



Twenty-fourth ITF Public Conference

The European Union's Investment Treaties in Global Context

Friday 08 May 2015, 08:30-17:00

Brunei Gallery, SOAS, Thornhaugh Street, Russell Square, London WC1H 0XG

Programme

08.30 – 09.00 Registration with tea/coffee

09.00 – 09.15 Welcome and Introduction

- N. Jansen Calamita, Investment Treaty Forum, British Institute of International and Comparative Law; University of Birmingham School of Law

09.15 – 10.00 Keynote Address

- Professor Sir David Edward KCMG QC FRSE PC

10.00 – 11.45

Panel 1: *The Object and Purpose of Europe's Investment Treaties*

What is the purpose of the EU's investment treaties? Are these treaties an end in themselves or are they instruments of particular times and places? What do we know about the relationship between investment treaties and the decision-making of EU investors? To the extent that the EU is developing an investment policy of its own, how is this being reflected in the treaty making of the Member States?

Chair: Anna Joubin-Bret, Cabinet d'avocats

- Member States' Post-Lisbon BITs – Same Old, Same Old?
 - N. Jansen Calamita, Investment Treaty Forum
- Corporate FDI Decision-making – Results of a New Hogan Lovells/ITF Survey
 - Markus Burgstaller, Hogan Lovells
- The Canadian Approach to Negotiations with Europe
 - Armand de Mestral, McGill University
- The Economics and Politics of Developed-Developed Investment Treaties
 - Lauge Poulsen, University College London

11.45 – 12.15 Tea/Coffee break

12.15 – 14.00 Panel 2: *Comparing the Texts – Substantive Protections*

This panel will look at key provisions of the EU's draft treaties related to substantive treatment: fair and equitable treatment, MFN treatment, and exceptions. In particular, this panel will ask two questions: (1) What do the texts tell us about the EU's unwritten model BIT? Where are the consistencies? Where are the discrepancies? (2) What do we know about the EU texts based upon our knowledge of the texts of other treaties which they resemble or from which they deliberately seem to depart?

Chair: Lise Johnson, Columbia Center on Sustainable Investment

- **Most-Favored Nation**
 - Michael Ewing-Chow, National University of Singapore
- **Fair and Equitable Treatment**
 - Martins Paparinskis, University College London
- **Exceptions Clauses**
 - Christian Tams, University of Glasgow

14.00 – 15.00 Lunch

15.00 – 16.30 Panel 3: *Comparing the Texts – Jurisdiction & Dispute Settlement*

This panel looks at key procedural provisions of the EU's draft treaties and asks: (1) What do the texts tell us about the EU's unwritten model BIT? Where are the consistencies? Where are the discrepancies? (2) What do we know about the EU texts based upon our knowledge of the texts upon which they are based or closely resemble, namely the DR-CAFTA, the NAFTA, etc.

Chair: Gavan Griffith QC, Essex Court Chambers

- **Arbitrator Selection**
 - Anna Crevon, Dentons
- **Waiver Provisions**
 - Alejandro Escobar, Baker Botts
- **Limitations on Jurisdictional Scope**
 - David Gaukrodger, OECD

16.30 – 16.45 Closing Remarks