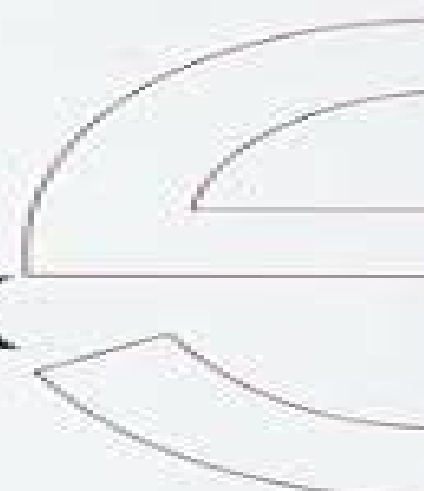


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# legal framework

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# Legal Framework For The Admission Of Fdi

**Peter Muchlinski**



## **Legal Framework For The Admission Of Fdi:**

**Legal Framework for the Admission of FDI** Thomas Pollan, 2006 The law on foreign direct investment FDI belongs to the fastest changing legal field in international law Investors and the host state have long left behind a relationship dominated by the host state's desire to screen and choose FDI In the current market for FDI both parties try to assert influence but in the end the scarcity of FDI is the decisive factor This book provides an in depth study of the legal framework for the admission of FDI and presents insights into the pros and cons of various admission models Its goal is to identify legal and policy options that serve the host state's and investor's common needs The book is a comprehensive easy reference handbook that is of interest to lawyers academics and policy makers *Legal Protection of Foreign Direct Investment. A Critical Assessment with Focus on South Africa and Zimbabwe* Talkmore Chidede, 2016-09 This study undertakes a critical assessment of the legal protection of foreign direct investments FDI in South Africa and Zimbabwe by determining their compliance with the international minimum standards norms and or best practices on the legal protection of FDI by host states Firstly the study argues that foreign investment is much needed in South Africa and Zimbabwe to improve economic growth and development to create jobs and to increase their competitiveness However these benefits are not accrued automatically but rather host states need to create an enabling environment to receive such benefits Thus host states need to put an investment scheme into operation to guarantee the legal protection of foreign investments South Africa and Zimbabwe have at large crafted and implemented investment laws and related policies which tend to be hostile towards foreign investments Therefore similar investment laws and related policies in both jurisdictions are analysed This study will also offer recommendations for a legal investment which is not only flexible friendly and favourable to foreign investment in South Africa and Zimbabwe but also advances their local economic policies

**The Oxford Handbook of International Investment Law** Peter Muchlinski, Federico Ortino, Christoph Schreuer, 2008 The Oxford Handbook series is a major new initiative in academic publishing Each volume offers an authoritative and state of the art survey of current thinking and research in a particular subject area Specially commissioned essays from leading international figures in the discipline give critical examinations of the progress and direction of debates Oxford Handbooks provide scholars and graduate students with compelling new perspectives upon a wide range of subjects in the humanities and social sciences The Oxford Handbook of International Investment Law aims to provide the first truly exhaustive account of the current state and future development of this important and topical field of international law The Handbook is divided into three main parts Part One deals with fundamental conceptual issues Part Two deals with the main substantive areas of law and Part Three deals with the major procedural issues arising out of the settlement of international investment disputes The book has a policy oriented introduction setting the more technical chapters that follow in their policy environment within which contemporary norms for international foreign investment law are evolving The Handbook concludes with a chapter written by the editors to highlight

the major conclusions of the collection to identify trends in the existing law and to look forward to the future development of this field

*The Legal Framework of EU-China Investment Relations* Wenhua Shan, 2005-10-21 EU investment in China has increased dramatically since the early 1990s and is poised to increase further in light of China's recent accession to the World Trade Organisation. This book explores and critically appraises the existing legal framework governing EU-China investment relations, particularly EU investment in China. The current legal framework is composed of Chinese law, EU law and applicable international law, but the Chinese law is unsystematic and hard to discover and the EU has acquired only shared external investment competence which is vaguely defined. The applicable international treaties are incomplete, incoherent or either too general or too specialised. Besides this, the international fora to settle investment disputes are still not readily available. Furthermore, while law has played a very important role in decision making by EU investors, the Chinese legal system is generally perceived as ineffective and lacking in effective enforcement of court and arbitration decisions. What the book demonstrates is that the time is ripe for a new international legal framework for foreign investment in China and that as EU-China economic and political relations continue to improve, construction of such a framework is not only necessary but also possible.

Foreign Investment and Dispute Resolution Law and Practice in Asia Vivienne Bath, Luke Nottage, 2012-03-12 This book considers foreign investment flows in major Asian economies. It critically assesses the patterns and issues involved in the substantive law and policy environment which impact on investment flows as well as the related dispute resolution law and practice. The book combines insights from international law and comparative study and is attentive to the socio-economic contexts and competing theories of the role of law in Asia. Contributions come from both academics with considerable practical expertise and legal practitioners with strong academic backgrounds. The chapters analyze the law and practice of investment treaties and FDI regimes in Asia, looking specifically at developments in Japan, India, China, Indonesia, Malaysia, Korea and Vietnam. The book explores the impact of the Asian Financial Crisis in the late 1990s and the Global Financial Crisis a decade later, examining actual trends and policy debates relating to FDI and capital flows in Asia before and after those upheavals. *Foreign Investment and Dispute Resolution Law and Practice in Asia* is a valuable resource for practitioners, academics and students of International and Comparative Law, Business and Finance Law, Business Finance and Asian Studies.

Legal Treatment of Foreign Investment Ibrahim F. I. Shihata, 1993-10-27 Corporation law dates from the 19th century when the growth of business enterprise required a division between the private, the company sphere, making the company a legal person with its own rights, responsibilities, liabilities. The company was no longer the legal equivalent of its owner but became a separate legal entity providing a form of legal protection for the owners, employees, the customers. The introduction of company law meant a great step forward for those engaged in big business in Europe, the U.S. elsewhere.

**European Yearbook of International Economic Law 2010** Christoph Herrmann, Jörg Philipp Terhechte, 2009-12-01 The first volume of the new Yearbook tries to catch the broadness of contemporary International Economic Law. In part I it

brings together articles on a variety of subjects reaching from exchange rate manipulation and financial market supervision over international investment law including the growing investment protectionism to recent developments of the external economic constitution of the European Union and the relationship between climate change and International Economic Law Part II covers the major regional economic integration developments around the globe analysed in different articles covering the different regions Part III informs about recent activities in some of the major global economic institutions

**Principles of International Investment Law** Rudolf Dolzer, Ursula Kriebaum, Christoph Schreuer, 2022 This book provides an ideal introduction to the fundamentals of international investment law and dispute settlement for students scholars and practitioners It combines a systematic analytical study of the texts and principles underlying investment law with a jurisprudential analysis of the case law arising in international tribunals

**Shaping the Single European Market in the Field of Foreign Direct Investment** Philip Strik, 2014-12-01 The Treaty of Lisbon 2009 has brought foreign direct investment FDI within the scope of the European Union's common commercial policy CCP In light of this development this book analyses the internal and external dimension of EU law and policy in the field of FDI It takes four perspectives i the operation of the internal market mechanism to direct investment ii the implications of the Lisbon amendments to the CCP under Article 207 TFEU for the Union's competence and practice in the field of FDI iii the interaction between EU law and Member States bilateral investment treaties BITs with third countries iv the interplay between EU law and BITs that are currently in force between two Member States intra EU BITs The book focuses on the extent to which the European Union operates as a Single Market for EU and non EU investors In doing so it analyses the EU and international regulatory framework on the admission treatment and protection of FDI within to and from the Single European Market It uses close jurisprudential analysis and examines the context purpose and evolution of EU legal integration in the field of FDI

**Regulation of Foreign Investment** Petros C. Mavroidis, 2013 The main aim of this book is to assess the importance of international rules for foreign direct investment and the major challenges to international harmonization of those rules Particular attention is paid to the most controversial and contentious issues with the view of appraising the prospects for establishing global rules The book is divided into three parts the first part includes papers assessing the role of national and international legislation with further distinction being made between bilateral regional and multilateral legal frameworks The second part addresses regulatory issues of technology transfer labor environment subsidies and investment incentives national security public services and sovereign wealth funds The final part looks at the experience of some international fora in addressing these issues and at some theoretical and conceptual problems of rule harmonization The papers have been written by legal and economic scholars from leading universities

**International Economic Law and Monetary Measures** Annamaria Viterbo, 2012-01-01 The 2007/2010 global financial crisis re opened the debate on the reform of the international monetary

and financial system This well argued book demonstrates the strategic role of international economic law IEL in ensuring international monetary stability and global financial stability After discussing the current allocation of powers among IEL institutions Annamaria Viterbo focuses on monetary measures exchange restrictions capital controls and exchange rate manipulations These three fundamental topics are then examined through the lens of a multi layered methodology adopting perspectives from international monetary law trade law and investment law The author evaluates how the horizontal sectors in which IEL is traditionally divided interact and how conflicts between norms are avoided or solved Particular attention is also devoted to the outcomes of trade and investment disputes that deal with monetary measures International Economic Law and Monetary Measures will appeal to international trade law and international financial law scholars as well as law and business students Legal practitioners and officials working in the field of international economic law will find it a useful reference as will legal counsel in banks and financial institutions international investors and multinational corporations

**Lex Petrolea and International Investment Law** Nima Mersadi Tabari,2016-09-01 Lex Petrolea and International Investment Law Law and Practice in the Persian Gulf offers readers a detailed analysis of jurisprudence on the settlement of upstream petroleum disputes between host states in the Persian Gulf and foreign investors Dr Nima Mersadi Tabari considers the historical political and socio economic roots of the existing frameworks and levels of protection offered to foreign investors With particular focus on petroleum related disputes he initially delivers a comprehensive survey of the jurisprudence of international investment law and investment treaty arbitration Following on from this in three dedicated chapters the author provides in depth analysis of the legal regimes governing the matter in the major producers of the region Saudi Arabia Iraq and Iran A key resource for all professionals working on legal issues arising from foreign direct investments in natural resources this book draws a detailed picture of the legal regime governing the upstream sector in the most important geographical region for the international oil and gas sector *EU Foreign Investment Law* Angelos

Dimopoulos,2011-12-08 Regulation of foreign investment is one of the most topical and controversial subjects in EU law and international investment law This book examines the legal foundations upon which EU investment policy is based addressing the legal practical and political concerns created by the establishment of a common investment policy **International**

**Investment Law and Dispute Resolution in the Western Balkans** Fahira Brodlija,Armela Ramić,2025-03-24 This book provides a comprehensive and in depth analysis of the legal and institutional frameworks for investment law and dispute resolution in the Western Balkans region filling a significant gap in understanding the regional dynamics in the field It is the first book of its kind drawing on unique insights from government officials legal practitioners international development organizations and scholars who address the existing frameworks and transformative reform efforts In two carefully curated sections the book first analyses the regional developments in the context of EU and international reforms then zooms into the legal and institutional frameworks for investment protection and dispute resolution in each economy based on robust analysis

and unique empirical data      The Legal Protection of Foreign Investment Wenhua Shan, 2012-06-14 The law of foreign investment is at a crossroads In the wake of an unprecedented global financial crisis and a sharp surge of investment arbitration cases states around the world are reflecting on the pros and cons of the current liberal investment regime and exploring new ways ahead This book brings together leading investment lawyers from more than 20 main jurisdictions of the world to tackle the challenge of producing a first comparative study of foreign investment law Based on the General and National Reports presented at the Protection of Foreign Investment Session at the 18th International Congress of the International Academy of Comparative Law Washington DC July 2010 the book is a unique resource for investment lawyers Part I of the book presents a comparative overview of key aspects of foreign investment protection in the world today including admission investment contracts treatment standards tax regime and incentives performance requirement property and expropriation monetary transfer and dispute settlement Part II presents in depth and detailed accounts of the investment laws of more than 20 jurisdictions including Argentina Australia Canada China Croatia Czech Republic Ethiopia France Germany Greece Italy Japan South Korea Macau Peru Portugal Russia Singapore Slovenia Turkey the UK and the USA The book will be an invaluable guide to legal and business communities with an interest in the law and practice of foreign investment in the world in general and in these jurisdictions in particular      China's Treaty Policy and Practice in International Investment Law and Arbitration G. Matteo Vaccaro-Incisa, 2021-04-26 Flyer In this comparative and analytical study G Matteo Vaccaro Incisa offers the most comprehensive and detailed account of China's Treaty Policy and Practice in International Investment Law and Arbitration published to date After outlining the evolution of China's macroeconomics and ideological stance toward foreign investment the author analyzes the relationship between the model investment treaties China adopted over the time and those of other traditional key players in the field Germany UK France Italy Netherlands Most innovatively by analytically surveying several key provisions including ISDS expropriation MFN NT FET FPS of 120 International Investment Agreements concluded by China this work manages to draw an objective assessment of the investment treaty policy and practice of a nation that has quickly become a leading importer and exporter of capital across the globe      EU Framework for Foreign Direct Investment Control Jacques H.J. Bourgeois, 2019-12-18 Foreign direct investment FDI has grown considerably worldwide in recent decades alongside the no less considerable development of international supply chains In the European Union EU stock held by foreign investors exceeds EUR 6 billion while stock held in the rest of the world by EU investors exceeds EUR 7 billion This important book analyses the current and proposed regimes of FDI screening in the EU highlighting mechanisms designed to enhance FDI's advantages and minimize its drawbacks Leading practitioners policymakers and academics discuss the 2017 European Commission proposal on FDI screening and its resulting Regulation focusing on such issues and topics as the following the economics of FDI screening rising protectionism versus further investment liberalization how the EU framework connects with WTO rules the dangers of

foreign investment in sectors essential to public order and security how the EU regulatory layer interacts with FDI screening at Member State level and perceived lacunae in the way the EU addresses incoming FDI Two detailed examples of how FDI screening works in practice are included along with a comparative view of FDI screening in the United States Contributions commenting specifically on the EU Regulation deal with the process of adopting the Regulation and the impact of opposing views and how the Regulation aligns with EU policy in the areas of trade investment and competition Companies engaged in FDI or financial services will appreciate the detailed analysis of issues raised by this new EU policy instrument Practitioners active in competition law particularly M A will welcome this clear commentary and analysis of a crucial component of EU policy in the related areas of trade and investment and policymakers will be encouraged to consider whether further regulatory changes are called for

**Multinational Enterprises and the Law** Peter Muchlinski, 2021-02-18 Multinational Enterprises and the Law is the only comprehensive contemporary and interdisciplinary account of the techniques used to regulate multinational enterprises MNEs at the national regional and multilateral levels In addition it considers the effects of corporate self regulation and the impact of civil society and community groups upon the development of the legal order in this area The book has been thoroughly revised and updated for this third edition making it a definitive reference work for students researchers and practitioners of international economic law business corporate and commercial law development studies and international politics Split into four parts the book first deals with the conceptual basis for MNE regulation It explains the growth of MNEs their business and legal forms and the relationship between them and the effects of a globalized economy and society now increasingly challenged by recently revived nationalist economic policies upon the evolution of regulatory agendas in the field In addition the limits of national and regional jurisdiction over MNE activities are considered a question that arises throughout the specialized areas of regulation covered in the remainder of the book Part II covers the main areas of economic regulation including controls over and the liberalization of entry and establishment tax company and competition law and the impact of intellectual property rights on technology diffusion and transfer A specialized chapter on the regulation of multinational banks in the wake of the global financial crisis is new to this edition Part III introduces the social dimension of MNE regulation covering labour rights human rights and environmental issues Finally Part IV deals with the contribution of international investment law to MNE regulation and to the control of investment risks covering the main provisions found in international investment agreements their interpretation by international tribunals the process of investor state arbitration and how concerns over these developments are leading to reform proposals

Research Handbook on Foreign Direct Investment Markus Krajewski ,Rhea Tamara Hoffmann, Increasing international investment the proliferation of international investment agreements domestic legislation and investor State contracts have contributed to the development of a new field of international law that defines obligations between host states and foreign investors with investor State dispute settlement This involves not only vast sums but also a panoply of rights duties and



shifting objectives at the juncture of national and international law and policy This engaging Research Handbook provides an authoritative account of these diverse investment law issues International Legal Materials ,2007

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