

Open Strategic Autonomy in EU Trade Policy

This book analyses whether the recent reorientation of EU trade policy towards stronger enforcement and more robust representation of interests, resulting in a series of new or amended legislative tools, is in conformity with the EU's international commitments, particularly WTO, FTA, environmental, and general international law, and with its multilateralist stance and underlying constitutional obligations. The analysis is also set against the consequences that would flow from within the EU legal order, providing readers with a comprehensive view of the external and internal constraints on trade policy that the EU should respect, as well as the leeway it enjoys. In case of potential tensions, it submits changes that would better balance the EU's new ambitions and international obligations. Furthermore, the book looks beyond the possible legal repercussions to consider the broader political implications of these instruments on the credibility of the EU's commitment to multilateralism and international law.

Wolfgang Weiß is Full Professor and Chair Holder of Public Law, European Law and Public International Law at the German University of Administrative Sciences Speyer. His main research areas are EU, WTO, and international economic law. He regularly contributes to article-by-article commentaries on EU law and publishes books and articles in both English- and German-language journals. Two of his books won academic book prizes. His most recent monographs are *WTO Law and Domestic Regulation: Exploring the Determinants for the Impact of the WTO on Domestic Regulatory Autonomy* (2020) and a treatise on WTO law (published in German: *Welthandelsrecht*, 3rd ed. 2022, co-authored with Christoph Ohler and Marc Bungenberg). He is also a co-editor of *Global Politics and EU Trade Policy* (2020).

Cornelia Furculita is a postdoctoral researcher at the Chair for Public Law, European Law and Public International Law at the German University of Administrative Sciences Speyer. Cornelia's research interests lie in international trade law, especially the intersection of WTO, FTAs, and EU trade law. She is the author of *The WTO and the New Generation EU FTA Dispute Settlement Mechanisms* (2021) and a co-editor of *Global Politics and EU Trade Policy* (2020).

Cambridge Studies in European Law and Policy

The focus of this series is European law broadly understood. It aims to publish original monographs in all fields of European law, from work focusing on the institutions of the EU and the Council of Europe to books examining substantive fields of European law as well as examining the relationship between European law and domestic, regional and international legal orders. The series publishes works adopting a wide variety of methods: comparative, doctrinal, theoretical and interdisciplinary approaches to European law are equally welcome, as are works looking at the historical and political facets of the development of European law and policy. The main criterion is excellence, i.e. the publication of innovative work, which will help to shape the legal, political and scholarly debate on the future of European law.

Joint Editors

Professor Mark Dawson
Hertie School of Governance, Berlin
Professor Dr Laurence Gormley
University of Groningen
Professor Jo Shaw
University of Edinburgh

Editorial Advisory Board

Professor Kenneth Armstrong, *University of Cambridge*
Professor Catherine Barnard, *University of Cambridge*
Professor Richard Bellamy, *University College London*
Professor Marise Cremona, *European University Institute, Florence*
Professor Michael Dougan, *University of Liverpool*
Professor Dr Jacqueline Dutheil de la Rochère, *University of Paris II Pantheon-Assas, Director of the Centre for European Law, Paris*
Professor Daniel Halberstam, *University of Michigan*
Professor Dora Kostakopoulou, *University of Warwick*
Professor Dr Ingolf Pernice, *Director of the Walter Hallstein Institute, Humboldt University of Berlin*
Judge Sinisa Rodin, *Court of Justice of the European Union*
Professor Eleanor Spaventa, *Università Bocconi*
Professor Neil Walker, *University of Edinburgh*
Professor Stephen Weatherill, *University of Oxford*

Books in the Series

Reimagining Prosperity: Toward a New Imaginary of Law and Political Economy in the EU
Marija Bartl

Open Strategic Autonomy in EU Trade Policy: Assessing the Turn to Stronger Enforcement and More Robust Interest Representation
Wolfgang Weiß and Cornelia Furculiță

Trilogues: The Democratic Secret of European Legislation
Giacomo Rugge

The European Union, Emerging Global Business and Human Rights
Aleydis Nissen

The European Central Bank and the European Macroeconomic Constitution
Klaus Tuori

The Procedural and Organisational Law of the European Court of Justice: An Incomplete Transformation
Christoph Krenn

The New Economic Governance of the Eurozone: A Rule of Law Analysis
Paul Dermine

Digital Constitutionalism in Europe: Reframing Rights and Powers in the Algorithmic Society
Giovanni De Gregorio

Can the European Court of Human Rights Shape European Public Order?
Kanstantsin Dzehtsiarou

The Constitutional Boundaries of European Fiscal Federalism
Brady Gordon

Private Selves: Legal Personhood in European Privacy Protection
Susanna Lindroos-Hovinneimo

Fissures in EU Citizenship: The Deconstruction and Reconstruction of the Legal Evolution of EU Citizenship
Martin Steinfeld

The Boundaries of the EU Internal Market: Participation without Membership
Marja-Liisa Öberg

The Currency of Solidarity: Constitutional Transformation during the Euro Crisis
Vestert Borger

Empire of Law: Nazi Germany, Exile Scholars and the Battle for the Future of Europe
Kaius Tuori

In the Court We Trust: Cooperation, Coordination and Collaboration between the ECJ and Supreme Administrative Courts

Rob van Gestel and Jurgen de Poorter

Beyond Minimum Harmonisation: Gold-Plating and Green-Plating of European Environmental Law

Lorenzo Squintani

The Court of Justice of the European Union as an Institutional Actor: Judicial Lawmaking and its Limits

Thomas Horsley

The Politics of Justice in European Private Law: Social Justice, Access Justice, Societal Justice

Hans-W Micklitz

The Transformation of EU Treaty Making: The Rise of Parliaments, Referendums and Courts Since 1950

Dermot Hodson and Imelda Maher

Redefining European Economic Integration

Dariusz Adamski

Human Rights in the Council of Europe and the European Union: Achievements, Trends and Challenges

Steven Greer, Janneke Gerards and Rosie Slowe

Core Socio-Economic Rights and the European Court of Human Rights

Ingrid Leijten

Green Trade and Fair Trade in and with the EU: Process-based Measures within the EU Legal Order

Laurens Ankersmit

New Labour Laws in Old Member States: Trade Union Responses to European Enlargement

Rebecca Zahn

The Governance of EU Fundamental Rights

Mark Dawson

The International Responsibility of the European Union: From Competence to Normative Control

Andrés Delgado Casteleiro

Frontex and Non-Refoulement: The International Responsibility of the EU

Roberta Mungianu

Gendering European Working Time Regimes: The Working Time Directive and the Case of Poland

Ania Zbyszewska

EU Renewable Electricity Law and Policy: From National Targets to a Common Market
Tim Maxian Rusche

European Constitutionalism
Kaarlo Tuori

Brokering Europe: Euro-Lawyers and the Making of a Transnational Polity
Antoine Vauchez

Services Liberalization in the EU and the WTO: Concepts, Standards and Regulatory Approaches
Marcus Klamert

Referendums and the European Union: A Comparative Enquiry
Fernando Mendez, Mario Mendez and Vasiliki Triga

The Allocation of Regulatory Competence in the EU Emissions Trading Scheme
Josphine van Zeben

The Eurozone Crisis: A Constitutional Analysis
Kaarlo Tuori and Klaus Tuori

International Trade Disputes and EU Liability
Anne Thies

The Limits of Legal Reasoning and the European Court of Justice
Gerard Conway

New Governance and the Transformation of European Law: Coordinating EU Social Law and Policy
Mark Dawson

The Lisbon Treaty: A Legal and Political Analysis
Jean-Claude Piris

The European Union's Fight Against Corruption: The Evolving Policy Towards Member States and Candidate Countries
Patrycja Szarek-Mason

The Ethos of Europe: Values, Law and Justice in the EU
Andrew Williams

State and Market in European Union Law: The Public and Private Spheres of the Internal Market before the EU Courts
Wolf Sauter and Harm Schepel

The European Civil Code: The Way Forward
Hugh Collins

Ethical Dimensions of the Foreign Policy of the European Union: A Legal Appraisal
Urfan Khaliq

Implementing EU Pollution Control: Law and Integration
Bettina Lange

European Broadcasting Law and Policy
Jackie Harrison and Lorna Woods

The Transformation of Citizenship in the European Union: Electoral Rights and the Restructuring of Political Space
Jo Shaw

The Constitution for Europe: A Legal Analysis
Jean-Claude Piris

The European Convention on Human Rights: Achievements, Problems and Prospects
Steven Greer

Social Rights and Market Freedom in the European Constitution: A Labour Law Perspective
Stefano Giubboni

EU Enlargement and the Constitutions of Central and Eastern Europe
Anneli Albi

Open Strategic Autonomy in EU Trade Policy

Assessing the Turn to Stronger Enforcement
and More Robust Interest Representation

Wolfgang Weiß
University Speyer

Cornelia Furculita
University Speyer



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press & Assessment
 978-1-009-19653-6 — Open Strategic Autonomy in EU Trade Policy
 Wolfgang Weiß, Cornelia Furculita
 Frontmatter
[More Information](#)



CAMBRIDGE
 UNIVERSITY PRESS

Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
 New Delhi – 110025, India

103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment,
 a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of
 education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781009196536

DOI: 10.1017/9781009196529

© Wolfgang Weiß and Cornelia Furculita 2024

This publication is in copyright. Subject to statutory exception and to the provisions
 of relevant collective licensing agreements, no reproduction of any part may take
 place without the written permission of Cambridge University Press & Assessment.

When citing this work, please include a reference to the DOI 10.1017/9781009196529

First published 2024

A catalogue record for this publication is available from the British Library

Library of Congress Cataloging-in-Publication Data

Names: Weiss, Wolfgang, 1966– author. | Furculiță, Cornelia, author.

Title: Open strategic autonomy in EU trade policy : assessing the turn to stronger
 enforcement and more robust interest representation / Wolfgang Weiss,
 University Speyer; Cornelia Furculita, University Speyer.

Other titles: Open strategic autonomy in European Union trade policy

Description: Cambridge, United Kingdom ; New York, NY : Cambridge University
 Press, 2024. | Series: Cambridge studies in European law and policy | Includes
 bibliographical references and index.

Identifiers: LCCN 2024008596 (print) | LCCN 2024008597 (ebook) |
 ISBN 9781009196536 (hardback) | ISBN 9781009196543 (paperback) |
 ISBN 9781009196529 (epub)

Subjects: LCSH: Trade regulation–European Union countries. | Foreign trade
 regulation–European Union countries. | Autonomy (Philosophy)–European Union
 countries. | World Trade Organization. | Arbitration (International law)

Classification: LCC KJE6791 .W45 2024 (print) | LCC KJE6791 (ebook) |

DDC 382.094–dc23/eng/20240224

LC record available at <https://lcn.loc.gov/2024008596>

LC ebook record available at <https://lcn.loc.gov/2024008597>

ISBN 978-1-009-19653-6 Hardback

Cambridge University Press & Assessment has no responsibility for the persistence
 or accuracy of URLs for external or third-party internet websites referred to in this
 publication and does not guarantee that any content on such websites is, or will
 remain, accurate or appropriate.

Contents

<i>Preface</i>	<i>page xvii</i>
<i>List of Abbreviations</i>	<i>xix</i>
1 Introduction	1
1.1 The Mission of This Book: Scrutinizing the New EU Trade Policy against Its Legal Constraints	1
1.2 Roots, Causes, Context: From ‘A Stronger Europe’ via ‘Open Strategic Autonomy’ towards an ‘Open, Sustainable and Assertive Trade Policy’	7
1.3 Methodology	13
1.4 Outline, Structure, and Core Results of the Book	18
Part I EU Trade Policy and Its Constraints	
2 The EU’s Trade Policy: Past and Prospect	25
2.1 Evolution of the EU Trade Policy	26
2.1.1 Liberal Multilateralism: The Defining Feature	26
2.1.2 The Shift to Active Bilateralism	30
2.1.3 ‘Open Strategic Autonomy’: The Turn to Stronger Enforcement and Ensuring a Level Playing Field Strengthens a More Geopoliticized EU Trade Policy	36

2.2	Drivers behind the EU's Geoeconomic Reorientation towards Stronger Enforcement and Ensuring a Level Playing Field	47
2.2.1	The Crisis of Multilateralism and the Rise of Economic Nationalism	48
2.2.2	China's Systemic Challenges and the Proliferation of Geoeconomics	52
2.2.3	Trade Issues of Digitization of the Economy, Climate Change, and Resilience after COVID-19	57
2.3	Conclusion	59
3	External and Internal Constraints for the EU's Open Strategic Autonomy in Trade Policy	63
3.1	Introduction	63
3.2	The Tensions of a Principled Pragmatist: Multilateralism versus Autonomy	65
3.2.1	The Commitment to Multilateralism and International Law Inscribed in the EU's DNA	65
3.2.2	EU Internal Relevance of International Law: Respecting EU Autonomy	73
3.2.2.1	<i>International Law as a Constraint to the Validity of EU Legal Acts</i>	74
3.2.2.2	<i>Constraints Flowing from Conflict with Other EU Primary Law</i>	81
3.2.2.3	<i>In Particular: Constraints Flowing from the 'Autonomy of the EU' Exception</i>	83
3.2.3	Legal and Political Consequences of Respect for International Law and EU Autonomy for the Strategic Autonomy in Trade Policy	88
3.2.3.1	<i>The EU Autonomy Exception and Article 46 Vienna Convention on the Law of Treaties</i>	89
3.2.3.2	<i>The EU Autonomy Exception and the EU Trade Policy's Assertiveness Turn</i>	93
3.2.3.3	<i>Conclusion</i>	95
3.3	EU Trade Policy Constraints Flowing from Public International Law	97
3.3.1	International Legal Responsibility by Virtue of the Mere Adoption of Legislation	101
3.3.2	Pertinent Disciplines of International and WTO Law and Their Relevant Obligations	109
3.3.2.1	<i>WTO Law</i>	109
3.3.2.2	<i>EU FTA Provisions</i>	114
3.3.2.3	<i>General Public International Law on State Responsibility</i>	116

3.3.2.4	<i>General Public International Law on International Treaties</i>	117
3.3.2.5	<i>International Climate and Environmental Law</i>	119
3.4	Conclusion	120
 Part II The Tools for Stronger Enforcement of Trade Rights		
4	The EU-Led MPIA: An Attempt to Rescue the WTO Dispute Settlement	125
4.1	Introduction	125
4.2	Article 25 DSU: Appeal Arbitration and Conditions	127
4.3	The MPIA: Introduction, Conformity with the DSU Requirements, and Innovations	132
4.3.1	Multi-Party, <i>Ex Ante</i> , and Interim Arrangement	132
4.3.2	Appeal Arbitration Procedures under the MPIA	135
4.3.3	The MPIA's New Features: Timeline, Article 11 Claims, <i>Obiter Dicta</i> , and Flexibility	138
4.4	MPIA Arbitration Awards: Security, Predictability, and High-Quality Awards	145
4.5	Enforceability and 'Automaticity' of the MPIA, and Its No-Appeal Pact	152
4.6	Broader Implications of the EU-Led MPIA	157
4.7	Conclusion	161
5	The Amended Trade Enforcement Regulation: Addressing Dispute Settlement Blockages	165
5.1	Introduction	165
5.2	The Un-Amended Trade Enforcement Regulation 654/2014	167
5.3	The 2021 Amendments to Trade Enforcement Regulation 654/2014	168
5.4	The Legality of the 2021 Amendments Addressing the AB Crisis	172
5.4.1	Article 23 DSU and Article 52 (4) ILC Draft Articles on State Responsibility	173
5.4.2	The Fall-Back Doctrine	183
5.5	The Legality of the 2021 Amendment Addressing Potential Dispute Settlement Blockages under EU FTAs	187
5.6	Compliance with ILC Draft Articles Conditions	189

5.7	Broader Implications of the 2021 Amendments of Trade Enforcement Regulation 654/2014	192
5.8	Conclusion	195
6	The Anti-Coercion Instrument: Is There a Place for Unilateralism under International Rules?	198
6.1	Introduction	198
6.2	The Content of the ACI	200
6.3	Legality under International Law	205
6.3.1	Customary Rules on Countermeasures	205
6.3.1.1	<i>Countermeasures against an International Wrongful Act</i>	205
6.3.1.2	<i>The International Wrongful Act: Violation of the Principle of Non-Intervention</i>	208
6.3.1.3	<i>Conformity with the Conditions and Limitations for Countermeasures under the ILC Draft Articles</i>	216
6.3.2	Legality under the Multilateral Trade Regime	218
6.3.2.1	Article 23 DSU	218
6.3.2.2	WTO Substantive Rules	223
6.3.2.3	<i>Justifications for Potential WTO Violations</i>	226
6.3.3	Legality under Bilateral and Regional Trade Rules	234
6.4	Broader Costs and Benefits	236
6.5	Conclusion	241
7	Enforcement of the FTA TSD Chapters: Newfound Strength?	244
7.1	Introduction	244
7.2	Relevant Context	246
7.2.1	EU's Former Cooperative Approach towards FTA TSD Enforcement	246
7.2.2	Stronger Enforcement of FTA TSD Chapters: A Heated Debate That Lasted for Years	250
7.3	New Robustness of EU's Approach towards FTA TSD Chapters	255
7.3.1	The Labour Dispute under EU–Korea FTA	256
7.3.2	Strengthening the Enforcement of the FTA TSD Chapters: The New Action Plan	260
7.4	The Tools Available for Use in Case of Non-Compliance with the Panel of Experts' Report	267
7.4.1	Resort to Unilateral Countermeasures under Public International Law Rules	267

7.4.2	Article 60 (1) VCLT/VCLTSIO, the ‘Essential Elements’ Clauses, and Article 62 (1) VCLT/VCLTSIO	271
7.5	Political Considerations	279
7.6	Conclusion	279

Part III The Tools for Assertive Representation of EU Interests

8	The IPI Regulation: A ‘Level Playing Field’ for European Economic Operators in Foreign Public Procurement Markets within International Law Confines?	285
8.1	Introduction	285
8.2	The Thorny Road towards an Adopted IPI	287
8.3	The IPI Regulation	291
8.4	The IPI and the WTO Constraints	294
8.4.1	National Treatment Obligations under the GATT and GATS	296
8.4.1.1	<i>Violation of National Treatment: Articles III:4 GATT and XVII GATS</i>	296
8.4.1.2	<i>Derogation from National Treatment: Article III:8 (a) GATT and Its Reach</i>	300
8.4.1.3	<i>Derogation from National Treatment: Article XIII GATS and Its Reach</i>	308
8.4.1.4	<i>Conclusion on Compliance with WTO National Treatment Obligations</i>	309
8.4.2	Most-Favoured-Nation Obligations under the GATT and GATS	310
8.4.3	The Agreement on Subsidies and Countervailing Measures	314
8.4.4	The Dispute Settlement Understanding	318
8.5	The IPI and EU FTAs	320
8.6	Broader Implications	321
8.7	Conclusion	323
9	The Foreign Subsidies Regulation: The Way Forward to Competitive Equality and Extraterritoriality of EU Competition Law?	326
9.1	Introduction	326
9.2	The Foreign Subsidies Regulation: Need and Core Content	329

9.2.1	The Gap-Filling Function of the Foreign Subsidies Regulation	329
9.2.2	Core Content of the Foreign Subsidies Regulation	331
9.3	The Foreign Subsidies Regulation and WTO Law	336
9.3.1	International Commitments under the WTO ASCM	337
9.3.1.1	<i>Purview of the ASCM: Trade in Goods, Not Only Importation</i>	338
9.3.1.2	<i>ASCM and Transnational Subsidization</i>	342
9.3.1.3	<i>Justification for Breach of ASCM?</i>	346
9.3.2	WTO Non-Discrimination Disciplines	349
9.3.3	Conclusion on WTO Law Conformity	353
9.4	The Foreign Subsidies Regulation and Bilateral Subsidy Commitments	354
9.4.1	EU–UK Trade and Cooperation Agreement	355
9.4.2	EEA Agreement	359
9.4.3	Association Agreement with Ukraine	360
9.4.4	Stabilisation and Association Agreements with the Western Balkan Countries	362
9.4.5	CETA and JEPA	363
9.4.6	Conclusion on Conformity with Bilateral Subsidies Commitments	364
9.5	The Political Implications of the Foreign Subsidies Regulation	365
9.6	Conclusion	367
10	Carbon Border Adjustment Mechanism: In Tension with EU’s International Trade and Climate Commitments	369
10.1	Introduction	369
10.2	Description and Aims	372
10.2.1	Presenting the CBAM Regulation	372
10.2.2	EU’s Interests and Values: Environmental Protection and a ‘Level Playing Field’	377
10.3	CBAM and the CBDR Principle	380
10.4	CBAM and Core WTO Obligations	386
10.4.1	CBAM and Its Fiscal Character under Articles II:1 (b), II:2 (a), and III:2 GATT	387
10.4.1.1	<i>The Appropriate Venues, Their Relationships, and Related Uncertainties</i>	387
10.4.1.2	<i>CBAM and Article II:2 (a) GATT Requirements</i>	392

	CONTENTS	xv
10.4.2	CBAM and Its Regulatory Character under Articles III:4 and XI GATT	404
10.4.2.1	Articles III:4 and XI:1 GATT: Applicability and Relationship	404
10.4.2.2	Article III:4 GATT	406
10.4.2.3	Article XI:1 GATT	409
10.4.3	CBAM and the Most-Favoured-Nation Principle	410
10.5	Justifying WTO Violations	415
10.5.1	General Exceptions under Article XX GATT	415
10.5.1.1	Article XX (b) GATT	416
10.5.1.2	Article XX (g) GATT	419
10.5.1.3	The Chapeau of Article XX GATT	424
10.5.2	The Enabling Clause	430
10.6	CBAM and FTA Rules	433
10.7	Broader Implications	435
10.8	Conclusion	439
11	Conclusion	442
11.1	Introduction	442
11.2	The EU Trade Policy’s Assertiveness Turn in Perspective	443
11.3	The Assertiveness Turn and the Constraints for Strategic Autonomy	446
11.4	The Results in a Nutshell	451
11.5	Core Messages of the Results	459
11.6	The EU Trade Policy Turn’s Impact on Current Debates	461
	Bibliography	466
	Index	499

Preface

The EU of the 2020s is beset by a number of challenges. High among them, however, is the place of the EU in the wider world. Since its birth, the EU has been seen as part of a broader process of globalization that includes the internationalization of law itself. The opening of national law to the law of the EU could thus be conceptualized as a broader opening of European states to international legal obligations, which EU law might underpin and support.

What, however, does EU law do in an increasingly *closed* world? The rise of China and the seeming return of geopolitical ‘blocks’ increasingly threaten the integrity of the international legal order and the multilateral institutions which underpin it. This is most marked in the area of trade policy, where decades of openness seem to be coming to an abrupt close, and where a historical pioneer of global free trade, the United States, has been accused of domestic protectionism. In response, the EU has seen a need to take a more sovereigntist stance not just in trade policy but in a host of other areas, often grouped together under the infamous term ‘strategic autonomy’. The Union has entered a brave new world, in which it must use (and potentially misuse) legal tools to level the competitive playing field.

This book, written by Cornelia Furculita and Wolfgang Weiß, is devoted to understanding how EU trade law and policy are adapting to this world. As the book charts, the EU faces a fundamental dilemma. On the one hand, it must meet the new geopolitical reality and its associated challenges (particularly to the EU’s environmental and social objectives). On the other, it must not lose its fundamental ‘DNA’ in the process, namely its commitment to respect international law (a commitment embedded in the Treaty itself). EU trade law and policy must thus chart an increasingly narrow path.

xviii PREFACE

Furculita and Weiß's book takes great care in leading us along precisely this path, assessing the compatibility of important new EU initiatives developed in the name of strategic autonomy with a complex web of international trade obligations. It is therefore not only a book with useful scholarly lessons but a wonderful resource for practitioners interested both in important recent EU initiatives (such as on procurement and sustainability) and in specialized fields of law such as competition, dispute resolution, and, of course, trade. The book is not afraid to make strong normative conclusions, pointing to important inconsistencies between EU legislative initiatives and commitments embedded in international and EU constitutional law (with clear ideas on how to remedy them, drawing on public international law scholarship). As a book tackling one of the Union's (and world's) foremost challenges, it deserves to be widely read. We are delighted to welcome it to the *Cambridge Studies in European Law and Policy* series.

Mark Dawson
Laurence Gormley
Jo Shaw

Abbreviations

AA	Association Agreement
AB	Appellate Body
ACI	Anti-Coercion Instrument
ADA	Anti-Dumping Agreement
AG	Advocate General
AJIL	<i>American Journal of International Law</i>
ASCM	Agreement on Subsidies and Countervailing Measures
ASEAN	Association of Southeast Asian Nations
BASR	Basic Anti-Subsidy Regulation
BTA	Border Tariff Adjustment
CARIFORUM	The Caribbean Forum
CBAM	Carbon Border Adjustment Mechanism
CBDR	Common But Differentiated Responsibilities
CEPR	Centre for Economic Policy Research
CETA	EU–Canada Trade Agreement
CJEU	Court of Justice of the European Union
CMLRev	<i>Common Market Law Review</i>
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership
CTEI	Centre for Trade and Economic Integration
CTEO	Chief Trade Enforcement Officer
DAG	Domestic Advisory Group
DG	Director General
DSB	Dispute Settlement Body
DSU	Dispute Settlement Understanding
ECT	Treaty Establishing the European Community
EEA	European Economic Area
EECT	Treaty Establishing the European Economic Community

EFARev	<i>European Foreign Affairs Review</i>
EC	European Communities
ECHR	European Convention on Human Rights
EEA	The Agreement on the European Economic Area
EEC	European Economic Community
EFTA	European Free Trade Association
EJIL	<i>The European Journal of International Law</i>
ELJ	<i>European Law Journal</i>
ELRev	<i>European Law Review</i>
EP	European Parliament
EPA	Economic Partnership Agreement
EPRS	European Parliamentary Research Service
ETS	Emissions Trading System
EU	European Union
EUI	European University Institute
EU-UA AA	EU-Ukraine Association Agreement
EuZW	<i>Europäische Zeitschrift für Wirtschaftsrecht</i>
FSR	Foreign Subsidies Regulation
FTA	Free Trade Agreement
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GBER	General Block Exemption Regulation
GC	General Court
GHG	Greenhouse Gas
GPA	Agreement on Government Procurement
GSP	Generalized Scheme of Preferences
GTCJ	<i>Global Trade and Customs Journal</i>
ICJ	International Court of Justice
ICLQ	<i>International & Comparative Law Quarterly</i>
IELP	<i>International Economic Law and Policy</i>
ILC	International Law Commission
ILO	International Labour Organization
ILSA	International Law Students Association
INTA	European Parliament Committee on International Trade
IPI	International Procurement Instrument
JCMS	<i>Journal of Common Market Studies</i>
JEPA	EU-Japan Economic Partnership Agreement
JEPP	<i>Journal of European Public Policy</i>
JEI	<i>Journal of European Integration</i>
JIEL	<i>Journal of International Economic Law</i>
JWIT	<i>Journal of World Investment & Trade</i>

JWT	<i>Journal of World Trade</i>
LDC	Least Developed Country
LIEI	<i>Legal Issues of Economic Integration</i>
LSE	London School of Economics and Political Science
MAS	Mutually Agreed Solution
MFN	Most Favored Nation
MPIA	Multi-Party Interim Appeal Arbitration Arrangement
NAFTA	North American Free Trade Agreement
NAP	No Appeal Pact
NDC	Nationally Determined Contribution
NT	National Treatment
OECD	Organisation for Economic Co-operation and Development
OJ	<i>Official Journal</i>
PCIJ	Permanent Court of International Justice
QMV	Qualified Majority Vote
RCEP	Regional Comprehensive Economic Partnership
RSCAS	Robert Schuman Centre for Advanced Studies
SAA	Stabilisation and Association Agreement
SDT	Special and Differential Treatment
SIDS	Small Island Developing States
SME	Small and Medium-Sized Enterprise
TBT	Technical Barriers to Trade
TCA	Trade and Cooperation Agreement
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
TSD	Trade and Sustainable Development
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNFCCC	United Nations Framework Convention on Climate Change
USMCA	United States–Mexico–Canada Agreement
VCLT	Vienna Convention on the Law of Treaties
WP	Working Party
WTI	World Trade Institute
WTO	World Trade Organization
WTRev	<i>World Trade Review</i>
ZEuS	<i>Zeitschrift fuer Europarechtliche Studien</i>