

# Investment Treaty Forum

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

18<sup>th</sup> & 19<sup>th</sup> 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

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

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|               | <p>Historic context of the ECT (tbc)</p> <p>Security of energy supplies and environmental considerations<br/><i>Howard Mann, International Institute for Sustainable Development, Ottawa</i></p> <p>The relevance of the ECT to observers: Charter expansion policy (tbc)</p>  |
| 15.35 – 16.05 | Tea/Coffee break   |
| 16.15 – 17.30 | <p>PANEL 2</p> <p>Dispute Settlement under the ECT: What Role for State/State Arbitration?</p> <p><i>Chair: Robert Volterra, Latham &amp; Watkins LLP, London</i></p> <p>State/State arbitration under ECT Article 27 and potential relevance to investment disputes<br/><i>Laurent Gouiffès, Allen &amp; Overy LLP, Paris</i></p> <p>Transit disputes under ECT Article 7<br/><i>Ana Stanic, EA Law, Lecturer at University of London, Associate Professor at Notre Dame University, Lecturer at SOAS, London</i></p> |
| 17.00 – 18.00 | 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

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| 08.30 – 09.00 | Registration with tea/coffee   |
| 09:00 – 9:30  | <p>Welcome and Introduction</p> <p>Keynote Address: Critical Issues in the Energy Investment Sector<br/><i>V.V. Veeder QC, Essex Court Chambers, London</i></p>  |
| 09.30 – 10:50 | <p>PANEL 1</p> <p>Risk, Russia &amp; 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<br/><i>Kaj Hobér, Mannheimer Swartling, Stockholm</i></p> <p>Provisional application of the ECT under Article 45<br/><i>Sophie Nappert, 3 Verulam Buildings, London</i></p> <p>Russian perspective on the ECT<br/><i>Andrei Belyi, Centre for Energy Studies, Institute of World Economy and International Relations (IMEMO) and Higher School of Economics, Moscow</i></p> |

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