Editorial

We are delighted to present the second issue of the 10th volume of the European Investment Law and Arbitration Review (*EILA Rev*).

The developments in the cross-sections of European law, international investment law and other areas of law such as climate change law, trade law and national security continue at a breathtaking pace. In this issue we have covered the following important recent developments.

The article section is kicked off my Cheng Bian's comparative analysis of the increasing use of foreign investment screening systems by states and their potential tensions with the rights guaranteed to foreign investors and their investments by International Investment Agreements (IIAs).

This is followed by the second article by Enrico Zonta who discusses the interaction between renewable energy support schemes and EU state aid law and how arbitral tribunals should assess investors' claims on the basis of the Fair and Equitable Treatment (FET) standard.

The case-note section starts with a note by Fernando Barroso, Pedro Schilling de Carvalho and Maurício which analyses the annulment decision in the *Rockhopper* case and its insights for climate litigation.

This is followed by Matthew Procter's discussion of the first ruling under the UK-EU Trade Agreement in the *Sandeels* case. Although, this case concerns a trade dispute between the EU and the UK, it is highly relevant for the use of arbitration as a method of dispute resolution, which is also used now in the WTO as an alternative to the paralysed WTO Appellate Body and is also included in the recent EU free trade and investment agreements.

The EFILA focus section contains the updated and extended keynote speech of Prof. Gerard Meijer, which he delivered at the 10th EFILA Annual Conference in April 2025. Prof. Meijer, who is also founding member of EFILA, explained how existing IIAs can be interpreted in such a way as to align them with the Paris Agreement and measures adopted by states to fight climate change – even if these IIAs do not contain any climate or environmental protection provisions.

This is followed by a Conference Report on the 10th EFILA Annual Conference 2025 written by Visalakshy Gupta.

Subsequently, a special focus section on NGOs as users of ISDS has been included. This focus section brings together a long article written by James Gordy, Lynn Yang and Ian M. Kysel and several shorter 'think' pieces written by Jeremy

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Sharpe, Loukas Mistelis, Freya Baetens, Iza Camarillo, Nick Gallus and Liam Mcinerney, Diora Ziyaeva and Zyad Loutfi, which were presented at a symposium held at Cornell Law School. They all deal with various aspects as to whether, and if so, to what extent NGOs can use ISDS. This is a counter-intuitive topic given the fact that most NGOs are highly critical towards ISDS and have been campaigning for its abolishment or at least significant restriction and reform. Therefore, it is interesting to examine the question of NGOs being potential users of ISDS rather than critics of it.

Finally, the book review section contains two reviews. The first one by Simeng Wang who presents the main findings of Thomas Lehman's recent book on Investment Arbitration and International Climate Change Law, which was also referred to by Prof. Meijer's keynote speech mentioned above.

The second review discusses the recent book by Prof. Giorgio Sacerdoti and Niall Moran on the comparative analysis of the dispute settlement systems under the WTO and IIAs. They highlight the many commonalities and the main differences between these two types of dispute settlement mechanisms.

As was case in the previous issues, this issue covers a wide range of different trade and investment related aspects. It showcases a variety of authors with different backgrounds.

We are indebted to the whole Editorial Team of the *Review*. Last, but certainly not least, we remain indebted to Vincent Verschoor and Gwen de Vries of Kluwer Law International for their relentless support and enthusiasm in developing and producing this *Review*.

In order to ensure that each issue we produce is substantial, innovative and intriguing, we invite unpublished, high-quality submissions (both long and short articles as well as case notes) that fall within the scope of the *Review*. The Call for Papers and the house style requirements are published on the *Review*'s website, https://efila.org/eila-review/.

Finally, we are very pleased to announce that we will introduce a new prize for the most read and downloaded published contribution of the *Review* of that year. The prize encompasses EUR 500, – worth of books which the winner can select from the books of Wolters Kluwer.

Prof. Nikos Lavranos,
(Co-Editor-in-Chief).
Prof. Loukas Mistelis,
(Co-Editor-in-Chief).