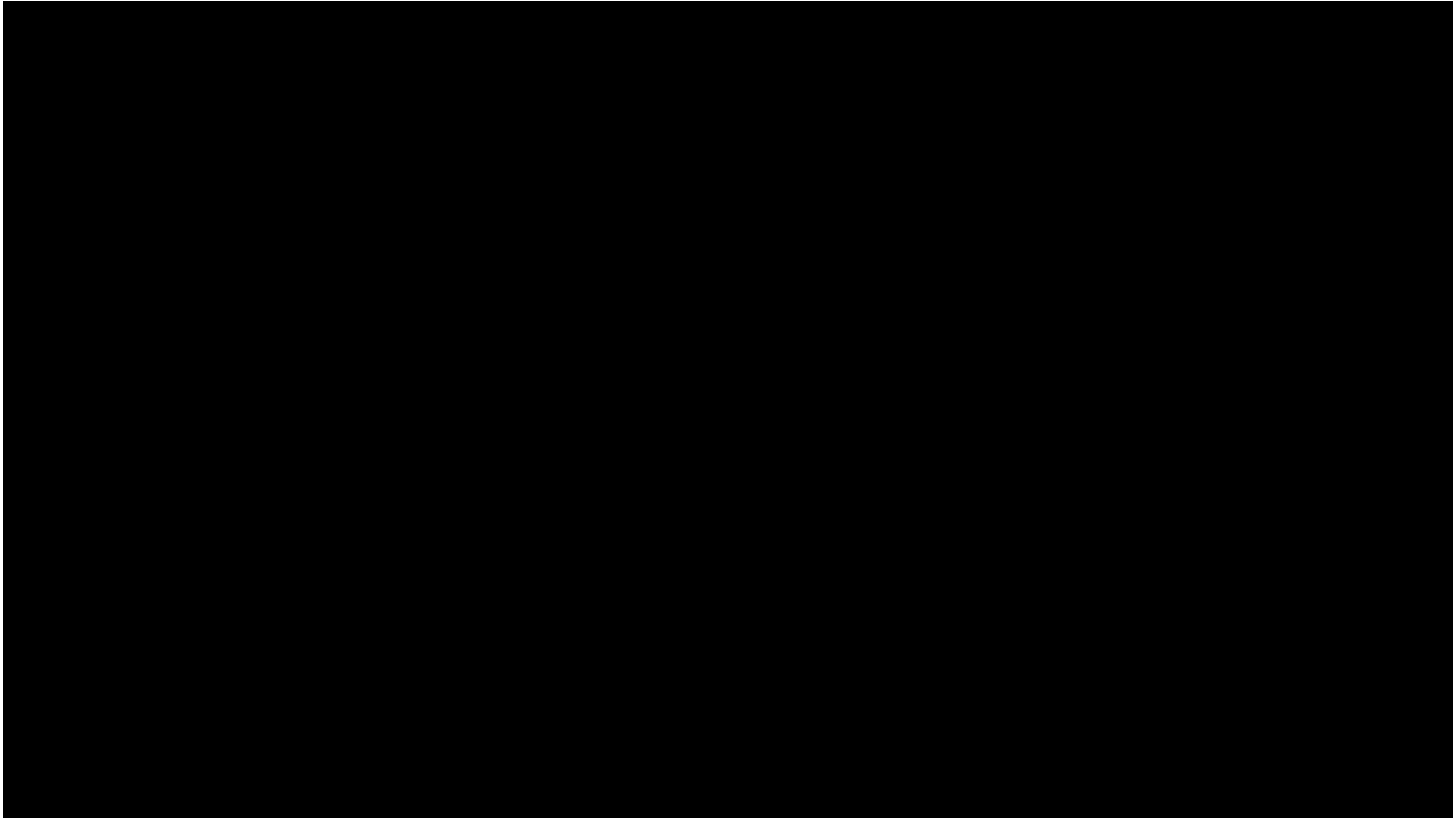
- C-446/04, Test claimants in FII, Group litigation, para. 171.

[...] as the Advocate General noted at point 121 of his Opinion, it may be that a Member State will be able to demonstrate that a restriction on capital movements to or from non-member countries is justified for a particular reason in circumstances where that reason would not constitute a valid justification for a restriction on capital movements between Member States.

- Opinion of the Advocate General

121. This raises in turn the issue whether the same considerations apply to the analysis of Article 56 EC as regards intra-Community capital movements as opposed to capital movements between Member States and third countries. In this regard, it is evident from the wording of Article 56(1) EC that restrictions on free movement of capital between Member States and third countries are, in principle, prohibited. Nonetheless, it is my view that, in analysing whether such restrictions are justified (whether under Article 58(1) EC or under the discrimination analysis of Article 56 EC), different considerations may apply than is the case with purely intra-Community restrictions. [...] the particular context of intra-Community freedom of capital is that it must be regarded as a constituent element of economic and monetary union. As I stated there, the fact that monetary policy is, following completion of economic and monetary union, set by the European Central Bank, presupposes complete unity in terms of the movement of money and capital. This context does not obtain in the case of movement of capital between Member States and third countries, although the movement of capital has been to a large extent liberalised worldwide. As a result, I will not exclude that a Member State may be able to prove that a restriction of capital movements with third countries is justified on a given ground, in circumstances where this ground would not amount to a valid justification of a restriction on purely intra-Community capital movements.

<https://www.youtube.com/watch?v=V2zi6UxZoHA>



FDI screening mechanism and the protection of the free market principles (2)

EU Commission: *Guidance to the Member States concerning foreign direct investment and free movement of capital from third countries, and the protection of Europe's strategic assets, ahead of the application of Regulation (EU) 2019/452 (FDI Screening Regulation)*

- “**restrictions to capital movements [..] must be necessary and proportionate** to achieve a legitimate **public policy objective**”
- “Such **objectives should not be purely economic**. [P]ublic security and public health can be relied on if there is a genuine and sufficiently serious threat to a fundamental interest of society”
- “the analysis of justification and proportionality, **restrictions on the movement of capital to and from third countries take place in a different legal context** compared to restrictions to intra-EU capital movements. [...A]dditional grounds of justification may be acceptable [...]. The **permissible grounds of justification may [...] be interpreted more broadly**”

Which consequences for foreign investors in Europe? (1)

- Foreign investors in the EU area
 - *foreign investors already ‘present’ in host states: are/will be affected by national measures*
 - nationalizations of foreign investment during the period of emergency
 - state aid measures addressed to national businesses
 - *(future) incoming foreign investors are/will be affected by national measures*
 - incentives;
 - restrictions following national screening mechanisms

Which consequences for foreign investors in Europe? (2)

- Breach of international investment obligations by host states?
 - *non-discrimination principle; fair and equitable treatment; prohibition of indirect expropriation*
- To what extent the exceptional circumstances of the COVID-19 pandemic can justify states measures affecting foreign investors' rights?
 - *International investment law defences to host States:*
 - exceptions included in non-precluded measures clauses of BITs or IIAs: if the exception applies, the treaty does not apply to the state measure
 - defences under customary international law
 - *state of necessity and/or force majeure (International Law Commission's Draft Articles on State Responsibility)*
 - *Paddeu F, Parlett K, 'COVID-19 and Investment Treaty Claims' [30 March 2020] Kluwer Arbitration Blog, <http://arbitrationblog.kluwerarbitration.com>*
 - *Article 62 of Vienna Convention on the Law of Treaties: "fundamental change of circumstances" may justify the termination/withdrawal/suspension of the treaty*

Exceptions included in non-precluded measures clauses of BITs or IIAs

- if the exception applies, the treaty does not apply to the state measure

CETA (EU-Canada FTA), Chapter VIII – Investment protection

ARTICLE 8.9

1. For the purpose of this Chapter, the Parties reaffirm their right to regulate within their territories to achieve legitimate policy objectives, such as the protection of public health, safety, the environment or public morals, social or consumer protection or the promotion and protection of cultural diversity.

2. For greater certainty, the mere fact that a Party regulates, including through a modification to its laws, in a manner which negatively affects an investment or interferes with an investor's expectations, including its expectations of profits, does not amount to a breach of an obligation under this Section. [...]



Defences under customary international law

International Law Commission's *2001 Draft articles on Responsibility of States for Internationally Wrongful Acts*

Article 23. Force majeure

1. The wrongfulness of an act of a State not in conformity with an international obligation of that State is precluded if the act is due to force majeure, that is the occurrence of an irresistible force or of an unforeseen event, beyond the control of the State, making it materially impossible in the circumstances to perform the obligation. [...]

Article 25. Necessity

1. Necessity may not be invoked by a State as a ground for precluding the wrongfulness of an act not in conformity with an international obligation of that State unless the act:

(a) is the only way for the State to safeguard an essential interest against a grave and imminent peril; and

(b) does not seriously impair an essential interest of the State or States towards which the obligation exists, or of the international community as a whole. [...]

Article 62 of Vienna Convention on the Law of Treaties

“fundamental change of circumstances” may justify the termination/withdrawal/suspension of the treaty

Article 62 - Fundamental change of circumstances

1. A fundamental change of circumstances which has occurred with regard to those existing at the time of the conclusion of a treaty, and which was not foreseen by the parties, may not be invoked as a ground for terminating or withdrawing from the treaty unless:

(a) the existence of those circumstances constituted an essential basis of the consent of the parties to be bound by the treaty; and

(b) the effect of the change is radically to transform the extent of obligations still to be performed under the treaty. [...]

3. If, under the foregoing paragraphs, a party may invoke a fundamental change of circumstances as a ground for terminating or withdrawing from a treaty it may also invoke the change as a ground for suspending the operation of the treaty.

■ EU – World Bank and COVID-19

<https://www.worldbank.org/en/region/eca/publication/europe-and-central-asia-economic-update>

■ EU trade-related actions during COVID-19

- https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/european-roadmap-lifting-coronavirus-containment-measures_en
- https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/overview-commissions-response_en
- ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/economy_en

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THE EU DIGITAL SINGLE MARKET: AN INTRODUCTORY OVERVIEW

The establishment of the EU Digital Single Market

- One of the 2014-2019 strategy goals of the European Commission
 - <https://ec.europa.eu/digital-single-market/en/policies/shaping-digital-single-market>
- The **Digital Single Market** strategy seeks to ensure better access for consumers and business to online goods and services across **Europe**, for example by removing barriers to cross-border e-commerce and access to online content while increasing consumer protection.



e-Commerce Directive

Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market

The purpose of the Directive is to remove obstacles to cross-border online services in the EU and provide legal certainty to business and citizens.

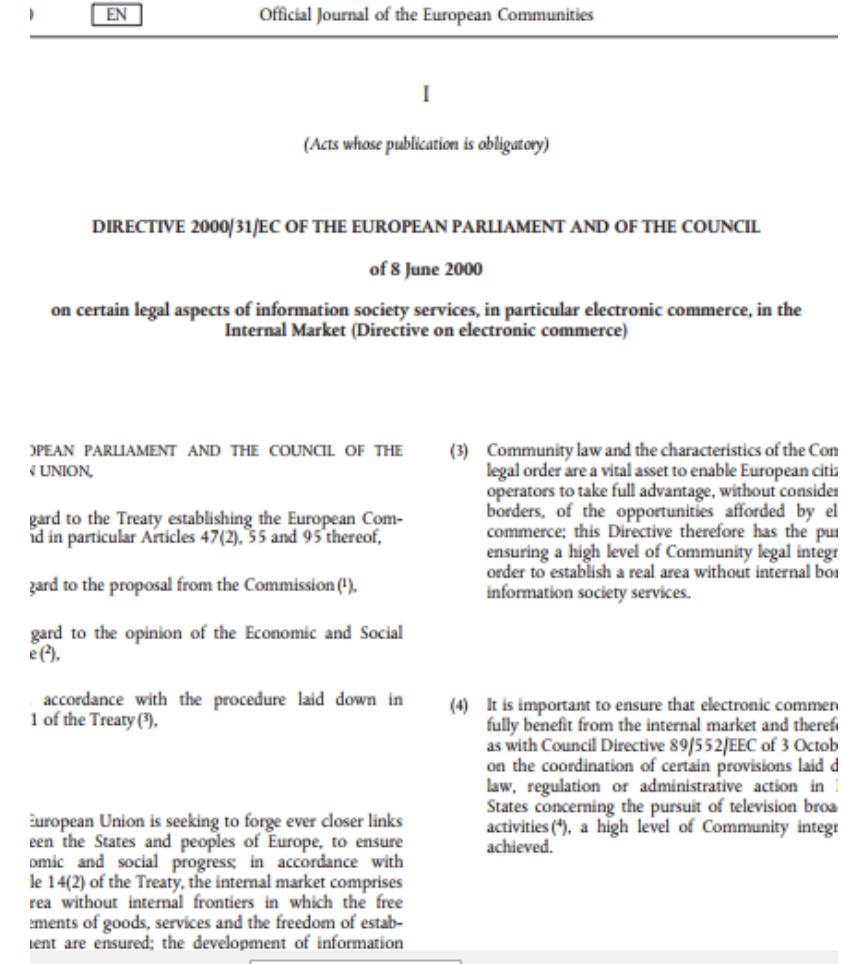
Basic rules for e-Commerce

- basic requirements on mandatory consumer information,
- steps to follow in online contracting and
- rules on commercial communications (e.g. online advertisement).

The Internal Market Clause: ensures that providers of online services are subject to the law of the Member State in which they are established and not the law of the Member States where the service is accessible.

Examples of services covered by the Directive

- online information services,
- online selling of products and services,
- online advertising.



https://www.youtube.com/watch?v=_M06nEd_Vq0



Some of the concerns about e-commerce

■ *Geo-blocking*



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Geo-blocking: unlocking e-commerce in the EU

Geo-blocking is a **discriminatory practice** that prevents online customers from accessing and purchasing products or services from a website based in another member state. In order to remove this barrier, the EU is putting in place a **geo-blocking regulation**.

On 27 February 2018, the Council adopted the regulation to ban unjustified geo-blocking in the internal market.

Some of the concerns about e-commerce

- Clear rules on electronic communications
 - *European Electronic Communications Code of 11 December 2018 (which will need to be transposed into national law by 21 December 2020)*
- Protection of intellectual property rights (IPRs) on-line
 - *General Data Protection Regulation (25 May 2018)*

Communication of the EU Commission: A Digital Single Market Strategy for Europe (6 May 2015)



EUROPEAN COMMISSION

Brussels, 6.5.2015

COM(2015) 192 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL,
THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS**

A Digital Single Market Strategy for Europe

{SWD(2015) 100 final}

A Digital Single Market is one in which the free movement of goods, persons, services and capital is ensured and where individuals and businesses can seamlessly access and exercise online activities under conditions of fair competition, and a high level of consumer and personal data protection, irrespective of their nationality or place of residence. Achieving a Digital Single Market will ensure that Europe maintains its position as a world leader in the digital economy, helping European companies to grow globally.

Annex: Roadmap for completing the Digital Single Market

Actions ²²	Timetable
Better access for consumers and businesses to digital goods and services across Europe	
Legislative proposals for simple and effective cross-border contract rules for consumers and businesses	2015
Review the Regulation on Consumer Protection Cooperation	2016
Measures in the area of parcel delivery	2016
A wide ranging review to prepare legislative proposals to tackle unjustified Geo-blocking	2015
Competition sector inquiry into e-commerce, relating to the online trade of goods and the online provision of services	2015
Legislative proposals for a reform of the copyright regime	2015
Review of the Satellite and Cable Directive	2015/2016
Legislative proposals to reduce the administrative burden on businesses arising from different VAT regimes	2016
Creating the right conditions for digital networks and services to flourish	
Legislative proposals to reform the current telecoms rules	2016
Review the Audiovisual Media Services Directive	2016

Comprehensive analysis of the role of platforms in the market including illegal content on the Internet	2015
Review the e-Privacy Directive	2016
Establishment of a Cybersecurity contractual Public-Private Partnership	2016
Maximising the growth potential of the Digital Economy	
Initiatives on data ownership, free flow of data (e.g. between cloud providers) and on a European Cloud	2016
Adoption of a Priority ICT Standards Plan and extending the European Interoperability Framework for public services	2015
New e-Government Action Plan including an initiative on the 'Once-Only' principle and an initiative on building up the interconnection of business registers	2016

*ICT: Internet Communication Technology

Roadmap for a EU digital single market

Connectivity: Meeting Europe's growing connectivity needs, including in rural and remote areas and boosting competitiveness by 2020.

- 700 MHz
- Wholesale roaming
- Wifi4EU
- Telecoms Code (incl. spectrum)
- BEREC

e-Commerce: Making it easier to buy and sell online across borders.

- Consumer protection cooperation
- Geoblocking
- VAT e-commerce (2 proposals)
- Cross-border parcel delivery
- VAT e-books
- Contact rules for digital content and goods (2 proposals)
- Platform-to-business

Data: Creating a competitive data economy within the Digital Single Market.

- Free flow of non-personal data
- High-performance computing
- Public sector information

Media/copyright: Promoting European content and providing citizens with more choice and access.

- Portability of online content
- Marrakesh Treaty (2 proposals)
- Audiovisual media services directive
- Broadcasting (SatCab)
- Copyright

Trust: Strengthening trust and EU's capacity to respond to cyberattacks.

- Data protection rules for EU Institutions
- .eu
- Cybersecurity Act
- non-cash payments

e-Gov: Making it easier for citizens to deal with public administrations online.

- Single Digital Gateway

Digital single market and cybersecurity

- **National security is in the hand of Member States**, not of the European Union, under Article 4, par. 2, TEU.
 - *But cybersecurity is not only an issue involving national security; it is a basic element of the European Single Market.*
- *As the digitalisation and interconnection of the economy and society have global reach, the dimension of the problems goes well beyond the territory of a single Member State.*
- The **EU legal patchwork** is composed by several pieces:
 - *the EU Regulation 2016/679 (GDPR), already entered into force and applicable from 25 May 2018*
 - *the NIS (network and information system) Directive 2016/1148*
 - *Cybersecurity Act (Regulation of 17 April 2019)*
 - new cybersecurity certification framework to assist Member States in effectively responding to cyber-attacks with a greater role in cooperation and coordination at Union level.
 - new **framework for European Cybersecurity Certificates** for products, processes and services that will be valid throughout the EU

Article 4 TEU

[...]

2. *The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, **national security remains the sole responsibility of each Member State.***

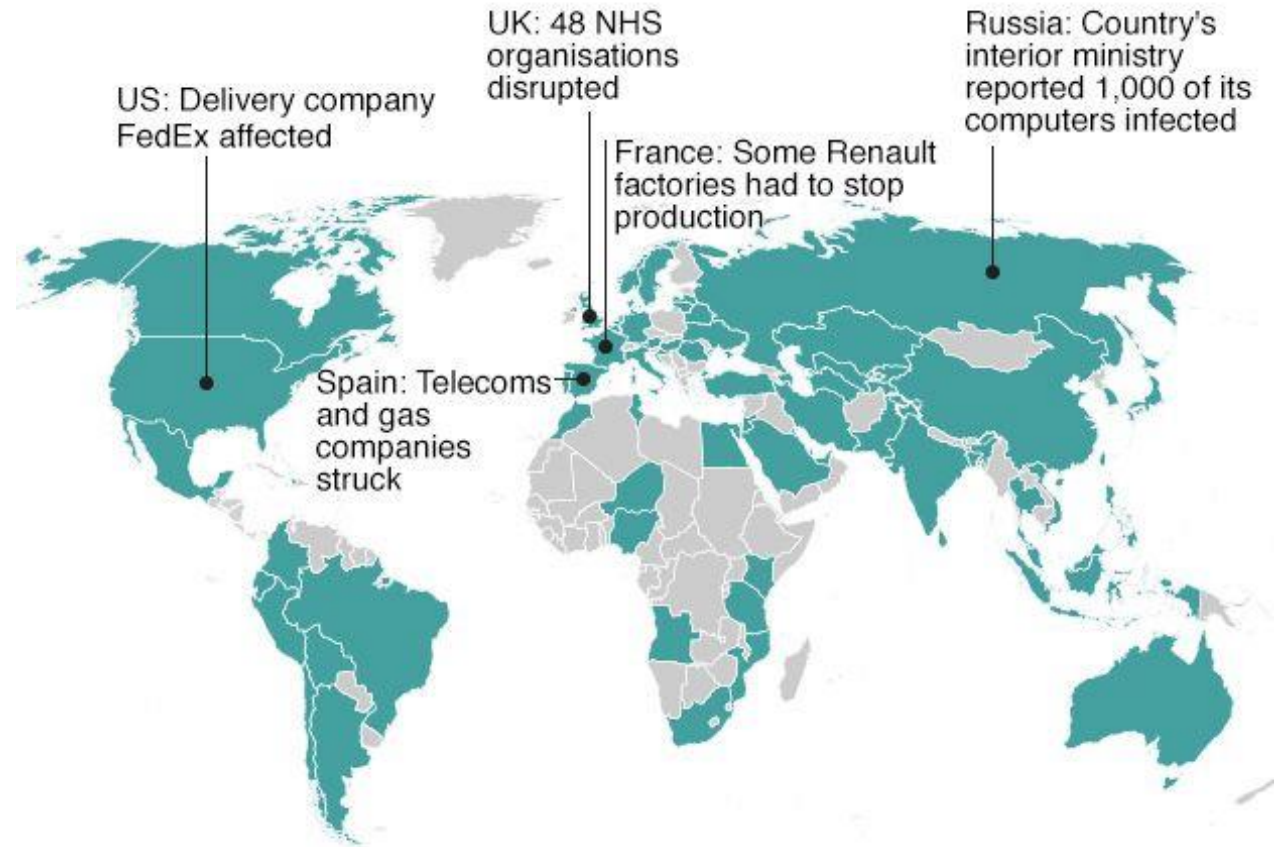
[...]

(Foreign) Companies and cybersecurity challenges



In May 2017, the WannaCry ransomware in few hours affected 200,000 computers and the security of hospitals (NHS), public transport (Deutsche Bahn), banks (Deutsche Bank), service providers (Telefónica), delivery services (FedEx), and businesses across the globe

Countries hit in initial hours of cyber-attack



*Map shows countries affected in first few hours of cyber-attack, according to Kaspersky Lab research, as well as Australia, Sweden and Norway, where incidents have been reported since

requirements and concerns, they are not that different. Cybersecurity has now become a CEO and GC level issue: it is so important that the leadership and boardrooms of CEE companies realise that cyber threats are for real and require effective measures to protect against. In general terms, the CEE countries are, unfortunately, still far behind Western Europe – and I hate to say that because I am from Hungary.”

The Cybersecurity Challenge in Central and Eastern Europe

Are multinational companies prepared?

GAMO
INFORMACNE TECHNOLOGIE

PRODUCTS AND SOLUTIONS REFERENCES ABOUT US NEWS

RELIABLE IT E SA. The new communication claim comes with an initiative to promote cyber security education. We have created educational videos, aimed at the general public and highlighting everyday security incidents in the virtual world. How to face them effectively?

Up to 53 percent of companies in Slovakia have experience with security incident. However, the number may be higher, as companies do not like to admit such types of attack. Chronically known is an example of a foreign company UBER, which not only paid hackers, but the entire attack concealed. She lost \$ 148 million in the final.

According to our survey, the biggest threat is infecting IT systems with unwanted software. Whether it is spam (68%) malware (30%) or ransomware (6%). For example, phishing, which is behind 30 percent of threats, can be prevented

ČSÚ: NEARLY 1 IN 5 CZECH COMPANIES FACED CYBERATTACK IN 2018

Brian Kenely 11/2020 Send by email Print Subscribe to RSS

Almost every fifth domestic company faced a cyberattack last year, a rise of 20 percent year on year, according to data released by the Czech Statistical Office (ČSÚ). The most common form of cyberattack was a distributed denial-of-service (DDoS).

DDoS attacks aim to disrupt normal traffic of a targeted server, service or network by overwhelming it or its infrastructure with a flood of Internet traffic.

The 5th issue of the Global State of Information Security Survey

Cyber-roulette in Poland

Why do companies try their luck when dealing with cybercriminals?

A hard game to play



44%
of companies suffered financial losses due to cyberattacks

62%
of companies experienced disruptions and downtimes

21%
were victims of ransomware



EUROPEAN UNION AGENCY
FOR CYBERSECURITY

ENISA



ETL 2018



ENISA Threat Landscape Report 2018

15 Top Cyberthreats and Trends

FINAL VERSION

1.0

ETL 2018

JANUARY 2019

www.enisa.europa.eu

European Union Agency For Network and Information Security



Top Threats 2018

1. Malware
2. Web Based Attacks
3. Web Application Attacks
4. Phishing
5. Denial of Service
6. Spam
7. Botnets
8. Data Breaches
9. Insider Threat
10. Physical manipulation/
damage/ theft/loss
11. Information Leakage
12. Identity Theft
13. Cryptojacking
14. Ransomware
15. Cyber Espionage

Why should (foreign) investors care about cybersecurity?

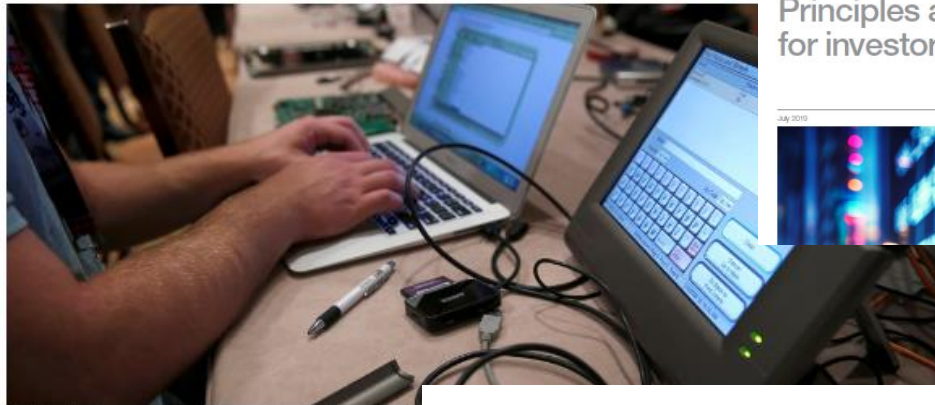


Agenda Platforms Reports Davos 2020 About



COMMITTED TO IMPROVING THE STATE OF THE WORLD

Investors have a role in securing our shared digital future



A hacker tries to access and alter data from an electronic poll book in a hacking

08 Jul 2019

Algirdas Plaukaitis
Project Lead, Governance and Policy, World Economic Forum

Martina Chung
President, SSP Global Market Intelligence

This article is

Cyberattacks |
to the increas

Cybersecurity Due Diligence Framework

Centre for Cybersecurity

Incentivizing responsible and secure innovation Principles and guidance for investors

JULY 2019



South China Morning Post



Business Markets World Politics TV More

U.S. LEGAL NEWS DECEMBER 1, 2018 / 1:55 AM / A YEAR AGO

Marriott's Starwood database hacked, 500 million may be affected



TECHNOLOGY EXECUTIVE COUNCIL

Top national cybersecurity expert: Every investment is at risk

PUBLISHED TUE, JUL 9 2019-8:37 AM EDT

Stephen Boyer, BitSight CTO and member of the CNBC Technology Executive Council

SHARE f t in e

SIGN IN/UP

China / Diplomacy

Will China's revised cybersecurity rules put foreign firms at risk of losing their secrets?

- Companies are concerned they may have switch to Chinese service providers and equipment to meet Beijing's demands on the protection of sensitive data
- 'Chinese government is putting in place new tools that make it much more difficult for companies to keep their information private,' cybersecurity expert says



Simone McCarthy

Published: 10:30pm, 13 Oct, 2019 -

Free trade agreements (FTAs)

U.S.-Mexico-Canada trade agreement

CHAPTER 19

DIGITAL TRADE

Article 19.15: Cybersecurity

1. The Parties recognize that threats to cybersecurity undermine confidence in digital trade. Accordingly, the Parties shall endeavor to:

- (a) build the capabilities of their respective national entities responsible for cybersecurity incident response; and
- (b) strengthen existing collaboration mechanisms for cooperating to identify and mitigate malicious intrusions or dissemination of malicious code that affect electronic networks, and use those mechanisms to swiftly address cybersecurity incidents, as well as for the sharing of information for awareness and best practices.

2. Given the evolving nature of cybersecurity threats, the Parties recognize that risk-based approaches may be more effective than prescriptive regulation in addressing those threats. Accordingly, each Party shall endeavor to employ, and encourage enterprises within its jurisdiction to use, risk-based approaches that rely on consensus-based standards and risk management best practices to identify and protect against cybersecurity risks and to detect, respond to, and recover from cybersecurity events.

Signed: 10 December 2019

Free trade agreements (FTAs)

U.S.-Mexico-Canada trade agreement

August 9, 2017

The Honorable Robert Lighthizer
United States Trade Representative
600 17th Street, NW
Washington, DC 20508

We the undersigned companies write to respectfully urge the United States Trade Representative (USTR) to incorporate cybersecurity trade modernization of the North American Free Trade Agreement (NAFTA) into the negotiating objectives for NAFTA, and despite the goods and services priorities, trade issues related directly are absent.¹

A modernized NAFTA that seeks to ensure "the highest possible range of goods and services" should include professional services.² Cybersecurity itself is a large and growing industry sectors – such as manufacturing, agriculture, and healthcare – for daily operations and international trade. Overboard it can put U.S. companies at a disadvantage. To help address these issues, we respectfully urge USTR to promote alignment of voluntary cybersecurity risk management frameworks in NAFTA and other trade agreements going forward.

The U.S. cybersecurity industry is large and growing

Cybersecurity was not a central focus when NAFTA was originally negotiated, but today is a major global economic force. Global spending on cybersecurity is estimated to reach more than \$100 billion by 2018, and more than \$170 billion by 2020.³ North America is the largest cybersecurity market, with a wide range of industry offerings, of which the United States accounts for the biggest portion.⁴ The U.S. cybersecurity industry is also an important source of well-paying jobs,⁵ and addressing the domestic cybersecurity workforce shortage is a national goal.⁶

¹ Office of the United States Trade Representatives, Summary of Objectives for the NAFTA Renegotiation, 17, 2017, <https://ustr.gov/sites/default/files/files/Press/Releases/NAFTAObjectives.pdf>.

² *Id.*, pg. 3.

³ Estimates vary. See Steve Morgan, Worldwide Cybersecurity Spending Increasing To \$170 Billion By 2020, Forbes, Mar. 9, 2016, <https://www.forbes.com/sites/stevemorgan/2016/03/09/worldwide-cybersecurity-spending/>.

The final trade agreement text need not dictate the framework content beyond basic principles, but should instead encourage the development, alignment, and use of cybersecurity frameworks. We respectfully urge USTR to consider adopting the following two negotiating objectives:

- Commit the parties to develop a voluntary, comprehensive cybersecurity risk management framework through transparent and open processes.
- Ensure the parties recognize the importance of international alignment of cybersecurity frameworks, standards, and processes.

Sincerely,

Rapid7
Arbor Networks
Bugcrowd
CA Technologies
Cybereason
Forescout
McAfee
Mimecast
Symantec
Tenable

Cc. Secretary Wilbur Ross, U.S. Department of Commerce

EU-Japan Economic Partnership Agreement

into force on 1 February 2019

CHAPTER 8. TRADE IN SERVICES, INVESTMENT LIBERALISATION AND ELECTRONIC COMMERCE

Article 8.80. Cooperation on electronic commerce

1. The Parties shall, where appropriate, cooperate and participate actively in multilateral fora to promote the development of electronic commerce.
2. The Parties agree to maintain a dialogue on regulatory matters relating to electronic commerce with a view to sharing information and experience, as appropriate, including on related laws, regulations and their implementation, and best practices with respect to electronic commerce, in relation to, inter alia: [...] (b) cybersecurity [...]

CHAPTER 18. GOOD REGULATORY PRACTICES AND REGULATORY COOPERATION

ARTICLE 18.1. Objectives and general principles

- [...] 2. Nothing in this Section shall affect the right of a Party to define or regulate its own levels of protection in pursuit or furtherance of its public policy objectives in areas such as: [...] (h) personal data and cybersecurity [...]

Brussels, 10.5.2017
COM(2017) 228 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

on the Mid-Term Review on the implementation of the Digital Single Market Strategy

A Connected Digital Single Market for All

{SWD(2017) 155 final}

in a set of rules to provide confidence to consumers and business alike. This means extending the **Digital Single Market Strategy** to keep up to date with **emerging trends and challenges** such as those related to **online platforms, the data economy and cybersecurity**.



HIGH REPRESENTATIVE OF THE
EUROPEAN UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 7.2.2013
JOIN(2013) 1 final

**JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE COUNCIL,
THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE
COMMITTEE OF THE REGIONS**

Cybersecurity Strategy of the European Union:

An Open, Safe and Secure Cyberspace

The Commission, the High Representative and the Member States should articulate a coherent EU international cyberspace policy, which will be aimed at increased engagement and stronger relations with key international partners and organisations, as well as with civil society and private sector. [...] To address global challenges in cyberspace, the EU will seek closer cooperation with organisations that are active in this field [...].

PARIS CALL

For trust and security in cyberspace

[..] collaboration among governments, the private sector and civil society to create new cybersecurity standards that enable infrastructures and organizations to improve cyber protections [...]

launched by the UNESCO Internet Governance Forum on 12 December 2018

The Paris Call is already supported by

76

STATES

27

PUBLIC
AUTHORITIES
AND LOCAL
GOVERNMENTS

343

ORGANIZATIONS
AND MEMBERS OF
CIVIL SOCIETY

632

COMPANIES
AND PRIVATE SECTOR
ENTITIES

A decorative frame consisting of two thick, dark brown L-shaped bars. One bar is positioned in the top-left corner, and the other is in the bottom-right corner, creating an open rectangular shape around the text.

**WEB-SOURCES AND MATERIALS
ON EU AND INTERNATIONAL
TRADE AND INVESTMENT
POLICIES**

EU Commission



English

Home > Trade > Policy

Trade

Policy

Policy making

- Analysis
- Sustainable development
- Enforcement and protection

EU position in world trade

- Statistics

EU and WTO

- Doha Development Agenda

Countries and regions

- Negotiations and agreements
- Development
- Statistics

Accessing markets

- Goods and services
- Public procurement

Policy



EU trade policy sets the direction for trade and investment in and out of the EU.

The Directorate-General for Trade in the European Commission develops and puts into practice EU trade and investment policy along with the [EU's Trade Commissioner](#).

Areas of EU trade policy:

Global trade

EU trade policy makes sure that Europe's trade adapts to a fast-changing world.

Opening foreign markets

The EU opens markets by making trade deals with partner countries or regions.



Commissioner website



EU Trade Commissioner
[Cecilia Malmström](#)

Director-General meetings

[List of meetings](#)

Latest news

08 Apr 2019

[Commission releases detailed information on requirements for EU goods exported to the UK in case of a hard Brexit](#)

15 Mar 2019

[EU Commissioner for Trade Cecilia Malmström visits Ghent, winner of Fair and Ethical Trade City Award 2018](#)

Trade

Policy

Policy making

Analysis

Sustainable development

Enforcement and protection

EU position in world trade

Statistics

EU and WTO

Doha Development Agenda

Countries and regions

Negotiations and
agreements

Development

Statistics

Accessing markets

Goods and services

Public procurement

Countries and regions

The EU is firmly committed to the promotion of open and fair trade with all its trading partners.

The EU has specific trade policies in place for all its partners and abides by the global rules on international trade set out by the World Trade Organisation.

A-Z **Regions**

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

A

Albania, see [Western Balkans](#)

Algeria, see also [Euro-Mediterranean partnership](#)

Andean Community

Angola, see [Southern African Development Community](#) and [Africa, Caribbean, Pacific](#)

Antigua & Barbuda, see [Caribbean](#) and [Africa, Caribbean, Pacific](#)

Argentina, see also [Mercosur](#)

Armenia

Association of South East Asian Nations (ASEAN)



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[EU, Latin America and the Caribbean: Partnering for pro democracy, resilience and global governance](#)

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[Commission reports on progress trade talks with Chile and Australia](#)

11 Apr 2019

[Communiqué final relatif à la Réunion du 3ème Comité AP d'Ivoire-UE 11/04/2019 à Bruxelles](#)

05 Apr 2019

[Commission reports on latest negotiating rounds with Indonesia and Mercosur](#)

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Policy

[Policy making](#)

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[EU and WTO](#)

Countries and regions

[Negotiations and agreements](#)

[Development](#)

[Statistics](#)

Accessing markets

Import and export rules

Trade policy and you

Countries and regions

Ukraine



The EU and Ukraine have provisionally applied their [Deep and Comprehensive Free Trade Agreement](#) (DCFTA) since 1 January 2016. This agreement means both sides will mutually open their markets for goods and services based on predictable and enforceable trade rules.

This is part of the broader [Association Agreement](#) (AA) whose political and cooperation provisions have been provisionally applied since November 2014.

Autonomous Trade Measures (ATMs) for Ukraine topping up the concessions included in the EU-Ukraine Association Agreement/its Deep and Comprehensive Free Trade Area (DCFTA) for several industrial goods and agricultural products entered into force in October 2017.

Trade picture

- The EU is Ukraine's largest trading partner, accounting for more than 40% of its trade in 2016. Ukraine accounts for 0.9% of EU's total trade, with a turnover of €29.6 bn in 2016.



Related links

[Civil society involvement in Ukraine trade agreement](#)

[Trade and Sustainable development chapter - list of documents](#)

[EU-Ukraine Association Agreement](#)

[European Neighbourhood Policy](#)

[Trade Statistics](#)

[External Political Relations](#)

[EU Delegation website](#)

Latest documents

16 Jan 2019

[EU request for consultations on export ban](#)

05 Jun 2018


- Trade
- Policy
 - Policy making
 - Analysis
 - Sustainable development
 - Enforcement and protection
 - EU position in world trade
 - Statistics**
 - EU and WTO
 - Doha Development Agenda
 - Countries and regions
 - Negotiations and agreements
 - Development
 - Statistics
 - Accessing markets
 - Goods and services
 - Public procurement

Statistics

The EU has become deeply integrated into global markets.

The openness of our trade regime has meant that the EU is the biggest player on the global trading scene and remains a good region to do business with.

Overview

- [Top trading partners](#) 
- [Countries and regions statistics](#)

DG TRADE Statistical Guide




This Pocket Guide contains selected tables and graphs outlining the current state and recent developments in the EU's foreign trade.


[DG TRADE Statistical Guide](#) 



Latest documents

17 Apr 2019
[Latest Eurostat data on international trade](#) 

19 Mar 2019
[Trade Defence Statistics for 2018](#) 

15 Mar 2019
[Top Trading Partners 2018 - Statistics](#) 

[More documents on Statistics](#)



EEAS - Permanent Mission of the European Union to the World Trade Organization



Permanent Mission of the European Union to the World Trade Organization (WTO)

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EU Coronavirus Response
Latest Updates



Celebration of the Accession of the EU to the Geneva Convention on the International Convention for the Protection of All Persons Against an Unlawful Killing of Extra-Judicial Executions

https://eeas.europa.eu/delegations/world-trade-organization-wto_en

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- > Overview
- > EU trade legislation
- > EU trade agreements
- > Promoting EU values through trade

EU trade policy

Trade in goods and services makes a significant contribution to **increasing sustainable growth and creating jobs**. More than 30 million jobs in the EU depend on exports outside the EU. 90% of future global growth is predicted to happen outside Europe's borders. Hence - trade is a vehicle for growth and a key priority for the EU.

The Council is committed to a **strong, rules-based multilateral trading system**. Responsible EU trade policy is accompanied by a high level of **transparency** and an effective communication with citizens about the benefits and challenges of trade an open markets.

Trade policy is an **exclusive EU competence**. This means the EU and not the member states legislate on trade matters and



Free and fair trade helps raise living standards and ensures growth and jobs.

<https://www.consilium.europa.eu/en/policies/trade-policy/>

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European Parliament
Committees

INTA International Trade

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Highlights Members Work in progress Newsletters Publications Supporting analyses

Latest news

30-04-2019 - 12:17

The next INTA Committee meeting will take place in July 2019.

Further information

- ▶ Results of roll-call votes of 2 April 2019
- ▶ Draft Agenda and meeting documents - 1 and 2 April 2019
- ▶ List of INTA Standing and Shadow Rapporteurs - updated November 2018

Highlights

Latest Study: Parliamentary scrutiny of trade policies across the western world

Committee activities

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Useful documents

▶ Meeting documents

Parliamentary Conference on the WTO

<http://www.europarl.europa.eu/committees/en/inta/home.html>

STUDY

Requested by the INTA committee



Parliamentary scrutiny of trade policies across the western world





The screenshot shows the official website of the Court of Justice of the European Union. At the top left is the CJEU logo and the text "COURT OF JUSTICE OF THE EUROPEAN UNION". To the right is a navigation bar with "Home", "Choose a language", and a search box. Below this is a main menu with "The Institution", "Court of Justice", and "General Court". A secondary menu includes "Case-law", "Press and Media", and "Library and documentation". The main content area features a large red banner with the text "THE COURT OF JUSTICE OF THE EUROPEAN UNION" and links to "Press Releases" and "e-Curia". Below the banner are three featured articles: "Annual Report" (with an image of report covers), "New rules on admissibility of" (with an image of a gavel and scales), and "The Court of Justice: Guarante" (with an image of a person at a desk and a play button icon).

https://curia.europa.eu/jcms/jcms/j_6/en/



Access to the online Reports of Cases

Search form

Numerical access

Digest of the case-law


Factsheets



Annotation of judgments

Judicial calendar

Important pre-accession case-law

Method of citing the case-law

 Press Releases

 e-Curia 

THE
OF T

Search form

► **Numerical access**

Digest of the case-law

Factsheets

Annotation of judgments

+ Judicial calendar

Important pre-accession case-law

Method of citing the case-law

Numerical access

Access to the case-law by case number makes it possible to find information relating to every case brought before the Court of Justice and the General Court between 1953 and the present day, and before the Civil Service Tribunal between 2005 and 2016.

Cases are listed by number in the order in which they were lodged at the relevant Registry.

Cases may also be located by party names using the "Find" (or Ctrl+F) function on the toolbar.

Cases may be consulted by clicking on the case number.

- The texts of judgments and orders in cases lodged up to and including 1997 which have been published in the European Court Reports may be consulted by clicking on the case number and following the link to [EUR-Lex](#), the interinstitutional database.
- Cases lodged since 1998 may be consulted by clicking on the case number and following that link to all the texts relating to the case in question which are contained in the case-law database of this site.

Cases lodged before the Court of Justice	Cases lodged before the General Court	Cases lodged before the Civil Service Tribunal
from 1953 to 1988	since 1989	from 2005 to 2016
since 1989		

- [The historic case-law in the languages of the Member States which acceded to the European Union in 2004 and 2007](#)

+ Access to the online Reports of Cases

Search form

Numerical access

Digest of the case-law

Factsheets

Annotation of judgments

+ Judicial calendar

► **Important pre-accession case-law**

Method of citing the case-law

Judgments from the historic case-law in the languages of the 2004, 2007 and 2013 accession countries

The historic case-law for the 2004 accession countries

The historic case law selected for the 2004 accession countries consists of 948 judgments, opinions and orders of the Court of Justice and the Court of First Instance (1956 - April 2004). In 2001, an initial tranche of 869 documents was officially sent to the Translation Centres of the candidate countries.

In April 2002, the Commission (TAIEX) set up a project to support the translation of historic case law into the new languages. 57 of the 869 decisions were translated at the Commission's expense and revised by revisers in the Translation Centres in the course of a number of seminars organised at the Court and financed by TAIEX. That project gave the translation of historic case law in the acceding States the necessary impetus and fostered cooperation between the Directorate-General for Translation at the Court and the national Centres. In the course of that supporting action, TAIEX, in collaboration with the Court, also developed a documentary database, [Jurisvista](#), which sets out the legal and documentary information available on the judgments, opinions and orders that have been selected.

The texts of the 57 decisions initially translated and revised by the national Centres have been finalised by the Court's language units and are available using the following link:

[List of the 57 judgments from 1954 to 2000 in the languages of the 2004 accession countries](#)

A second tranche of 79 decisions covering the period 2001 to April 2004 was translated by the Court's language units. They are available using the following link:

[List of the 79 judgments from 2001 to 2004 in the languages of the 2004 accession countries](#)



Home > Search form

Links

Curia

Diary

EUR-Lex

? List of results

Display preferences

Automatic

List of cases

List of documents

Listing preferences

Case numbers in descending order

Case numbers in ascending order

Dates in descending order

Dates in ascending order

General information

Help

Disclaimer

Case status	? <input checked="" type="radio"/> All cases <input type="radio"/> Cases closed <input type="radio"/> Cases pending
Court	? <input checked="" type="checkbox"/> All <input checked="" type="checkbox"/> Court of Justice <input checked="" type="checkbox"/> General Court <input checked="" type="checkbox"/> Civil Service Tribunal
Case number	? <input type="text"/> (ex: C-17/05; 17/05)
Name of the parties	? <input type="text"/>
Documents	? <input type="text" value="All"/>
ECLI	? <input type="text" value="ECLI:EU:"/>
Text	? <input type="text"/>
Period or date	? <input type="text" value="Date of delivery"/> <input checked="" type="radio"/> from <input type="text"/> to <input type="text"/> (dd/mm/yyyy) <input type="radio"/> last 8 days <input type="radio"/> last month <input type="radio"/> last year <input type="radio"/> last 5 years <input type="radio"/> on <input type="text"/> (dd/mm/yyyy)
Subject-matter	? <input type="text"/>
Procedure and result	? <input type="text"/>
References to case-law or legislation	? Search in <input checked="" type="checkbox"/> Grounds of judgment <input type="checkbox"/> Operative part <input type="checkbox"/> Opinion



NEWS

Aid for Trade Global Review 2019 registration now open

03 MAY 2019

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Meetings

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- 3** **MAY** Committee on Anti-Dumping Practices - Working Group on Implementation (10:00) [+](#)
- 3** **MAY** Informal TNC Meeting at the level of Heads of Delegation (10:00) [+](#)
- 6** **MAY** Geneva Week (Non-resident Members and Observers) (10:00) [+](#)
- 7** GENERAL COUNCIL [+](#)

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23-24



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Members and Observers

164 members since 29 July 2016 , with dates of WTO membership.

Click any member to see key information on trade statistics, WTO commitments, disputes, trade policy reviews, and notifications.

[Member list](#)[Member map](#)

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[MEMBER INFORMATION](#)

The European Union and the WTO


This page gathers key information on the European Union's participation in the WTO. The European Union (until 30 November 2009 known officially in the WTO as the European Communities for legal reasons) ([more info](#)) has been a WTO member since 1 January 1995. The 28 member States of the EU are also WTO members in their own right. The EU is a single customs union with a single trade policy and tariff. The European Commission — the EU's executive arm — speaks for all EU member States at almost all WTO meetings.

European Union site

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NEWS

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Registration opens for screening of second compliance panel meeting in #EC - Large Civil Aircraft

Dispute cases involving the European Union (formerly European Communities)

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Place your mouse over a dispute number in the table below to see the title of the dispute. Click on the dispute number to go to a page giving detailed information for that dispute.

	as complainant	as respondent	as third party
European Union (formerly EC) See this on a map	102 case(s): DS8 , DS15 , DS38 , DS39 , DS40 , DS42 , DS53 , DS54 , DS63 , DS66 , DS73 , DS75 , DS77 , DS79 , DS81 , DS85 , DS87 , DS88 , DS96 , DS98 , DS100 , DS107 . DS108 .	85 case(s): DS7 , DS9 , DS12 , DS13 , DS14 , DS16 , DS17 , DS25 , DS26 , DS27 , DS48 , DS62 , DS69 , DS72 , DS104 , DS105 , DS115 , DS124 , DS134 , DS135 , DS137 . DS140 .	199 case(s): DS2 , DS18 , DS21 , DS22 , DS32 , DS33 , DS44 , DS46 , DS50 , DS56 , DS58 , DS70 , DS76 , DS99 , DS103 , DS113 , DS122 , DS126 , DS132 , DS156 , DS162 , DS163 , DS175 , DS177 , DS178 , DS179 , DS184 , DS188 , DS192 , DS194 , DS202 , DS204 , DS206 , DS207 , DS211 , DS221 , DS222 , DS234 , DS236 , DS237 , DS238 , DS241 , DS243 , DS244 , DS245 , DS249 , DS250 , DS251 , DS252 . DS253 . DS254 . DS257 .

DS8: Japan – Taxes on Alcoholic Beverages

This summary has been prepared by the Secretariat under its own responsibility. The summary is for general information only and is not intended to affect the rights and obligations of Members.

See also:

- ▣ [One-page summary of key findings of this dispute](#)
- ▣ [News items about this dispute](#)
- ▣ [The basics: how disputes are settled in WTO](#)
- ▣ [Computer based training on dispute settlement](#)
- ▣ [Text of the Dispute Settlement Understanding](#)
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Current status

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- ▣ [Mutually acceptable solution on implementation notified on 9 January 1998](#) ⓘ

Key facts

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Short title:	Japan – Alcoholic Beverages II
Complainant:	European Communities
Respondent:	Japan
Third Parties:	
Agreements cited: (as cited in request for consultations)	GATT 1994: Art. III:2
Request for Consultations received:	21 June 1995
Panel Report circulated:	11 July 1996

Key facts

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Short title:	Japan – Alcoholic Beverages II
Complainant:	European Communities
Respondent:	Japan
Third Parties:	
Agreements cited: (as cited in request for consultations)	GATT 1994: Art. III:2
Request for Consultations received:	21 June 1995
Panel Report circulated:	11 July 1996
Appellate Body Report circulated:	4 October 1996
Article 21.3(c) Arbitration Report circulated:	14 February 1997

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UNCTAD is monitoring the effects of the global pandemic on manufacturing, trade, foreign direct investment and economic growth. We stand ready to provide technical assistance that can help countries mitigate or recover from the economic impacts of COVID-19.



<https://unctad.org/en/Pages/Home.aspx>

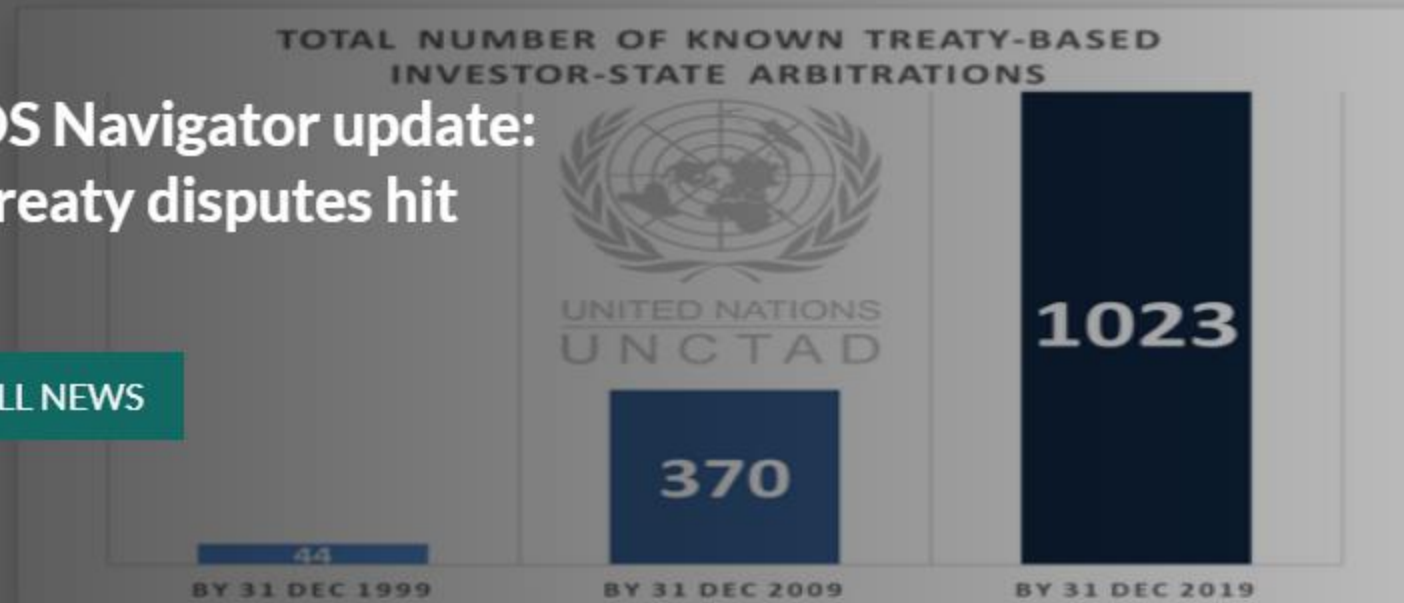


07 Apr 2020

UNCTAD ISDS Navigator update: Investment treaty disputes hit 1,000 mark

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Investment Policy Framework

A key point of reference for policymakers in formulating investment policies and negotiating investment agreements.



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Investment Policy Measures

REPORT MEASURE

1017 results



Canada

18 Apr 2020

Enhanced scrutiny of foreign investment during the COVID-19 pandemic

On 18 April 2020, the Canadian Government published its Policy Statement on Foreign Investment Review and COVID-19 that announced an "enhanced scrutiny" of "foreign direct investments of any value, controlling or non-controlling, in [...]"



Italy

06 Apr 2020

Amid the COVID-19 pandemic, the Government strengthens its special powers in strategic sectors

On 6 April 2020, the Italian Cabinet approved the expansion of the special power regime in strategic sectors that require prior approval for any foreign investment. The scope of the FDI screening will now also cover, inter alia, the [...]"



International Investment Agreements Navigator

Select country



Bilateral Investment Treaties (BITs)

Total: 2898

Total in force: 2339

Treaties with Investment Provisions (TIPs)

Total: 390

Total in force: 319

Home > International Investment Agreements Navigator

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Model Agreements

Most recent IIAs

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NO.	SHORT TITLE	STATUS	PARTIES	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE	TEXT
1	Brazil - India BIT (2020)	Signed (not in force)	Brazil, India	25/01/2020		Full text: en pt
2	Japan - Morocco BIT (2020)	Signed (not in force)	Japan, Morocco	08/01/2020		Full text: en

Investment Dispute Settlement Navigator

Select country



Known treaty-based ISDS cases:

Total: 1023

Pending: 343

Concluded: 674

Unknown: 6

Updated as of 31 December 2019

Concluded original arbitration proceedings:

77

Home > Investment Dispute Settlement Navigator

Case Name Year Country Sector Treaty Institutions Arbitrators Damages Breaches Follow-on Proceedings

Case name and number

Results: 1023

Advanced Search

Case name

Type to search



Case number

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Clear selection

NO.	YEAR OF INITIATION	SHORT CASE NAME	APPLICABLE IIA	ARBITRAL RULES	SUMMARY	OUTCOME OF ORIGINAL PROCEEDINGS
1	2019	Alcosa v. Kuwait	Kuwait - Spain BIT (2005)	UNCITRAL	Investment: Investments in Public Services Company (PSC), a local entity providing health insurance services. Summary: Claims arising out of the Government's termination of certain health services contracts between the Ministry of Health and local entity PSC	Pending

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Gender equality in the time of COVID-19

The [United Nations Population Fund \(UNFPA\)](#) reports how disease outbreaks affect women and men differently. Pandemics worsen existing inequalities for women and girls. Women represent 70 percent of the health and social sector workforce globally. They are also most susceptible in times of crisis due to the higher risk of domestic violence. Therefore, it is essential to include



The Secretary-General of the United Nations is the depositary of more than 560 multilateral treaties.

Announcements

■ GENERAL ASSEMBLY RESOLUTION 73/210 OF 20 DECEMBER 2018 - AMENDED REGULATIONS TO GIVE EFFECT TO ARTICLE 102 OF THE CHARTER

During its seventy-third session and following the Sixth Committee's debate on the agenda item entitled "Strengthening and promoting the international treaty framework", the General Assembly adopted on 20 December 2018 the Resolution 73/210, to which newly amended Regulations were annexed. This fourth amendment, which became **effective on 1 February 2019**, adapts the Regulations to developments in the registration practice and information technology, and ensures

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Depositary of Treaties

The Secretary-General of the United Nations is the depositary of more than 560 multilateral treaties which cover a broad range of subject matters such as human rights, disarmament and protection of the



Registration and Publication of Treaties

"Every treaty and every international agreement entered into by any Member of the United Nations ... shall as soon as possible be registered with the Secretariat and published by it." (Article 102 of the Charter of



- **Article 102 of the Charter of the United Nations**
- *Every treaty and every international agreement entered into by any Member of the United Nations ... shall as soon as possible be registered with the Secretariat and published by it*



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The International Law Commission was established by the General Assembly, in 1947, to undertake the mandate of the Assembly, under article 13 (1) (a) of the Charter of the United Nations to "initiate studies and make recommendations for the purpose of ... encouraging the progressive development of international law and its codification".



International Law Commission, July 2018.

In accordance with General Assembly resolution [73/265](#) of 22 December 2018, the International Law Commission will hold its seventy-first session at the United Nations Office at Geneva from 29 April to 7 June and from 8 July to 9 August 2019 (11 weeks):

› [Seventy-first session: Documents](#) | [Daily bulletin](#)



› [Open letter from the Chair of the ILC](#) regarding the arrest of Prof. Maurice Kamto (former member of the Commission).

The following topics are on the programme of work of the Commission:

RECENT DEVELOPMENTS



PROTECTION OF THE ENVIRONMENT

1 May 2019 | The Commission considered the report of the Drafting Committee on the topic ([A/CN.4/L.911](#)), which had been taken note of at the seventieth session, and adopted Part Four and draft principles 19 to 21.

CRIMES AGAINST HUMANITY

29 April 2019 | The Special Rapporteur, Mr. Sean D. Murphy, introduced his fourth report on the topic ([A/CN.4/725](#) and [Add.1](#)). The Commission began its consideration of the report.

PROGRAMME OF WORK

29 April 2019 | The Commission adopted its agenda ([A/CN.4/723](#)).

PROTECTION OF THE ENVIRONMENT

25 April 2019 | The second report on protection of the environment in relation to armed conflicts by Marja Lehto, Special Rapporteur, has been issued



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Codification Division

Texts, Instruments and Final Reports

Under article 20 of its [Statute](#), the Commission is required to prepare drafts in the form of articles and to submit them to the General Assembly together with a commentary containing an adequate presentation of precedents and other relevant data, including treaties, judicial decisions and doctrine; as well as conclusions defining the extent of agreement on each point in the practice of States and in doctrine, and divergencies and disagreements which exist, as well as arguments invoked in favour of one or another solution.

Upon receiving comments from Governments on its draft articles, the Commission prepares a final draft and explanatory report, which it submits with its recommendations to the General Assembly (article 22 of its Statute). The Commission may recommend to the General Assembly: (a) to take no action, the report having already been published; (b) to take note of or adopt the report by resolution; (c) to recommend the draft to Members with a view to the conclusion of a convention; or (d) to convoke a conference to conclude a convention (article 23, paragraph 1).

Since its establishment, the International Law Commission has prepared and submitted a number of final reports, in some cases, together with draft texts, some of which (as indicated) were adopted as international conventions or other instruments.

Select the respective topic from the following list, organized according to the outline adopted in the Report on the Long-Term Programme of Work in 1996 (reproduced in Annex II of the Report of the International Law Commission, [A/51/10](#)). Instruments concluded under the auspices of the United Nations on the basis of prior drafts prepared by the Commission are indicated in italics.

Sources of International Law

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[OECD investment policy responses to COVID-19, 17 April 2020](#)

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- Original

Claimant

Respondent

Claimant(s) Nationality(ies) Albanian Argentine Australian Austrian

Respondent(s) Nationality(ies) Albanian Algerian Argentine Armenian

Case No.

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Case Count : 519

Case No.	Claimant(s)	Respondent(s)	Status
ARB/15/15	9REN Holding S.a.r.l	Kingdom of Spain	Pending
ARB/15/14	Álvarez y Marín Corporación S.A. and others	Republic of Panama	Pending
ARB/15/13	Devincci Salah Hourani and Issam Salah Hourani	Republic of Kazakhstan	Pending
ARB/15/12	PT Ventures, SGPS, S.A.	Republic of Cabo Verde	Pending
ARB/15/11	Total E&P Uganda BV	Republic of Uganda	Pending
ARB/15/10	Orange SA	Hashemite Kingdom of Jordan	Pending
ARB/15/9	Poltava Gas B.V. and Poltava Petroleum Company	Ukraine	Pending
ARB/15/8	Aktau Petrol Ticaret A.Ş. and Som Petrol Ticaret A.Ş.	Republic of Kazakhstan	Pending
ARB/15/7	WalAm Energy Inc.	Republic of Kenya	Pending
ARB/15/6	Mobil Investments Canada Inc.	Canada	Pending
ARB/15/5	92 Creative Center Co. Inc. et al.	Republic of Costa Rica	Pending

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