

# Looking for Sustainability in the Global Economy: The New Generation of EU Free Trade Agreements

14 December 2022, 11am Rome Time  
Sala delle Feste, Palazzo Malvezzi, Via Zamboni 22 and  
[Microsoft Teams](#)

## Re-Globe Seminar

### Introductory remarks: The Re-Globe Project

*Elisa Baroncini, Re-Globe Coordinator, Università di Bologna*

### "Sustainable development as a legally binding objective: what implications for EU trade and investment policies?"

*Tine Deschuytere, PhD Researcher in Law at the European University Institute*

### "Explaining the European approach to enforcing sustainable development standards in EU Free Trade Agreements: history and latest developments"

*Isola Clara Macchia, PhD Researcher in Law at the European University Institute*

### "Dealing with EU imported biodiversity loss - the gaps and overlaps between the negative impact of trade on biodiversity and environmental provisions in EU Free Trade Agreements"

*Justine Muller, PhD Researcher in Law at the European University Institute*



REFORMING THE GLOBAL ECONOMIC GOVERNANCE:  
THE EU FOR SDGS IN INTERNATIONAL ECONOMIC LAW



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### **Tine Deschuytere - Sustainable development as a legally binding objective: what implications for EU trade and investment policies?**

EU trade policies have long been subject to both economic liberalisation objectives and non-economic objectives such as development, security and environmental concerns. Where these objectives remained limited to mere policy choices in the pre-Lisbon era, the Treaty of Lisbon has made sustainable development, as an objective embedded in Article 3(5) and 21 TEU, firmly binding on EU trade policies. This development ties in with rising concerns for sustainable development and the policy coherence needed therefore within both the international and European community. Still, while there is no doubt about the binding nature of sustainable development as an EU objective, the question remains what the substantive implications of this objective are for specific EU trade and investment policies. Indeed, how far does this commitment to sustainable development stretch in reality? Considering the recent Energy Charter Treaty saga, this presentation will show that EU primary law still accords a wide margin of discretion to the EU institutions when implementing the objective of sustainable development, possibly limiting the overarching and integrative effect of sustainable development.

**Short bio:** Tine Deschuytere is a Ph.D. Researcher at the European University Institute in Florence (Italy), funded by the Research Foundation-Flanders (FWO). Her work focuses on the integration of sustainable development concerns into the regulation of trade in services within the EU's external trade policy. More specifically, her research gauges the effect of the Treaty of Lisbon amendments to the EU external policy competences and objectives on the regulation of trade in GATS Mode 4 services in EU Free Trade Agreements. Her previous work similarly includes EU external relations topics related to Brexit and the Energy Charter Treaty. Tine is also a founding member and coordinator of the International Economic Law and Policy Working Group located at the European University Institute. She holds a Bachelor of Laws and Master of Laws from Ghent University, an LL.M. in European Law from King's College London as well as an LL.M. in Comparative, European and International Laws from the European University Institute.

### **Isola Clara Macchia - Explaining the European approach to enforcing sustainable development standards in EU FTAs: history and latest developments.**

The European Union has a distinct approach when it comes to the promotion of sustainable development in its Free Trade Agreements (FTAs). The Trade and Sustainable Development (TSD) chapters included in these agreements are all characterised by distinct peculiarities regarding not only issue-linkages, but also the choice of enforcement mechanisms. In fact, these chapters foresee a dispute settlement mechanism separate from disputes arising from other sections of the agreement. Furthermore, the parties can decide to not implement the final decision even if a panel is established, thus paving the way for non-compliance. One can wonder how effective such a type of enforcement mechanism really is in upholding international commitments to sustainable development. This presentation will retrace the steps of how this choice of enforcement came to be, arguing that there are specific historical reasons that led to this choice. The EU approach will be assessed in comparison to the U.S. one, arguing that these different strategies are rooted in different legal cultures.

**Short bio:** Isola Clara Macchia is a Ph.D. Researcher at the European University Institute in Florence, Italy. Her research focuses on international trade law and sustainable development, specifically in the context of EU trade policy. Her dissertation currently looks into how the European Union enforces trade and sustainable development provisions, and whether there are variations in enforcement across different trading partners. Isola Clara currently is one of the coordinators of the International Economic Law and Policy Working Group at the European University Institute. She holds a Master degree in Law from the University of Bologna, an MSc in European and International Public Policy from the London School of Economics and an LL.M in Comparative, European and International Laws from the European University Institute.

### **Justine Muller - Dealing with EU imported biodiversity loss – the gaps and overlaps between the negative impact of trade on biodiversity and environmental provisions in EU Free Trade Agreements**

The expansion of international trade in commodities has led to a shift in the environmental burden of production. The biodiversity loss associated with the production of a good occurs in one country (the producing/exporting country) while another country (the consuming/importing country) enjoys the consumption of this good. This shift is particularly true for the European Union (EU), and one wonders to what extent, if at all, the EU enshrines mechanisms to mitigate its offshoring of biodiversity impact in its free trade agreements. After all, the EU has continually proclaimed its legal commitment to sustainable development. The purpose of this presentation is two-fold: first, to tease out the direct and indirect impacts of the EU's import of goods on biodiversity, and second, to show the gaps and overlaps between these impacts and the core biodiversity provisions of the EU's free trade agreement's trade and sustainable development chapters.

**Short Bio:** Justine Muller is a Ph.D. Researcher at the European University Institute in Florence, Italy. Her work focuses on the links between international trade and biodiversity protection in the European Union's (EU) external policy. Her thesis concentrates on the EU Free Trade Agreements of the last 20 years, principally those signed with Central and South American countries, and how they approach biodiversity protection. She holds master's degrees in International Business Law (law) and Biodiversity, Environment, and landscape (Geography) from Université Paris 1 Panthéon-Sorbonne, France, and an LL.M in International Law and Sustainable Development from the University of Strathclyde, Scotland. Justine is also a founding member of the International Economic Law and Policy Working Group located at the European University Institute.

