

The New EU Competence for Foreign Direct Investment. Legal Questions of its Implementation



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GRIN Publishing Jul 2016, 2016. Taschenbuch. Condition: Neu. Neuware - Seminar paper from the year 2014 in the subject Law - European and International Law, Intellectual Properties, grade: 1,0 (A), Diplomatic Academy of Vienna - School of International Studies (International Law and EU Law), course: External Economic Relations and Foreign Policy of the European Union, language: English, abstract: The aim of this seminar paper will be to firstly give an overview of the role of investment treaties in general, followed by a retrospective on the legal situation of the foreign direct investments (FDI) prior the Treaty of Lisbon (TOL) and an analysis of the current legal framework. Based on primary and secondary sources, the scope of the Union's exclusive FDI competence of Art. 206/207 TFEU will be inquired as well as questions of legal implementation centred on the issue of financial responsibility within ISDS. By addressing the legal status of the Bilateral Investment Treaties (BIT) concluded by MS the legal basis is set to analyse the Austrian Nigerian Agreement for the Promotion and Protection of Investment which was authorized by the Commission (COM)and concluded by the Republic of Austria in 2013. In this context it will be interesting to assess the potential for the template of this agreement to become a kind of EU-third country model BIT to be concluded by the Union and to which extent the content of the agreement would be covered by the Unions FDI competence. With the entering into force of the TOL the European Union was massively changed in order to take on the challenges that lie ahead in the future. Among many of those institutional changes, the powers of the Union in the field of investments have been enlarged, with FDI now being part of the Common Commercial Policy (CCP). The motivation for...



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