



## **Call for Papers Online Workshop of the ESIL International Economic Law Interest Group**

### **International Economic Law between Emergencies and Reforms**

9 September 2020

The ESIL Interest Group on International Economic Law organises an Online Workshop on “International Economic Law between Emergencies and Reforms”. The Online Workshop will take place on 9 September 2020.

The workshop will address the following topics:

- 1) Trade Law and COVID-19
- 2) Reforming the Appellate Mechanism of the WTO System
- 3) Investment Law and COVID-19
- 4) Screening of Foreign Direct Investment

#### **1) Trade Law and COVID-19**

The emergence of the COVID-19 pandemic has a significant impact on international trade. The high number of export restrictions, the pressing need for pharmaceuticals, medical devices and other medical supplies at fair prices, the assurance that access to new technologies, drugs and vaccines be reasonable and thus balanced with respect to IP protection, the need for health professionals (but equally logistics personnel and seasonal workers) to move across national borders, the possibility of state support through subsidies, the reconversion of national industries into key production tools to fight COVID-19 are all issues that require analysis from the perspective of their compatibility with the WTO system and regional trade agreements. Proposals are therefore welcome on any one of the above indicated (or related) issues.

#### **2) Reforming the Appellate Mechanism of the WTO System**

Since December 2019, the WTO Appellate Body became non-operational due to the persistent veto of the United States on the appointment of the new members to the World Trade Court. The criticisms of the United States, the proposals for revising the DSU, the mechanisms suggested for provisionally facing the AB crisis – in particular, the EU project for a Multi-Party Interim Appeal Arbitration Arrangement – as well as recourse to the bilateral dispute settlement mechanisms in regional trade agreements must be analysed from the point of view of their validity, also taking into account how they compare with other international tribunals – already set up, or in fieri, such as the Multilateral Investment Court project. Proposals are therefore welcome on one of the above indicated issues.

### 3) **International Investment Law and COVID-19**

The global health emergency of COVID-19 is also having a profound impact on international investment law. The social distancing measures and expected economic measures, such as suspension of loans, will affect investors directly in various ways. The question has already been raised of the potential for investment treaty claims arising out of the handling of the COVID-19 crisis in individual countries. The downward pressure on foreign investment flows and a possible recession are further likely to impact the drafting of future investment treaties. Therefore, under this heading, we invite proposals covering the above and related topics.

### 4) **Screening of Foreign Direct Investment**

In recent years, we have been experiencing a move towards increased screening of foreign direct investment. In the European Union, traditionally one of the most open economies world-wide, Regulation 2019/452 of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union first signalled that the status quo may be changing. The Communication of the European Commission of 25 March 2020, issuing Guidelines to the member states in light of the COVID-19 emergency, alerted to the possibility of the risk of foreign investors' attempts to acquire healthcare facilities and invited member states without a screening mechanism or without a comprehensive screening mechanism, to set up a full-fledged screening mechanism. Outside the European Union, states around the world are also tightening investment screening, with Australia the latest example of a state that removed the threshold amount that determined whether a foreign investment is subject to screening. In this context, we invite proposals on all current aspects of foreign investment screening.

#### **Paper submission procedure**

Abstracts may be submitted in English or French in accordance to the timeline as set out below.

Submissions must not exceed 800 words, and have to be submitted to the following mail addresses:

[elisa.baroncini@unibo.it](mailto:elisa.baroncini@unibo.it); [pstoll@gwdg.de](mailto:pstoll@gwdg.de); [mfedorova@law.uni-kiel.de](mailto:mfedorova@law.uni-kiel.de);  
[cathy\\_titi@hotmail.com](mailto:cathy_titi@hotmail.com); [holger.hestermeyer@kcl.ac.uk](mailto:holger.hestermeyer@kcl.ac.uk)

In addition to the abstract, each submission should contain a separate file containing information on:

- The topic of the call for papers for which the abstract is submitted;
- The author's name and affiliation;
- A short (one page) author's CV, including a list of relevant publications;
- The author's contact details, including email address and phone number;
- Whether the author is an ESIL member and the date of affiliation.

#### **Timeline**

The deadline for the submission of abstracts is **midnight 15 May 2020 (CET)**.

We expect to be able to inform successful applicants by **31 May 2020**.

The deadline for the submission of the papers of accepted abstracts is **15 August 2020**.

The convenors: Elisa Baroncini, Holger Hestermeyer, Peter-Tobias Stoll, Catharine Titi and Marina Trunk-Fedorova