INDEX

3D printing, 8
Agreement Establishing the African Continent Free Trade Area, 27
ams approach, 254
arbitration, 32, 38, 41, 45, 63, 64, 65, 94, 311
ad hoc tribunal, purpose, 64
arbitrators
diversity, 64
qualifications, 64
Argentina, 55
Article 3(1)(e) TFEU, 21
Article 3(5) TEU, 20
Article 11 TFEU, 20
Article 21 TEU, 21
Articles 191–193 TFEU, 21
Article 205 TFEU, 21
Article 207 TFEU, 21
Articles 208–211 TFEU, 21
Artificial Intelligence (AI), 8
Asian Development Bank (ADB), 243
Association of Southeast Asian Nations (ASEAN), 27
Authorized Economic Operator (AEO), 250
average treatment effects (ATEs), 278, 283–288
AWG v. Argentina, 55
Bangladesh, 147, 255
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 29
Belgium, 57
Bilateral Investment Treaties (BITs), 50
bilateral trade flows, 6, 119, 314
biodiversity, 19, 77, 81, 82, 99, 111, 118, 181, 194, 196, 207, 270, 312
blockchain, 3, 8, 9, 228–238, 240–244, 249–255, 257–258, 262, 264–265, 312
Brazil, 145, 164, 279, 314
Brexit, 237
Brundtland Report, 76, 79
C.A.F.E. Practices, 182, 183
Canada, 18, 19, 26, 38, 62, 66, 244, 251, 253
Canada–United States–Mexico Agreement (CUSMA), 26, 33
CARIFORUM States, 18, 19, 39
Cartagena Protocol to the Convention on Biological Diversity, 23
CETA, 23, 32, 33, 63, 65
access to justice, 38
dispute settlement, 39
fair and equitable treatment standard (FET), 33, 62
general exceptions clause, 23
mutual supportiveness, 25
right to regulate, 33
CGE modelling, 251, 254
Chile, 145, 164
China, 60, 66, 67, 91, 92, 258, 279, 314
export restrictions, 91, 92
China – Rare Earths, 91, 93
China – Raw Materials, 91, 93
China – Raw Materials II, 91
Chinese government. See China
climate change, 1, 4, 19, 34, 53, 83, 99, 214, 272, 277, 314
Colombia, 19
INDEX

Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), 26, 33
Comprehensive Economic and Trade Agreement. See CETA
computable general equilibrium (CGE). See CGE modelling
conciliation procedure, 45
conflict clauses, 27, 28, 43
consultation procedure, 41
consumer protection, 54
Costa Rica, 7, 145, 161–167, 169, 187, 189
Coalicion Costarricense de Iniciativas de Desarrollo (CINDE), 161
Costa Rica United States Foundation for Cooperation (CRUSA), 164
Côte d’Ivoire, 8, 201, 202, 204–9, 214, 220–222, 311, 312
Conseil du Café Cocoa (CCC), 204
Cotonou Agreement, 18
countermeasures, adoption of in case of non-compliance, 32
Court of Justice of the EU (CJEU), 38
Opinion 2/15, 51, 21
deforestation, 82, 111, 114, 206, 208
Design of Trade Agreements (DESTA), 119, 120
discrimination, protection against, 54
dispute settlement mechanism, 20, 43
Doha Development Round, 4, 17, 19, 43, 85, 229
duty-free and quota-free treatment (DFQF), 84
Ecuador, 19, 192
Egypt, 55
environmental measures discriminatory, 17
trade restrictive, 17
environmental protection, 54
ENVPROVS, 120, 124
EU PTAs, 32, 34, 35, 38, 43, 45, 102
EU Treaties, 17

Treaty on European Union (TEU), 20, 21, 56
Treaty on the Functioning of the European Union (TFEU), 20, 21, 58
EU-Korea PTA, 35
European Union, 16, 244, 258, 310
Common Commercial Policy, 5, 22, 52, 58, 59
competence transfer, 51, 56, 66, 68
Council of Ministers, 68
EU Blockchain Roundtable, 264
EU directives, 30
EU neighbourhood policy, 34
European Commission, 21, 41, 45, 66, 250
European Parliament, 37, 42, 45, 58, 59, 311
external action, 21, 51, 56
foreign trade policy, 18
gold standard IIA, 57
investment policy, 17, 59, 311
primary law obligations, 65, 71
Treaty of Lisbon, 20, 51, 56, 57, 59, 65
EU-Singapore Free Trade Agreement, 62
EU-Singapore FTA, 62, 63
EU-South Korea FTA, 67, 311
EU-Vietnam FTA, 65
expropriation, 33, 54, 55, 62
fair and equitable treatment standard (FET), 61
negative definition, 62
vagueness, 61
violation, threshold to prove, 62
Fairtrade Labelling Organizations International (FLO), 181
Fairtrade Minimum Price, 208
FDI projects, 147
FDI screening mechanism, 54
foreign direct investment (FDI), 2, 50, 53, 57, 59, 61, 118, 140, 270, 283, 284, 313
effects, 53
environmental costs, 285, 289, 313
governance, 54
foreign investment, 2, 33, 35, 144
fork in the road clause, 63
France, 57, 61, 63
model IIA, 61
free trade agreements (FTAs), 50
GATT (1947), 118
GATT (1994), 30, 84
  Article XX, 22, 40, 44, 88, 91
  conservation exception, 91
public morals, protection of, 22
gender equality, 53
General Agreement on Tariffs and Trade (GATT). See GATT (1994)
Georgia, 19, 25, 34
Germany, 57, 58, 61, 63
model IIA, 61
Ghana, 192, 201, 209
GlobalGAP, 178, 185, 190
certification, 182
GSP+ scheme, 37
GTAP import tariff, 253
GTAP model, 251, 254
Guatemala, 41
hazardous pesticides, 208
hazardous substances, 30
hazardous waste, 114
Health of the Planet (HOP) survey, 273
Hong Kong, 258
human rights, 77
ICISD Convention. See International Centre for Settlement of Investment Disputes (ICSID)
ILO conventions on freedom of association, collective bargaining and the abolition of forced labour, 37
ILO Core Labor Standards, 177
India, 60, 66, 67, 253, 271, 278, 283, 286, 291, 313, 314
indirect expropriation, 34
Indonesia, 60, 67, 258
information communications technology (ICT), 229
institutionalism, rational choice, 56, 311
International Centre for Settlement of Investment Disputes (ICSID), 64, 65
International investment agreements (IIAs), 2, 5, 50, 53, 55, 311
criticism, 55
developmental effects, 50
effects, developmental, 62
model, 63
overhaul of, 61
ratification, 58
international investment policy, 58
international organizations, role of in trade and investment, 3
international trade, 15, 29, 40, 88, 310
international trade restrictions, 94
Internet of Things (IoT), 8
investment arbitration, 61
ad hoc nature, 64
institutionalisation of, 64, 65
investment court system (ICS), 65
investment law, 77
investment promotion agencies (IPAs), 140, 141, 313
autonomous IPAs, 150, 159, 313
integrated IPAs, 150, 313
ISDS, 52, 54, 55, 57, 62, 64, 69, 70
procedural rules, 64
risks, 63
ISO, 264
Istanbul Programme of Action, 84
Italy, 57, 63, 68
model IIA, 61
Japan, 18, 19, 35, 42, 44, 258
joint interpretative committee, 62
KIT Royal Tropical Institute, 209
Korea, 18
Kyoto Protocol (1998), 30
flexibility mechanisms, 30
least-developed countries (LDCs), 244
mailbox companies. See shell companies
Malaysia, 258
Marrakesh Agreement, 17, 32, 90, 91
Mercosur, 66
Mexico, 95
Middle East, 258
Moldova, 19, 25, 34
Montreal Protocol on Substances that Deplete the Ozone Layer, 30
Most-Favoured Nation (MFN) tariffs, 253
multilateral environmental agreements, 37, 43
INDEX

Multilateral Environmental Agreements (MEAs), 17, 19, 23, 28, 115
interpretation, 27
mutual supportiveness, 27
non-compliance procedures, 45
typology, 29
multilateral investment court (MIC), 65, 70
multilateral trading system, 16, 77
mutual supportiveness, 19, 28, 29, 43
legal significance, 23
other regimes, relationship with, 23
Myanmar, 60, 67
NAFTA, 16, 240
regional value content (RVC), 240
Nagoya Protocol to the Convention on Biological Diversity, 23
Netherlands, the, 57, 61, 63, 209
model IIA, 61
New Delhi Declaration of Principles of International Law Relating to Sustainable Development (2002), 79, 84, 90
non-governmental organizations (NGOs), 8, 55, 178, 179
non-retrogression clause, interpretative issues, 35, 41
North Africa, 258
Organisation for Economic Co-operation and Development (OECD), 61, 64, 81, 241, 250, 258, 271
statistics, 68
OPEC member countries, 127
Organic and Rainforest Alliance standards, 181
Pakistan, 255
Pantechniki v Albania, 63
Paraguay, 66
parallel proceedings, prohibition of, 64
Paris Agreement on Climate Change, 17, 30, 77, 112
Paris Declaration on Aid Effectiveness, 140
peace and justice, 53
Peru, 19
Philippines, 258
poverty, 1, 16, 52
Preferential Trade Agreements (PTAs), 3, 16, 112, 310–314
Committee on Trade and Sustainable Development, 39
dispute settlement, 38, 311
economic effects, 116
environmental protection, 34
environmental provisions, 115, 119
EU IIA, 51, 59, 61
exchange of information, 26
fair and equitable treatment standard (FET), 33
greening, 115
MEAs clauses, 35
non-discrimination clause, 35
non-retrogression clause, 35, 44
proliferation, 115
trade and sustainable development (TSD), 4, 16, 310
processes and production methods (PPMs), 88
extraterritoriality of, 91
non-product related, 100
non-product related PPMs, 99
pseudo maximum likelihood (PPML), 122, 126
Rainforest Alliance (RA), 192, 207
Ag-Tech Developer Challenge, 208
renewable energy, 19, 68
right to regulate, 5, 20, 22, 33, 36, 43, 44, 51, 55, 56, 57, 61, 62, 64, 68
Rotterdam Convention on Prior Informed Consent, 23
Russia, 66
shell companies, 63
Singapore, 18, 19, 66, 258
SMEs, 9, 150, 230, 239
South Asia, 255
South Korea, 258, 311
Soviet Union, 34
Spain, 68
Stockholm Convention on Persistent Organic Pollutants, 23
subsidies
agricultural export, 85
carbon tax adjustment, 42
subsidies (cont.)
energy, 42
environmentally harmful, 128
fisheries, 1, 16, 42, 86
fishing, 19
fossil-fuel, 81
Sustainable Agriculture Network (SAN 2010), 210
Sustainable Development Goals (SDGs), 1, 15, 22, 50, 59, 71, 77, 111, 127, 140, 142, 167, 194, 229, 262, 310–313
sustainable development, principle of, 15, 24, 51, 76
sustainable use of natural resources, principle of, 76, 88
Taiwan, 258
Thailand, 258
Tonga, 240
Trade and Environment Database (TREND), 6, 119
trade liberalization, 16, 24, 28, 35, 43, 91, 111, 117
trade policy, 2, 45, 52, 54, 58
trade-and-environment linkage, 23
Transatlantic Trade and Investment Partnership (TTIP), 68, 70, 254
public consultation, 70
Trans-Pacific Partnership (TPP), 254
Treaty of Lisbon, 66
US Trade Representative, Office of (USTR), 237
Uganda, 191, 203
Ukraine, 19, 25, 34, 311
United Kingdom, the, 57, 61, 237
model IIA, 61
United Nations (UN), 56, 60, 65, 313, 314
Agenda for Sustainable Development (2030), 1, 2, 15, 24, 42, 111, 229, 265, 313, 314
Conference on Sustainable Development (Rio 20), 77
Convention on Biological Diversity, 95
Convention on the Law of the Sea, 95

Food and Agriculture Organization (FAO), 242
Forum on Sustainability Standards (UNFSS), 7, 194
Framework Convention on Climate Change, 77
General Assembly, 15, 16
Johannesburg Summit, 15
Millennium Development Goals, 24
World Commission on Environment and Development, 15
United Nations Committee for International Trade Law (UNCITRAL), 64, 265
United States, 20, 41, 244, 271, 279, 284
Universal Trade Network, 264
US – Clove Cigarettes, 97
US – Shrimp, 89, 91, 94, 95, 98, 99
US – Tuna II, 89, 91, 94, 97, 98, 100
US Agency for International Development (USAID), 161
UTZ Certified, 207
Vattenfall v. Germany, 68
VCLT. See Vienna Convention on the Law of Treaties
Veolia v. Egypt, 55
Vienna Convention on the Law of Treaties, 27, 42, 92
Vietnam, 19, 35, 37, 44, 60, 67, 258
violence, 1
Voluntary Sustainability Standards (VSS), 7, 177, 182, 184, 194, 202, 203, 214, 218, 310–312
CB-VSS (corporate backed VSS), 179, 184, 193, 196, 207
Fairtrade, 203
FT-VSS (fairtrade VSS), 179, 196, 207
global demand, 221
objectives, 203
Public VSS, 185
sustainability impact, 197
water and sanitation, access to, 53, 313
water tariffs, 55
World Bank, 145, 152, 168
(non-)high income countries, classification of, 120
Facility for Investment Climate Advisory Service, 151
Global Investment Promotion Best Practices (GIPB), 152
Investment Policy and Promotion, 149
IPAs, surveys of, 151
World Bank Doing Business database, 255
World Customs Organization, 250
World Economic Forum Insight Report, 99
World Health Organization, 279
World Trade Flow database, 119
World Trade Organization (WTO), 3, 310
rules-based system, 16
World Values Survey (WVS), 272, 273
WTO Agreement, 77, 78, 87, 95
preamble, 25
WTO Agreement on Sanitary and Phytosanitary Measures (SPS Agreement), 33, 87
WTO Agreement on Subsidies and Countervailing Measures (ASCM), 87
WTO Agreement on Technical Barriers to Trade (TBT Agreement), 87, 88, 89, 91, 94, 97, 98, 99
WTO Anti-dumping Agreement (ADA), the WTO Agreement on Safeguards, 87
WTO Appellate Body, 31, 89, 95, 96, 97, 103, 310
WTO dispute settlement body (DSB), 94, 102
WTO law, 17, 40, 87, 93, 94, 102
WTO multilateral trade negotiations, 16
WTO rulebook, 78
WTO Trade Facilitation Agreement, 232, 234, 237, 240, 241