

**KCL-Assas Workshop on EU law and
investment arbitration London
6th-7th of October 2022
Council Room, Strand**

Programme

The European Union seems to persist in its efforts to shape the investment arbitration landscape, through a combination of political initiatives and Court of Justice (CJEU) caselaw. For instance, these relate to the termination of intra-EU Bilateral Investment Treaties, the negotiations for the establishment of a Multilateral Investment Court, and the modernisation of the Energy Charter Treaty. Such initiatives have often met resistance, and been at times attributed to (neo-)protectionist tendencies. The CJEU has been criticised for safeguarding its own jurisdiction at the expense of comity to international law and tribunals grounded thereon. At the same time, the EU has invoked a series of justifications, ranging from the practical to the normative, such as relating to the rule of law and the protection of European regulatory autonomy.

This workshop will bring together scholars from King's College London and Paris Panthéon Assas University to explore the fundamental research question of what, if any, is the role of the European Union in shaping the existing investment arbitration paradigm. This will enable fundamental conclusions as to the role of the EU in global economic governance, and the relevance of the EU as a global actor.

DAY ONE: 6th October 2022

13:00-13:15 – Welcome by Dan Hunter, Dean of Law

Introduction by the coordinators Marie Goré & Oana Stefan

13:15-14:30 Keynote by Christopher Vajda KC

King's College London and Monckton Chambers.

14:30-15:00 Coffee Break

15:00-16:30 Actors Part I

Chair: Marie Goré, Assas

Discussant Matthieu Gregoire, 4 New Square Chambers.

Jean-Baptiste Racine, Assas

International investment arbitration after Achmea case law: the view of arbitral tribunals (battle or dialogue)

Takis Tridimas, King's College London

EU law and investment arbitration: ships passing through the night? Achmea, Komstroy Opinion 1/20 and strategic autonomy

Manuel Penades, King's College London

Beyond investment arbitration – EU law and commercial arbitration: friends or foes?

16:30-17:00 Coffee Break

17:00 – 18:30 Actors Part II

Chair: Andrea Biondi, King's College London

Discussants: Elaine Fahey, City, University of London & Ridhi Kabra, Three Crowns LLP

Malik Laazouzi, Assas

Intra-EU objection to the jurisdiction of investment tribunals: recent French case law

Claire Crépet Daigremont, Assas

The European project of a Multilateral Investment Court: progress in UNCITRAL WGIII negotiations

Holger Hestermeyer, King's College London

What EU law requires? from ISDS to ICS to MIC

18:30 Drinks reception

DAY TWO: 7th October 2022

09:00-10:30 Norms

Chair: Oana Stefan, King's College London

Discussant: Katia Finkel, Associate, Baker McKenzie

Mark Konstantinidis, King's College London

Investment arbitration and the rule of (EU) law: between the self-sufficiency and the promotion of norms

Tunde Ogowewo, King's College London

Investment Disputes - Viewed from the Prism of the Sovereign

Bilal Makhloufi, Assas

The applicability of the Brussels I Bis Regulation in matters of arbitration and the recent developments in case law

10:30-11:00 Coffee Break

11:00-12:30 Processes

Chair: Sir Francis Jacobs KCMG KC, King's College London

Discussant: Sir Nicholas Forwood KC White&Case Brussels

Camille Bonis, Assas

The Komstroy case and its effects on the practice of mobilizing protected rights within the EU

Adeline Jauneau, King's College London

Eco Swiss and Achmea through the prism of the public policy concept

Federico Ortino, King's College London

EU law and the modernisation of the Energy Charter Treaty – Komstroy and Opinion 1/20

12:30 – 13:00 – Oana Stefan and Marie Goré, Conclusion and next steps