

## ImprovEUorGlobe Course

### THE EXTERNAL ECONOMIC ACTION OF THE EUROPEAN UNION AND THE SUSTAINABLE DEVELOPMENT GOALS

ImprovEUorGlobe Chair Dr. Filippo Fontanelli - University of Edinburgh



Aula V Palazzo Poggi Malvezzi, Piano Terra  
Via Zamboni, 33 - University of Bologna



13h -15h  
Brussels Time

#### Program:

**3 May**

The Course's Basic Coordinates

**5 May**

Trade/investment Obligations and Non-Trade Values: The Return of Unilateralism

**8 May**

EU's External Economic Action to Raise Standards Abroad

**11 May**

The Carbon Border Adjustment Mechanism

**12 May**

Energy I (Trade)

\* Lecture held at Aula L, Complesso Belmeloro, Via Andreatta 8, Bologna \*

**15 May**

Energy II (Investments)

**17 May**

Controlling Trade and Investment in Bound and Outbound Flows

**18 May**

Improving Supply Chains' Sustainability

**23 May**

Promotion of other social interests

**25 May**

Final session

ImprovEUorGlobe Coordinator:

Prof. Elisa Baroncini, Alma Mater Studiorum - Università di Bologna



ImprovEUorGlobe Website:

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*Abstract:* Many States no longer consider the liberalisation of global trade and investment flows an inherent good. Economic growth can both promote and hinder sustainable development; in the past decade, many unilateral or cooperative initiatives have emerged which seek to administer trade and investment to curb their detrimental effects. The European Union is at the forefront of many of these policies, and its external economic action is at an inflection point and is worth studying and assessing. In particular, it appears that while the EU continues to pledge loyalty to the rules and process of the World Trade Organization and strives to promote public goods in the multilateral fora, it has also equipped itself with many new regulatory tools, which 'project' its values beyond its boundaries.

It is impossible to read the EU's current resort to unilateralism univocally, which are shaped by, and respond to, mixed motives and circumstances. The EU, understandably, is repositioning itself in an ecosystem in which multilateral trade rules are losing their bite, and major actors are opening using unilateral measures to advance their global agendas. At the same time, environmental protection has overtaken economic liberalisation in the ranking of the most urgent values, and the EU is re-shaping its external action accordingly, at the price of creating new barriers at the border, or adopting regulation with extra-territorial effects.

The primary aim of this course is to take stock of this new landscape, and observe in particular all the plans made by the EU to attain the sustainable development goals through its external actions in trade and investment matters. This 'charting' exercise will also allow us to assess and gauge the design and effects of these instruments (severally and collectively), and estimate their genuine connection with their putative goals. At the end of the course, we will be able to have an informed and insightful view of the EU's contemporary track record in the field of external economic action, and judge its correspondence to the EU's SDG agenda.

All participants are welcome. Prior knowledge of basic matters of EU law, WTO law and investment law is helpful.



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### Full Program:

#### Wednesday 3 May (13:00-15:00)

##### The Course's Basic Coordinates

- o Trade law, Investment Law and Sustainable Development: Basic Notions
- o EU competences and policies in trade and investment law

#### Friday 5 May (13:00-15:00)

##### Trade/investment Obligations and Non-Trade Values: The Return of Unilateralism

- o The Backlash Against Investor-State Arbitration
- o The Backlash Against Trade Liberalisation
- o Reform Proposals for the Global Investment and Trade Regimes
- o An Overview of Re-Nationalisation Trends in Trade and Investment (US, EU, UK, China):
  - §Anti-Coercion
  - §Anti-Circumvention
  - §Retaliate Against non-MPIA
  - §Sustainable Steel Deal with the US

#### Monday 8 May (13:00-15:00)

##### EU's External Economic Action to Raise Standards Abroad

- o Free Trade Agreements and Non-Economic Standards
  - §2022 Commitment to Green Trade Partnership
  - §Deforestation and FTA with MERCOSUR
- o Zoom-in: EU dispute with Korea on labour rights
- o Zoom-in: Level Playing Field and Sustainable Development in the Trade and Cooperation Agreement between the EU and the UK
  - §Mirror clauses in FTAs

#### Thursday 11 May (13:00-15:00)

##### The Carbon Border Adjustment Mechanism

- o Overview and Assessment of the Scheme
- o Compatibility with WTO Law (China's Complaint at WTO)
- o Bonus Topic: Carbon Removal



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### Friday 12 May (13:00-15:00)

#### Energy I (Trade)

- o EU Net Zero Industry Act and Support to Renewable Energy Industry (with Assessment of WTO compatibility)
- o Reaction to Comparable Foreign Plans (US IRA)
- o Zoom-in: Biofuels and e-fuels  
§ILUC Standards for Trade in Biofuels

### Monday 15 May (13:00-15:00)

#### Energy II (Investments)

- o Foreign Investment Protection and the Fossil Fuels Industry
- o Foreign Investment Protection and the Nuclear Energy Industry
- o Foreign Investment Protection and the Renewable Energy Industry
- o The Energy Charter Treaty: Its Reform Attempts and the Withdrawal of EU Member States

### Wednesday 17 May (13:00-15:00)

#### Controlling Trade and Investment Inbound and Outbound Flows

- o Export Restrictions and Export Controls (Including Coordinated Action with US)
- o Critical Raw Materials Act
- o EU Investment Screening

### Thursday 18 May (13:00-15:00)

#### Improving Supply Chains' Sustainability

- o Friend-Shoring and Sustainable Value Chains
- o Global Supply Chain Due Diligence Proposal
- o EU Guidance to Combat Forced Labor in Supply Chains
- o Responsible Forestry Proposal (Trade in Forest-Risk Commodities)
- o WTO Law-Compatibility of These Schemes

### Tuesday 23 May (13:00-15:00)

#### Promotion of Other Social Interests

- o Trade Union Freedoms and other Labour Standards in FTAs
- o Gender Balance in Corporate Governance in FTAs
- o Protection of Indigenous Peoples' Rights

### Thursday 25 May (13:00-15:00)

#### Final session

- o Participants' Presentations
- o Revision

## ImprovEUorGlobe Course

The course is delivered in blended form (in person and online) across 10 two-hour sessions in the month of May 2023 (from Wednesday 3 May 2023 to Thursday 25 May 2023). It is addressed to the young researchers of the **UNA Europa Universities**, who work on the sustainability aspects of the EU trade policy or want to learn more about them. At the end of the course, a certificate will be delivered to the in presence and online attending students; the course can also be considered as an official activity for the credits of the UNA Europa PhD candidates.

The module is offered within the activities of the Seed Funding Una Europa ImprovEUourGlobe Project coordinated by **Prof. Elisa Baroncini** (University of Bologna) and thus led by the **University of Bologna** in a multi-university consortium. The course is delivered by the UNA Europa Chair holder for the project, **Dr. Filippo Fontanelli** from the University of Edinburgh. Beyond Coordinator and Chair, the ImprovEUorGlobe Academic Leads are **Dr. Ana Maria Daza Vargas** (University of Edinburgh), **Prof. Genia Kostka** (Freie Universität Berlin), **Prof. Reetta Toivanen** (The University of Helsinki), **Prof. Piotr Szwedo** (Uniwersytet Jagielloński w Krakowie), and **Prof. Raquel Regueiro Dubra** (Universidad Complutense de Madrid).



**Dr. Filippo Fontanelli** is senior Lecturer in International Economic Law at the **University of Edinburgh**. He read Law at the University of Pisa (degree and masters, in 2004 and 2006) and at the Sant'Anna School (Diploma di Licenza and PhD, 2008 and 2012). He worked at Cleary, Gottlieb, Steen and Hamilton LLP (Rome) from 2007 to 2009. He passed the bar exam in Italy (Rome). He holds an LLM degree from the New York University School of Law, where he served as Hauser Global LLM Fellow and received the Jerome Lipper Prize. He worked as university trainee at the International Court of Justice (The Hague), assisting H.E. Judge Cançado Trindade and H.E. Keith (2010/2011).

Dr. Fontanelli is a fellow of the Higher Education Academy and a member of the International Law Association, in which he was co-rapporteur of the ILA Committee on the Procedure of International Courts and Tribunals. He is member of the Faculty of the Master in International Law of the Universidad La Sabana (Bogota) and has been visiting professor at the University of Stockholm, the University of Vienna and LUISS (Rome), where he teaches the course The Protection of Human Rights in Europe as adjunct professor.

Dr. Fontanelli served as academic fellow on international trade law with the Scottish Parliament's Information Centre and adviser to the Europe and External Affairs Committee (2018-2020). He acts as counsel and legal expert before international courts and tribunals, and upon appointment by international institutions, including the Council of Europe and the Venice Commission.

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