

Investment Treaty Forum

THE ENERGY CHARTER TREATY Energy security, investment protection and future developments

18th & 19th September 2008

Day 1: British Institute of International and Comparative Law, Charles Clore House,
17 Russell Square, London, WC1B 5JP

Day 2: The Wolfson Theatre, The Royal College of Physicians, 11 St Andrews Place, Regent's Park,
London NW1 4LE

English/Russian simultaneous translation on Day 2

Co-hosted with



ARBITRATION INSTITUTE
OF THE STOCKHOLM CHAMBER OF COMMERCE

Programme

Day 1

Thursday 18 September 2008

British Institute of International and Comparative Law, Charles Clore House,
17 Russell Square, London, WC1B 5JP

13.30 – 14.00	Registration and tea/coffee
14.00 – 14.20	Welcome and Introduction The Energy Charter Treaty at Ten Years: Context and Key Issues <i>Graham Coop, General Counsel and Head of Legal Affairs, Energy Charter Secretariat, Brussels</i>
14.20 – 15.35	PANEL 1 The Relevance of the ECT: Objectives and Challenges Ten Years after Entry into Force <i>Chair: Norah Gallagher, Investment Treaty Forum and Senior Research Fellow in International Trade and Investment Law, British Institute of International and Comparative Law, London</i>

	<p>Historic context of the ECT <i>Leif K Ervik, Director General, Ministry of Finance, Norway</i></p> <p>Security of energy supplies and environmental considerations <i>Howard Mann, International Institute for Sustainable Development, Ottawa</i></p> <p>The ECT and transnational pipeline disputes: a Chinese perspective <i>Professor Yang Zewei, Wuhan University Law School, China</i></p>
15.35 – 16.05	Tea/Coffee break
16.05 – 17.30	<p>PANEL 2 Dispute Settlement under the ECT: What Role for State/State Arbitration?</p> <p><i>Chair: Robert Volterra, Latham & Watkins LLP, London</i></p> <p>State/State arbitration under ECT Article 27 and potential relevance to investment disputes <i>Laurent Gouiffès, Allen & Overy LLP, Paris</i></p> <p>Transit disputes under ECT Article 7 <i>Ana Stanic, EA Law, Lecturer at University of London, Associate Professor at Notre Dame University, Lecturer at SOAS, London</i></p> <p><i>Commentator: Dr Alan Riley, City University, London</i></p>
17.30 – 18.30	Drinks reception followed by dinner at the British Museum, Court Restaurant, Great Russell Street, London, WC1B 3DG

Day 2

Friday 19 September 2008

The Royal College of Physicians, The Wolfson Theatre, 11 St Andrews Place, Regent's Park, London NW1 4LE

08.30 – 09.00	Registration with tea/coffee
09:00 – 9:30	<p>Welcome and Introduction Keynote Address: Critical Issues in the Energy Investment Sector <i>V.V. Veeder QC, Essex Court Chambers, London</i></p>
09.30 – 10:50	<p>PANEL 1 Risk, Russia & Provisional Application of the Energy Charter Treaty</p> <p><i>Chair: Ulf Franke, Arbitration Institute, Stockholm Chamber of Commerce, Stockholm</i></p> <p>Russia's energy policy and the ECT <i>Kaj Hobér, Mannheimer Swartling, Stockholm</i></p> <p>Provisional application of the ECT under Article 45 <i>Sophie Nappert, 3 Verulam Buildings, London</i></p> <p>Russian perspective on the ECT <i>Andrei Belyi, Centre for Energy Studies, Institute of World Economy and International</i></p>

	<p><i>Relations (IMEMO) and Higher School of Economics, Moscow</i> <i>Commentator: Dr Adnan Amkhan, Former Head of Legal Affairs of the Energy Charter Secretariat; Legal Adviser, Vivalo Int'l Ltd</i></p>
10.50 – 11.10	Tea/Coffee break
11.10 - 12.45	<p>PANEL 2 Energy Charter Treaty: Protection Regime</p> <p><i>Chair: Professor Christopher Greenwood QC, Essex Court Chambers, London</i></p> <p>ECT v BITs: some practitioner's observations <i>Stephen Jagusch, Allen & Overy LLP, London</i></p> <p>The scope of application of Article 17 of the ECT <i>Professor Loukas Mistelis, School of International Arbitration, Queen Mary, London</i></p> <p>Admissibility, burden of proof and the ECT <i>Jonathan Gass, Freshfields Bruckhaus Deringer, Amsterdam</i></p> <p>The ECT (including Article 16), BITs and MFN clauses (<i>Kardassopoulos v. Georgia, Plama v. Bulgaria, RosInvest v. Russia</i>) <i>Bruce Macaulay, Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates, London</i></p>
12.45 – 14.00	Lunch
14.00 – 15.30	<p>PANEL 3 Energy Investment, the EU and the Future</p> <p><i>Chair: Laurent Lévy, Lévy Kaufmann-Kohler, Geneva</i></p> <p>Applicability of the ECT to EU Member States <i>Dr. Richard Happ, Luther Rechtsanwaltsges mbH, Hamburg</i></p> <p>The EU as respondent in international arbitration under the ECT <i>Philippe Pinsolle, Shearman & Sterling, Paris</i></p> <p>Article 24 ECT exceptions and national security <i>Dr. Alejandro Escobar, Baker Botts LLP, London</i></p> <p>What future for the ECT in the developing world? <i>Mahnaz Malik, MMI Law and International Institute for Sustainable Development</i></p>
15.30 – 16.00	<p>Closing remarks: <i>Audley Sheppard, Clifford Chance LLP, London</i> <i>Robert Volterra, Latham & Watkins LLP, London</i></p>
16.00	Tea and Coffee