

# 5<sup>th</sup> EFILA Annual Conference

30 January 2020

## Investment Protection in the EU: Alternatives to intra-EU BITs



Herbert Smith Freehills  
Exchange House, Primrose St  
London

**Diamond sponsor & host:**



**HERBERT  
SMITH  
FREEHILLS**

**Platinum sponsors:**



**MANNHEIMER  
SWARTLING**

**WHITE & CASE**

**Gold sponsors:**

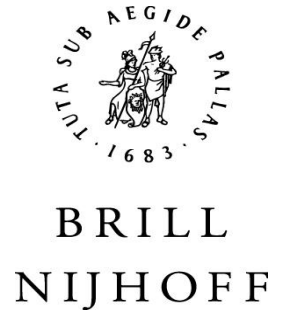
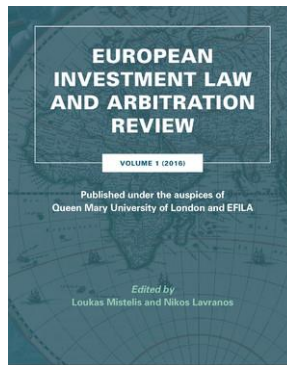
**VAN BAEEL & BELLIS**

 **NORTON ROSE FULBRIGHT**

*Silver Sponsors:*



***Cooperation partners:***



غرفة البحرين لتسوية المنازعات



*Bahrain Chamber for Dispute Resolution*

***Media partners:***



## 5<sup>th</sup> EFILA Annual Conference

### Programme

08:30-09:00 Registration and buffet breakfast sponsored by

09:00-09:15 **Welcome Address by Chair of the Executive Board of EFILA**

**Prof. Loukas Mistelis (Queen Mary University of London and Chair of the Executive Board of EFILA)**

09:15-10:45 **Panel 1: Investment/investor protection under EU law?**

**Chair: Judge C. Vajda (Court of Justice of the European Union)**

**Panellists:**

Alejandro Garcia (Partner, Clyde & Co.)

Raffaella Assetta (European Commission, deputy head of unit DGFISMA)

Dr. Patricia Nacimiento (Partner, Herbert Smith Freehills Germany LLP)

Dr. Alexandra Diehl (Partner, White & Case)

10:45-11:15 Tea/coffee break sponsored by

11:15-12:45 **Panel 2: Alternative tools for effective investment/investor protection**

**Chair: Prof. Nassib G. Ziadé (CEO of the Bahrain Chamber for Dispute Resolution (BCDR-AAA))**

**Panellists:**

Mark E. Appel, Esq. (Arbitrator, Mediator, ArbDB Chambers)

Mélida N. Hodgson (Partner, Jenner & Block LLP)

Eloïse M. Obadia (IFC/WorldBank)

Prof. Gerard Meijer (Partner, Linklaters)

12:45-14:00 Lunch break sponsored by



**14:00-15:30**

**Keynote Speech: Meg Kinnear, Secretary General of ICSID**

*“Alternative Dispute Resolution in Investment – The Role of Complementary Mechanisms and Approaches”*

**Chair: Lord Goldsmith QC (Partner, Debevoise & Plimpton)**

**Commentators:**

Monty Taylor (Partner, Arnold & Porter)

Prof. Stephan Schill (University of Amsterdam)

Dr. Paschalis Paschalidis (Senior Associate, Shearman & Sterling)

Arne Fuchs (Partner, McDermott Will & Emery)

Mirjam van de Hel (Partner, NautaDutilh)

**15:30-16:00**

Tea/coffee break sponsored by  **NautaDutilh**

and 2019 Essay Competition Prize giving ceremony sponsored by



BRILL  
NIJHOFF

 **NORTON ROSE FULBRIGHT**

**16:00-17:30**

**Panel 3: The future of the ECT and intra-EU ECT disputes**

**Chair: Dr. José Ángel Rueda García (CUATRECASAS)**

**Panellists:**

Robin Rylander (Senior Associate, Mannheimer Swartling)

Dr. Wojciech Sadowski (Partner, KL Gates)

Luciana Ricart (Counsel, Curtis, Mallet-Prevost, Colt & Mosle)

Quentin Declève (Associate Van Bael & Bellis)

**17:30-17:45**

**Closing remarks**

**Prof. Dr. Nikos Lavranos (Secretary General of EFILA)**

**18:00-20.00**

Drinks sponsored by

**JENNER & BLOCK** LLP



# Practical details

**Venue:**

Herbert Smith Freehills  
Exchange House,  
12 Primrose St,  
London EC2A 2HS

**Entrance fee and Registration:**

The standard full price entrance fee ticket is: €252.88 (incl. €52.88 fee & VAT) per person.

Registration and payment before the event is required via this link:

<https://www.eventbrite.co.uk/e/5th-efila-annual-conference-tickets-66308970917?aff=ebdssbdestsearch>

A reduced entrance fee ticket of €127.04 (incl. €27.04 fee & VAT) is available for government officials, officials of international organizations and full-time academics, Ph.D-, LLM candidates and students (proof of academic status must be provided when registering).

**Cancellation and Refund policy:**

Registered attendees can receive a 100% refund of the entrance fee for cancellations up to 7 days before the start of the event.

For all cancellations received after 23 January 2020 no refund of the entrance fee will be offered.

The registration fee for Eventbrite is non-refundable.

**Contact:**

For any questions regarding the Conference you can contact the EFILA team via email:

Prof. Dr. Nikos Lavranos, Secretary General of EFILA  
[n.lavranos@efila.org](mailto:n.lavranos@efila.org)

or

Ms Tetyana Makukha, General Manager of EFILA  
[t.makukha@efila.org](mailto:t.makukha@efila.org)

## Panel Chairs and Speakers

### **Mark E. Appel, Esq. (Arbitrator, Mediator, ArbDB Chambers, International Dispute Resolution Centre, London)**



Mark Appel has nearly 40 years of global arbitration and mediation experience, having served in both executive and senior executive positions at the American Arbitration Association (AAA) and International Centre for Dispute Resolution (ICDR), leaving ICDR/AAA as Senior Vice President, EMEA in December of 2015. While serving as an AAA Executive, Mr. Appel personally administered or was responsible for the administration of thousands of commercial arbitrations and mediations. Mr. Appel is thoroughly familiar with Civil and Common law arbitration and mediation practice and procedure, with over 30 years of experience in training arbitrators and mediators on four continents on behalf of various arbitral institutions, government ministries, Courts and NGOs.

### **Raffaella Assetta (European Commission, deputy head of unit DGFISMA)**



Maria Raffaella Assetta is a lawyer and she has been working at the European Commission since 2002, after a working experience in the private sector as independent attorney-at-law. Since she joined the European Commission, she has been working in policy coordination, policy development, and enforcement of EU legislation, first in the field of public procurement and since 2010 in the field of financial services and capital movements. Currently, she is the deputy Head of the Unit in charge of monitoring the implementation of the free movement of capital, within the Directorate General for Financial Stability, Financial Services and Capital Markets Union. In this role, she is involved in particular in EU policy initiatives seeking to improve the investment climate in the European Union.

### **Quentin Declève (Associate Van Bael & Bellis)**



Quentin Declève focuses on international litigation and arbitration, as well as on EU and national competition law and international trade law. He also represents clients before European Union courts and before Belgian civil and commercial courts. Quentin has been involved in key cases relating to restrictive measures and sanctions taken against individuals and against sovereign States by the European Union and the United Nations (Cases T-375/14 to T-378/14 on measures adopted by the European Union with regard to Egyptian citizens). More recently, Quentin coordinated the defence of the Belgian State in a dispute involving the sanctions adopted by the UN Security Council and the European Union against Libya.

In the field of competition law, Quentin assists clients both in administrative and court



proceedings. In particular, he is currently intervening in the procedure to annul the Decision of the European Commission concerning State aid implemented by Belgium in favour of the Duferco group (Cases C-738/18P and C-148/19P).

Quentin is currently advising the Republic of Benin in discussions within Working Group III of the United Nations Commission on International Trade Law to reform investor-state dispute settlement mechanisms. He is the author and editor of the International Litigation Blog ([www.international-litigation-blog.com](http://www.international-litigation-blog.com)) which offers posts and discussions on developments and hot topics in the field of international litigation and arbitration.

**Dr Alexandra Diehl (Local Partner, White & Case, Frankfurt)**



Alexandra Diehl focuses on national and international dispute resolution with a special focus on arbitration (DIS, ICC, ICSID, SCC and ad hoc). She represents German and multinational clients in all phases of disputes and has started to develop an active arbitrator practice. At ease with the multijurisdictional intricacies of transnational fact patterns, Alexandra supports clients with complex disputes relating to Post M&A, international investment

law, IP and liability issues (including lawyer and managing directors' liability). She also regularly advises clients on issues relating to private international law and cross-border taking of evidence. Moreover, she gives IP-related advice in technology-driven transactions and with regard to R&D and license agreements. Prior to joining the firm, Alexandra worked for eight years for a major British law firm in Düsseldorf and Frankfurt. Alexandra regularly publishes on international arbitration matters and teaches international investment law at Heinrich-Heine-University of Düsseldorf.

**Alejandro Garcia (Partner, Clyde & Co LLP)**



Alejandro has acted as counsel in numerous complex international arbitrations both ad hoc (including under the UNCITRAL Rules) and under the rules of the major arbitral institutions (including ICSID, ICC, LCIA and SCC). These arbitrations have encompassed disputes in a number of sectors, including renewable energy, oil & gas, infrastructure, defence, intellectual property, mining and foreign direct investment. Thomson Reuter's Super Lawyers London 2015 recognised Alejandro as a "Super Lawyer" and

he is listed as a "rising star" in the Legal Media Group Rising Stars 2015 and 2016 guides. Alejandro obtained law degrees in the USA (LLM, Harvard Law School (Fulbright Scholar)) and Chile (LLB, University of Chile Law School (summa cum laude/first-class honours)). He is admitted to practise in England & Wales, New York and Chile. Alejandro has written extensively on issues of commercial arbitration and investment treaty arbitration. He is the co-author of the first comprehensive book in the English language on the use of international arbitration for the resolution of intellectual property disputes ("International Intellectual Property Arbitration", Kluwer Law International, 2010).

**Arne Fuchs, LL.M. (GWU) (Rechtsanwalt, Partner, Global co-chair International Arbitration & Dispute Resolution, McDermott Will & Emery Rechtsanwälte Steuerberater LLP)**



Arne Fuchs focuses his practice on international commercial arbitration and public international law, including investment treaty arbitration. He has experience with disputes conducted under the ICSID Convention, ICC, LCIA, HKIAC, SCAI, DIS and UNCITRAL Rules as well as with pure ad hoc arbitration. He is also acting as (sole)

arbitrator and has served as secretary of the tribunal in numerous international arbitrations (commercial and treaty). Mr. Fuchs has been recognized as one of “the most highly regarded arbitration lawyers from Europe” who “stand out as among the best of their generation for their exceptional counsel and arbitration work in complex international proceedings” by GAR’s Who’s Who Legal: Arbitration – Future Leaders since its inaugural 2017 edition. He is also described as “a very smart lawyer”, “phenomenally hard working” and “a prominent name in the investment arbitration space”. Similarly, Legal 500 EMEA and the Expert Guide Commercial Arbitration recommend him for his dispute resolution expertise. Mr. Fuchs is a Fellow of the Malaysian Institute of Arbitrators (FMIArb). He is included on the list of arbitrators of the Japan Commercial Arbitration Association (JCAA) and the Panel of Arbitrators of the Asian International Arbitration Centre (AIAC). He serves as delegate of the German National Committee of the ICC on the ICC Commission on Arbitration and ADR. In 2017, he was appointed by the ICC International Court of Arbitration as Regional Representative for the Europe and Russia Chapter of the ICC YAF (with a 2017-2019 mandate). He regularly speaks on international arbitration topics and teaches training courses and workshops on dispute resolution. As a legal trainee, Arne worked, inter alia, at the German Federal Ministry of Economics and Technology’s division representing the Federal Republic of Germany before the European Courts and in the international arbitration practice group of another leading global law firm in Frankfurt am Main.

**Lord Peter Goldsmith QC (Partner, Debevoise & Plimpton)**



Lord Goldsmith QC, PC, London Co-Managing Partner and Chair of European and Asian Litigation, joined Debevoise in 2007. Lord Goldsmith served as the UK’s Attorney General from 2001–2007, prior to which he was in private practice as one of the leading barristers in London. Lord Goldsmith acts for a variety of clients, alongside his role as Chair of the firm’s European and Asian litigation

practices, in arbitration and litigation in the United Kingdom and other countries. He is a QC and appears regularly in court as well as in arbitration. Lord Goldsmith practised from Fountain Court Chambers from 1972–2001, specialising principally in commercial, corporate and international litigation and appellate work. During this time, he was ranked by Chambers UK as being in the top tier of leading silks in London for international arbitration and commercial litigation. He became Queen’s Counsel in 1987 at the early age of 37 and has judicial experience as a Crown Court Recorder and a Deputy High Court Judge.

**Mélida N. Hodgson (Partner, Jenner & Block LLP)**



Ms. Hodgson is a partner in the firm’s International Arbitration Practice. She focuses her practice on investor-state and commercial arbitrations, counselling governments and state-owned entities, as well as corporate entities, with respect to international investment protection provisions, business disputes and World Trade Organization (WTO) dispute resolution and international trade policy issues. Recognized by Latinex as one of the top 50 female practitioners and top 100 lawyers whose practice focuses on Latin America, Ms. Hodgson is noted for her key role in successfully

advising Venezuela against several International Centre for Settlement of Investment Disputes (ICSID) arbitrations. She has also represented the Republic of Panama and Peru in ICSID and United Nations Commission on International Trade Law (UNCITRAL) matters. Ms. Hodgson is an arbitrator of international disputes initiated under Chapter 19 of the North American Free Trade Agreement (NAFTA) and in commercial arbitrations under the American Arbitration Association/International Center for Dispute Resolution rules. She was also appointed to the list of panelists eligible to hear WTO disputes. Ms. Hodgson began her career in private practice before becoming a US government litigator at the US Department of Justice, where she litigated claims brought by bank shareholders against the United States, as well as public contracting disputes. She then joined the Office of the United States Trade Representative as an associate general counsel. There, she litigated international trade disputes before the WTO; provided counsel in NAFTA Chapter 11 investor-state arbitrations involving the United States, Canada and Mexico; and defended the United States in ad hoc arbitrations under the 1996 Softwood Lumber Agreement between the United States and Canada. Ms. Hodgson has been recognized in Who’s Who Arbitration and Legal 500 Latin America and ranked by Chambers in its Latin America, USA and Global publications. She has also been appointed to the International Chamber of Commerce Commission on Arbitration and ADR (Alternative Dispute Resolution), as well as the councils of the AAA, the ICC Institute of World Business Law and the American Society of International Law. She is a founding member of the Washington Women in International Arbitration. Ms. Hodgson is a native Spanish speaker.

**Ms Meg Kinnear, Secretary General of ICSID**



Meg Kinnear is the Secretary-General of the International Centre for Settlement of Investment Disputes (ICSID) and joined ICSID in June 2009. She worked as Senior General Counsel (2006-2009) and Director General of the Trade Law Bureau of Canada (1999-2006). Prior to this, Ms. Kinnear also worked as the Executive Assistant to the Deputy Minister of Justice of Canada (1996 -1999) and Counsel at the Civil Litigation Section of the Canadian Department of Justice (1984-1996). Ms. Kinnear has frequently spoken on and published with respect to international investment law and procedure, including as a co-author

of Investment Disputes under NAFTA (Kluwer Law Publications, June 2006; updated editions released January 2008 and June 2009). Ms. Kinnear holds degrees from the University of Virginia (LL.M.) and McGill University (LL.B.). She is admitted to the Bar of the Law Society of Upper Canada (Ontario) and the District of Columbia Bar.

**Prof. Dr. Nikos Lavranos, LL.M., Secretary General of EFILA**



Nikos Lavranos is the first Secretary-General of the European Federation for Investment Law and Arbitration (EFILA). He is founder & owner of NL-Investmentconsulting, external Legal Advisor for numerous law firms, such as NautaDutilh and Van Doorne. He specializes in international investment law & arbitration, EU law, WTO law and public international law. Nikos has advised in numerous disputes involving in particular Dutch BITs, intra-EU BITs, the ECT initiated under various rules such as ICSID, UNCITRAL and SCC rules.

He is listed as Arbitrator and Mediator at VIAC and as Mediator at the Energy Community and the Asian International Arbitration Centre (AIAC). In addition, he is Guest Professor *International Investment Law* at the Free University of Brussels. Nikos is also co-Editor-in-Chief of the *European Investment Law and Arbitration Review*. Previously, he was Chief Negotiator for Dutch BITs at the Dutch Ministry of Economic Affairs and later at the Dutch Ministry of Foreign Affairs. He is a permanent contributor to the Kluwer Arbitration Blog, the Practical Law Arbitration Blog, the EFILA Blog and Borderlex. He earned his Dr.jur. and LL.M degrees from Maastricht University and a Law degree from J.W. Goethe University Frankfurt.

**Prof. Dr. Gerard Meijer (Partner, Linklaters)**



Gerard is widely recognised as one of the leading figures in the Netherlands for arbitration and court litigation relating to arbitration. He has extensive experience acting as counsel to Dutch, international, and multinational corporations, as well as to governmental bodies, in high-value matters in a range of disputes. Gerard has resolved disputes under a variety of arbitration rules (including UNCITRAL, ICC, SIAC, LCIA, SCC, CEPANI, and NAI rules). In addition, Gerard is involved in high-profile arbitration-associated court litigation, such as the

enforcement of arbitral awards, the setting aside of arbitral awards, and interim measures in support of arbitration proceedings.

Gerard has led various innovative initiatives in the international arbitration market, such as his roles as secretary-general of P.R.I.M.E. Finance (the arbitration institute for the financial markets based in The Hague), as a founding member of the Dutch Arbitration Association (of which he is a member of the advisory board), and initiator of the incorporation of the European Federation for Investment Law and Arbitration (EFILA) and member of the Executive Board of EFILA. Gerard is president of the Netherlands Arbitration Institute (NAI), which administers both domestic and international arbitrations, and is a member of the Arbitration Commission of the International Chamber of Commerce (ICC).

Gerard is professor of arbitration & dispute resolution at the Erasmus University in Rotterdam. He regularly writes about arbitration for leading publications and contributes commentaries. These include: The National Report for The Netherlands, ICCA International Handbook on Commercial Arbitration, Kluwer Law International, 2014, with others; Boek IV Rv, Arbitrage, T&C Burgerlijke Rechtsvordering, Wolters Kluwer, 2018, one of the leading commentaries on the Dutch Arbitration Act; Overeenkomst tot Arbitrage, Wolters Kluwer, 2011, the seminal treatise on arbitration agreements. Gerard studied law at the Erasmus University, Rotterdam, where he also obtained his PhD.



**Prof. Loukas Mistelis, LLB, MLE, FCIArb, Advocate (Athens Bar), Clive M Schmitthoff Professor of Transnational Commercial Law and Arbitration, Queen Mary University of London, Chairman of the Executive Board of EFILA**



Professor Loukas Mistelis is an acknowledged authority on international dispute resolution and investment treaty law. He is listed on the Who’s Who Commercial Arbitration since 2007 and also a member of the ICSID Panel of Arbitrators as well as the recipient of the GAR Award for best arbitration lecture of 2013. He is also listed as one of the Thought Leaders in International

Arbitration. Loukas Mistelis is the Clive M Schmitthoff Professor of Transnational Commercial Law and Arbitration at the Centre for Commercial Law Studies, Queen Mary University of London. He is a member of the Academic Committee of the Institute of Transnational Arbitration, an academic member of the Investment Treaty Forum, British Institute of International and Comparative Law and a member of the Academic Committee of AIPN, and President of the Court of CEDRAC (Cyprus Eurasia Dispute Resolution & Arbitration Centre). Professor Mistelis was educated in Greece, France, Germany and Japan. He is fluent in English, German and Greek, and has good knowledge of French, and basic knowledge of Polish, Russian and Spanish. Member of Chartered Institute of Arbitrators (CIArb) since 2001, became Fellow of the CIArb (FCIArb) in December 2016.

He has practiced law in Germany, Greece and the United Kingdom, having also acted as a consultant in Cambodia, Japan, Moldova, Nigeria, Poland, Ukraine, and Vietnam. He has also advised several UK government agencies (such as DTI, BERR, MoJ) and international organizations, including the United Nations (UNCTAD, UNCITRAL and ECLAC) and the European Bank for Reconstruction and Development.

His substantial arbitration experience (as arbitrator, counsel and expert) covers ad hoc and ICC, ICSID, LCIA, UNCITRAL, SCC, Swiss Chambers and Moscow cases. He has published widely including 14 books and more than 75 articles or chapters in books.

**Dr. Patricia Nacimiento (Partner, Herbert Smith Freehills Germany LLP)**



Dr Patricia Nacimiento is an arbitration and disputes partner based in the Frankfurt office. Patricia helps clients on a wide range of disputes work with a special focus on domestic and international arbitration as well as investor state disputes. She specialises in disputes related to energy, construction and post mergers and acquisitions. Patricia gives lectures on arbitration at the universities of Heidelberg, Frankfurt and Saarbrücken.

Her experience includes: \*Representing a government in arbitration proceedings under the Energy Charter Treaty in a USD 3bn dispute; \*Representing a major developer in LCIA proceedings related to a construction in Russia in a USD 1bn; \*Representing a major German steel company in CIETAC proceedings seated in Shanghai and Beijing; \*Representing a major German energy provider in arbitration proceedings under the rules of the German Institution of Arbitration.

The German government has appointed her in 2007 as one of four arbitrators to the panel of arbitrators at the International Centre for Settlement of Investment Disputes (ICSID). As a party representative, she has conducted over 120 arbitration proceedings under the rules of

numerous arbitration institutions – including ICC, ICSID, SCC, CIETAC, DIS, LCIA, ICDR, Swiss Chamber of Commerce, Indian Council of Arbitration, and the Danish Institution of Arbitration as well as ad hoc proceedings.

She publishes regularly on disputes related subjects and is co-editor of the leading arbitration manuals “*Arbitration in Germany – The Model Law in Practice*” (Kluwer 2015) and “*The New York Convention – a Global Commentary*” (Kluwer 2008). Böckstiegel, Karl-Heinz; Kröll, Stefan Michael; Nacimiento, Patricia (Hrsg.): “*Arbitration in Germany – Law and Practice*” (Kluwer, 2015). Nacimiento, Patricia; Kronke, Herbert; Otto, Dirk; Port, Nicola Christine (Hrsg.): “*Recognition and Enforcement of Foreign Arbitral Awards: A Global Commentary on the New York Convention*” (Köln, 2010).

**Eloïse M. Obadia (World Bank, Senior Investment Legal Consultant, Investment Policy & Promotion)**



Eloïse M. Obadia, Avocat à la Cour and Attorney-at-Law, New York, joined International Centre for Settlement of Investment Disputes (ICSID) in December 1997.

She has served as Secretary of the Tribunal in several arbitral proceedings brought under the ICSID Convention, the ICSID Additional Facility Rules and the UNCITRAL Rules.

She has also served as Secretary of Conciliation

Commissions and ad hoc Committees in annulment proceedings brought under the ICSID Convention. In addition, Ms. Obadia has served as Coordinator in an Expert Determination under the Indus Waters Treaty (1960).

Before joining ICSID, she was an Associate with the law firm Curtis, Mallet-Prevost, Colt & Mosle, Paris, France, and Visiting Lecturer at Duke University. Ms. Obadia completed a Master of Laws at Duke University. She holds degrees from the University of Paris II Panthéon-Assas and the University of Paris Dauphine.

**Dr. Paschalis Paschalidis (Senior Associate, International Arbitration, Shearman & Sterling)**



Paschalis Paschalidis is a senior associate in Shearman & Sterling’s International Arbitration and Public International Law practices.

Paschalis is also a Board Member of the Luxembourg Arbitration Association and a Visiting Lecturer at the Executive M.B.L.-HSG course organized by the University of St. Gallen. He represents and advises companies and States in international arbitrations conducted under the auspices of a variety of rules. His practice focuses on commercial and investment disputes with a European

Union law nexus. From 2012 to 2018, Paschalis served as a référendaire at the Court of Justice of the European Union, where he assisted First Advocate General Melchior Wathelet in a variety of cases raising, amongst others, questions of international law and arbitration.

He holds a LLB in Law from the Aristotle University of Thessaloniki and a MJur, MPhil and DPhil in Law from the University of Oxford. He is the author of many publications regarding the interaction of EU law with international arbitration. He speaks Greek, English, French and Luxembourgish.



**Luciana Teresa Ricart (Counsel, Curtis, Mallet-Prevost, Colt & Mosle)**



Ms. Ricart is counsel in the International Arbitration Group. Her practice focuses on public international law, investor-state disputes and international commercial arbitrations. She has experience with the International Centre for Settlement of Investment Disputes (ICSID), the International Chamber of Commerce (ICC) and United Nations Commission on International Trade Law (UNCITRAL) across a variety of fields, including oil and gas, natural resources, banking and financial services. Luciana has trained in both civil and common law.

She played a key role in several recent and ongoing ICSID and UNCITRAL arbitrations involving African and Middle-Eastern governments (including representing the governments of Uganda, Tanzania and Kuwait) and is part of the team representing the Republic of Cyprus in a claim brought by almost one thousand Greek nationals and one Luxembourg national.

Notable for her public international law practice, Luciana frequently advises states on topics such as the enforcement of arbitral awards, treaty interpretation and territorial disputes. She is also currently acting for the United Arab Emirates in three cases before the International Court of Justice. She recently co-authored a book entitled “The Iran-UAE Gulf Islands Dispute: a Journey through International Law, History and Politics” (Brill/Nijhoff publishers, 2018) together with partner Charles Buderl.

Prior to joining Curtis, Luciana worked as a lawyer in the Chambers of the Chief Justice of the Supreme Court of Argentina and taught a course on public international law at the University of Buenos Aires. She has also conducted extensive research into public international law and human rights issues, the results of which have been published as journal articles and book chapters.

**Dr. José Ángel Rueda (Senior Associate, Cuatrecasas)**



Dr. Rueda specializes in litigation and arbitration in public and private international law. He has advised on many arbitration proceedings under foreign investment protection treaties and contracts with sovereign states—chiefly the Energy Charter Treaty—and on commercial arbitration proceedings between private parties. He also regularly advises on issues concerning private international law

(international jurisdiction and recognition of foreign judgments) and public international law (state immunities and international economic sanctions). Doctor of Laws (Ph.D.), cum laude, Universitat de Barcelona, 2009. Bachelor of Laws, special distinction, Universidad de Salamanca, 2004.

He is a member of the Spanish Association of International Law and International Relations Professors (AEPDIRI), the Spanish Arbitration Club (CEA), the Young Arbitrators Forum (ICC-YAF), and the Young International Arbitration Group (LCIA-YIAG). He also serves as a member of the advisory board of the Brussels-based think tank European Federation for Investment Law and Arbitration (EFILA).

**Robin Rylander (Senior Associate, Mannheimer Swartling)**



Robin Rylander is a senior associate at Mannheimer Swartling in Stockholm. He specialises in international arbitration, with a particular focus on investment treaty matters, where his experience includes arbitrations, ICSID annulment proceedings, and domestic challenge and enforcement matters. Recent engagements include the *Vattenfall v. Germany* arbitration and *Micula v. Romania* annulment proceedings. He has acted in commercial arbitrations under various institutional rules and has represented clients before the Swedish courts, including the

Supreme Court. He has acted as counsel in disputes in a number of areas, such as construction, share purchases, software licensing, joint ventures, and supply of gas and nuclear fuel. He is a member of the Swedish Bar Association and has previously served at the Stockholm District Court.

**Dr. Wojciech Sadowski (Partner, KL Gates)**



Dr. Wojciech Sadowski is a member of the international arbitration practice of the firm. He focuses on international and/or trans-border matters. He has broad experience in arbitration proceedings under international investment treaties. He has been acting for both investors and states in that respect.

Dr. Sadowski has also been extensively involved in commercial arbitrations and litigations before domestic, international and EU courts. He has represented clients in disputes relating to *inter alia* construction, infrastructure, energy, real estate, finance, intellectual property, telecoms, mining and metals, pharmaceutical, outsourcing, FMCG, international sale of goods, shareholders’ agreements and unfair market practices. Dr. Sadowski holds a PhD in legal studies and is the author or co-author of more than 30 articles and books on international and trans-border dispute resolution. Since 2008 he has been constantly ranked as one of the leading dispute resolution lawyers.

**Prof. Dr. Stephan Schill (University of Amsterdam)**



Stephan Schill is Professor of International and Economic Law and Governance at the Faculty of Law of the University of Amsterdam. He is also Editor-in-Chief of *The Journal of World Investment & Trade*, one of the major journals in international economic law.

He has published extensively on international investment law and international dispute settlement, including his monograph *The Multilateralization of International Investment Law* (Cambridge University Press, 2009) and *International Investment Law and Comparative Public Law* (Oxford University Press, 2010), which he edited. Stephan Schill's current research focuses on international investment law, investor-state arbitration, European Union law and comparative public law. These fields come together in his European Research Council-funded project on *‘Private-Public Arbitration as Transnational Regulatory Governance: Charting and Codifying the Lex*

*Mercatoria Publica*. He also has practical experience in international law and dispute resolution. Being admitted to the bar in Germany (Rechtsanwalt) and in the State of New York (Attorney-at-Law), he serves as expert and arbitrator in international arbitrations, has acted as counsel before the European Court of Human Rights, and advises governments and international organizations on international investment law and policy. Since 2013, he is a Member of the List of Conciliators of the International Centre for Settlement of Investment Disputes (ICSID).

**Monty Taylor (Partner, Arnold & Partner)**



Monty Taylor's practice focuses on the representation of corporations, individuals, and governments in international arbitration proceedings. Chambers & Partners (UK) (2020) has described Mr. Taylor as being "among the very top of his generation." The Legal 500 (UK) (2020) has recognized Mr. Taylor as a "Rising Star" who is "fiercely clever and very appreciated by both clients and counsel," and Who's Who Legal: Arbitration (Future Leaders 2019 and 2020) has described him as "a great advocate, beyond his years."

Prior to joining the firm, Mr. Taylor served as Legal Counsel to the International Centre for Settlement of Investment Disputes (ICSID) at the World Bank in Washington, DC. As Counsel, he acted as Secretary to the Tribunal on numerous ICSID Convention and Additional Facility arbitration proceedings, which involved claims based on international investment treaties, national investment laws, and international contracts. Mr. Taylor previously practised in the arbitration group of a leading international firm in Sydney, where he represented clients in both institutional and ad hoc arbitrations, including under the rules of the United Nations Commission on International Trade Law (UNCITRAL) and the Hong Kong International Arbitration Centre (HKIAC).

He is regularly invited to lecture in the field of international arbitration. He has presented lectures at, among other institutions, University of Cambridge, Harvard Law School, and Queen Mary University of London (School of International Arbitration). He also serves as Adjunct Professor of Public International Law at Pepperdine University.

**Judge C. Vajda (Court of Justice of the European Union, Luxembourg)**



Christopher Vajda has been the UK's judge on the European Court of Justice in Luxemburg since October 2012. Prior to his appointment, he practised as a barrister in London and Brussels for over thirty years, specialising in EU and competition law. He was appointed Queen's Counsel in 1997 and a Bencher of Gray's Inn in 2003. He also served as a Recorder of the Crown Court from 2003 to 2012. He is a graduate of Cambridge University and the Université libre de Bruxelles. He is a Visiting Professor at King's College, London.

**Mirjam van de Hel - Koedoot (Partner, NautaDutilh)**



Mirjam van de Hel - Koedoot is partner in NautaDutilh's Litigation & Arbitration practice group and specialises in international arbitration and litigation. Mirjam advises and acts in commercial and investment treaty arbitrations under a variety of arbitration rules. She also regularly acts in complex court proceedings concerning the enforcement and setting aside of arbitral awards, especially relating to disputes involving bilateral and multilateral investment treaties.

Mirjam graduated from Leiden University in 2001 and was admitted to the Bar in the same year. She also studied at the

Institut d'études politiques in Paris and the University of British Columbia in Vancouver. Before joining NautaDutilh in 2009, she practised law at a major Dutch law firm and at an international arbitration boutique law firm in Brussels.

Examples of Mirjam's work include representing and advising: \*an oil & gas company in setting aside proceedings in relation to an UNCITRAL arbitral award rendered against the Republic of Ecuador in an investment arbitration; \* several Ukrainian investors in two setting aside proceedings in relation to UNCITRAL arbitral awards rendered against the Russian Federation in investment arbitrations; \*a top holding in ICC arbitration proceedings and related summary proceedings in a shareholder dispute; \*a Dutch oil production company in an ICC arbitration against an Italian construction company relating to a dispute regarding the construction of a diesel plant; \* a Dutch investor in an investment arbitration against the Czech Republic under the Netherlands-Czech Republic BIT; \*Moldova-based investors in enforcement proceedings in relation to an SCC arbitral award rendered against Kazakhstan in an Energy Charter Treaty investment arbitration; \*a Canadian mining company in setting aside proceedings in relation to an UNCITRAL arbitral award rendered against the Republic of Ecuador in an investment arbitration; \*an Italian energy company against a Dutch gas provider in an ICC multi-billion gas price revision arbitration; \*a Dutch insurance company in its multi-billion euro investment arbitration claim against the Republic of Poland regarding its investment in PZU;

Mirjam frequently presents and publishes on various aspects of (international) arbitration and civil procedural law. She is, among other things, co-author of the standard textbook on Dutch civil procedural law as well as a contributor to a Guide to the NAI Arbitration Rules (including a commentary on Dutch Arbitration Law). She is also member of the Executive Board of EFILA.

**Prof. Nassib G. Ziadé (CEO of the Bahrain Chamber for Dispute Resolution (BCDR-AAA))**



Nassib G Ziadé is chief executive officer of the Bahrain Chamber for Dispute Resolution (BCDR-AAA). Between July 2011 and August 2013, he served as director of the Dubai International Arbitration Centre (DIAC). Between 2007 and 2011, he was deputy secretary-general of the International Centre for Settlement of Investment Disputes (ICSID), and between April 2008 and June 2009 was also acting secretary-general of ICSID.

He is a judge of the International Monetary Fund (IMF) Administrative Tribunal, and he regularly serves as tribunal chair or co-arbitrator in



international commercial, construction and investment arbitration cases conducted in Arabic, English and French under the rules of the International Chamber of Commerce (ICC), ICSID (Convention and Additional Facility), the Permanent Court of Arbitration (PCA), the Cairo Regional Centre for International Commercial Arbitration (CRCICA), DIAC and the Abu Dhabi Commercial Conciliation and Arbitration Center (ADCCAC), as well as in ad hoc proceedings, including under the UNCITRAL Arbitration Rules. His arbitration work is limited by choice to the role of arbitrator and does not include work as counsel or expert. He is fluent in Arabic, English and French, and has a working knowledge of Spanish.

He has extensive senior managerial experience in the administration of international legal proceedings and the development of international tribunals. He is an expert in private and public international law, international arbitration, international investment law, international administrative law, and the law of conflicts of interest. From 1997 to 2007, he served as the executive secretary of the World Bank Administrative Tribunal.

Nassib G Ziadé is a member of the board of trustees and a vice-chairman of the advisory committee of CRCICA; a member of the international advisory committee of the International Centre for Dispute Resolution (ICDR/AAA); and a former court member at the London Court of International Arbitration (LCIA). He is a member of the PCA; a member of the ICSID panels of arbitrators and conciliators; and a vice president of the International Federation of Commercial Arbitration Institutions (IFCAI).

He is a visiting professor of investment arbitration at the University of Miami School of Law and a visiting professor of international arbitration at the Saint-Joseph University Faculties of Law in Lebanon and Dubai. He has in the past taught at the University of Paris I Panthéon-Sorbonne; the Universities of Chile and Heidelberg in Santiago, Chile; and the Paris Arbitration Academy. In 2012, he delivered a course entitled “The Independence of Arbitral Bodies Established in the Framework of International Organisations” at The Hague Academy of International Law.

He has published extensively in the fields of international law and arbitration law, and he is a frequent speaker on a diverse range of legal topics at international conferences. He is the founder and general editor of the BCDR International Arbitration Review and a former editor-in-chief of the ICSID Review -- Foreign Investment Law Journal. He is a member of the editorial advisory committees of International Legal Materials and the International Journal of Arab Arbitration. He is a counsellor of the American Society of International Law (ASIL) and a former member of the advisory committee of the Lauterpacht Centre for International Law at the University of Cambridge.

# EUROPEAN FEDERATION FOR INVESTMENT LAW AND ARBITRATION (EFILA)

The Brussels-based think tank at the heart of EU investment law

## THINK-TANK ON THE EU'S INVESTMENT LAW AND ARBITRATION POLICY

The European Federation for Investment Law and Arbitration (EFILA) has been established in Brussels to promote the knowledge of all aspects of EU and international investment law, including arbitration, at the European level. EFILA endeavours to facilitate a meaningful exchange of views on relevant and timely issues vital to the development of the European internal market, in order to contribute to a more favourable investment climate in Europe and beyond.

## EFILA PROMOTES AN OPEN AND BALANCED DISCOURSE ON INVESTMENT LAW AND ARBITRATION

EFILA serves as a platform for a fact and merit-based discussion on European and international investment law issues. In particular, it fosters an objective debate about the current system of investment arbitration. As a think-tank EFILA analyses the scope and use of investment arbitration, especially from a European perspective.

## EFILA'S GOVERNING BOARDS ARE COMPOSED OF LEADING INVESTMENT LAW SPECIALISTS

The Executive Board and Advisory Board of EFILA are composed of leading investment law and arbitration specialists, representatives of investors and academics from various European states.

### The Executive Board:

- Dr. Markus Burianski, Partner at White & Case (Germany)
- Mr Andrew Cannon, Partner, Herbert Smith Freehills (UK and France)
- Dr. Richard Happ, Partner, Luther Rechtsanwaltsgesellschaft mbH (Germany)
- Mr Stephen Jagusch QC, Partner, Quinn Emanuel Urquhart & Sullivan (UK)
- Prof. Nikos Lavranos, (Secretary-General of EFILA), founder of NL-Investmentconsulting (The Netherlands)
- Prof. Gerard Meijer, Partner, Linklaters (The Netherlands)
- Mr Jakob Ragnwaldh, Partner, Mannheimer Swartling (HK and Sweden)
- Ms Marie Stoyanov, Partner, Allen & Overy (France)
- Mr Jeff Sullivan, Partner, Gibson Dunn (UK)
- Ms Amy Roebuck Frey, Partner, King & Spalding (France)
- Ms Sherina Petit, Partner, Norton Rose Fulbright (UK)
- Prof. Loukas Mistelis, (Chair of the Executive Board) Clive M Schmitthoff Professor of Transnational Commercial Law and Arbitration at Queen Mary University of London (UK)
- Ms Mirjam van de Hel – Koedoot, Partner, NautaDutilh (The Netherlands)



**The Advisory Board:**

- Mrs Nynke M. Hupkens-Sipma, Director Legal Affairs at Achmea
- Dr. Erhard Böhm, Attorney, BAIER RECHTSANWAELTE ATTORNEYS AT LAW
- Dr. Andrea Carlevaris, Partner, Bonelli Erede, Paris/Milan
- Mr Alexander de Daranyi, Senior Legal Director, Banking & Finance Law at Sanofi
- Ms Norah Gallagher, Senior Lecturer at Queen Mary University of London
- Ms Laura Halonen (Chair), Of Counsel Wagner, Berlin
- Sir Francis Jacobs, KCMG, QC, Professor at King’s College London
- Mr Aron Skogman, Partner, Mannheimer Swartling, Stockholm
- Mr Epaminontas E. Triantafilou, Partner, Quinn Emanuel, London
- Ms Saadia Bhatti, Counsel, Gide Loyrette Nouel, London
- Mr Ali H. Arif, Partner, Dechert, Washington/London
- Mr José Angel Rueda, Associate, Cuatrecasas, Madrid
- Dr. Gloria Alvarez, Lecturer, University of Aberdeen
- Dr. Lukasz Gorywoda, Associate, Covington, Brussels

**RECENT ACTIVITIES**

Since its creation EFILA has submitted several position papers in response to public consultations organized by, inter alia, the European Commission, the OECD, ICSID Secretariat and the UK Parliament. In addition, EFILA has published in-depth analytical papers countering the misleading ISDS criticism as well on the proposed Multilateral Investment Court (MIC). Since 2018 EFILA has been granted Observer Status by UNCITRAL to participate in the Working Group III on ISDS reform.

All EFILA submissions and publications are available on EFILA’s website: [www.efila.org](http://www.efila.org)

**ANNUAL CONFERENCE SERIES**

Starting in 2015 with a very successful inaugural conference in London, EFILA has organized a similarly outstanding conference in Paris in 2016 and in London in 2018 and 2019. The 2020 conference continues the Annual Conference Series of EFILA. These conferences bring together the most experienced and outstanding experts in international investment law and arbitration from practice, academia and international arbitration institutions.

**ANNUAL LECTURE SERIES**

Since 2015 EFILA organizes the Annual Lecture series, which was kicked off by Sophie Nappert. This Lecture was awarded the GAR Prize for the Best Lecture in 2015. In 2016, Johnny Veeder QC, gave the Annual Lecture, while the 2017 Annual Lecture was delivered by Judge Christopher Greenwood.

The 2018 Annual Lecture was given by Prof. George Bermann, Columbia University New York. The 2019 Annual Lecture was delivered by Prof. Laurence Boisson de Chazournes, Faculty of Law, University of Geneva. The most recent Lectures can still be watched at the YouTube channel of EFILA:

[https://www.youtube.com/channel/UC3DVmlvk-aj6EgpFgKCLu3A/videos?disable\\_polymer=1](https://www.youtube.com/channel/UC3DVmlvk-aj6EgpFgKCLu3A/videos?disable_polymer=1)

## EUROPEAN INVESTMENT LAW AND ARBITRATION REVIEW

Since 2016 EFILA publishes together with Queen Mary University of London annually the *European Investment Law and Arbitration Review*. This Review is the first legal journal that focuses on the EU's investment policy and its impact on international investment law and arbitration. The Review (also available online) can be ordered at Brill Martinus Nijhoff Publishers:

<http://booksandjournals.brillonline.com/content/journals/24689017>

EFILA welcomes unpublished submissions (long and short articles, case-notes, book reviews) for publication. The deadline for submission is always 1 April of the year. For more information visit the website of the Review: <https://efila.org/eila-review/>

## BLOG

EFILA also runs a highly successful blog which presents a platform for discussion on the current developments pertaining to the fields of international (investment) law and arbitration, EU law and public policy, as well as the dynamics of these multiple legal, political and economic spheres. EFILA welcomes contributions by arbitration practitioners and academics from around the world.

For more details, please visit: <http://efilablog.org>

## EFILA WELCOMES NEW MEMBERS

We also welcome new individual and corporate Members who wish to actively get involved in EFILA. In particular, we welcome donations, intellectual input and organizational support in order to achieve the aims of EFILA.

EFILA offers three types of membership:

- **corporate membership** for law firms, companies €2.500,- per year
- **individual membership** for academics, arbitrators €750,- per year
- **junior/academic membership** (for Master, PhD students, Lecturers, Researchers and early career lawyers) for €200,- per year

To become a Member and learn more about how you can contribute to EFILA please contact:

Prof. Dr. Nikos Lavranos, LL.M., Secretary-General at: [n.lavranos@efila.org](mailto:n.lavranos@efila.org)

For more information about the upcoming EFILA events, please contact EFILA Secretariat:

Ms Tetyana Makukha, LL.M., General Manager of EFILA at: [t.makukha@efila.org](mailto:t.makukha@efila.org)