International Business
Transactions – FTAs
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What we will cover

- NAFTA & the USMCA
- Mercosur
- EU trade agreements
- TPP and TPP-11
- Foreign Investment
NAFTA & the USMCA
NAFTA - Text of the Agreement
32 I.L.M. 289 and 605

International Legal Materials
● Lexis, Westlaw, HeinOnline

Text and Side Agreements
● 32 I.L.M. 289 (1993) (table of contents, preamble, parts I-III)
● 32 I.L.M. 1480 (1993) (Environmental Cooperation)
NAFTA Resources

- **Free Trade Agreements, from GATT 1947 to NAFTA Re-Negotiated 2018 / Ralph H. Folsom**
  - Available through [West Academic Study Aids](#)

- **The USMCA, NAFTA Re-Negotiated and Its Business Implications in a Nutshell / Ralph H. Folsom**
  - Available through [West Academic Study Aids](#)

- **NAFTA Handbook**
  - Available on [Westlaw](#)

- **NAFTA materials available electronically through the [LRC](#)**
USMCA – Text of the Agreement

- Since the USMCA has not yet entered into force (though the third and final country Canada ratified it on Mar. 13, 2020), there is no official citation.
  - The official unpublished text of the USMCA is available through the United States Trade Representatives

- Congressional publications
  - Hearings, CRS reports, legislative history and other congressional publications available through ProQuest Congressional Publications
USMCA Resources

- The USMCA, NAFTA Re-Negotiated and Its Business Implications in a Nutshell / Ralph H. Folsom
  - Available through West Academic Study Aids

- Expert Analysis via Law 360, e.g. Origin Marking And Duty Preference Rules After USMCA, Feb 13, 2020
  - Available through Law 360 via Lexis

- USMCA materials available electronically through the LRC
Office of the U.S. Trade Representative

- The USTR is responsible for developing and coordinating U.S. international trade and investment policy, and overseeing negotiations with other countries.

- You can find information on NAFTA and other U.S. trade agreements on the Trade Agreements tab.

https://ustr.gov/trade-agreements
International Trade Practice Area (available via Bloomberg Law)

- Provides coverage of the most significant developments affecting U.S. trade and international business policy, as well as the policies of major U.S. trading partners in Europe, North America, Latin America, Asia, and Africa

- Available through Bloomberg Law (must have USD account setup)

https://www.bloomberglaw.com/
Mercosur
Mercosur - Text of the Agreement

  - Available on Lexis, Westlaw, and HeinOnline

  - Available on Lexis, Westlaw, and HeinOnline
Text of the Protocols

  - Available on SICE and HeinOnline

  - Available on SICE and HeinOnline

  - Available on HeinOnline
Mercosur Resources

- Globalex, *A Guide to MERCOSUR Legal Research* (NYU School of Law)

- MERCOSUR website - General information about Mercosur. Includes historical, political, and geographical information.

- European Commission – External Relations - General information about the European Union and Mercosur. It contains treaties, bilateral agreements, and latest information regarding the negotiations between them.

- Centro de Economia de Internacional - Various summaries covering topics such as an analysis of the macroeconomic cooperation among Mercosur, the Mercosur-European Union Agreement, and the Mercosur-Andean Community Agreement.
SICE

- SICE stands for Sistema de Informacion sobre Comercio Exterior. It is the information arm for the Organization of American States (OAS) Member States.

- SICE includes texts of trade agreements and BITs in force in North and South America.

http://www.sice.oas.org/agreements_e.asp
EU Trade Agreements
The EU: What is it?

- The European Union is a supranational union of twenty-seven member states.

- Divided into “3 Pillars”:
  - Economic
  - Foreign Policy
  - Justice

- Treaty-based
EUROPA

EUROPA is the official website of the European Union.

- Gateway to EU Institutions and Agencies.
- Search by Policy Area (Trade)
- Currently the EU has trade agreements in place with 70 countries

Eur-Lex provides access to:

- the Official Journal of the European Union
- EU law (treaties, legislation, preparatory acts, case law)
- National Law from EU states
- other public documents

Official Journal

The bulk of EU law documents are published in the Official Journal of the European Union (referred to as OJ), which is also available through EUR-Lex.

Examples: 1998 O.J. L 179
2010 O.J. C 83

- “L” series (Legislation) – part of where primary and secondary legislation appears
- “C” series (Communications) – draft legislation, notices, reports
EU bilateral trade agreement examples

- EU- Canada (CETA)
  - EU view, Canadian view, negotiating history from Bilaterals

- EU-Japan
  - EU view, Japanese view, negotiating history from Bilaterals

- Other EU bilateral trade agreements
Bilaterals

- Open publishing website for bilateral trade and investment agreements

https://www.bilaterals.org
UK & Brexit

- UK-EU trade
  - The UK will need an agreement with the EU to stop new tariffs and other trade barriers coming into force after after the transition period ends on 31 December 2020.
  - Keep up with UK-EU post-Brexit trade talks here

- UK trade agreements with non-EU countries

- UK-US trade
  - US-UK trade agreement negotiations from the [USTR](https://ustr.gov)
TPP and TPP-11
 TPP and TPP-11

- The Trans-Pacific Partnership (TPP), never entered into force.
  - the United States signed on Feb. 4, 2016 and withdrew on Jan. 23, 2017

- The Comprehensive and Progressive Agreement for the Trans-Pacific Partnership (TPP-11), entered into force Dec. 30, 2018
  - Available at the New Zealand Ministry of Foreign Affairs and Trade – New Zealand is the official depository
TPP-11 Resources

- **Foreign websites**
  - Canada
  - Australia
  - New Zealand

- **SICE**
  - http://www.sice.oas.org/TPD/TPP/TPP_e.ASP
Foreign Investment
Bilateral Investment Treaties (BITs)

- **Investment Instruments Online via UNCTAD**
  Searchable database of more than 2,500 BITs
  [http://investmentpolicyhub.unctad.org/IIA](http://investmentpolicyhub.unctad.org/IIA)

- **OAS Foreign Trade Information System (SICE)**
  This OAS foreign trade database also has a page specifically dedicated to bilateral investment treaties
  [http://www.sice.oas.org/Investment/main_e.asp](http://www.sice.oas.org/Investment/main_e.asp)

- **U.S. Bilateral Investment Treaties**
  [Department of State](http://www.state.gov)
  [U.S. Trade Representative](https://ustr.gov)
Laws of Foreign Countries - Investment

- **Investment Laws of the World (Oceana Publications)** (1977-)
  This ten-volume loose-leaf is a good source for many foreign investment laws, especially for countries whose legal system is difficult to research.
  LRC Reading Room K1112.A48 I7

- **OAS Foreign Trade Information System (SICE)**
  This foreign trade database also has a page specifically dedicated to national investment laws
  [http://www.sice.oas.org/Investment/natlegis_e.asp](http://www.sice.oas.org/Investment/natlegis_e.asp)
Copley Databases

- Copley Library subscribes to several databases with statistical and economic data.
  - Business Source Premier
  - Censtats
  - China Data Online
  - Economist Intelligence Unit
  - Euromonitor Economies and Consumers
  - Factiva
  - Mintel Reports
  - SpringerLink Journals

- Most Copley databases are available to USD Law students
We’re here to help!

- Melissa Abernathy
  Foreign & International
  Law Librarian

- Phone:
  (619) 260-4734

- Email:
  mabernathy@sandiego.edu

- Reference librarians are working everyday, 9-5 M-F

- Reference Desk Phone:
  619-260-4612

- Ref. Desk E-mail:
  lrcrefer@sandiego.edu