INVESTMENT ARBITRATION MASTERCLASS
4-7 November 2019

International Energy Charter,
Boulevard de la Woluwe 46,
1200 Brussels

Agenda

Monday, 4 November 2019

8:30-9:00 Registration
9:00-9:30 Opening remarks by the International Energy Charter

9:30 – 12:30 **PCA investment arbitration practice and procedure**

Speakers:

- **Martin Doe**, Senior Legal Counsel, Permanent Court of Arbitration
- **Lisa Bingham**, Legal Counsel, Permanent Court of Arbitration
- **Christophe Bondy**, Special Counsel, Cooley
- **Juan Nascimbene**, International Associate, Cooley
- **Yas Banifatemi**, Partner, Shearman & Sterling
- **Maude Lebois**, Partner, Shearman & Sterling

- Notice of Arbitration
- Appointment of arbitrators/constitution of the Tribunal
- Procedural and logistical choices at the beginning of the process
- Arbitrator challenges

*With a short coffee break 11:00-11:15*

12:30 – 13:30 Lunch

13:30 – 17:15 **PCA investment arbitration practice and procedure**

Speakers:

- **Martin Doe**, Senior Legal Counsel, Permanent Court of Arbitration
- **Lisa Bingham**, Legal Counsel, Permanent Court of Arbitration
- **Christophe Bondy**, Special Counsel, Cooley
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- **Yas Banifatemi**, Partner, Shearman & Sterling
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- Interim procedural decisions
- Evidence
- Preparation and conduct of the hearing
• Costs of arbitration
• Award and post-award remedies

With a short coffee break 15:30-15:45

17:15 – 17:30 Summary and close
Tuesday, 5 November 2019

9:30-10:15 **Opening Remarks and introduction of the Stockholm Chamber of Commerce Arbitration Institute (SCC)**

Speakers: Natalia Petrik, Legal Counsel, SCC Arbitration Institute

- The SCC: background, organization and investment caseload
- Who does what at the SCC?
- The SCC Rules
- An SCC arbitration from beginning to end
- Challenges to arbitrators under the SCC Rules

10:15–11:00 **Introduction into investment arbitration**

Speakers: Noah Rubins, Partner, Freshfields

- Investment protections treaties and laws
- Meeting the jurisdictional thresholds
- Obligations of the State
- Enforcement of State obligations
- Recent trends

11:00 – 11:30 Coffee Break

11:30 – 12:15 **Admissibility of claims and jurisdiction of the Tribunal in investment arbitration**

Speakers: Yas Banifatemi, Partner, Shearman Sterling, Paris

12:15 – 13:00 **Investment treaty claim from the perspective of the respondent State**

Speakers: Sebastian Seelmann-Eggebert, Partner, LATHAM & WATKINS, Hamburg

13:00 – 14:00 Lunch

14:00 – 14:30 **Emergency arbitrations under the SCC Rules.**

Speakers: Fredrik Andersson, partner, Mannheimer Swartling, Stockholm

- Essential facts of Emergency Arbitration under the SCC Rules
- Statistics
- Procedure
- Which measures might be requested?
- Standards for granting of emergency relief

14:30 – 15:15 **Mock case with request for appointment of an emergency arbitrator, development of emergency proceedings, emergency decision**

Facilitators:
Coffee Break

Mock case with request for arbitration, answer, jurisdictional objections
Facilitators:
Ginta Ahrel, Partner, Westerberg & Partners, Stockholm
Sebastian Seelmann-Eggebert, partner, LATHAM & WATKINS, Hamburg
Fredrik Andersson, partner, Mannheimer Swartling, Stockholm

Summary and close
**ICSID investment arbitration practice and procedure**

Speakers: Francisco Abriani, Legal Counsel, ICSID  
Alejandro A. Escobar, Partner, Baker Botts  
Ucheora Onwuamaegbu, International Attorney, Arent Fox

- Introduction to ICSID
- ICSID and the Energy Charter Treaty
- ICSID Jurisdiction
- Notice of Dispute and Pre-Arbitration Phase

**ICSID (with mock exercises)**

Speakers: Francisco Abriani, Legal Counsel, ICSID  
Alejandro A. Escobar, Partner, Baker Botts  
Ucheora Onwuamaegbu, International Attorney, Arent Fox

- Institution of Proceedings
- Constitution of the Tribunal; Disqualification of Arbitrators
- Commencement of Proceedings;
- First Session and Procedural Order No. 1
- Other Procedures: Manifest Lack of Legal Merit; Preliminary Objections; Bifurcation; Provisional Measures

**ICSID (with interactive exercises)**

Speakers: Francisco Abriani, Legal Counsel, ICSID  
Alejandro A. Escobar, Partner, Baker Botts  
Ucheora Onwuamaegbu, International Attorney, Arent Fox

- Other Procedures: Production of Doc-s; Transparency; and Non-Disputing Parties
- Oral Process
- The Award or Termination of the Proceedings by Settlement/Discontinuance
- Costs of Arbitration
- Post-Award Remedies
- Recognition and Enforcement of Awards

With a short coffee break 15:30-15:45

**Summary and close**
Thursday, 7 November 2019

9:00 – 11:00  
**Determination of damages: practical issues (with mock exercises)**

Speakers:  
Joachim Knoll, Partner, Lalive  
Stuart Dekker, Principal, Versant Partners

Discussion points:  
• Introduction: What are damages?  
• Framework for assessing damages – the Chorzów principle  
• Damages case studies  
• Mock exercises

11:00 – 11:15  
**Coffee Break and family photo**

11:15 – 12:00  
**Determination of damages: methods of calculation with a mock case**

Speakers:  
Joachim Knoll, Partner, Lalive  
Stuart Dekker, Principal, Versant Partners

Discussion points:  
• The role of a damages expert  
• Selecting a damages expert  
• An overview of damages calculation – valuation approaches  
• Information required – documentation, evidence, etc.  
• Comparing assessment methods adopted in recent arbitral decisions  
• Description of a hypothetical case; Mock exercises

12:00 – 13:00  
**Lunch**

13:00 – 15:30  
**Strategic Communication**

Speaker: Pablo López-Álvarez, Head of EU Competition, Trade and International Litigation, FTI Consulting

Discussion points:  
• Management of the reputational, communication, diplomatic and political ramifications of the dispute  
• Growing transparency requirements  
• Communications plan development  
• Stakeholder engagement/management  
• Promotion of the right environment to achieve a negotiated solution  
• Practical case study

15:30 – 16:00  
**Award ceremony and farewell**