

Table of Contents

<i>Table of Cases</i>	xv
<i>Table of Legislation</i>	xvii
<i>List of Abbreviations</i>	xxi
1. Introduction	1
1.1 Research Question	1
1.2 Research Methodology	4
1.3 Boundaries of the Research	5
1.4 Structure of the Book	11
2. The EU's Deep Trade Agenda Contextualized	13
2.1 Introduction	13
2.2 Evolution of the International Trading System	
Post-Second World War	13
2.2.1 From shallow to deep integration	13
2.2.2 The impact of deep integration on national autonomy	16
2.2.3 Deep integration and trade governance	21
2.3 The EU's External Trade Policy—a Historical Perspective	26
2.3.1 The EU as a powerful protectionist	26
2.3.2 The EU as a promoter of multilateral deep trade liberalization	29
2.3.3 Global Europe strategy—shift towards competitive liberalization	32
2.4 Trade Policy as a Vector for the EU's Identity in International Affairs	40
2.4.1 Civilian and Normative Power Europe	40
2.4.2 EU trade policy and narratives of self-projection	42
2.4.3 Moving away from normative power	44
2.5 Conclusion	46
3. Legal Framework of the EU's Deep Trade Agenda: Competence, Decision Making, and Objectives	49
3.1 Introduction	49
3.2 EU External Trade Competence	50
3.2.1 General considerations	50
3.2.2 Common Commercial Policy	51
3.3 Decision-making Process for EU Trade Agreements	62
3.4 Objectives of EU External Trade Policy	64
3.4.1 Objectives of the CCP	64
3.4.2 Normative value of Treaty-recognized objectives	64

3.4.3	Current practice in EU DCFTAs— sustainable development chapters	68
3.5	Conclusion	73
4.	Services	75
4.1	Introduction	75
4.2	Liberalization of International Trade in Services	76
4.2.1	The purpose of domestic regulation of services	76
4.2.2	Domestic regulation as a barrier to trade in services	77
4.3	Legal Framework for the Regulation of International Trade in Services	80
4.3.1	GATS regulatory framework	80
4.3.2	Obstacles to further GATS liberalization	84
4.4	EU External Trade Law and Policy in the Area of Services	85
4.4.1	General trends in FTA services liberalization	85
4.4.2	Global Europe strategy and trade in services	86
4.4.3	Liberalization of trade through EU DCFTAs	88
4.5	Conclusion	103
5.	Investment	107
5.1	Introduction	107
5.2	Evolution of International Investment	108
5.2.1	The emergence of international investment law	108
5.2.2	From neo-liberalism to recalibration?	110
5.3	EU Investment Protection Policy— Towards a Recalibrated EU Model BIT?	112
5.3.1	Past EU practice	112
5.3.2	A new approach to investment protection	113
5.4	Investment Protection Chapters in EU DCFTAs	116
5.4.1	Scope	116
5.4.2	Non-discrimination	119
5.4.3	Fair and equitable treatment	121
5.4.4	Expropriation	124
5.4.5	Right to regulate and exceptions	127
5.4.6	Investor–state dispute settlement	129
5.5	Conclusion	134
6.	Intellectual Property	137
6.1	Introduction	137
6.2	Global IP Regulation, TRIPS, and the Struggle for Policy Space	138
6.3	EU External Trade Policy in IP	141
6.3.1	Plurality of IP rule-making venues	141
6.3.2	The link between internal and external IP policy and law	142
6.4	Geographical Indications	145
6.4.1	Significance of geographical indications for the EU	145

6.4.2	Regulatory framework for geographical indications	146
6.4.3	EU external trade policy in the area of geographical indications	151
6.4.4	Limits of the EU's trade policy on geographical indications	157
6.5	IP Enforcement	159
6.5.1	Regulatory framework for the enforcement of IPRs	159
6.5.2	EU external trade policy in IP enforcement	162
6.5.3	EU's approach to enforcement of IP rights in EU DCFTAs	166
6.6	Conclusion	176
7.	Competition	179
7.1	Introduction	179
7.2	Trade Liberalization and Competition Policy	181
7.2.1	Political economy of the trade/competition interface	181
7.2.2	Objectives of competition policy and law in the context of trade liberalization: Market access versus economic efficiency	182
7.2.3	Developing country concerns	185
7.3	Competition Law in the WTO	185
7.3.1	Current legal framework	185
7.3.2	EU proposals for a WTO agreement on competition	186
7.3.3	International cooperation in non-binding venues	189
7.4	Post-Doha EU External Trade Policy in Competition	190
7.4.1	Shift towards bilateralism	190
7.4.2	Substantive obligations on competition law in EU trade agreements	191
7.4.3	Competition chapters in EU DCFTAs	193
7.5	Conclusion	199
8.	Public Procurement	203
8.1	Introduction	203
8.2	Liberalization of Public Procurement	204
8.2.1	Market access and 'framework rules'	204
8.2.2	Opposition to liberalization of public procurement markets	206
8.3	Regulatory Framework for Government Procurement	208
8.3.1	WTO Government Procurement Agreement	208
8.3.2	EU legal framework	211
8.4	EU External Trade Policy and Law in Public Procurement	213
8.4.1	External policy and legislative reform	213
8.4.2	Proposal on third country market access to the EU public procurement market	214
8.4.3	EU DCFTAs	219
8.5	Conclusion	223
9.	Conclusion	225
9.1	The EU as a Promoter of Deep Disciplines	225
9.2	Deep Trade Disciplines and Non-trade Objectives	228
9.3	The EU—a Trade Power Like Any Other	233

