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**Citation:** Fahey, E. (2023). Introduction. In: Fahey, E. (Ed.), The Routledge Research Handbook of Transatlantic Relations. (pp. 1-14). Abingdon, UK: Routledge. ISBN 9781032255347 doi: 10.4324/9781003283911-1

This is the accepted version of the paper.

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**Permanent repository link:** <https://openaccess.city.ac.uk/id/eprint/34195/>

**Link to published version:** <https://doi.org/10.4324/9781003283911-1>

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### Introduction to The Routledge Handbook on Transatlantic Relations

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#### Abstract

**Keywords:** EU-US, transatlantic, governance, institutions, actors, multilateralism, international economic law, security

#### A landmark relationship

The relationship between the European Union (EU) and United States (US), as will be developed in this handbook), tends to be complex and multifaceted. Relations are variously depicted as cyclical, intergovernmental, fundamental to multilateralism and crisis-driven. They are driven also by and tend to ‘ignite’ geopolitics, as much as complex domestic issues and themes. EU-US relations are the foundation of the theoretical ‘West.’ In practical terms, they form the key plank currently and for some time of international economic law, culture and finance. More recently, they are centrally placed in the regulatory playing-field of Big Tech and global data flows (Gardner, 2020). As will be explored here, a broad range of attempts at transatlantic governance have been characterised as unsuccessful in scholarship. They raise the seemingly eternal question as to what the history of transatlantic governance indicates to us in terms of the expectations and realities of transatlantic cooperation in view of its breadth and distinctiveness, as much as the reach of the cooperation (Nicolaidis, 2005; Pollack, 2005; Young, 2009; Petersmann, 2015; Smith, 2019). Views on transatlantic cooperation and their potential have arguably retreated substantially in the post-WW2 years from calls for communities of law and transatlantic institutions (eg Stein and Hay, 1963).

The transatlantic partnership may well be an iconic partnership for a long time, fundamental to the global economy and world security. Yet it has long been one of the ‘problem children’ of international economic law for over decades (Petersmann, 2003). Moreover, the EU and US have consistently shaped international approaches to public international law, albeit distinctively and differently (Dunoff and Pollack, 2013). The role of the US in crafting the global order after World War II (WW2) was decisive, including the active promotion of European integration yet patterns of change thereafter a complex to map. Over the next 60 or so years, the transatlantic partnership was central to global events through the building of the Western liberal order and all the institutions that went with it. It has for many years been evidenced by the un-equalness or un-equilibrium of power. For much of the 20<sup>th</sup> Century, the US was evidently the stronger partner both militarily and economically. Even as Europe grew into a larger and more cohesive economic and normative power, its heavy reliance on the US security umbrella gave the US the upper hand particularly post 9/11 (O’ Sullivan, in this volume). In contemporary times, however, the EU and US constitute two of the leading global figures in trade, economics, agriculture, security and as bulwarks of the liberal global legal order post-WW2, at least until recently. The EU supported fully the US pivot to mega-regionals to exclude China and pivot away from the World Trade Organisation (WTO) framework, in particular, the Transatlantic Trade and Investment Partnership (TTIP), which quickly stalled with the advent of a new administration but which afforded the EU the change to align its post-Lisbon Trade agenda with more gusto (Griller et al.,

2017; De Ville and Siles-Brugge, 2015). It spurred a subsequently complex period for EU trade policy, which has framed itself as being based upon ‘free and open’ trade and competition but has been stymied by a defensive turn to a lexicon of strategic autonomy, digital sovereignty and multiple trade defence instruments. The Ukraine crisis has strengthened relations between the allies. At the same time, however, both structural (the rise of China) and domestic (eg ‘America first’ policy or the strategic autonomy of the EU) factors suggest that the EU-US relationship will weaken over time due to the impact of such factors, in particular on US foreign policy preferences, especially where the EU is strengthening its own foreign policy, including in the area of security and defence (Riddervold and Newsome, 2019). Yet the metrics of the relationship are often shifting across political scientists, political theory and political economy trade and data lawyers and governance scholarship, where the calibration between convergence and divergence has been complex. Within a political cycle, significant variations on the state of transatlantic relations have also followed as well as their analysis. Transatlantic Relations as a regional genre have undoubtedly shown themselves to be a vibrant source of dynamic theorisation. The place of actors, powers, competences and institutions form pivotal concepts but also far from objective ideals, imbued often with constructivism. Conflict as much as contestation and convergence is easily overplayed or overanalysed. Although a thirst for international cooperation, standards and institutionalisation is seen globally as pivotal to the success of the international economic order, such efforts arguably have often been stymied at transatlantic or domestic level. This Handbook explores many of these themes, isolating these questions in this landmark relationship.

#### [A history of failing to cooperate and disputes](#)

The transatlantic partnership is significant for its regular, high-profile and many experiments in transnational governance, mainly failed ones, often failed through components thereof rather than the sum of its parts (Petersmann, 2015; Nicolaidis and Shaffer, 2005). A recent and highly significant transatlantic digital trade cooperation, EU-US Privacy Shield Agreement, arguably was not adequately ‘policed’ by the US Federal Trade Commission and viewed with much distrust by the Court of Justice of the EU (CJEU) (Terpan, 2018; Fahey and Terpan, 2021). Other disputes constitute some of the longest ongoing of all time between WTO members and the transatlantic partnership has also not sufficed to stop the WTO Dispute Settlement body collapsing into failure (Pollock and Shaffer, 2009; Scott, 2009; Krisch, 2010; Bradford, 2020). The US and EU conduct relations pursuant to more than 35 bilateral treaties and other international agreements on subjects as diverse as trade and investment, transport, and law enforcement – a scale of cooperation comparable to the extensive network of U.S. agreements with individual EU member states (Propp, in this volume). At the same time, the failed negotiation of TTIP and the invalidation of commercial data transfer agreements such as the Privacy Shield Framework attest to the unique legal and political challenges that the EU poses for US government negotiators and how US federal law, agencies and actors are not aligned on EU law, values or policy (Propp, in this volume). A new era of transatlantic relations appears rather easily reset from US administration to the next (Fahey, 2021). Crucially though, key EU-US attempts to address global challenges at the outset of the Biden administration, evolving into a Transatlantic Trade and Technology Council, appeared to place WTO reform down the menu of an extensive agenda. In the background, the EU has had to develop a range of controversial measures and ultimately a new industrial policy of defensiveness and strategic autonomy to deal with a new era of foes from the US to China and develop the autonomy of EU law against a recent backdrop of several hostile third countries refusing to recognise its esoteric organisational and diplomatic credentials, i.e. the UK recently and US initially. To a degree, the US has also engaged in this agenda, leading the way for the EU but also aligning and synthesizing to a high degree.

Traditionally, political science accounts have contended that EU-US relations are law-light institution-light. These descriptions need certain health warnings and time limitations as to their accuracy (Fahey, 2014). At the time of writing, there were a number of high-profile and longstanding disputes between the EU and US at the WTO only recently resolved, *outside* of the multilateral institutional system, ie the WTO. Many landmarks in the history of EU-US relations in trade and technology and other areas date to the Transatlantic Declaration of 1990, expanded through the New Transatlantic Agenda (NTA) in 1995 (Pollack, 2005) have been through soft law and been evolved somewhat ironically through international organisations and a commitment to light touch commitment to multilateralism. The advent of the Trump administration appeared to give effect to an unprecedented shift in Transatlantic Relations since before World War II- but mostly - from institutions. Prior to this, the Obama-era TTIP negotiations had brought the EU and US closer to much deeper forms of cooperation (Bartl and Fahey, 2014). Countless trade wars ensued which already appears to have changed to a high degree with the Biden administration, e.g. already with the Transatlantic Trade and Technology Council (TTC) proposed immediately by the European Commission to the new Biden administration and swiftly implemented could mark a new change. Yet its law-light, institution-light characteristics are beyond dispute and it evidences a new era of negotiation, law, policy and governance of trade and technology. Equally, the Biden administration has publicly and internationally endorsed ‘soft law’ trade solutions and non-binding framework agreements as the future of international economic law, scorning conventional ‘binding’ trade agreements, arguably distinctly at odds with the EU commitment to the rule of law and binding dispute settlement.

Transatlantic relations are, however, no stranger to a series of innovative hybrid governance or soft law engagement on law-making and soft law outcomes of note, including many so-called transatlantic dialogues over the years (Pollack and Shaffer, 2001). Whether they generate higher standards for the other party or not is arguably less of the focus for some time, more the conflict, convergence and contestation processes (Bermann et al., 2000; Scott, 2009). Whether they have contributed to the worsening of global governance through eg the dominance of big business instead of civil society concerns remains to be proven, but increasingly sensitive in the era of Big Tech. Many other *formal* law-making processes take place against this difficult backdrop (Fahey, 2014; Jančić, 2015). It can be easily suggested that the history of transatlantic relations shows a fine line between cooperation and conflict, although the forum for both is similar. One of the most significant sites of transatlantic ‘law-making’ has been until recently at the WTO. Yet it is here also where the EU and US have displayed their starkest differences as to the rule of law, interpretive legitimacy and the place of dispute settlement and courts. Most disputes between the EU and US have taken place before the WTO Dispute Settlement Body (DSB) in recent times, until at least the demise of the WTO DSB in late 2020 (Pollack and Shaffer, 2009; Petersmann, 2015). There, the EU and US have historically been involved in most disputes and have arguably contributed to its legalization, downfall and legitimacy deficit.

### Framing shifts in the landmark relationship

Often, the policy shifts of EU-US relations are complex to discern. As Riddervold and Newsome (2019) state, at a first glance, the EU-US relationship seems stronger than ever. At the time of writing, the two stand firmly together in a strong and coordinated response to Russia’s invasion of Ukraine and the crimes against humanity that has followed. But does this suggest that transatlantic relations are back to normal after the tumultuous Trump years and the US’ pivot to Asia? Lately, the EU and US may be embarking on a new period of policy and in particular regulatory cooperation, one less focused on the technical differences between their rules and more

focused on what shared objectives they have, particularly in relation to China (Young, in this volume).

The failings and failures of transatlantic cooperation through law are plentiful, doomed to failure through non-compliance, plagued with sub-optimal remedies (Pollack and Shaffer, 2009; Petersmann, 2003; 2015; Petersmann and Mayr, 2017; Gardner, 2020). The EU-US Joint Agenda for Global Change included a Transatlantic Trade and Technology Council (EU-US TTC), putatively developing a loose institutionalisation of key global challenges, which is focussed upon in many chapters of this Research Handbook. The EU proposed as part of its global change agenda a TTC –centered upon multiple working groups. The span of areas of policy and the prominence of international law instruments therein indicates the vast ambitions of the transatlantic partnership in global policy-making, explored well in this handbook. Yet it is couched in soft law as much as multilateralism and these parallel legal tracks evidence its lack of convergence and limited institutionalisation to convergence further.

EU-US relations have generated multiple complex data transfer agreements, that have spawned many esoteric formulations of governance and several struggles between the EU and US as to the balance between security, surveillance and privacy (Farrell and Newman, 2019; Cole et al., 2017; Fabbrini et al., 2021; Terpan, 2018). In the post-9/11 period, the place of civil liberties in Europe have been understood to have been adversely affected by the transatlantic relationship and the norm promotion it generated (Mitsilegas and Vavoula, 2017; Cremona et al., 2011 ). Transatlantic relations may have entered a new era after the CJEU decision in *Schrems II* (CJEU 2020) propelling a new Transatlantic Privacy Framework resulting in a Transatlantic Data Review Court and binding standards, yet its execution will be far from straightforward.

Chapters in this Handbook across sections traverse directly and indirectly a vast scholarship on the mutual and external influence of transatlantic standards and of the directions of transatlantic law-making, also demonstrating global effects and significance for law and governance scholarship as well as the study of integration and transnationalism (e.g. Schaffer, 2000; Scott, 2009; Vogel, 2012; Bradford, 2020).

The project views ‘framing’ here thus also as a multidisciplinary exercise in order to frame shifts in law-making, governance and norms.

### Framing actors and institutions in EU-US relations

The *place, actors and structures of a particular time* are thus of much significance also. ‘The Transatlantic Declaration (TAD) was adopted in 1990 at the Paris CSCE Summit with then US President Bush, Prime Minister Andreotti of Italy and Commission President Delors which established an institutional framework for transatlantic consultations. In, 1995 the EU-US Biannual Summit took place in Madrid with US President Clinton, Prime Minister Gonzales of Spain and President Santer of the European Commission adopted the New Transatlantic Agenda (NTA) together with a Joint EU-US Action Plan. The Agenda and Plan codified the mechanics and the substance of the transatlantic relationship and demonstrated Europe’s progress toward unity and the US commitment to a “Europe whole and free” following the fall of the Berlin wall on 9 November 1989, the first “réalisation concrète” in Schuman/Monnet language since President Kennedy’s speech of 4 July 1962 at Philadelphia’s Independence Hall when he proposed a “transatlantic partnership of equals” and a “Declaration of Interdependence” between the New World and the New Europe (Burghardt 2015).

The WTO has arguably subsequently operated as the most centralised and focus point of transatlantic engagement at multilateralism at least until the collapse of the dispute settlement system through the (in)action of the US, in part at least.

Members of the US Congress and the European Parliament have been meeting regularly since 1972. Nevertheless, it was only in 2010 that one side established a dedicated structure with the explicit task of channelling and deepening ties between the two legislatures- a European Parliament Liaison Office (Dunne, in this volume). Operating *outside* of legal strictures and structures or on the margins thereof e.g. as to extraterritoriality is also a key hallmark of transatlantic engagement on certain fronts (see Poli; Van Elsuwege; Szep, in this volume). Historically, many have sought an ‘Atlantic Community of Law’, a ‘Transatlantic Marketplace’ or a ‘Transatlantic Civil Society’ to be forged between the EU and US. Such entities have been mooted with a view to creating a transatlantic polity of sorts, inter alia for economic, political and even socio-cultural reasons (Fahey and Curtin, 2014). The lack of Transatlantic Institutions, from a Court to a legislature or political union or sorts has long been a lament of many commentators (Stein and Hay 1963). The possibility of a Transatlantic Data Review Court or Transatlantic Parliament or Political Union is discussed by many in this Handbook (Fahey and Terpan, in this volume; Dunne, in this volume; Jančić, in this volume, who consider in part how these developments link to past and present institutional and other actors.

Writing in the early 2000s when the EU and US appeared disinterested in alternatives to dispute settlement outside of the WTO and form of judicialisation or oversight, Petersmann wrote that: ‘Since EU and US politicians may have no self-interest in limiting their policy discretion by additional judicial restraints, how can EU and US citizens defend their constitutional interests in judicial protection of maximum freedom and other human rights across frontiers? What can academics do to promote rule of law, judicial dialogue, and co-operation between national and international courts in transatlantic relations?...’ (Petersmann, 2003). They constitute prescient observations as to the challenges of transatlantic institutions and institutionalisation. Temporal evolutions are significant however in EU-US relations. As Dunne outlines in this Handbook, Transatlantic Declaration on EC-US Relations of 1990 and the New Transatlantic Agenda (NTA) of 1995. Both explicitly mentioned parliamentary cooperation As early as 1984, in the first term of the directly-elected Parliament, the EP adopted a resolution oping that the Parliament could arrange to “be represented in its own right at [the Commission’s] delegation in Washington”. Nearly two decades later, in 2006 the idea then secured full EP approval, for the idea of a permanent EP presence in Washington DC, fully achieved and operationalised at the time of writing as his account explains further. Indeed, subsequently, it can be said now that the European Parliament (EP) and Congress aim not only to influence their executive branches but also to act autonomously in the transnational arena through parliamentary diplomacy. They seek to secure concessions both formally by scrutinizing transatlantic international agreements, and have created capacities for internal scrutiny and transnational interparliamentary dialogue to gain greater presence, visibility and influence in international affairs (Jančić, 2016).

### State of the art problems

This Research Handbook considers the state of the art of transatlantic relations, broadly conceived. In some subjects, it transpires that this can be more discreet or policy-specific and descriptive whereas in others a longer-term view on a subject, discipline or genre is taken. The deliberately broad ‘take’ of this handbook can hopefully be ‘forgiven’ with this caveat or open misdemeanor in mind, to allow for a broader disciplinary engagement and include as many

contributions as possible, from academia, practice, policy-makers, think-tanks to former diplomats and policy-makers. This Research Handbook moreover takes a broad view of the concept of the transatlantic (including its broader formulations as to North American and the Anglo-American spheres for example) and EU-US relations and considers a diverse, lively and multifarious grouping of subjects across contributors and fields and reflections upon a range of questions as to the actors of transatlantic relations.

From politics, to international relations (IR), to economics to political economy and more, there are a host of backgrounds and disciplines captured in this Handbook. It considers the direct and indirect engagement of transatlantic actors with global governance, as to international organizations, international law, regional development, multilateral policy making and initiatives to ignite transatlantic law-making, growth and evolve its place in transnational standard-setting. The Handbook themes thus considers the transatlantic impetus to evolve trade and technology as much as its output- and beyond, to wider fields such as security and defiance. The Handbook across contributions reflects upon the externalities of transatlantic trade and technology, economics, politics, security and defence in global governance. The Handbook draws many perspectives of law, politics and economics, including EU law, international law, international relations, global governance and transnational rule-making scholarship to frame contemporary transatlantic relations. Leading new research on interactions between the EU and US legal orders is thus captured. This handbook considers how the transatlantic relationship constitutes one of the most established and far-reaching democratic alliances globally, that has propelled multilateralism, trade regulation and the EU-US relationship in Global Challenges. The Handbook probes the key technical, procedural and policy issues for the US of dealing with, negotiating, engaging and law-making with the EU that challenge and evolve existing international organisations law and EU external relations, marking key shifts in its actorness. Key themes also include EU and US cooperation in the digital age, the EU-US relationship inside and outside of IOs and a new institutional infrastructure for EU-US trade and technology. The EU and US have been pivotal historically in developments towards convergence in international law and the institutional frameworks underpinning them. The book reflects upon these sites of EU and US engagement. These debates have resonance with how we understand the shifting transatlantic agenda in diverse areas from human rights, trade, security, and the capacity of the transatlantic relationship to set new international agendas, standards and rules.

We hope that the reader finds a stimulating set of accounts of a past, present and vibrant future research agenda.

Next, a brief outline of the Handbook text is set out.

### [Overview of the main fields and themes considered](#)

The Handbook is organized in 24 chapters around four core themes: I. EU-US intra-organization relations, II. Trade, Investment and Cooperation in Transatlantic relations, III. Norm promotion practices of the EU and US in the digital age and IV. The political and economic character of transatlantic relations. The span of the chapters thus takes into account a vast array of fields. The selection thus of four themes is also rather arbitrary but hopefully the reader will agree that the themes span the conceptual and practical core functioning and locus of the transatlantic partnership- a complex study of global governance; also a study of the world's largest economic area and key drive of the digital economy.

In Part I EU-US intra-organization relations, the section takes a span of policymakers and theorists, which is ‘structuralist’ in its focus but also focusing on how the EU and US have addressed global challenges separately and also together.

Dunne in *Connecting the US Congress and the European Parliament: The Work and Role of the EP Liaison Office in Washington DC* outlines the evolving role and historical context of the European Parliament Liaison Office (EPLO) in Washington DC as a vivid work in progress from the perspective of a policy-maker. He shows how the EPLO has added an important ‘hard’ dimension to institutionalising the EU-US inter-parliamentary relationship. An array of factors - the huge boost given to EU-US relations as a result of the Ukraine crisis, which slowed down the policy ‘pivot to Asia’ and brought the European Union into sharper focus; a new realisation of the importance of the European Parliament in influencing and delivering privacy, climate, digital, antitrust and online platform regulation emanating from the EU, the exponential development of virtual interactions during and since the Covid-19 pandemic, and the increasing intensity of parliamentary contacts - are all combining to change traditional attitudes in the Congress. O’ Sullivan in *EU-US Relations in a Changing World* drawing from practice outlines the many diplomatic challenges of the diplomatic organization, content and actions of the EU engaging with the US. When it speaks and decides with one voice, it can have huge influence, such as when it adopted EU regulations on data privacy which have become the *de facto* global standard. But, as often as it speaks with one voice, the EU can end up speaking with the voices of its 27 members. This is confusing for friends and adversaries alike. He argues that few in Washington, beyond specialists and policy wonks, really understand how the EU works and how to deal with it and yet the legal and policy outcomes have evolved immeasurably across administrations, at least until the Trump administration. Propp exposes deftly in *Negotiating with the European Union – A US Perspective* the complexity of negotiating with the EU from a US perspective in practice. Relations between the United States and the European Union on law enforcement and security matters have come to be grounded in a series of binding international agreements. U.S. negotiators he maintains remain frustrated by the obscurity of mixed competence, but they have persevered where the practical benefits of proceeding with Brussels are clear. A lingering U.S. preference for bilateralism nevertheless sometimes comes to the fore.

In the chapter of Jancic *Transatlantic Parliamentary Cooperation at Fifty*, they outline how the transatlantic relationship furnishes an enduring space for parliamentary diplomacy, norm entrepreneurship and coalition building. It enables EU and US parliamentarians to discuss legislative, regulatory and general political developments; debate their respective approaches to bilateral initiatives (like the TTC) and shared international challenges (like Russia’s invasion of Ukraine); and to identify divergences and consider ways to address them. Roger in *The Rise of Informal International Organizations* using a substantial data set argues that the shift towards informality in international organisations has primarily been a product of changing cooperation problems and two major domestic shifts that have subsequently projected outwards and reshaped the Transatlantic order. Van Elsuwege and Szep then in *The Revival of Transatlantic Partnership? EU-US Coordination in Sanctions Policy* show how both the EU and US increasingly use sanctions as an important foreign policy tool and aim to reinforce the impact of their measures on the basis of close coordination. Significantly, this coordination is not based on formal legal or institutional structures but is essentially informal and political. Whereas the existence of geopolitical threats such as Russia’s military aggression against Ukraine and new security challenges from emerging powers such as China and India stimulate a revival of the transatlantic partnership, leading to increased sanctions coordination, frictions about the extraterritorial application of unilateral sanctions cannot be excluded. Poli in *The EU and US Global Human Rights Sanction Regimes: Useful Complementary Instruments to Advance*

*Protection of Universal Values? A Legal Appraisal* outlines how the EU has been far more selective in using restrictive measures than the US in the case of human rights breaches. In contrast to the US Global Magnitsky Programmes, the EU scheme can be considered residual with respect to third country sanctions regimes. Poli shows how the two Global Human Rights Sanction programmes are useful legal instruments that complement other diplomatic tools used by the US and EU to reinforce respect of human rights. Finally, in Part I, Friis and Bolstad argue persuasively in *NATO and Transatlantic Security Relations* that a combination of strong US engagement and leadership with a broadly shared threat perception among Allies (primarily towards Russia) is the combination that continues to make NATO a significant embodiment of transatlantic security relations.

Part II., Trade, Investment and Cooperation in Transatlantic Relations, sets out many key questions of the partnership relating to trade, arguably, the high-water mark of cooperation.

Petersmann in *Transatlantic Economic and Legal Disintegration? Between Anglo-Saxon neo-liberal nationalism, authoritarian state-capitalism and Europe's ordo-liberal multilevel constitutionalism* argues that path-dependent value-conflicts among Anglo-Saxon neo-liberalism, authoritarian state-capitalism, Europe's multilevel constitutionalism and 'third world conceptions' of regulation will continue to distort 'regulatory competition'. The geopolitical rivalries impede transatlantic leadership for protecting the universally agreed sustainable development goals. Thereafter, Grigorova in *Reverberations of the CJEU Achmea B.V. Decision in The Transatlantic Space* analyses and categorizes the different approaches adopted. Focusing on the cases recently decided by US courts, the chapter also tentatively assesses the issues raised before these courts, as well as the potential relevance of the practice on this issue in other jurisdictions. Through this analysis, the chapter aims at drawing more general conclusions as to the relevance accorded to EU law by investment tribunals and by US courts, and as to the potential theoretical and practical implications of these decisions. Verellen next in *Imperial Presidency versus Fragmented Executive? Unilateral Trade Measures and Executive Accountability in the European Union and the United States* by means of a comparative analysis of executive accountability in unilateral trade policy in the United States and the EU, describes this transformation of executive power in the EU and the accountability gaps it risks amplifying. Dekeyrel in a highly topical piece at the time of writing entitled *Transatlantic energy relations: A brief history and a tentative outlook* analyses the evolving dynamic of EU-US energy relations through the lens of securitisation theory. It considers how transatlantic energy realities diverged in the 2000s as the American Shale Revolution transformed the US from the world's largest importer of energy into an energy-producing superpower, while the EU's supply picture gradually worsened as its relations with Russia deteriorated. Secondly, it studies transatlantic energy relations during the 2010s, analysing Europe's attempt to emulate the US shale boom, the birth and expansion of the transatlantic gas trade as well as US support for EU diversification and opposition to Nord Stream 2. Thereafter it analyses the securitisation and paradigm shift in EU energy policy following Russia's invasion of Ukraine, and explores its implications for transatlantic energy relations. Next, Egan in *Taking Back Control: The Political Economy of Investment Screening in US and EU* highlights the sectoral and geographic scope of foreign direct investment, the different investment policy responses across two economic crises, and the efforts to work together through the new Transatlantic Trade and Technology Council. It assesses whether there is an opportunity to further align the U.S.-EU partnership and learn to cooperate to deal with threats posed to both their national security and strategic economic interests.

In Part III. Norm promotion practices of the EU and US in the digital age, the handbook considers a range of themes as to the digital area and cooperation in this context, often plighted by complex global governance.

Terpan and Fahey in *The Future of the EU-US Privacy Shield* outline how soft law and its complex enforceability, construction and classification is a thorny one and EU-US relations has contributed to many of these challenges through an evolving variety of increasingly complex, novel or simply hybrid transatlantic instruments. The chapter discusses whether a solution is possible to frame and stabilize the transfer of data between European Union and the US. For this, we will come back to the Safe Harbour and the Privacy Shield, in a first section, to get a clear view of why these arrangements were deemed inadequate. A second section will explain the situation created by the ruling in *Schrems II* while a third one will explore the possible evolutions of the data transfer regime, considering the on-going discussions between EU and US authorities. Kendrick in *The EU and US Transatlantic Agendas on Taxation* considers both EU and US transatlantic agendas on 'fair' corporate taxation in a digitalised economy. What will become apparent is that both the EU and the US are trying to ensure that their own transatlantic agendas on taxation become the basis of the new norms of the digital age. Both the EU and US transatlantic agendas on taxation therefore demonstrate a desire to harmonise corporate tax to make it 'fair' in order to facilitate new norm promotion practices in the digital age, but according to their own agendas. Kowalski in *Transatlantic regulation of digital platforms' anticompetitive unilateral behaviours: the 'beneficial' divergence between EU and US antitrust law* explores the concept of 'beneficial divergence' between EU and US antitrust and whether at least some of these features can serve as a 'development platform' to improve EU antitrust law. The chapter examines recent case law concerning digital platforms and looking features characterising the different analytical frameworks and, therefore, convergence and divergence between the EU and US legal system of competition. Tzanou in *Who Occupies the Transatlantic Data Privacy Space? Assessing the Evolving Dynamics, Underlying Reasons and the Way Forward* argues that the EU-US data privacy relations are complex, multifaced, constantly evolving and rooted on a combination of different underlying reasons some of which are unrelated to the transatlantic space. It explores the evolving dynamics of the EU-US data privacy relations by focusing on their different layers of complexity, examines the potential justifications of these troubled relations and offers some suggestions regarding the potential ways forward in light of recent developments.

Finally in Part IV: The Political and Economic Character of Transatlantic Relations, the Handbook takes a broader perspective on the characterization of the transatlantic relationship, looking beyond trade issues.

Young in *The transatlantic regulatory relationship: limited conflict, less competition and a new approach to cooperation* the European Union and the United States are considered the world's two regulatory great powers. As they both have relatively open economies and their economic relationship is very complex regulatory differences are the primary grit in the transatlantic economy. These differences sometimes result in high-profile trade disputes and contribute to perceptions of regulatory competition. Regulatory differences have also prompted extensive efforts to mitigate their adverse economic effects through cooperation. The chapter surveys transatlantic regulatory conflict, competition and cooperation. Morita-Jaeger and Holmes in *Bilateral, Trilateral or - Quadrilateral? The UK - US Relationship in a Global Context* look at a range of data and consider the economic facts by analysing UK-US trade and investment relations and examine economic and political factors that shape the UK's government aims in promoting the UK-US bilateral trade relationship from pre-Brexit to post-Brexit since domestic

politics plays an important part in analysing foreign policy. They explore key factors that affect the relationship in the international context and provide some reflections on how the UK-US bilateral trade relationship could evolve. Parmar and Ledwidge in a rich and thought-provoking piece, *Anglo-American Power in the Wake of Brexit and America First: A Crisis at the Heart of the Liberal International Order* argue that the Anglosphere is an *imperial transnational historic bloc* of powers rooted in nineteenth-century racialised Anglo-Saxonism, British imperialism and the white dominions of the Commonwealth. After 1945, the Anglo-American alliance forged in WW2 consolidated in the ‘rules-based liberal international order’ (Vucetic, 2011; Elkins, 2022). They argue that realist and liberal-internationalist theories legitimise the liberal order, characterise the Anglosphere as a force for good, as an equally elite and mass-led hegemonic project, or a mixture of both. It aims contributes to a deeper understanding of Anglo-American power, regarding their declining position in the global system, and their anxieties about decline that is prevalent in Anglospheric discourses about America First, Global Britain and attitudes to non-white powers like China, in addition to the European Union. Felbermayer and Braml in *The Measurement, Structure and Dynamics of the Transatlantic Current Account* argue from an economics perspective- and drawing from significant data, that the success of transatlantic trade policy cannot and should not be measured by the sign of the bilateral trade balance or the growth of exports. The current account – with all its sub-accounts on goods trade, services trade, primary and secondary income – is far better suited to assess economic ties between countries than the sole focus on merchandise goods trade including all its sub-accounts. Transatlantic trade policy is characterized by notable attempts to liberalize trade in the 90ies and 2010s, which ultimately have failed. Recent developments such as the set-up of the Transatlantic Trade Council (TTC) suggest that EU-US trade policy is increasingly shaped by geopolitical considerations. Next, Finbow in *Asymmetry and Civil Society Backlash: Changing European Calculations in Trans-Atlantic Investment Relations from CETA to TTIP and Beyond* examines the recent history of EU’s transatlantic investment relationships with Canada and the United States. It compares the provisions in the Canada-European Union Comprehensive Economic and Trade Agreement (CETA) with the European Union’s proposals for a Transatlantic Trade and Investment Partnership (TTIP) with the US. It is based on background interviews, official policy statements, ratified agreements, draft texts, and academic analyses. It considers stakeholder and official views of the benefits, costs, and controversies of an investment chapter. Last but not least, Riddervold, Newsome and Didriksen in *Transatlantic Relations in a Changing World* drawing from a range of studies discuss the factors that contribute to explain a stable or changing relationship in the transatlantic context and synthesise well the broader debates that the final section of the Handbook seeks to capture. It finds that EU-US relations are robust in many contexts and settings. They also identify several mechanisms that help explain why this stability exists, including the presence of common institutions, soft institutionalization through shared feelings of commonality, the engagement of non-state actors such as expert communities, and the extent to which the US takes the lead in the face of serious crises. It is obvious that the Russian invasion of Ukraine has helped to enhance relations between the allies. However, at difference to previous periods in the relationship, domestic and structural factors suggest a longer term weakening of the relationship.

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