About the Training Programme

The 2015 Autumn Session of the Energy Charter Executive Training Programme will focus on the topic of Investment Mediation/Conciliation. Participants in the programme will benefit from in-depth exposure to the knowledge and experience accumulated by the Energy Charter, as well as several leading international negotiators and mediators. This seventh edition of the Energy Charter Training Programme will include:

An optional, informative pre-training session on the Energy Charter Treaty
Tuesday 3rd November 2015 | 15h30-18h00
Energy Charter Secretariat, Brussels

During this session, Energy Charter Officials will discuss the legal aspects of the Energy Charter Treaty with participants in an interactive and dynamic manner, in order to prepare them for the highly challenging programme.

The Training Programme instruction sessions
Wednesday 4th - Friday 6th November 2015 | Morning Session
Energy Charter Secretariat, Brussels

Participants will have the unique chance to learn about mediation and conciliation directly from real-life negotiators and mediators, as well as from international institutions, including the Centre for Effective Dispute Resolution (CEDR), the International Mediation Institute (IMI) and the UN Commission on International Trade Law (UNCITRAL). Participants will become acquainted with:

- Personal negotiating experiences of instructors
- Differences & analogies between mediation, conciliation & arbitration
- Negotiation skills
- Dealing with Deadlock
- Applicable rules for mediating & conciliating investment disputes
- Drafting a settlement agreement.

The Training Programme negotiation scenario
Wednesday 4th - Friday 6th November 2015 | Afternoon Session
Energy Charter Secretariat, Brussels

Participants will be fully engaged in a negotiation scenario that will cover the entire process: choosing conciliation or mediation, negotiating a settlement agreement, and drafting the final document. Participants will be divided into investor companies and states and will be supported by professional mediators in their discussions.
# Agenda of the Training

## DAY ZERO - TUESDAY 3 NOVEMBER 2015

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Speaker(s)</th>
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| 15.30 - 17.30 | Information session on the Energy Charter and its activities  | Marat Terterov  
Training Programme Coordinator & Research Fellow, Energy Charter Secretariat, Knowledge Centre, Brussels  
Alejandro Carballo Leyda  
Legal Counsel, Energy Charter Secretariat, Brussels  
Matteo Barra  
Investment Expert, Energy Charter Secretariat, Brussels |
|          | Venue: Energy Charter Secretariat Conference Room 4th Floor |                                                                          |

## DAY ONE - WEDNESDAY 4 NOVEMBER 2015

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<tr>
<th>Time</th>
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| 09.30 - 10.15 | Programme Opening & Welcome Remarks  | Amb. Urban Rusnák  
Secretary General, Energy Charter Secretariat, Brussels  |
|          | Programme orientation and introduction  | Marat Terterov  
Training Programme Coordinator & Research Fellow, Energy Charter Secretariat, Knowledge Centre, Brussels  
Andrzej Grossman  
Director, Centre for Effective Dispute Resolution (CEDR), London  |
|          | Warm up exercise |                                                                          |
| 10.15 - 11.00 | Landscape of Dispute Resolution  | Robert Wheal  
Partner, White&Case, London  |
11.15 - 12.00  Exercise on Adjudication vs Settlement
This exercise is designed to focus on core differences between adjudication and settlement processes such as mediation.

12.00 - 13.00  Choosing between mediation, conciliation or arbitration
CEDR/IMI Trainers
When faced with the decision about what process is best for a particular case, how do parties and their lawyers go about choosing?
Lunch break from 13.00 to 14.00

14.00 - 14.45  Preparation exercise: Convincing others to attend mediation including dealing with authority issues

14.45 - 15.45  Overview of the mediation process:

14.45 - 15.30  Understanding mediation
CEDR/IMI Trainers
This session will help participants understanding the distinct phases of mediation and the role of the mediator and parties involved in each phase.

15.30 - 16.00  Applicable rules. An example: UNCITRAL
Judith Knieper
Legal Consultant, UNCITRAL, Vienna
This session will explore the different rules available for the conduct of mediation - conciliation using the specific example of UNCITRAL conciliation rules.

16.15 - 17.00  Preparation: Preparing your negotiation position and opening
This session will be devoted to how parties should prepare for mediation and in particular to making their opening statements. Participants will be divided into party teams and will prepare for the upcoming role play mediation

17.00 - 17.45  Role Play 1: The Mediation Opening
The opening phase of the role play will be conducted with the parties making their opening statements to each other and the mediator. Please note the mediator will be a trained, experienced professional through all stages of the mediation scenario.
Debrief and Day 1 Wrap Up
Gala dinner
DAY TWO - THURSDAY 5 NOVEMBER 2015

09.30 - 11.45  Exploration: Getting maximum value out of the mediation
CEDR/IMI Trainers
This session will focus on understanding the importance of moving beyond stated legal positions to look at underlying interests. An exercise will also be conducted on the skills that representatives to mediation can use, alongside the mediator, to understand what is really important.

12.00 - 13.15  Role Play 2: Exploration of interests
CEDR/IMI Trainers
Continuation of the role play, this time focusing on the exploration phase of the mediation process.
Lunch break from 13.30 to 14.30

14.30 - 15.45  Negotiating effectively in Mediation
CEDR/IMI Trainers
This session will present participants with a framework for making offers and provide input on effective negotiating strategy in mediation. Following this, parties will have time to prepare their opening offers for the role play mediation.

16.00 - 17.15  Role Play 3: Making initial offers
CEDR/IMI Trainers
Moving in the bargaining phase of the mediation process, parties will deliver and respond to opening offers
Debrief and Day 2 Wrap up
Team building dinner

DAY THREE - FRIDAY 6 NOVEMBER 2015

09.30 - 11.00  Negotiation in Mediation - Dealing with Deadlock
CEDR/IMI Trainers
This session will explore the causes of deadlock in negotiations in mediation and the techniques for addressing them and breaking through to agreement. Participants will be presented with a deadlock scenario from the role play and will have time to consider how to break the impasse.
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<tr>
<th>Time</th>
<th>Session</th>
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<tr>
<td>11.15 - 12.30</td>
<td>Role Play 4: Negotiating through deadlock</td>
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<td>Using information from previous sessions, parties will attempt to</td>
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<td>overcome a deadlock situation and negotiation through to agreement.</td>
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<td>Debrief</td>
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<td>12.45 - 13.30</td>
<td>Drafting a settlement agreement</td>
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<td>In this session, input will be given on how to go about drafting a</td>
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<td>settlement agreement and other matters to conclude the mediation</td>
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<td>process.</td>
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<td>Lunch break from 13.30 to 14.30</td>
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<td>14.30 - 15.30</td>
<td>Role Play 5: Drafting a settlement agreement (including press statements)</td>
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<td>Using the agreement potentially reached in the role play, parties will</td>
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<td>draft an outline settlement agreement including an agreed press statement.</td>
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<td>15.45 - 16.30</td>
<td>Specific Issues in Investor-State Disputes</td>
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<td>This session is designed to address specific issues of investor-state</td>
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<td>disputes and to explore how they are addressed in the mediation context.</td>
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<td>Course Debrief and Evaluations</td>
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<td>Farewell cocktail and award ceremony</td>
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Upon completion of the programme, participants will benefit from a complete picture on how mediation can assist them in real-life investment dispute resolutions. The programme will offer participants a rich, unique and in-depth training, ranging from understanding the different legal instruments available, to acquiring fundamental negotiation skills, to reaching a settlement agreement. Participation in this course and especially the interactive, hands-on simulation exercise will thus help participants develop the relevant legal know-how and skills in a ready-to-use form.
Who should attend

Participants are invited from the legal sector, both private and public, the wider energy industry.

Participants should have a relevant academic or professional background in law, investment, energy, finance, international government relations, etc.

The Programme caters to a maximum of 30 persons, so interested candidates are warmly invited to register early.

Participation Fee

The Training Programme fee is Eur 2,850 per participant and covers the cost of all deliverable learning modules throughout the course, including all learning materials, orientation sessions, receptions, lunches, coffee breaks, dinners, and networking cocktails. It is envisaged that participants will cover the cost of their accommodation and travel to Brussels.

Participants nominated by national authorities from across the wider Energy Charter constituency are likely to be exempt from the payment. Priority for fee-exemption will be given to nationals of countries who were not represented in previous training. Representatives from Brussels-based Missions may participate in programme sessions as guests but will not be awarded a Certificate of Excellence. Participants from academic institutions are invited to inquire about the academic rate of Eur 1,500.

Venues

The seminar on Complex Investment Negotiations (only for government officials) will take place at the Brussels Offices of King & Wood Mallesons, Square de Meeus 1, 1000 Brussels.

The informative pre-training session and the Training Programme will take place at the Energy Charter Secretariat, Boulevard de la Woluwe 56, 1200 Brussels.

Get in touch!

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LinkedIn.com/company/energy-charter

DISCLAIMER: Teaching and workshop materials will be in English. The Energy Charter Secretariat is unable to provide translation or interpreting services. All materials presented during the Training Programme by instructors delivering the presentations constitute the opinions of the instructors themselves and do not necessarily constitute the opinion of the Energy Charter Secretariat. The Energy Charter Secretariat cannot be held liable in any way for the information provided in presentations nor for the opinions of instructors. All presentations and Training Programme materials are subject to copyright regulations and may not be reproduced in any form without written consent of the author and/or the Energy Charter Secretariat. Payment of the registration fee is required in order to secure a place in the Training. Acknowledgement of the provisional booking will be sent by email with further information on how to pay. The final payment deadline is 30 October 2015. Payment can only be accepted in EURO. Your place will only be confirmed when full payment is received and if a place is still available. In the event that you are unable to participate in the Training Programme and you notify us in writing on or before 30 October 2015, payment will be refunded minus an administrative cost of 500 EURO. In case of no-show, no fee refund will be made. The Energy Charter Secretariat reserves the right to change or modify the agenda and instructors participating without prior notice to participants. If needed, participants should make their own travel and accommodation arrangements to Brussels. Please ensure you have a relevant visa in place for travel to Belgium if coming from abroad.
What Participants say About the Training

"The best part was the simulation game because it helped me get deeper insight into the processes ongoing among different parties with divergent interests."

"I think the training was very useful especially in terms of networking. These types of courses can really broaden experts' views. The greatest advantage is the focus on both EU and non-EU countries."

"The quality of speakers was very high and the trip to the European Parliament was awesome. I liked that this training was very interactive and informative, but at the same time entertaining, especially the simulation game."

"I think the best part was learning about how international negotiations are conducted during the simulation."

"I loved the negotiation sessions and I wish we could have more time for it. I believe there could be two days of lectures, which in this programme were great and gave a good background perspective on energy issues."

"I would definitely recommend the training to my colleagues. I think it is of critical importance to involve different parties and institutions to work together within the context of a good framework that goes beyond borders."

"I would absolutely recommend the training to colleagues as it is a very valuable experience at several levels: networking opportunities, professional knowledge and negotiating techniques."

"I truly think this was one of the best organised trainings I have ever attended."

"The negotiation session was the best part of the training programme! It made me appreciate the important aspects in energy negotiations and the differences with trade negotiations. What was very interesting was discovering how to reach an agreement on energy volumes, energy security, investment and infrastructures."

"It was great to listen to and discuss with government officials and business representatives!"
Some Interesting Statistics About the Training

- 74% of participants said the training programme met their expectations.
- 89% of participants thought the training programme's format was effective.
- 74% of participants felt involved by instructors.
- 84% of participants felt they will apply the knowledge gained through the training to their daily work.
- 84% of participants rated the training between 4 to 5 on a scale from 1 (very bad) to 5 (excellent).
- 89% of participants will recommend the training to other people.