Book Review

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Trade multilateralism has reached a crossroads. Several are the structural and cyclical factors that are challenging the global trading system nowadays, from the emergence of a multipolar international order to the outbreak of the hardest economic downturn since the Great Recession at the end of the 2000s, from the long-standing stalemate of the Doha Round to the rise of bilateralism and regionalism. Not surprisingly, many scholars have investigated the impact of this fundamental paradigm shift on the international trade regime and looked at the various trends exhibited by preferentialism strategies pursued by key actors in the trade arena. Melo Araujo took on the challenge of addressing this topic in his Ph.D. by focusing on the case of the European Union (EU)’s ‘deep trade agenda’. This is a very timely book, in that the EU has been one of the most active promoters of a new generation of deeper free trade agreements (FTAs) since the publication of its Global Europe strategy back in 2006.

The merit of the book lies in particular in the way it comprehensively deals with such a broad and intricate topic. Until recently, scholars have mainly focused on selected issues arising out of the emergence of the EU’s preferentialism, somewhat reflecting the increasing complexity inherent to the intensification of the EU’s negotiating efforts. Melo Araujo’s monograph disentangles such complexity in an excellent manner, and thus contributes filling a major gap in the field of EU and international trade law and policy.

The declared goal of the contribution reviewed here is three-fold. First, the author examines the nature and the content of the regulatory disciplines enshrined in the deep and comprehensive free trade agreements (DCFTAs) concluded by the EU. Second, he provides a solid understanding of the political economy rationale behind the EU’s negotiating strategy and investigates its (potential) implications for the future of the multilateral trading system. Third, Melo Araujo critically assesses whether the EU’s deep trade agenda, as it is currently
implemented, is consistent with the existing conceptualizations of the EU as an international actor in the international relations literature. In this respect, this book elegantly combines a doctrinal legal analysis with a political science approach, and offers the reader a very informative interdisciplinary reflection on the way in which the EU’s trade policy impacts the promotion of multilateral trade liberalization.

The goals, methodology and structure of the book are explained in an introductory chapter, where the author also gives an account of the boundaries of his research. In particular, Melo Araujo purports to limit its analysis to the EU DCFTAs concluded with Korea, Singapore, Peru-Colombia, Canada, the CARIFORUM states and the Central American Association agreement. These are the most representative free trade agreements concluded by the EU since 2006 in as much as they cover both border and behind-the-border measures and revisit all the major regulatory issues which the EU originally intended to address within the Doha Round (e.g. the so-called Singapore issues). Accordingly, the book focuses on those regulatory issues which the Global Europe Strategy identified on a priority basis due to the failure of the multilateral negotiating efforts since 2001, namely services, investment, intellectual property, competition and public procurement.

Against this backdrop, this monograph first contextualizes the EU’s deep trade agenda from a historical, political and legal perspective. Chapter 2 situates the evolution of the EU’s trade policy with respect to the fundamental changes that have occurred in the international trading system from the second World War up until recent times. It argues that the Doha Round deadlock has marked a major shift in the EU’s trade agenda, prompting the EU to pursue a competitive liberalization strategy based on the conclusion of commercially driven DCFTAs instead of promoting multilateral deep trade liberalization. Chapter 3 elucidates the internal legal constraints influencing the conduct of the EU’s external trade competence, in terms of its scope (that is, which of the regulatory fields addressed in FTAs fall within the areas of exclusive EU competence or the areas of shared competence between the EU and its Member States), governance (that is, how internal decision-making rules relating to the negotiation, signing and ratification of FTAs limit the EU’s external competence), and mandated objectives (that is, how the non-trade objectives informing the EU’s external action affect the content of EU DCFTAs).

This is followed by five chapters, which examine in detail how the EU has been promoting deep disciplines in its DCFTAs in the areas of services, investment, intellectual property, competition and government procurement, respectively. Each of the chapters follows the same structure: first, the author