CONTENTS

Notes on contributors page x
Editors' preface xv

PART 1 General interests of host States in the application of investment treaties 1

1 The application of BITs in time of economic crisis: limits to their coverage, necessity and the relevance of WTO law 3
GIORGIO SACERDOTI

2 The protection of general interests of host States in the application of the fair and equitable treatment standard 26
MARA VALENTI

3 Indirect expropriations and regulatory takings: what role for the "legitimate expectations" of foreign investors? 58
ANNA DE LUCA

4 Trade and investment law: what relations? 76
FRIEDEL WEISS

5 On the evolution and slow convergence of international trade and investment law 104
JÜRGEN KURTZ

6 Sovereign wealth funds as protected investors under BITs and the safeguard of the national security of host States 130
Michele Barbieri
CONTENTS

PART II The protection of non-investment concerns in international investment law 163

7 The integration of non-investment concerns as an opportunity for the modernization of international investment law: is a multilateral approach desirable? 165
Pia Accocci

8 Intellectual property protection in investment agreements and public concerns 194
Antonietta Di Blase

9 Up-keeping non-economic values in development assistance: does the World Bank practise what it preaches? Answers from the Inspection Panel 218
Agostina Latino

10 The protection of indigenous peoples' concerns in World Bank-funded projects 237
Martina Guidi

PART III The protection of general interests of host States and the EU as a new player in the investment arena 263

11 The future of BITs between EU Member States: are intra-EU BITs compatible with the internal market? 265
Paola Mariani

12 European Union restrictions to the free movement of capital v. BITs guarantees: learning from the European Court of Justice case law 287
Elsa Milanesi

13 Ensuring the consistency of the EU investment policy within the EU external action: the relevance of non-trade values 308
Alessandro Perfetti

14 Non-financial concerns in the lending policy of the European Investment Bank in context 325
Emanuela Pistoia
PART IV  The protection of general interests of host States in the trade and investment context: other regional perspectives 355

15 The protection of general interests of host States in regional agreements in the Asia-Pacific Area 357
CLAUDIO DORDI AND HAI YEN TRINH

16 The regulation of foreign investments in Mercosur: failed attempts and challenges ahead 378
ARNO DAI RI JR AND PAULO POTIARA DE ALCÂNTARA VELOSO

PART V  The protection of general interests of host States from the Italian perspective 397

17 Italy’s treaty practice and case-law: what balance between investors’ protection and general interests of host States? 399
FEDERICO ORTINO AND DOMENICO DI PIETRO

18 Diplomatic intervention and State-to-State arbitration as alternative means for the protection of foreign investments and host States’ general interests: the Italian experience 422
MATILDE RECANATI

Index 445