

International Business Transactions - FTAs Spring 2020

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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. 605 (1993) (parts IV-VII, annexes)
- 32 I.L.M. 1480 (1993) (Environmental Cooperation)
- 32 I.L.M. 1502 (1993) (Labor Cooperation)
- 32 I.L.M. 1520 (1993) (Emergency Measures)

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 - The official unpublished text of the USMCA is available through the [United States Trade Representatives](#)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)



The screenshot shows the Bloomberg Law website interface for the International Trade Reporter. The top navigation bar includes links for Home, Search & Browse, Practice Centers, Litigation & Dockets, and Corporate Transactions. Below the navigation bar, the breadcrumb trail reads "Search & Browse > BNA Law Reports >". The main heading is "International Trade Reporter™" with a link to "View All Issues". A section titled "LATEST ISSUE" features a sub-heading "33 ITR Issue No. 35 – Thursday September 08, 2016". Below this, there are two tabs: "BNA Highlights" and "Headlines with Summaries", with a "View Full Issue" link on the right. The main content area displays a "Trade Policy" article titled "G-20 Leaders Set Up OECD Forum to Combat Steel Overcapacity". The article includes a small image of a globe with flags and a text snippet: "Leaders of the Group of 20 economies agree to coordinate their efforts to reduce excess capacity in global steel markets through the creation of a new 'Global Forum,' according to a copy of their communique. The document asked the Paris-based Organization for Economic

<https://www.bloomberglaw.com/>



Mercosur

Mercosur - Text of the Agreement

- Agreement between Argentina – Brazil – Paraguay – United States of America – Uruguay concerning a council on trade and investment (done in Washington, June 19, 1991), 2140 U.N.T.S. 257, 30 I.L.M. 1034 (1991).
 - Available on [Lexis](#), [Westlaw](#), and [HeinOnline](#)
- Treaty between Argentina – Brazil – Paraguay – Uruguay establishing a common market (Mercado Comun del Sur or Mercosur) (done in Asunción, March 26, 1991), 2140 U.N.T.S. 257, 30 I.L.M. 1041 (1991).
 - Available on [Lexis](#), [Westlaw](#), and [HeinOnline](#)

Text of the Protocols

- The Protocol of Brasilia for the solution of controversies, 2145 U.N.T.S. 282 (done in Brazil, Dec. 17, 1991)
 - Available on [SICE](#) and [HeinOnline](#)
- The Protocol of Ouro Preto, 2145 U.N.T.S. 346 (done in Ouro Preto, Dec. 17, 1991)
 - Available on [SICE](#) and [HeinOnline](#)
- Olivos Protocol for the Settlement of Disputes in MERCOSUR, 2251 U.N.T.S. 288 (done in Olivos, Feb. 18, 2002)
 - 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.



The screenshot displays the SICE website interface. At the top, the SICE logo is accompanied by the text 'FOREIGN TRADE INFORMATION SYSTEM' and the tagline 'Providing trade information to governments and SMEs'. Below the header is a navigation menu with tabs for 'Agreements', 'Disciplines', 'Trade Policy Developments', 'Countries', 'Resources', and 'Trade and SMEs'. The main content area is titled 'TRADE AGREEMENTS and RELATED SECTIONS' and is expanded to show three sub-sections: 'Trade Agreements', 'Trade Policy Developments', and 'Trade Disciplines'. Each sub-section contains a list of bullet points detailing various trade-related topics. On the right side of the page, there is a text block describing SICE's role in providing information to SMEs and a small photograph of a meeting or conference.

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

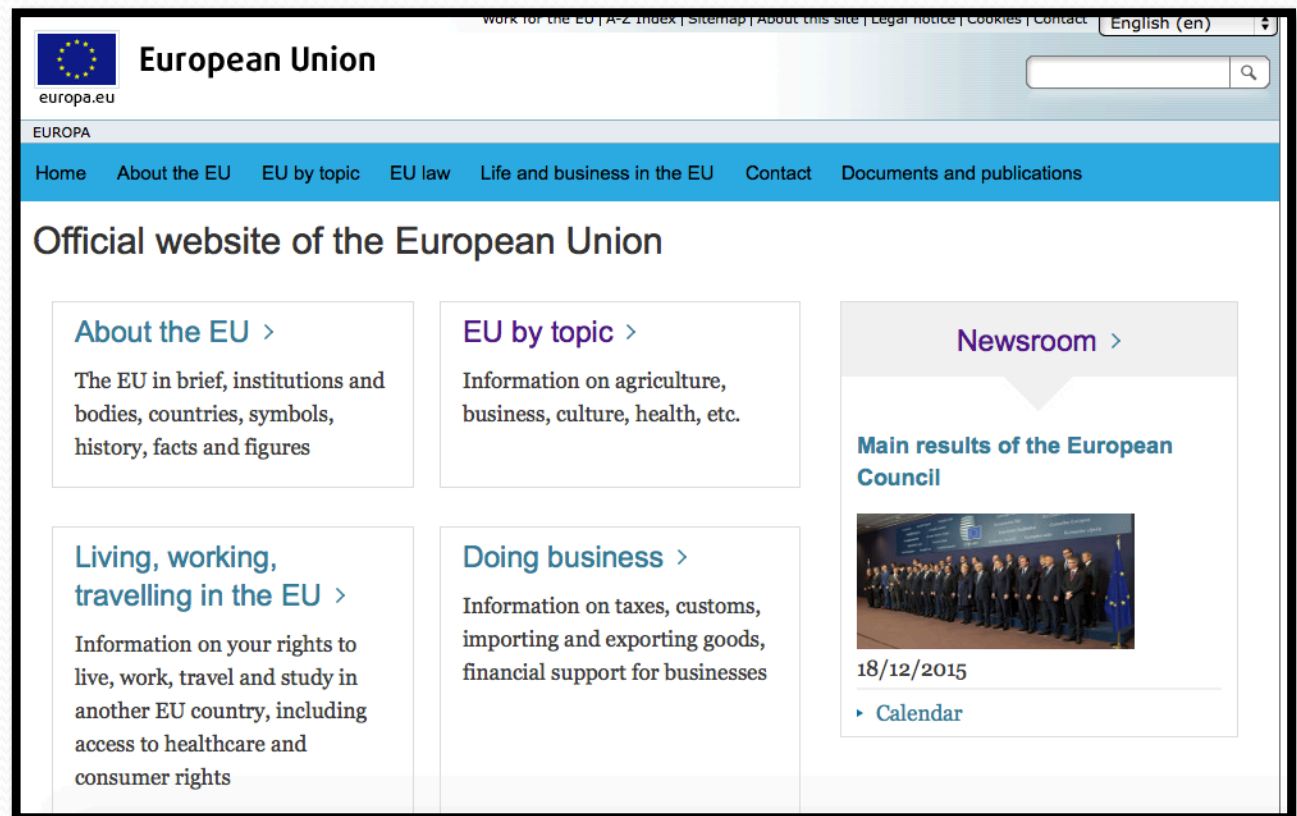
- Treaty-based



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



- **Trade Agreements in force and in negotiation:**
<https://ec.europa.eu/trade/policy/countries-and-regions/negotiations-and-agreements/>

Eur-Lex

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

The screenshot shows the EUR-Lex website interface. At the top, there is a navigation bar with links for 'About EUR-Lex', 'Site map', 'A-Z', 'FAQ', 'Help', 'Links', and 'Legal notice'. The main header features the EUR-Lex logo and the tagline 'Access to European Union law'. Below the header, there is a breadcrumb trail: 'EUROPA > EU law and publications > EUR-Lex'. A secondary navigation bar includes 'Home', 'Official Journal', 'EU law and related documents', 'National law', 'Legislative procedures', and 'More'. The main content area is divided into several sections. On the left, there is a 'Quick links' section with a list of links: 'How to link to us', 'Types of documents in EUR-Lex', 'Summaries of EU Legislation', 'EU legislation on statistics', 'Budget', 'Legislative drafting guide', and 'Latest developments on EUR-Lex'. In the center, there is a 'Search' section with two tabs: 'Simple' and 'By document reference'. The 'Simple' search form includes input fields for 'Year' and 'Number', and a 'Type' dropdown menu with radio button options: 'All', 'Regulation', 'Directive', 'Decision', 'EU court case', 'COM document', and 'SEC or SWD document'. There are 'Search' and 'Advanced search' buttons. On the right, there is a text block stating: 'EU law and other public EU documents, authentic electronic Official Journal of the EU - in 24 languages. We thank you for your feedback on this new version of EUR-Lex. While we continue to work on improving its functionality, the previous version of EUR-Lex remains accessible for all content except the Official Journal from 1st April 2014. For the latter, only the bibliographical notices are accessible but not the texts themselves. Please continue to send us your comments using our contact form. To stay informed, send us your contact details and follow us on Twitter and Facebook.' There is also a 'Share' button in the top right corner of the main content area.

- Access: <http://eur-lex.europa.eu/homepage.html>

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

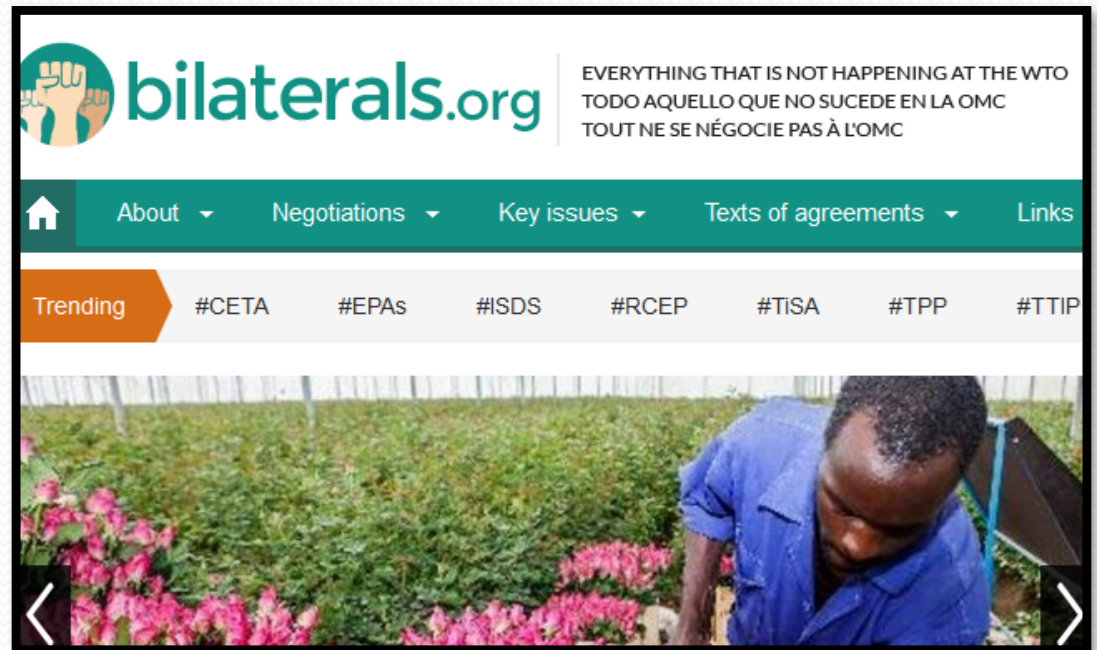
- “L” series (Legislation)– part of where primary and secondary legislation appears
- “C” series (Communications) – draft legislation, notices, reports

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
 - <https://www.gov.uk/guidance/uk-trade-agreements-with-non-eu-countries>
- UK-US trade
 - US-UK trade agreement negotiations from the [USTR](#)

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>
- **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
- **U.S. Bilateral Investment Treaties**
[Department of State](#)
[U.S. Trade Representative](#)

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://](http://www.sice.oas.org/Investment/natlegis_e.asp)

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
- Reference librarians are
working everyday, 9-5
M-F
- Phone:
(619) 260-4734
- Reference Desk Phone:
619-260-4612
- Email:
mabernathy@sandiego.edu
- Ref. Desk E-mail:
lrcrefer@sandiego.edu