Energy Charter Treaty arbitration – the SCC experience

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SCC in brief

SCC Rules
Expedited Arbitration Rules
Emergency Arbitrator

Secretariat in Stockholm
International Board

“East-West” disputes
Investment arbitration

Time and efficiency – 21 months average duration of an investment treaty arbitration administered by the SCC
2013: the SCC global footprint
Swedish global footprint in investment treaties

- 120 BITs
- 60 BITs refer to the SCC Rules
- 61 BITs refer to the SCC as appointing authority
- The ECT
- + 12 UNCITRAL

[UNCTAD Report 2013]
Increase in the number of investment treaty arbitrations

Number of Investment disputes per year

Years

Number of disputes
Nationality of the foreign investor

![Pie chart showing the nationality of claimants in investment disputes from 1993-2012. The chart indicates the following:

- Germany: 11 appearances
- Russian Federation: 10 appearances
- Cyprus: 5 appearances
- The Netherlands: 4 appearances
- United States: 4 appearances
- Italy: 3 appearances
- Sweden: 3 appearances
- United Kingdom: 3 appearances
- Gibraltar: 2 appearances
- Luxembourg: 2 appearances
- Moldova: 2 appearances
- Austria: 1 appearance
- Belgium: 1 appearance
- British Virgin Islands: 1 appearance
- Egypt: 1 appearance
- Estonia: 1 appearance
- France: 1 appearance
- Latvia: 1 appearance
- Mauritius: 1 appearance
- Spain: 1 appearance
- Ukraine: 1 appearance]
ECT arbitrations under the SCC Rules as of 28 November 2013

- 11 ECT arbitrations so far
- 3 pending and not in the public domain
- 8 cases in the public domain:
  - Nykomb Synergetics Technology (Sweden) v. Latvia
  - Petrobart (Gibraltar) v. Kyrgyzstan
  - Amto (Latvia) v. Ukraine
  - Mohammad Ammar Al-Bahloul (Austria) v. Tajikistan
  - Mercuria Energy Group (Cyprus) v. Poland
  - Ascom (Moldova) v. Kazakhstan
  - Remington Worldwide (Gibraltar) v. Ukraine
  - Charanne (the Netherlands) and Construction Investments (Luxembourg) v. Spain