Transatlantic Law Journal

In cooperation with DAJV Deutsch-Amerikanische Juristen-Vereinigung e.V.

TLJ 1/2025

January 2025 · Volume 3 · Issue 1 · Pages 1-48

Editorial Board

George A. Bermann, Professor at Columbia Law School; James H. Boykin, Partner at Hughes Hubbard & Reed; Charles N. Brower, Judge of the Iran-United States Claim Commission, Former Acting Legal Adviser of the U.S. Department of State; Franco Ferrari, Professor at NYU School of Law; Stephan Harbarth, President of the German Constitutional Court; Claudia Junker, General Counsel for Deutsche Telekom AG; Juliane Kokott, Advocate General, Court of Justice of the European Union; Alexander Lorz, Minister in the German Federal State of Hessen; Thomas Meiers, Legal and Integrity, Volkswagen AG; Thomas Pfeiffer, DAJV President and Professor at Heidelberg University; Catherine Rogers, Professor at Bocconi University; Norbert Röttgen, Member of German Parliament and Foreign Affairs Committee; Giesela Rühl, Professor at Humboldt University Berlin; Anahita Thoms, Partner at Baker McKenzie; Stephan Wilske, Partner at Gleiss Lutz; Diane P. Wood, Director of the American Law Institute and Senior Judge of the U.S. Court of Appeals for the 7th Circuit

Editorial Team

Stephan Wilske and James H. Boykin (editors-in-chief), Matthew Adams, Zelda Bank, Björn P. Ebert, Todd J. Fox, Martin Gusy, Lukas Hollerung, Blerina Jasari, Hannah Kim, Clemens Kochinke, Noelle V. Krahn, Tamara Kraljic, Ian Pate, Konstantin Schönleber, Jan-Christian Spetzger, Allison Torline, Friedrich Weyland

Content

Editorial

- 1 Stephan Wilske/James H. Boykin Pre-Editorial from the Editors-in-Chief on a First Complete Volume and Interesting Times Ahead of Us
- 3 Mark S. Bergman A Fraught Landscape – What the Trump Domestic Agenda Could Mean for Those Engaging with the Administration from Overseas

Articles

14	Juliane Kokott The European Court of Justice and Investment Control
19	John M. Barkett The Roberts Court 2024-25: A Preview (Part 2)
23	Robert Stendel Federalism As 'Laboratory [for] Novel Social and Economic Experiments' On Both Sides of the Atlantic
26	Luísa da Silva Santos/Marta Duarte Silva/Jacqueline Bara Portugal's Golden VISA
29	Kristina Winkelmann/Swita Gan Pay-for-Delay Agreements Under EU and China Antitrust Scrutiny: Insights for U.S. Pharmaceutical Companies Operating Across Markets

Case Law

34	Matthew Adams
	No Constitutional Right to Bring One's Spouse to the U.S
	Department of State v. Muñoz, 602 U.S. (2024)

- 37 Sophia-Marie Klingler On a Book "Legal English for Business" by Rinscheid/Miller, or: the Continued Need for Well-Researched Literature in Competition with Online Resources
- Björn P. Ebert/Stephan Wilske
 A Look at the Transatlantic Bookshelf

In a Nutshell

41 In a Nutshell

Last Words by Dr. Strangelaw

46 The EU Commission's Overstrung Reluctance vis-à-vis Public International Law, or: How to Turn an Authoritarian Politician into a Folk Hero

ISSN 2941-3052

TLJ Transatlantic Law Journal

Editor in Chief:

Prof. Dr. Stephan Wilske (Responsible according to German press law) Gleiss Lutz Hootz Hirsch PartmbB Rechtsanwälte, Steuerberater Lautenschlagerstr. 21 70173 Stuttgart email: editors@tlj.law

Contact person for the publisher: Dr. Sebastian Pech c/o Verlag C.H.Beck GmbH & Co. KG Wilhelmstraße 9 80801 Munich, Germany postal address: Postfach 400340 80703 Munich, Germany email: sebastian.pech@beck.de

Manuscripts and other submissions: All submissions are to be sent to editors@tlj.law. No liability arises for unsolicited submissions. The acceptance to publication must be made in text form. Through acceptance the author transfers to the Verlag C.H.Beck the exclusive geographical and unlimited temporal right to reproduce and distribute in physical form, the right to grant public access or any reproduction thereof, the right to include in databases, the right to store on electronic data carriers and the right to the distribution and reproduction thereof as well as the right to other use in electronic form. This also includes any usage rights

that are presently unknown. This does not affect the author's mandatory secondary right (§ 38 (4) of the German Copyright Act (UrhG)) after the expiry of 12 months following publication.

Guidelines for submissions: For formal requirements refer to editors@tlj.law.

Copyright and publisher's rights: All contributions published in this journal are protected by copyright. This also applies to the published court decisions and their summaries to the extent they have been edited or compiled by the contributor or managing editor. The copyright protection also applies to databases and other similar systems. With the exception of the narrow uses permitted by German copyright law, no part of this journal may in any form be reproduced, distributed, made publicly accessible, included in databases, saved on data carriers or reproduced, distributed or utilised in any electronic form without written approval from Verlag C.H.Beck. The Publisher also reserves the right to use the work for automated analysis including, but not limited to, patterns, trends and correlations.

Advertisements:

Verlag C.H.Beck GmbH & Co. KG, Media Sales, Wilhelmstraße 9, 80801 Munich (Germany); postal address: Postfach 400340, 80703 Munich, Germany Media Consultants: phone: +49 (0)89 381 89-687, fax: +49 (0)89 381 89 -589, email: mediasales@beck.de Order Management: phone: +49 (0)89 381 89-609, fax: +49 (0)89 381 89 -589, email: anzeigen@beck.de Contact person for advertisements: Dr. Jiri Pavelka

Publishers:

Verlag C.H.Beck GmbH & Co. KG, Wilhelmstraße 9, 80801 Munich, Germany; postal address: Postfach 400340, 80703 Munich, Germany; www.beck.de; phone: +49(0)89 3 8189-0, fax: +49(0)89 3 8189-398, info@beck.de

Bank account: Postbank München IBAN: DE82 7001 0080 0006 2298 02, BIC: PBNKDEFFXXX

Registration Court (Registergericht): Local Court of Munich (Amtsgericht München), HRA 48045 Managing partners: Dr. h. c. Wolfgang Beck (publisher in Munich) and

C.H.Beck Verwaltungs GmbH, Local Court of Munich, HRB 254521

Publication:

Every two months

Subscription charges 2025:

Have the price ≤ 250.00 (incl. VAT). Issue price ≤ 45.00 (incl. VAT). Costs of delivery are not included. Invoicing is at the beginning of a payment period. Complaints about copies that have not been received may only be made within six weeks following the date of publication. For members of Deutsch-Amerikanische Juristen-Vereinigung (DAJV) e.V. the price is included in the membership fee.

Orders may be made in every bookstore and through the publisher Verlag C.H.Beck.

Customer Service:

phone: +49 (0)89 3 81 89-750 fax: +49 (0)89 3 81 89-358 email: kundenservice@beck.de

Cancellation:

Details on the cancellation policy are available under: https://www.beck-shop.de

Change of address: Timely notification of a change of address is requested. When informing of a change of address, please provide the name of the journal as well as the new and previous address.

Notification according to Art. 21 (1) GDPR: The Deutsche Post AG may inform the Verlag C.H.Beck of a change of address if no forwarding instructions have been given. An objection may be made at any time to the Deutsche Post AG. The objection does not have retrospective effect.

Printers: Druckerei Himmer, Steinerne Furt 95, 86167 Augsburg



chbeck.de/nachhaltig produktsicherheit.beck.de