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on internal market law such as the free movement of services competition law state aid rules and the law of public procurement The external and international dimensions of the European legal framework for services of general interest are often overlooked This book addresses the impact of international trade and investment agreements on public services and the role these services play in EU external relations It shows that the inherent tension between establishing and securing undistorted competition on markets and the logic of public services exists in international economic law in a similar way as in EU internal law Given the contentiousness of international trade and investment agreements as well as the EU s external policies the issues discussed in this volume are timely and relevant and contribute to the ongoing debate about the future of services of general interest in the EU with fresh ideas and perspectives Markus Krajewski is Professor of Public and International Law at the University of Erlangen Nuremberg Germany Water Services Disputes in International Arbitration Xu Qian, 2020-05-12 Water Services Disputes in International Arbitration Reconsidering the Nexus of Investment Protection Environment and Human Rights by Xu Qian The argument that universal access to water is a human right is based on the fact that life on Earth cannot exist without water Yet the enormous cost of building and maintaining water service infrastructure purifying monitoring quality and providing sanitation services is beyond the means of many of the States most in need Foreign investment is thus mandated hence the often acrimonious tension manifest in investor State disputes over water rights This book offers the first in depth analysis of both international treaty norms and their interpretation by arbitral tribunals applicable to investment in water and sanitation services complete with thoroughly researched recommendations for those arbitral practitioners in the eye of the storm Like no previous study the book clearly reveals how to reconcile the economic and fundamental human interests arising from investment in water and sanitation services under the international investment regime Among many vital issues the author highlights the importance of the following legitimacy of a State s alleged regulatory objectives the suitability of the measures undertaken to achieve the objective and whether there are less restrictive means available legal framework and stability of the State applicable law changes in law and emergency circumstances economic issues such as water pricing profit driven private companies reluctance to serve the poor investment tribunals generation of a regulatory and jurisprudential regime on water and sanitation services and determination of liability in relation to expropriation fair and equitable treatment and necessity Arguing that the current investment treaty and arbitral case law framework can regulate water and sanitation services if certain interpretations are favored by adjudicators the author offers viable sustainable and reasonable legal solutions A detailed annex presents cases decided before a variety of arbitral tribunals as well as relevant WTO and ICI cases and reviews critical literature in the field The increasing number of cases involved with States regulatory measures shows that stakes around water services generate specific legal problems which are new in the world of international economic law As an incisive investigation of what has been called the incursion of investment tribunal decisions into the regulatory autonomy of host States this profound and innovative analysis provides a

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