

N. C. RODRIGUES (Editor). *Extraterritoriality of EU Economic Law: The Application of EU Economic Law Outside the Territory of the EU*. Cham, Switzerland, Springer, 2021, 385 pp. ISBN 978-3-030-82290-3

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1. As one of the outcomes of the Jean Monnet Chair granted by the European Commission to the Professor Nuno Cunha Rodrigues, of the University of Lisbon, the book “Extraterritoriality of EU Economic Law: The Application of EU Economic Law Outside the Territory of the EU” presents itself as a reference work in the study of European Union law. This collective work was published in 2021 and debated in May, 2022 in a Conference held in the Auditorium of the Faculty of Law of the University of Lisbon, and stands out for gathering together different perspectives on EU economic law, masterfully organized by Professor Nuno Cunha Rodrigues.

The authors present a meaningful contribution to understanding the complex and frequently misinterpreted phenomenon of extraterritoriality of economic law, as an exception to the principle of territoriality. Indeed, the expansion of the territory of European Union economic law, grounded on the recognition of new elements of connection, is in constant evolution, which needs to be addressed by serious academic debates such as the present. Having in its genesis questions such as how European Union economic law is perceived and applied outside the territory of the EU and which is the possible global reach of EU law, the work has undoubtedly gone further. It provides a broad understanding of European Union law. But, before diving into the book, readers should be warned: the work embraces sea of boisterous fresh ideas that, while challenging and complex, enrich the debates on extraterritoriality of EU economic law.

2. The book comprises 17 articles written by distinguished experts from all over the world.

It is divided into five parts, which approach the extraterritoriality of economic law from various angles, such as European Union competition law (Part 1), foreign investment and internal market (Part 2), European Union consumer law (Part 3), European Union environmental law (Part 4) and data protection (Part 5). Readers are introduced to the theme by a consistent chapter by Professor Nuno Cunha Rodrigues that scrutinizes the book from a global point of view. The analyses presented in these articles take into consideration that regional and international legal debates must have concreteness and that the legal system of the European Union is not abstract. Therefore, theoretical approaches are combined with jurisprudential and practical debates.

3. This study of the expansion of EU economic law beyond its territory begins with competition law. EU is a key global player in this area, and it provides reasoned applications to exceptions to the principle of territoriality and takes part in international cooperation. Therefore, Part 1 is opened with an article by Peter Behrens, which explains the development of the effects doctrine in the United States of America and in the European Union, starting from a historical perspective, providing a discussion on jurisdictional principles that define the limits of European Union extraterritorial jurisdiction and on case law on the subject. In sequence, Marek Martyniszyn presents a study that provides a critical account of the extraterritorial application of competition law by the European Union, stating that European Union embraced extraterritoriality out of necessity, considering the difficulties in multilateral solutions

and the limitations of the available cooperative instruments.

Masako Wakui, in sequence, addresses extraterritoriality in Japanese competition law, considering that the Japanese Antimonopoly Act (1947) contains no explicit provision for extraterritorial application and the Japan Fair Trade Commission has been cautious about applying the law to actions taken abroad. Then, in a case-law study, Ignacio Herrera Anchustegui and Nuno Cunha Rodrigues, demonstrate the extraterritorial effects of EU law. By analyzing Gazprom and Nord Stream 2 cases, the authors conclude that even though European Union follows the territoriality principle, it pursues to ensure that, when conducting business within its border, third countries respect EU law, in a territorial extension of EU law.

Pieter J. F. Huizing, in his turn, analyzes the extraterritoriality of European Union competition law in the light of global cartel enforcement. Jurisdictional and theoretical approaches are combined, especially the trend of expanding the European Commission's jurisdictional reach over foreign conduct. Pedro Caro de Souza reviews how jurisdictional rules, international comity and international practice interact in practice in the context of European Union competition law, arguing that the extraterritorial application of competition law should be approached through the application of the overlapping doctrines of the jurisdictional scope of competition law, international comity, and international cooperation. In the last contribution in this section, Daniel Favoretto Rocha explores the effects of European extraterritoriality of competition law in Brazil, in the light of the European Union's growing regulatory power.

Part 2 addresses foreign investment and internal market in the light of European Union extraterritoriality. In the first chapter of the section, Francis Snyder analyses relations between the European Union and China in the context of China's Belt and Road Initiative (BRI), arguing in favor of regulatory cooperation and the use of international standards. Then, Nuno Cunha Rodrigues analyses European Union legal treatment of foreign subsidies, concluding that European Union is gradually becoming more equipped with legal instruments that accept the effects theory. In sequence, Eva Kassoti and Ramses A. Wessel address the issue on whether EU is bound by human rights obligations when it concludes trade agreements with third countries, investigating the ques-

tion of the extraterritorial applicability of the European Union Charter of Fundamental Rights and the existence of a due diligence obligation. Johan Schweigl dedicates his chapter to the analyses of extraterritoriality in the EU legal framework concerning regulation of financial markets, systemizing these laws according to the nature of the extraterritorial effects they have. Closing this part, Claas Friedrich Germelmann approaches the investment protection in the field of energy law based on the reform of the Energy Charter Treaty.

Parts 3 and 4 approach extraterritorial effects of EU consumer law and environmental law, respectively. First, Oksana Holovko-Havrysheva analyses consumer law in Georgia, Moldova and Ukraine, demonstrating that the countries have to develop their national consumer protection policies coherently with their economic policies. Then, Jamile Bergamaschine Mata Diz and Hélio Eduardo de Paiva Araújo address the issue of extraterritorial effect of European Union criteria to allow access into the European market by log producers and/or traders, based on European regulations aiming to fight deforestation. Lastly, Carlos Francisco Molina del Pozo analyzes the contributions of the Seventh Framework Programme of the European Union on Environmental Matters, which determined short-term objectives to be promoted through practical execution of public policies.

Data protection is the main theme of section 5. The first chapter, by Augusto Jaeger Junior and Daniela Copetti Cravo, addresses extraterritoriality of the right to data portability and cross-border flow between the EU and Brazil, arguing that extraterritorial application of data portability creates a new right/duty in third countries and the international transference of data. In the second chapter Alexandre Veronese looks at personal data and transborder flows between the EU and the US, approaching the attempts to make the national personal data protection systems compatible, and foreseeing future reinforced convergence.

4. This book is a complex and extensive endeavor, which must be carefully studied so that details and specificities of each theme are not overlooked. And, despite being written by several authors, it shows consistent clarity and cohesion throughout the whole series of articles. It proposes a series of interesting EU Economic Law debates for both researchers and law enforcers, providing

an account of the evolution, formation, function, and application of extraterritoriality of law, based on comprehensive analysis.

As the Portuguese writer José Saramago once said, chaos is an order to be deciphered (“O Caos é uma ordem a ser decifrada”). This work organized by Nuno Cunha Rodrigues, Jean Monnet Chair, definitely moves towards promoting order over chaos, deciphering one of the most complex aspects of EU economic law: its extraterritoriality, or the application of EU economic law outside the territory of the EU.

5. On May 12th and 13th, 2022, university authorities, government authorities, researchers, students, assistants interested in the theme and, especially, several authors of the book, responded to the invitation of the Jean Monnet Chair of the University of Lisbon for an in-person conference, with free registration and online transmission, held in the Auditorium of the Faculty of Law. A report by Professor Augusto Jaeger Junior, who participated in the event is presented below.

The Opening Session, which took place on the morning of the first day of the event, was attended by professors Paula Vaz Freire, Dean of the Faculty of Law of the University of Lisbon (FDUL), Tiago Antunes, Secretary of State of European Affairs, Eduardo Paz Ferreira, President of the European Institute of FDUL, Ana Paula Dourado, President of the Research Center for European, Economic, Financial and Tax Law, and Nuno Cunha Rodrigues. Soon after, the first panel on the subject of extraterritoriality of competition law took place, in which professors Peter Behrens, from the University of Hamburg, Marek

Martyniszyn, from Queen’s University Belfast, Pieter Huizing, from Leiden University, and Pedro Caro de Souza, from the OECD, lectured on the arguments developed in their articles. The lectures were followed by a fruitful debate among those present at the event. During the afternoon, a discussion on extraterritoriality and foreign investment was held, where Francis Snyder, from the University of Aix-Marseille, Elaine Fahey, from the University of London, and Nuno Cunha Rodrigues, from the University of Lisbon, presented their research. Again, fruitful discussions took place. In the evening, the participants of the event met for a fellowship dinner at Clube de Fado, in Lisbon.

On the morning of the second day of the event, professor Lukasz Dabrowski, from the Warsaw School of Economics, and the doctoral student Daniel Favoretto Rocha, from the Law School of the Fundação Getúlio Vargas, presented their articles. In the afternoon, the event was concluded with lectures by professors Carlos Francisco Molina del Pozo, from the University of Alcalá, Jamile Bergamaschine Mata Diz, from the Federal University of Minas Gerais, Augusto Jaeger Junior, from the Federal University of Rio Grande do Sul, and Alexandre Veronese, from the University of Brasilia. This session was also accompanied by a productive debate among those present at the event. In the evening, the event’s speakers gathered for a social event at Doca de Santo Amaro, in Lisbon. Finally, as the in-person event finished on a high-note, on the morning of 14th May, Professor Nuno Cunha Rodrigues invited all to participate in a wonderful tour around Lisbon and the city’s must-see places.