

Dr Luca Rubini

Reader in International Economic Law

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About

Luca Rubini's main expertise lies in the regulation of the State intervention in the economy, particularly public subsidies. He is the author of the first theoretical analysis of the definition of subsidy in the WTO and EU. More recently, he has extended his focus from subsidy law and policy to the analysis of the various linkages between energy, trade and climate change, and to an historical analysis of the regulation of subsidies in the 20th and 21st centuries. Luca has been invited to present in institutional, academic and policy venues, in the UK and abroad, and is cooperating with various academic institutions, NGOs and policy actors.

Qualifications

- Laureato in giurisprudenza (Catholic University, Milan)
- MA (KCL)
- PhD (KCL)

Biography

Luca Rubini joined Birmingham Law School in the Summer of 2007. Previously, he was lecturer at the University of Leicester and legal secretary to Sir Francis Jacobs QC, Advocate General at the European Court of Justice in Luxembourg. Luca had held visiting positions in various academic institutions in the UK, US, Switzerland and Italy, including King's College London, the Institute of International Economic Law (Georgetown University), the European University Institute, Bocconi University and the World Trade Institute (University of Berne). He is fellow of the Centre of European Law, King's College London, and visiting professor at **ASERI** (<http://aseri.unicatt.it/>), the Graduate School of Economics and International Relations of the Catholic University, Milan, and at the World Trade Institute, MILE programme. In the 2012-13 academic year, he was a Robert Schuman Senior Research Fellow at the Global Governance Programme (GGP) of the European University Institute. This prestigious fellowship, which is for 'established academics with an international reputation' is awarded by invitation only.

Luca has law degrees from the Catholic University in Milan (JD) and King's College London (MA and PhD) and is admitted to the Bar in Italy and to the Law Society of England and Wales as solicitor (non-practising).

Teaching

- International trade law (WTO law) (LLB and LLM)
- International Economic Law (LLB)
- EU State aid law and policy (LLM)
- EU Competition law (LLM)

Postgraduate supervision

- International economic law, and in particular international trade law
- Law and policy of subsidies
- Energy, trade and climate change linkages
- EU / WTO parallels

Current doctoral supervision

Students that have recently completed their PhDs with Luca have researched on the following topics:

- The harmonization of the law of damages and its procedural rules for breach of European competition law: a critical analysis
- Intellectual Property, Competition and Interoperability - working together? A case study in the protection of innovation in software

Luca is currently supervising four doctoral students undertaking research in the following areas:

- Public Private partnership in WTO dispute settlement: enabling developing countries
- Rare earths production and public international law: trade law, human rights law, environmental law
- Export Cartels: Solving the Gap in International Competition Policy

- The EU action in the international natural gas market: trade law implications

Research

Luca is the author of various works in the areas of international economic law, European law and competition law. His monograph ***The Definition of Subsidy and State Aid – WTO Law and EC Law in Comparative Perspective*** (<http://www.oup.com/uk/catalogue/?ci=9780199533398>) (Oxford University Press, 2009; Oxford University Press USA, 2010). is the first – and still the only – attempt to offer a conceptual framework of analysis of the various (legal, economic and political) definitional issues of subsidy in the WTO and the EU. It has been extremely well received and reviewed (more than five years since its publication, it is still generating book reviews in leading journals), and has been cited by the WTO Panel report in the *China – Countervailing and anti-dumping duties on grain oriented flat-rolled electrical steel from the United States* (China – GOES), WT/DS414/R, footnote 104 to para 7.86. Academic citations in WTO judicial reports are an extremely rare occurrence.

Building on conferences organized in 2008 and 2010 in Birmingham and Milan, Luca edited ***Microsoft on Trial: Legal and Economic Analysis of a Transatlantic Antitrust Case*** (http://www.e-elgar.co.uk/Bookentry_main.lasso?id=13381) (Edward Elgar, 2010) and co-edited (with F. Bestagno) ***Challenges of Development: Asian Perspectives*** (<http://www.vitaepensiero.it/volumi/9788834319642>) (Vita e Pensiero, 2010) and (with M. Trybus) *The Treaty of Lisbon and the Future of the European Union* (Edward Elgar, 2012).

Luca's current research focuses on various strands. First, he is exploring the legal status of green energy subsidies in the WTO and the possible case and challenges for law reform. In this regard, he is presently working on a monograph for Cambridge University Press on the regulation and discipline of green energy subsidies in the WTO. Both the AHRC and the British Academy have supported this research with respectively a Fellowship of £63,280 (2011) and two Small Research Grant of £7,406 (2010) and £9,950 (2012). Some aspects of this research on the linkages between energy, trade and climate change, are carried out with various partners, like the ***International Centre for Trade and Sustainable Development (ICTSD)*** (<http://ictsd.org/>) and the Swiss ***National Centre for Competence in Research*** (<http://www.nccr-trade.org/>). Luca is in particular currently involved in two key policy initiatives on the linkages between trade and green energy. In September 2012, the United Nations Conference on Trade and Development (UNCTAD) invited him to participate in the *Forum on the Green Economy and Trade*. In January 2013, he was appointed by the ICTSD, the Chatham House, and the Friedrich Ebert Foundation to participate as expert in the ***E-15 initiative, a high-profile research and dialogue process*** (<http://e15initiative.org/>), and specifically to the ***Clean Energy Technologies and the Trade System*** (<http://e15initiative.org/clean-energy-and-the-trade-system/>).

Secondly, Luca is working more generally on the regulation of subsidies in the WTO and how it could be improved. In March 2014, he was invited by the ICTSD to be part of the horizontal task-force of the ***E-15 Initiative on 'Rethinking international subsidy disciplines'*** (<http://e15initiative.org/subsidies/>) on, as subsidy expert and rapporteur. Luca is also writing with Bernard Hoekman (EUI) a commentary to the SCM Agreement for the GATT/WTO Commentaries series of Oxford University Press. Finally, he has started an historical project which will explore the forces shaping subsidy laws in the XXth and XXst century.

Research grants and fellowships:

- Robert Schumann Senior Research Fellowship, Global Governance Programme, Robert Schumann Advanced Centre, European University Institute, Florence (2012-13), **Euros 30,000**
- British Academy, Small Research Grant (2012), **£9,950**
- Arts and Humanities Research Council (AHRC) Fellowship (2011) **£63,820**
- British Academy, Small Research Grant (2010) **£7,405**
- British Academy, Small Research Grant (2007) **£2,890**

Other activities

- Deputy Director of ***Institute of European Law*** ([/research/activity/iel/index.aspx](http://research/activity/iel/index.aspx))

Publications

Books

- 2015. *The regulation of green energy subsidies in the WTO: a case-study of reform in international law* (Cambridge University Press) forthcoming
- 2012. ***The Treaty of Lisbon and the Future of the European Union*** (http://www.e-elgar.com/bookentry_main.lasso?id=14390) (edited with Martin Trybus, Edward Elgar)
- 2010. ***Challenges of Development: Asian Perspectives*** (<http://www.vitaepensiero.it/volumi/9788834319642>) (edited with Francesco Bestagno, Vita e Pensiero, Milan)
- 2010. ***Microsoft on Trial: Legal and Economic Analysis of a Transatlantic Antitrust Case*** (http://www.e-elgar.co.uk/bookentry_main.lasso?id=13381) (edited, Edward Elgar). *Case-law appendix* available at <http://www.e-elgar.co.uk/Rubini/> (<http://www.e-elgar.co.uk/Rubini/>)
- 2009. ***The Definition of Subsidy and State Aid – WTO Law and EC Law in Comparative Perspective*** (<http://www.oup.com/uk/catalogue/?ci=9780199533398>) (Oxford University Press)

Articles in refereed journals

- 2016. "Leaving Europe? The Political and Legal Implications of a EU Exit of the UK", together with Graham Gee and Martin Trybus for *European Public Law*, forthcoming, 6,000 words circa
- 2015. 'The wide and the narrow gate.' Benchmarking in the SCM Agreement after the *Canada – Renewable Energy/FIT* ruling', *World Trade Review* forthcoming, 12,000 words (in press); to be 3eprinted in Petros Mavroidis and Chad Bown (ed) *WTO Case-law 2013*. Cambridge: Cambridge University Press, 2015
- 2014. 'The Good, the Bad, and the Ugly. Lessons on Methodology in Legal Analysis from the Recent WTO Litigation on Renewable Energy Subsidies', *Journal of World Trade*, 895-936. To be reprinted in Deok-Young Park and Gabrielle Marceau (ed.) *Legal Issues on Climate Change and International Trade Law*, (Springer, 2015).
- 2013. *United States – Use of Zeroing in Anti-Dumping Measures involving Products from Korea: It's déjà vu all over again* (with Tom Prusa), in *World Trade Review*, forthcoming, *World Trade Review* 409-425. Reprinted in Petros Mavroidis and Chad Bown (eds) *WTO Case-law 2011*. Cambridge: Cambridge University Press, 2013
- 2012. *Ain't Wastin' Time No More. Subsidies for Renewable Energy, the SCM Agreement, Policy Space and Law Reform*, *Journal of International Economic Law*, Volume 15(2), 525-579
- 2012. "Who'll Stop the Rain? Allocating Emission Allowances for Free: Environmental Policy, Economics, and WTO Subsidy Law" (with Ingrid Jegou), *Transnational Environmental Law* (Volume 1(2) 325-354
- 2010. *Climate Change, Human Rights and Trade Regulation*, *German Yearbook of International Law* (with various authors) 2010, Volume 53, 139-18
- 2009. *The Elusive Frontier: Regulation under State Aid Rules*, *European State Aid Law Quarterly* 277-298

- **2007.** *The Impact of the GATS on the National Regulation of Public Services*, Diritto del Commercio Internazionale 293-332 (in Italian)
- **2002.** *Is the Siege to Fortress Europe Really Over? The Exhaustion of Trademarks in the EC, Competition and International trade - Case note on Joined Cases C-414/99 to C-416/99* Zino Davidoff, Legal Issues of Economic Integration 205-218
- **2001.** *Brief Glosses to the PreussenElektra Case: How to Take State Aid Rules and Environmental Protection in EC Law Seriously*, Diritto Comunitario e degli Scambi Internazionali 473-501 (in Italian)
- **2000.** *The Oddities of the Case-law of the Court of Justice on Parallel Imports from Third Countries, Trademark Exhaustion and Competition Rules (the Silhouette, Sebago and Javico cases)*, Diritto Comunitario e degli Scambi Internazionali 67-84 (in Italian)

Book chapters and sections

- **2015.** 'The Regulation of Green Energy Subsidies in the WTO' in Yulia Selivanova (ed), *Regulation of Energy in International Trade Law – WTO, NAFTA, and Energy Charter*, 2nd edition, Kluwer, 12,000 words circa (forthcoming)
- **2015.** "EU Microsoft Case", entry in Jürgen Georg Backhaus (ed.) *Encyclopedia of Law and Economics*, 9,000 words circa (with Ann Walsh) (forthcoming)
- **2015.** *Global approach of State aid law - WTO subsidy law and EU trade defence instruments* (with Edwin Vermulst and Juhi Sud) 50,000 words, forthcoming in Herwig Hoffman and Claire Micheau (eds) *State Aid Law of the European Union*, Oxford University Press
- **2015.** 'ASCM disciplines and recent WTO case law developments: what space for "green" subsidies?' to be published in Thomas Cottier and Ilaria Espa (ed) *International Trade in Electricity and the Decarbonisation of the Economy. The World Trade Forum 2014*. Cambridge: Cambridge University Press, 2015 7,500 words (in press)
- **2013.** "Subsidies for Emissions Mitigation in WTO Law" in Geert Van Calster and Denise Prévost (eds) *Research Handbook on Environment, Health, and the WTO* (Edward Elgar), 563-637
- **2013.** "Chapter 4 – International Agreements" in Kelyn Bacon (ed) *The European Union Law of State Aid* (Oxford University Press, 2013), 129-152
- **2006.** Comments on the *US - Cotton* dispute in Ortino and Ripinsky (eds) *WTO Law and Process* (British Institute of International and Comparative Law, London) 133-137
- **2005.** 'Aims, Effects and Justifications: EC State Aid Law and its Impact on National Social Policies', in Michael Dougan and Eleanor Spaventa (eds) *Social Welfare and EU Law* (Hart Publishing) 79-103 (with Andrea Biondi)
- **2004.** 'The International Context of EC State Aid Law and Policy: The Regulation of Subsidies in the WTO', in Andrea Biondi, Piet Eeckhout and James Flynn (eds.) *The Law of State Aid in the European Union* (Oxford University Press) 149-188

Working papers, policy papers and official submissions

- **2014.** *What does the recent WTO case-law on renewable energy subsidies tell us about methodology in legal analysis? The good, the bad, and the ugly*. Robert Schuman Centre for Advanced Studies working paper, 2014/5, January 2014, 34 pp
- **2014.** *Rethinking International Subsidy Disciplines Analytical Paper on Rationale and Possible Avenues of Reform*. E-15 Initiative, Analytical paper for the 'Review of Subsidy Disciplines' group. 5 June 2014, Geneva, 21 pp.
- **2013.** *Amicus curiae* brief submitted to Appellate Body of the WTO in the context of the disputes: *Canada – Certain Measures Affecting the Renewable Energy Generation Sector* (WT/DS412) and *Canada – Measures Relating to the Feed-In Tariff Program* (WT/DS412, WT/DS426), 12 March 2013
- **2013.** "Does it FIT? An assessment of the effectiveness of renewable energy measures and of the implications of the Canada – Renewable Energy/FIT disputes" (with Aaron Cosbey), E-15 Initiative, Geneva, 10pp. (in English and translated also in Russian)
- **2012.** "**Climate Change Subsidies in the WTO: Few Notes for Law Reform**" (http://www.bridges-china.com/sites/default/files/wysiwyg/pdf/BCD%202012%20Think%20Pieces_ENG.pdf) in *Think Pieces for 2012 Bridges China Dialogue – Perspectives on China and Sustainability*, International Centre for Trade and Sustainable Development (ICTSD), 35-40 (in English and translated also in Chinese)
- **2011.** ***The Allocation of Emission Allowances Free of Charge: Legal and Economic Considerations*** (<http://ictsd.org/i/publications/112396/>) (with Ingrid Jegou) International Centre for Trade and Sustainable Development (ICTSD), Issue Paper 14/2011, Programme on Competitiveness and Sustainable Development, Geneva, August 2011 (with Ingrid Jegou) xi + 62 pp.
- **2009.** *Swamped by Subsidies: Averting a US-EU Trade War After the Great Crisis* (with Gary Hufbauer and Yee Wong), mimeo, 4th August 2009, 30 pp.
- **2009.** ***Level Playing Field for European Defence Industries: The Role of Ownership and Public Aid Practices*** (<http://www.eda.europa.eu/genericitem.aspx?id=545>), report commissioned by the European Defence Agency (2009) 174 pp. (with other authors)
- **2008.** ***Investment Subsidies for Cross-Border M&A: Trends and Policy Implications*** (<http://www.uscib.org/index.asp?documentID=3794>), United States Council for International Business Foundation, New York, 2008 (with Gary Hufbauer and Thomas Moll) 21 pp.

Book reviews

- **2012.** C Joerges and EU Petersmann, *Constitutionalism, Multilevel Trade Governance and Social Regulation* [2nd paperback edition, Oxford: Hart, 2011] CMLRev (forthcoming)
- **2012.** E Szyssczak (ed) *Research Handbook on European State Aid Law* [Northampton: Elgar, 2011] YEL (forthcoming)
- **2011.** F Snyder, *The European Union, the WTO and China, Global Legal Pluralism and International Trade Regulation* [Hart Publishing, Oxford, Manchester Journal of International Economic Law, 102-106
- **2011.** AO Sykes, *The WTO Agreement on Safeguards: A Commentary* [OUP, 2006] (2011) *International and Comparative Law Quarterly*, 568-569 2011. P Vesterdorf and M Nielsen, *The Law of State Aid* [Sweet and Maxwell, 2008] *European Law Journal*, 142-145
- **2011.** *EC State Aid Law – Le Droit des Aides d'Etat dans la CE, Liber Amicorum Francisco Santaolla* [Kluwer, 2008] *European Law Review*, 448-451
- **2009.** M Sanchez Rydelski, *The EC State Aid Regime. Distortive Effects of State Aid on Competition* [London: Cameron May, 2006] and A Santa Maria, *Competition and State Aid: An Analysis of EC Practice* [London: Kluwer, 2007] (2009) CMLRev 1358-1361
- **2008.** L Hancher, T Ottervanger, T and PJ Slot, *EC State Aids* [3rd ed, London: Thomson-Sweet and Maxwell] (2008) ELRev 606-610
- **2008.** M Taylor, *International Competition Law - A New Dimension for the WTO?* [Cambridge: CUP, 2006] (2008) ELRev 448-452
- **2008.** G Luengo, *Regulation of Subsidies and State Aids in WTO and EC Law – Conflicts in International Trade* [Alphen aan den Rijn: Kluwer, 2007] (2008) ELRev 283-285
- **2007.** C Joerges and EU Petersmann, *Constitutionalism, Multilevel Trade Governance and Social Regulation* [Oxford: Hart, 2006] (2007) CMLRev 1537-1540

Websites (teaching and research resources)

- **2010.** **Case law appendix (with US and EU antitrust cases related to Microsoft)** (<http://www.e-elgar.co.uk/Rubini>) to 2010. **Microsoft on Trial: Legal and economic analysis of a transatlantic antitrust case** (http://www.e-elgar.co.uk/bookentry_main.lasso?id=13381) (Edward Elgar)

Selected presentations (2010-2014)

- **2014.** World Trade Forum, World Trade Institute, paper on "ASCM Disciplines and recent WTO case law developments: what space for "green" subsidies?". Bern,

- **2014.** American Law Institute, “WTO Case-law of 2013” workshop, discussant with Petros Mavroidis on *Canada – Renewable Energy* disputes. Florence, June 2014
- **2014.** 14th Annual WTO Law Conference (Institute of International Economic Law Georgetown University; Journal of International Economic Law; British Institute of International and Comparative Law, London; SIEL), British Institute of International and Comparative Law, London, paper on ‘Opening Pandora’s Box. The Benefit Analysis After the *Canada – FIT* case’, May 2010
- **2014.** Graduate Institute and World Trade Institute, under the auspices of the EU and Belgian missions to the WTO, “The Future of the Multilateral Trading System”, paper on ‘The WTO in the green era: what trade responses to urgent environmental problems?’ Geneva, May 2014
- **2014.** Graduate Institute, “Annual Review of WTO Dispute Settlement: 2013”, talk on *Canada – Renewable Energy* disputes. March 2014
- **2013.** DISSETTLE Project, paper on law and economics in the subsidy laws. Bruxelles, September 2013
- **2013.** Graduate Institute, *Renewable Energy Policies: What Role for Government and Trade?* Geneva, June 2013
- **2013.** United Nations Conference for Trade and Development (UNCTAD), Forum on “Green Economy and Trade – Local-content subsidies”, paper on “Transparency: the governance issue in WTO subsidy control”. Geneva, June 2013
- **2012.** “Climate Change Subsidies and WTO Subsidy Laws: Policy Space, Law Reform, and China” in *2012 Bridges China*, organized by the International Centre for Trade and Sustainable Development (ICTSD), Geneva, September 2012
- **2012.** *Climate Change Subsidies and WTO Subsidy Disciplines* in Panel organized by the Rules Division of the WTO Secretariat entitled *The Agreement on Subsidies and Countervailing Measures - Past, Present and Future*, WTO Public Forum 2012, Geneva, September 2012
- **2012.** EUI, WTO Case Law of 2011 co-organised with the American Law Institute (ALI) (coordinated by Petros C. Mavroidis, EUI and Columbia University), with Tom Prusa, *Panel Report: US-Zeroing (Korea) DS402*, June
- **2012.** 12th Annual WTO Law Conference (Institute of International Economic Law Georgetown University; Journal of International Economic Law; British Institute of International and Comparative Law, London; SIEL), British Institute of International and Comparative Law, London, *The Boeing-Airbus saga*, May (invitation accepted)
- **2012.** EUI, Global Governance Programme Gourmet Lunches, *The Governance of Climate Change Subsidies in the WTO: Some Thoughts*, April 2012.
- **2012.** EUI, Competition and Environmental Law Working Groups, *The Regulation of Climate Change Subsidies in the WTO*, January 2012
- **2012.** LSE, LLM Brown Bag Lunch, *The Governance of Subsidies in the World Trading System: Observations*, January 2012
- **2011.** *What does Trade Law Say, or Should Say, on Subsidies for Renewable Energy (Technology)?*, in *Trade, Investment and Climate Change: Searching for Progress and Key Issues*, conference organized by the International Institute for Sustainable Development (IISD), October 2011
- **2011.** WTO Summer Academy, World Trade Institute, Berne, *Renewable Energy Subsidies*, July 2011
- **2011.** 11th Annual WTO Law Conference (Institute of International Economic Law Georgetown University; Journal of International Economic Law; British Institute of International and Comparative Law, London; SIEL), British Institute of International and Comparative Law, London, paper on *China-US Subsidy Disputes: Speculating on Local Content*, May 2010
- **2011.** Conference (London School of Economics, American Bar Association, UK Environmental Law Association), *Navigating the New Green Economy: The Challenge of Climate Change and the Opportunities for Clean Energy*, Panel on *Renewable Energy Subsidies: Trade and the WTO Disciplines*, London School of Economics, 23-24 May 2011
- **2011.** Expert Meeting on Renewable Energy Support Measures and WTO Rules, organized by the International Centre for Trade and Sustainable Development (ICTSD), Geneva, discussant, April 2011
- **2010.** Seminar on *Biofuel Subsidies and WTO Law in the International Environment and Trade Seminar: Climate Change* Georgetown University, Washington DC, November 2010
- **2010.** Research Seminar, Institute of International Economic Law, Georgetown University, Washington DC, *Seeking Legitimacy: The Case and Challenges of a New Discipline of Subsidies*, October 2010
- **2010.** *Subsidy Issues in the Free Allocation of Allowances in Cap-and-Trade Systems*, in the Panel Organized by the International Centre for Trade and Sustainable Development (ICTSD) and the Swedish Trade Board, WTO Public Forum 2010, Geneva, September 2010
- **2010.** 2nd SIEL (Society of International and Economic Law) conference, Panel ‘Towards an Energy Framework Agreement in the WTO?’, Barcelona, *Renewable Energy Subsidies: Towards a New Discipline*, July 2010
- **2010.** 10th Annual WTO Law Conference (Institute of International Economic Law Georgetown University; Journal of International Economic Law; British Institute of International and Comparative Law, London; SIEL), British Institute of International and Comparative Law, London, *Rethinking Subsidies Policy and Disputes: Key Issues*, May 2010
- **2010.** Swiss National Centre for Competence in Research, research workshop, inter-disciplinary ‘Trade Regulation’-‘Climate Change’ groups, WTI, Berne, Switzerland, *Comments on the Use of Terms and Definitions in Law*, April 2010
- **2010.** Staff Seminar, Birmingham Law School, University of Birmingham, UK, *‘Perverse’ Subsidies? The Case and Challenges for a New International Discipline of Subsidies*, February 2010
- **2010.** University of Birmingham Cross-College workshop, Birmingham, UK, *The Financial Crisis: the European Commission’s Action*, January 2010

