## Subject Index

A	minimum harmonization, 308-309
Aarhus Convention and access to justice	facts, 306-308
Article 10a, Environmental Impact	Alternative dispute resolution (ADR)
Assessment (EIA) Directive, 262	mechanisms, 220
Article 15a, Integrated Pollution	Analysis of the Courts' Jurisprudence
Prevention and Control (IPPC)	African RTAs Secretary Generals, 113
Directive, 262–263	community treaty provisions and laws,
Article 9(2) of the Convention, 262,	114
264	diplomacy and geopolitical solutions,
Article 9(3) of the Convention, 263	112
background, 261-262	ECOWAS Court Protocol, 110-111
Directive 2003/35/EC, 262	intra-community trading, 112-113
Abusive litigation, fears of, 303	national state authorities, 113
Access to justice and collective interests	Non-Tariff Barriers (NTBs), 111
of consumers	Article 9(3): no transposition, CJEU's
cross-border litigation, 246-247	intervention, and the future
Eurobarometer survey, 244	prospects
German Capital Markets Test Case	approach on legal standing of NGOs,
procedure, 246	269
Group Litigation Order (GLO), 246	duty of consistent interpretation, 268
legal certainty, 245	section III of the Recommendation,
'loser pays' principle, 246	271
US class action system, 245	'soft law' option, 270
Advertising restrictions versus the	VLK case, 267
freedom to provide services	Article 9(2): problematic transposition
distortion of competition, 312-314	and the CJEU's clarifications
European Union Law	Aarhus Convention and Directive
equal treatment, 309–310	2003/35/EC, 264
freedom to provide services, 310	Article 10a of the EIA, 266
justifications and proportionality,	Djurgården case, 265
310–312	EIA or IPPC Directives, 267

<sup>&#</sup>x27;Subject Index'. Legal Issues of Economic Integration 41, no. 4 (2014): 419–430.  $\@ifnextchar[{\@modelnnormalfont{\oomega}}\]$  University Law International BV, The Netherlands

requirement of 'wide access to justice', 265	C
	CACs. See Collective Action Clauses
Trianel case, 265	(CACs)
Article 114 TFEU	Canada-EU Comprehensive Economic
harmonization, 129	and Trade Agreement (CETA), 348
Short Selling Regulation, 131	Cartel Damage Claims (CDC), 232
Single Market's legal framework, 128	Case C-234/12, Sky-Italia srl v.Autorità
Article V of the GATS	per le Garanzie nelle
ArticleV:1, 135–136	Comnicazioni (See Advertising
Article XXIV, 135	restrictions versus the freedom to
Committee on Regional Trade	provide services)
Agreements (CRTA), 138	Case C-209/13 UK v. Council: Enhanced
Panel's Report of Canada-Autos,	Cooperation and the FTT
136–137	analysis, 413–416
Audiovisual Media Services Directive	arguments of the parties (Paragraphs
(AMSD). See Advertising restrictions	16-29)
versus the freedom to provide	counter arguments, 412
services	'counterparty principle', 411
Audio-visual services in EU Trade	'issuance principle', 411
Negotiations	Articles 326-334 TFEU and Article 20
cultural exception and	TEU, 409
current EU practice, 369-370	Article 113 TFEU, 408
too narrow at cross-sectoral level,	CJEU's decision (Paragraphs 30-40),
370–372	413
too wide at sectoral level,	Commission's Proposal, 408
372–373	facts (Paragraphs 2-12), 407-410
cultural pluralism and	Financial Transaction Tax (FTT), 407
Japan-India RTA, 384–386	previous case law, 410-411
Japan-Switzerland RTA, 380-383	China-ASEAN FTA, 162
US and Canada IN NAFTA,	China-Chile FTA, 163
375–377	China-Costa Rica FTA, 164
US-Korea RTA (KORUS),	China-Iceland FTA, 165
378–380	China-New Zealand FTA, 164
protecting cultural pluralism,	China-Pakistan FTA, 163
374	China-Peru FTA, 165
technological evolutions aggravate	China's commitments to Peru and
both concerns, 373–374	GATS, 167–168
,	China's FTAs and GATS
В	achievements
Bank Recovery and Resolution	dispute settlement mechanism,
Directive (BRRD), 322	155–159
BRRD. See Bank Recovery and	investment, 153–155
Resolution Directive (BRRD)	Article V of the GATS, 135–138

China-ASEAN FTA, 162	Committee and the European
China-Chile FTA, 163	Union, 281–284
China-Costa Rica FTA, 164	Marangopolous Foundation of Human
China-Iceland FTA, 165	Rights v. Greece case, 280
China-New Zealand FTA, 164	quasi-judicial process, 279
China-Pakistan FTA, 163	ratifications of the Protocol to the
China-Peru FTA, 165	Collective Complaint Procedure,
China's commitments to Peru and	287
GATS, 167–168	social rights, 275
China-Singapore FTA, 164	submission in writing, 278
China's schedule to Chile and GATS,	The Collective Enforcement of EU Law
166–167	Aarhus Convention, Articles 9(2) and
China-Switzerland FTA, 166	9(3), 223–224
consistency assessment	ADR mechanisms, 220
consistency test, 142-148	Commission's response, 218
need for consistency, 139-142	'2013 Communication' view on
deficiency	collective redress, 216
ambiguity in annex, 150-152	competition and consumer law, 217
ambiguity in schedule,	consultation's approach, 217
148–150	individual legal claims, 216
FTA Network, 160-161	'opt-in' and 'opt-out' mechanisms,
under negotiation, 161–162	220–221
China-Singapore FTA, 164	re-assessment period, 219
China's schedule to Chile and GATS,	structure of EU legal order, 222
166–167	Van Gend en Loos, ECJ's decision on,
China-Switzerland FTA, 166	215
Collective Action Clauses (CACs),	Collective litigation in the field of
326–327	competition law, 232–233
Collective Complaint Procedure of the	Collective redress in the EU competition
European Social Charter	law
ECSR examination, 278–279	Articles 101 and 102 TFEU, 225
eligible categories of organizations,	collective litigation, 232–233
277	effectiveness of EU private antitrust
EU fundamental freedoms and social	enforcement, 229–232
rights, 284–286	European Commission proposals,
European Committee of Social Rights	233–235
(ECSR), 275–276	private enforcement of EU
European Roma Rights Centre v. Italy	competition rules, 226–229
case, 281	Recommendation 2013, 235–242 Collective redress in the EU
European Trade Union Confederation (ETUC), 277	environmental law
FEANTSA v. France case, 280	Aarhus Convention and access to
interaction of the European	justice, 261–264
interaction of the European	Justice, 201–20 <del>1</del>

Article 9(3): no transposition, CJEU's Nice Treaty, 196 intervention, and the future Opinion 1/94, 195-196 2013 Commission's communication and prospects, 267-271 recommendation Article 9(2): problematic transposition and the CJEU's clarifications, 'collective redress' defined, 298-299 264-267 compensation of damage, 299 national requirements for standing of 'opt-in vs. opt-out' principle, 300-302 public and private enforcement, 299 ENGOS, 260-261 special features of environmental law, Commitments under WTO, 354-358 259 - 260Common commercial policy after Collective redress in the European Lisbon Union Article 207 TFEU, 194 aim of European Commission 2011 'commercial aspects of intellectual Consultation, 290 property' concept, 195-200 Commission Recommendation, 290 EU versus WTO, 200-202 Commission's communication and facts, 194-195 recommendation, 298-302 implications, 206-208 internal and external harmonization, common principles and essential features for collective redress, 202 - 206294-296 Common principles and essential Communication and a Commission features for collective redress Recommendation on common collective court action, 295 principles, 290 Court-based system, 294 current collective redress schemes in individual funding arrangements, 296 Member States, 296-298 opt-in and opt-out system, 295 fears of abusive litigation, 303 Conditional Access Services (Case history and current position in C-137/12) England and Wales, 291-294 'commercial aspects of intellectual property' concept, 195-200 Collective redress mechanisms in the EU versus WTO, 200-202 European Consumer Law access to justice and collective facts, 194-195 interests of consumers, 244-247 implications, 206-208 internal and external harmonization, consumer redress landscape in the EU, 247-249 202 - 206effective judicial protection and, Conducting anti-dumping investigations, 249-251 EU Recommendation on, 252-253 Consistency assessment evaluation of key aspects, 253-256 consistency test 'Commercial aspects of intellectual elimination of substantially property' concept discrimination and prohibition, Article 133 EC, 197 146-148 Article 114 TFEU, 196 substantial sectoral coverage, Article 207(1) TFEU, 198 143-146

need for consistency, 139–142 Constitutional reflections and crisis ruminations global view, 328–329 inter-governmentalism, 315–318 other constitutional issues, 327 scrutiny of the crisis response at national and union level, 325–327 stronger 'federal' elements 'bail-out' funds and the IMF, 321	Cultural pluralism and audio-visual services Japan-India RTA, 384–386 Japan-Switzerland RTA, 380–383 US and Canada in NAFTA, 375–377 US-Korea RTA (KORUS), 378–380 Current collective redress schemes in Member States, 296–298
OMT, 320	D
QMV, 319	Daiichi Sankyo (Case C-414/11)
SMP, 320	'commercial aspects of intellectual
transparency of the crisis response,	property' concept, 195–200
322–324	EU versus WTO, 200–202
Consumer redress landscape in the EU	facts, 194-195
Directive 98/27/EC, 248	implications, 206-208
Directive 2009/22/EC, 248	internal and external harmonization,
EU Consumer Policy Strategy	202–206
2007–247, 2013	De facto mandatory compliance
'judicial co-operation in civil matters',	Appellate Body, 55
247	Article 2.1 analysis, 55
Contractual services suppliers (CSS), 79 Coordinating collective litigation	certification procedure, 54 commercial policies, 54
Regulation 2006/2004, 241	health warnings on tobacco products,
single collective action in single <i>forum</i> ,	57
242	labelling requirements, 56
White Paper of 2008 and the	legitimate decision making process, 57
pre-draft Directive of 2009, 241	private conduct and government
Corporate social responsibility (CSR),	regulation, 55
10	technical regulations and standards, 53
Cross-border cases and private	WTO tribunals, 57
international law, 254	Dispute settlement mechanism (DSM)
CSR. See Corporate social responsibility	community legal order, 91
(CSR)	Community system of legal and
CSS. See Contractual services suppliers	judicial review, 93
(CSS)	"constitutionalization" of the
Cultural exception and audio-visual services	Community legal structure, 92 differences between FTAs and GATS,
current EU practice, 369–370	158–159
too narrow at cross-sectoral level,	GATT era, 91
370–372	overlap of jurisdiction between FTAs
too wide at sectoral level, 372-373	and WTO, 156–158

Dispute settlement understanding (DSU),	NCPs and the courts
43	court proceedings, 22
DSM. See Dispute settlement mechanism	domestic law, 20
(DSM)	formulation of the arbitration
DSU. See Dispute settlement	clause, 21
understanding (DSU)	legal effect of a decision, 20
	legitimate tribunals, 21
E	OECD guidelines for multinational
EALA. See East African Legislative	enterprises, 9
Assembly (EALA)	proceedings and the requirement for
East African Legislative Assembly	disclosure
(EALA), 100	alleged infringement, 33
EC-sardines	Danish rules, 30
close resemblance, 50	initial assessment, 28
DSU, 52	mediation process, 31
EC regulation at issue, 49	Norwegian guidelines, 32
labelling requirement, 52	Norwegian Law, 32
product characteristic mandated	OECD Investment Committee,
compliance, 49	29–30
Effective judicial protection and	public enterprises, 17
collective redress in the European	right to complain, 14–16
Consumer Law	substantive issues
Article 47 of the Charter of	activities of enterprises, 24
Fundamental Rights, 249-250	business conduct agenda, 22
Article 81 TFEU, 249	disclosure obligations, 23
DG SANCO's study, 250	Forum shopping, 25
four options, 250-251	human rights, 23
Efficiency of collective redress	interpretative discretion, 24
procedures and costs, 253-254	national interpretations of the
EFSF. See European Financial Stability	Guidelines, 24
Fund (EFSF)	NGOs, 25
EFSM. See European Financial Stability	system of environmental
Mechanism (EFSM)	management, 24
Enforcement of CSR guidelines	traditional enforcement of binding
concept of 'domicile', 18	legal rules, 34
Danish legislation, 17	Environmental NGOs (ENGOs),
establishing a breach of the guidelines	national requirements for, 260-261
business relation, 26	ESM. See European Stability Mechanism
Danish Law, 27	(ESM)
Guidelines' recommendation, 27	EU environmental law, special features of
voluntary instrument, 28	environmental NGOs (ENGOs), 260
multinational enterprises, 16, 19	Habitats Directive and Birds Directive,
national guidelines, 18	259–260

EU external cultural action and free	Laval case (C-341/05), 285
trade	the Viking, the Laval and the Rüffert
ambitious cultural agenda, 65	cases, 284–285
audiovisual services, 80	EU private antitrust enforcement,
autonomy of the cultural sector, 80	effectiveness of
bilateral and regional trade	Article 47(1) of the Charter of
agreements, 80	Fundamental Rights, 229
characteristics of the cultural	Articles 101 and 102 TFEU, 229
industries, 71	Article 4(3) TEU, 231
Committee on Cultural Cooperation,	Article 19(1) TEU, 230
82	obstacles, 230
cultural cooperation agreements, 67	settled action, 232
cultural goods and services, 66	EU Recommendation on collective
development policies, 70	redress mechanisms
EU-Korea reciprocal preferential	evaluation of key aspects
scheme, 83	cross-border cases and private
EU trade liberalization strategy, 66	international law, 254
GATS, 86	efficiency of collective redress
heritage and the promotion of cultural	procedures and costs,
diversity, 70	253–254
implementation of the protocols,	'opt-in' principle and procedural
81	complexity, 254–256
initiatives for cultural cooperation,	procedural safeguards, 253
71–73	multi-party actions, 252
market access and national treatment	European Commission proposals
limitations, 78–79	Articles 101 and 102 TFEU, 234
national and regional diversity, 67	Green Paper on damages actions, 233
protocols and agreements	policy rationale, 234
EU-CA protocol forms, 74	Recital 11, 234
EU-Cariforum EPA, 73	European Committee and the European
FTA, 73	Union interaction on Collective
horizontal provisions, 74-75	Complaint Procedure
sectoral provisions, 76–78	CC 55/2009, Confédération générale du
tourism or gender equality, 79–80	travail v. France, 282
training measures, 84	European Roma and Travellers Forum v.
UNESCO Convention, 69	France case, 282–283
Union's cultural and linguistic	Federation of employed pensioners of
diversity, 68	Greece (IKA -ETAM) v. Greece case,
EU - Footwear (China) Panel Report,	283
182–184	infringement procedures, 281
EU fundamental freedoms and social	Médecins du Monde v. France case, 282
rights	standard of living and the living
Article 6(4) of the Charter, 286	conditions of pensioners, 283–284
•	•

European Committee of Social Rights	protecting cultural pluralism, 374
(ECSR), 275–276. See also	technological evolutions aggravate
Collective Complaint Procedure of	both concerns, 373-374
the European Social Charter	
European Financial Stability Fund	F
(EFSF), 316	Freedom to provide services versus
European Financial Stability Mechanism	advertising restrictions
(EFSM), 316	distortion of competition, 312-314
European Stability Mechanism (ESM),	European Union Law
316	equal treatment, 309-310
EU-Russia investment relations	freedom to provide services, 310
Article 351(1) TFEU, 338-339	justifications and proportionality,
EU-Russia Industrialists Roundtable	310-312
(IRT)'s press statement, 333	minimum harmonization,
foreign direct investment (FDI),	308-309
331–332	facts, 306-308
future investment law regime	Free Trade Agreement (FTA), 73
commitments under WTO,	FTA. See Free Trade Agreement (FTA)
354–358	Fundamental freedoms, EU Law
investment liberalization, 358-362	equal treatment, 309-310
issues of jurisdiction, 339-350	freedom to provide services, 310
most-favoured-nation treatment,	justifications and proportionality,
352–354	310–312
national treatment, 350-352	minimum harmonization, 308-309
other issues, 362–363	Future investment law regime
legal framework, 334–338	commitments under WTO, 354-358
PCA, 332	investment liberalization, 358-362
transitional arrangements, 338-339	issues of jurisdiction
WTO's membership, 334	current situation, 339-347
EU trade negotiations, audio-visual	future situation, 347–350
services in	most-favoured-nation treatment,
cultural exception and	352–354
current EU practice, 369-370	national treatment, 350-352
too narrow at cross-sectoral level,	other issues, 362–363
370–372	
too wide at sectoral level, 372-373	G
cultural pluralism and	GATT and WTO law and jurisprudence
Japan-India RTA, 384-386	on MFN and anti-dumping law,
Japan-Switzerland RTA, 380-383	179–181
US and Canada IN NAFTA,	
375–377	Н
US-Korea RTA (KORUS),	History and current position in England
378–380	and Wales

Civil Justice Council Final Report,	J
292	Japan-India RTA
Competition Appeal Tribunal (CAT),	Annex 6, 385
292	Annex 8, 386
Dutch Collective Settlement Act	cultural identity, 384
2005, 293	FDI Policy Circulars, 385
Private Actions and the Public	Indian GATS schedule, 384
Enforcement Regime, 293	Japan-Switzerland RTA
Report recommendation, 291	Annex III, 381–382
-	Article XIV GATS, 381
I	vs. KORUS, 383
Imposition of anti-dumping duties, 189	limitations, 382
Initiating anti-dumping investigations,	K
188	KORUS
Inter-governmentalism	Annex I, 378–379
EFSF, 316	Annex II, 379–380
EFSM, 316	
ESM, 316	L
'Fiscal Compact', 315	Legal framework, EU-Russia investment
SRF Agreement, 317–318	relations
International Law in the Case Law of	BITs, 334–335
the Court of Justice	Energy Charter Treaty (ECT), 336
instruments as handmaiden to union	ICSID Additional Facility Rules, 336
law, 5–7	Liberal interpretation of the legal basis
interpretation method of Union	provisions, 128
primary and secondary law, 7	
interstices of union law,	M
1–2	MFN principle to WTO anti-dumping
monism <i>versus</i> dualism, 1	law
parliamentary record, 7–8	anti-dumping law fulfill the lex
primary union law and the rules of	specialis criteria?, 184–187
treaty interpretation	effects of applying in the
constitutional case, 4	anti-dumping sphere
historical interpretation, 5	conducting anti-dumping
legislative acts, 4	investigations, 189
TFEU, 3	imposition of anti-dumping duties,
Investment liberalization	189
Article 34(1) of the PCA,	initiating anti-dumping
360–361	investigations, 188
2004 Italy-Nicaragua BIT, 359	EU – Footwear (China) Panel
Market access commitments, 360	Report, 182–184
'right to invest', 359–360	GATT and WTO law and

jurisprudence on, 179–181	O
general rules <i>versus</i> specialized rules conflict in WTO law, 175–177	OMT. See Outright Monetary Transactions (OMT)
explicit exemptions, 173–174	'Opt-in' principle and procedural complexity, 254–256
lex specialis, 174–175 Mike Campbell (Pvt) Ltd and Others v.	Opt-in vs. opt-out model, 220–221 paragraph 21, 237
Republic of Zimbabwe agricultural resettlement, 107–108 racial discrimination, 108	The <i>Replica Football Shirts</i> case, 236 Outright Monetary Transactions (OMT) 320, 325
SADC Tribunal Protocol, 110 Tribunal's decision, 107	P
Most-favoured-nation (MFN) treatment, 352–354	Partnership and Cooperation Agreement (PCA), 332
N	Private enforcement of EU competition rules
National contact points (NCPs)	acquis communautaire, 228
Danish NCP, 13 implementation and enforcement of	Courage/Crehan and Manfredi cases, 227, 229
the guidelines, 9 information gathering, 11	'more economic approach', 228 Regulation 1/2003, 227
legitimacy and impact, 13	US indirect-purchaser rule, 227
mediation and investigation,	Ture, 227
13–14	Q
Minister for Business and Growth, 13 OECD Guidelines, 12	QMV. See Qualified majority voting (QMV)
organizational model, 13 procedural requirements, 10	Qualified majority voting (QMV), 319
Responsible Business Conduct, 11	R
settlements and recommendations, 12	Recommendation 2013, 235–242
structure and procedural rules, 11	coordinating collective litigation,
National requirements for standing of	241–242
ENGOS, 260–261	notification mechanisms, 237-239
National treatment (NT) obligation,	opt-in vs. opt-out model, 235-237
350–352	representation, 239–240
NCPs. See National contact points	Regional integration in Africa
(NCPs)	Analysis of the Courts' Jurisprudence,
Notification mechanisms	110–114
Article 5(3) of the pre-draft Directive of 2009, 238	COMESA Treaty and SADC Tribunal Protocol, 117
Colozza and Rubinat v. Italy case, 239	'constitutionalization' and judicial
Commission Staff Working Paper,	remedies, 115
2008 White Paper 237-238	DSM 91_93

adoption, 103 EALA, 100 EU treaty law, 114 forms of community legislations, 121 GATS, 88 governmental compliance with community law, 99 House Business Committee, 101 institutional aspects ECCJ, 94 jurisdiction, 95–98 SADC Tribunal, 95 international feature of regionalism, 119 international tribunal, 99 Kenyan election rules, 100 legitimacy deficit, 120 Mike Campbell (Pvt) Ltd and Others v. Republic of Zimbahwe, 106–110 Organization of African Unity (OAU), 89 preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAS, 88 RTAS. See Regional Trade Agreements, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAS. See Regional Trade Agreements (RTAs) (RTAs)  Securities Market Programme (SMP), 320 SERAP v. Federal Republic of Nigeria, 104–106 S Single Market harmonization, 131 Single Resolution Fund (SRF)  SMP. See Securities Market Programme (SMP) Status quo of EU-Russia investment relations legal framework, 334–338 transitional arrangements, 338–339  TTBT. See Technical Barriers to Trade (TBT) central government technical regulations and standards, 63 definitions, 37 enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 150 of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The ROMANO doctrine Article 263 TEEU and Article 277 TFEU, 396 Evaluations and standards, 63 definitions, 37 enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 FFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Article 290 and 291 TFEU regime, 398–399 implications delegations and sta	EAC Treaty for consideration and	Agreement, 317–318
EU treaty law, 114 forms of community legislations, 121 GATS, 88 governmental compliance with community law, 99 House Business Committee, 101 institutional aspects ECCJ, 94 jurisdiction, 95–98 SADC Tribunal, 95 international feature of regionalism, 119 imernational tribunal, 99 Kenyan election rules, 100 legitimacy deficit, 120 Mike Campbell (Pvt) Ltd and Others v. Republic of Zimbahve, 106–110 Organization of African Unity (OAU), 89 preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88 SERAP v. Federal Republic of Nigeria, 104–106 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAS. See Regional Trade Agreements (RTAs) Securities Market Programme (SMP), 320 SERAP v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131  Status quo of EU-Russia investment relations legal framework, 334–338 transitional arrangements, 338–339  TTBT. See Technical Barriers to Trade (TBT) central government technical regulations and standards, 63 definitions, 37 enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committee, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency	adoption, 103	SMP. See Securities Market Programme
forms of community legislations, 121 GATS, 88 governmental compliance with community law, 99 House Business Committee, 101 institutional aspects ECCJ, 94 jurisdiction, 95–98 SADC Tribunal, 95 international feature of regionalism, 119 international tribunal, 99 Kenyan election rules, 100 legitimacy deficit, 120 Mike Campbell (Pvt) Ltd and Others v. Republic of Zimbabwe, 106–110 Organization of African Unity (OAU), 89 preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88 SERAP v. Federal Republic of Nigeria, 104–106 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  S Securities Market Programme (SMP), 320 SERAP v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131  relations legal framework, 334–338 transitional arrangements, 338–339  transitional arrangements, 338–339  Thensitional arrangements, 334–338 transitional arrangements, 334–338 transitional arrangements, 338–339  Thensitional arrangements, 334–338  Thanicional arrangements, 334–339  definitions, 37 enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO tost, 395–398 The ROMANO doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency	EALA, 100	(SMP)
GATS, 88 governmental compliance with community law, 99 House Business Committee, 101 institutional aspects	EU treaty law, 114	Status quo of EU-Russia investment
governmental compliance with community law, 99 House Business Committee, 101 institutional aspects  ECCJ, 94 jurisdiction, 95–98 SADC Tribunal, 95 international feature of regionalism, 119 international tribunal, 99 Kenyan election rules, 100 legitimacy deficit, 120 Mike Campbell (Pvt) Ltd and Others v. Republic of Zimbabwe, 106–110 Organization of African Unity (OAU), 89 preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAS, 88 SERAP v. Federal Republic of Nigeria, 104–106 treaty compliance and enforcement, 120 rteaty obligations and commitments, 121 Regional Trade Agreements (RTAs) Se Regional Trade Agreements (RTAs) Securities Market Programme (SMP), 320 SERAP v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131  transitional arrangements, 338–339 TBHT. See Technical Barriers to Trade (TBT) central government technical regulations and standards, 63 definitions, 37 enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency	forms of community legislations, 121	relations
community law, 99 House Business Committee, 101 institutional aspects  ECCJ, 94 jurisdiction, 95–98 SADC Tribunal, 95 international feature of regionalism, 119 international tribunal, 99 Kenyan election rules, 100 legitimacy deficit, 120 Mike Campbell (Put) Lid and Others v. Republic of Zimbabwe, 106–110 Organization of African Unity (OAU), 89 preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88 SERAP v. Federal Republic of Nigeria, 104–106 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  Securities Market Programme (SMP), 320 SERAP v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131  TBT. See Technical Barriers to Trade (TBT) central government technical regulations and standards, 63 definitions, 37 enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–398 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency	GATS, 88	legal framework, 334–338
House Business Committee, 101 institutional aspects	governmental compliance with	transitional arrangements, 338-339
institutional aspects     ECCJ, 94     jurisdiction, 95–98     SADC Tribunal, 95     international feature of regionalism, 119     international tribunal, 99     Kenyan election rules, 100     legitimacy deficit, 120     Mike Campbell (Pvt) Ltd and Others v. Republic of Zimbabwe, 106–110     Organization of African Unity (OAU), 89     preliminary reference procedure, 116     process of nomination, 101     regional economic growth, 90     RTAs, 88     SERAP v. Federal Republic of Nigeria, 104–106     treaty obligations and commitments, 121     Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)     (RTAs)  Securities Market Programme (SMP), 320 SERAP v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131  TBT. See Technical Barriers to Trade (TBT) central government technical regulations and standards, 63 definitions, 37 enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency	community law, 99	
ECCJ, 94 jurisdiction, 95–98 SADC Tribunal, 95 international tribunal, 99 international tribunal, 99 Kenyan election rules, 100 legitimacy deficit, 120 Mike Campbell (Pvt) Ltd and Others v. Republic of Zimbabwe, 106–110 Organization of African Unity (OAU), 89 preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAS, 88 SERAP v. Federal Republic of Nigeria, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs) SECURTION (RTAS)  SECURITION (SMP), 320 Single Market harmonization, 131  Technical Barriers to Trade (TBT) central government technical regulations and standards, 63 definitions, 37 enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications definitions, 37 enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 IFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency	House Business Committee, 101	T
jurisdiction, 95–98 SADC Tribunal, 95 international feature of regionalism, 119 Renyan election rules, 100 legitimacy deficit, 120 Mike Campbell (Pvt) Ltd and Others v. Republic of Zimbabuve, 106–110 Organization of African Unity (OAU), 89 preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88 SERAP v. Federal Republic of Nigeria, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs) SECAP v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131  Technical Barriers to Trade (TBT) central government technical regulations and standards, 63 definitions, 37 enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications definitions, 37 enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency	institutional aspects	TBT. See Technical Barriers to Trade
international feature of regionalism, 119 international tribunal, 99 Kenyan election rules, 100 legitimacy deficit, 120 Mike Campbell (Pvt) Ltd and Others v. Republic of Zimbabwe, 106–110 Organization of African Unity (OAU), 89 preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88 SERAP v. Federal Republic of Nigeria, 120 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs) Securities Market Programme (SMP), 320 SERAP v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131  central government technical regulations and standards, 63 definitions, 37 enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency	ECCJ, 94	(TBT)
international feature of regionalism, 119 international tribunal, 99 Kenyan election rules, 100 legitimacy deficit, 120 Mike Campbell (Pvt) Ltd and Others v. Republic of Zimbabwe, 106–110 Organization of African Unity (OAU), 89 preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88 SERAP v. Federal Republic of Nigeria, 104–106 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  Securities Market Programme (SMP), 320 Single Market harmonization, 131  regulations and standards, 63 definitions, 37 enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency	jurisdiction, 95–98	Technical Barriers to Trade (TBT)
international tribunal, 99 Kenyan election rules, 100 legitimacy deficit, 120  Mike Campbell (Pvt) Ltd and Others v.  Republic of Zimbabwe, 106–110 Organization of African Unity (OAU), 89  preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88  SERAP v. Federal Republic of Nigeria, 120 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  (RTAs)  Securities Market Programme (SMP), 320  SERAP v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131  definitions, 37 enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency	SADC Tribunal, 95	central government technical
international tribunal, 99 Kenyan election rules, 100 legitimacy deficit, 120  Mike Campbell (Pvt) Ltd and Others v.  Republic of Zimbabwe, 106–110 Organization of African Unity (OAU), 89  preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88  SERAP v. Federal Republic of Nigeria, 120 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs) (RTAs)  Securities Market Programme (SMP), 320  Securities Market harmonization, 131  enforcement mechanisms, 38 hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency	international feature of regionalism,	regulations and standards, 63
Kenyan election rules, 100 legitimacy deficit, 120  Mike Campbell (Pvt) Ltd and Others v.  Republic of Zimbabwe, 106–110 Organization of African Unity (OAU), 89 preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88 SERAP v. Federal Republic of Nigeria, 120 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs) (RTAs)  Securities Market Programme (SMP), 320 Selection Market Programme (SMP), 320 Single Market harmonization, 131  hard law/soft law distinction, 44 Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency		definitions, 37
legitimacy deficit, 120  Mike Campbell (Pvt) Ltd and Others v.  Republic of Zimbabwe, 106–110 Organization of African Unity (OAU), 89 preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88 SERAP v. Federal Republic of Nigeria, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs) (RTAs)  Securities Market Programme (SMP), 320 Serap v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131  Tokyo Round Standards Code, 43 undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency		enforcement mechanisms, 38
Mike Campbell (Pvt) Ltd and Others v. Republic of Zimbabwe, 106–110 Organization of African Unity (OAU), 89 preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88 SERAP v. Federal Republic of Nigeria, 104–106 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  Securities Market Programme (SMP), 320 Securities Market Programme (SMP), 320 Single Market harmonization, 131  undifferentiated approach, 39 TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 26 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency	Kenyan election rules, 100	hard law/soft law distinction, 44
Republic of Zimbabwe, 106–110 Organization of African Unity (OAU), 89 preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88 SERAP v. Federal Republic of Nigeria, 120 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs) (RTAs) Securities Market Programme (SMP), 320 Securities Market Programme (SMP), 320 Single Market harmonization, 131  TFEU. See Treaty on the Functioning of the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency	- ·	-
Organization of African Unity (OAU), 89  preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88  SERAP v. Federal Republic of Nigeria, 104–106 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  SECURITIES Market Programme (SMP), 320 SERAP v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131  the European Union (TFEU) The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency		
The ESMA-Short Selling Case preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88 SERAP v. Federal Republic of Nigeria, 104–106 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  SECURITIES Market Programme (SMP), 320 SERAP v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131  The ESMA-Short Selling Case Articles 290 and 291 TFEU regime, 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Single Market harmonization, 131		•
preliminary reference procedure, 116 process of nomination, 101 regional economic growth, 90 RTAs, 88  SERAP v. Federal Republic of Nigeria, 104–106 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  Securities Market Programme (SMP), 398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine SERAP v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131 Environmental Protection Agency	Organization of African Unity (OAU),	-
process of nomination, 101 regional economic growth, 90 RTAs, 88  SERAP v. Federal Republic of Nigeria, 104–106 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  Securities Market Programme (SMP), 320 Securities Market Programme (SMP), 320 Single Market harmonization, 131  398–399 implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency		e
regional economic growth, 90 RTAs, 88  SERAP v. Federal Republic of Nigeria, 104–106 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  Securities Market Programme (SMP), 320 Securities Market Programme (SMP), 320 Single Market harmonization, 131  implications delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency		Articles 290 and 291 TFEU regime,
RTAs, 88  SERAP v. Federal Republic of Nigeria, 104–106 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  (RTAs)  Securities Market Programme (SMP), 320 Securities Market Programme (SMP), 320 Single Market harmonization, 131  delegation doctrine, 401 unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Single Market harmonization, 131 Environmental Protection Agency	-	
SERAP v. Federal Republic of Nigeria, 104–106 treaty compliance and enforcement, 120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  Securities Market Programme (SMP), 320 Securities Market Programme (SMP), 320 Single Market harmonization, 131  unresolved issues, 401–404 legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency		-
treaty compliance and enforcement,  120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  Securities Market Programme (SMP), 320 Securities Market Programme (SMP), 320 Single Market harmonization, 131  legal basis, 399–400 the MERONI test, 392–395 origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Single Market harmonization, 131 Environmental Protection Agency		_
treaty compliance and enforcement,  120 treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  (RTAs)  Securities Market Programme (SMP), 320 Securities Market Programme (SMP), 320 SERAP v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131  the MERONI test, 392–395 corigins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Single Market harmonization, 131 Environmental Protection Agency		
treaty obligations and commitments, 121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  (RTAs)  Securities Market Programme (SMP), 320 Securities Market Programme (SMP), 320 SERAP v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131  origins and powers Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392 level 3 committees, 391 the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Environmental Protection Agency		
treaty obligations and commitments,  121 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs) (RTAs)  RTAs. See Regional Trade Agreements (RTAs)  RTAs. See Regional Trade Agreements (RTAs)  RTAs. See Regional Trade Agreements (RTAs)  The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393  Securities Market Programme (SMP), 320  SERAP v. Federal Republic of Nigeria, 104–106  Single Market harmonization, 131  Article 1(5) of ESMA's founding Regulation 1095/2010, 391–392  the ROMANO test, 395–398  The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393  discretionary powers, 393–395  The ROMANO doctrine Article 263 TFEU and Article 277  TFEU, 396  Single Market harmonization, 131  Environmental Protection Agency		
Regulation 1095/2010, 391–392 Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  (RTAs)  The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393 Securities Market Programme (SMP), 320  SERAP v. Federal Republic of Nigeria, 104–106  Single Market harmonization, 131  Regulation 1095/2010, 391–392 the ROMANO test, 395–398 The ROMANO doctrine Article 28 of Regulation No 236/2012, 392–393 discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Single Market harmonization, 131  Environmental Protection Agency		-
Regional Trade Agreements (RTAs), 88 RTAs. See Regional Trade Agreements (RTAs)  (RTAs)  The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393  Securities Market Programme (SMP), 320  SERAP v. Federal Republic of Nigeria, 104–106  Single Market harmonization, 131  Level 3 committees, 391 the ROMANO test, 395–398  The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396  Environmental Protection Agency		
RTAs. See Regional Trade Agreements (RTAs)  (RTAs)  The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393  Securities Market Programme (SMP), 320  SERAP v. Federal Republic of Nigeria, 104–106  Single Market harmonization, 131  the ROMANO test, 395–398 The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393  discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396  Environmental Protection Agency		-
(RTAs)  The MERONI doctrine Article 28 of Regulation No  236/2012, 392–393  Securities Market Programme (SMP), 320  SERAP v. Federal Republic of Nigeria, 104–106  Single Market harmonization, 131  The MERONI doctrine Article 28 of Regulation No 236/2012, 392–393  discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396  Environmental Protection Agency		
Article 28 of Regulation No 236/2012, 392–393  Securities Market Programme (SMP), 320  SERAP v. Federal Republic of Nigeria, 104–106  Single Market harmonization, 131  Article 28 of Regulation No 236/2012, 392–393  discretionary powers, 393–395  The ROMANO doctrine  Article 263 TFEU and Article 277  TFEU, 396  Environmental Protection Agency		
Securities Market Programme (SMP), discretionary powers, 393–395 320 The ROMANO doctrine SERAP v. Federal Republic of Nigeria, 104–106 TFEU, 396 Single Market harmonization, 131 Environmental Protection Agency	(RTAs)	
Securities Market Programme (SMP), discretionary powers, 393–395 The ROMANO doctrine SERAP v. Federal Republic of Nigeria, 104–106 Single Market harmonization, 131  discretionary powers, 393–395 The ROMANO doctrine Article 263 TFEU and Article 277 TFEU, 396 Single Market harmonization, 131 Environmental Protection Agency		-
320 The ROMANO doctrine  SERAP v. Federal Republic of Nigeria, 104–106 Article 263 TFEU and Article 277 TFEU, 396  Single Market harmonization, 131 Environmental Protection Agency		
SERAP v. Federal Republic of Nigeria, 104–106  Single Market harmonization, 131  Article 263 TFEU and Article 277 TFEU, 396  Environmental Protection Agency	- · · · · · · · · · · · · · · · · · · ·	
104–106 TFEU, 396 Single Market harmonization, 131 Environmental Protection Agency		
-		
Single Resolution Fund (SRF) (EPA), 397	Single Market harmonization, 131	
	Single Resolution Fund (SRF)	(EPA), 397

'legally-bindingness' issue, 395	W
REACH Regulation, 398	World Trade Organization (WTO)
Towards a European Horizontal	Agreement
Framework for Collective Redress	de facto mandatory compliance,
(2013 Communication), 216, 218,	53–58
224	DSU proceedings, 63
Transitional arrangements, Russia-EU	labelling requirements and mandatory
Member States,	compliance in US-TUNA II, 47-48
338–339	mandatory technical regulations and
Transparency of the crisis response	voluntary standards, 45-47
BRRD, 322	panel majority and Appellate Body
ECB and NCAs, 323	approach, 38
ESMA short-selling ruling, 324	panel majority and the Appellate
Treaty on the Functioning of the	Body, 38
European Union (TFEU), 3	protectionist motivations, 40
	technical regulations/standards
U	distinction
United Nations Economic Commission	Articles 2.2 and 2.4, 42
for Africa (UNECA),	'Code of Good Practice', 43
89	DSU, 43
US and Canada in NAFTA	GATT, 41
Annex 2106 NAFTA, 376	hard law/soft law distinction, 44
Article 2012 CUSFTA, 376	national security requirements, 42
cultural industries exception, 377	Tokyo Round Standards Code, 43
US-Korea RTA (KORUS),	testing the clarity and simplicity
378–380	hypothesis
US-TUNA II	applying the dissent in
labelling requirements and mandatory	EC-SARDINES, 49–52
compliance, 47-48	identification of the relevant
panel majority and the appellate body	product, 49
enforceability, 60-62	process of reconciling, 48
exclusivity criterion, 59-60	treaty interpretation, 39
provenance, 58–59	US-TUNA II panel majority, 58-59