



INVESTMENT ARBITRATION MASTERCLASS

*International Energy Charter,
Boulevard de la Woluwe 46,
1200 Brussels,
Nagant Room*

PROVISIONAL AGENDA

Monday 5 November 2018

9:00-9:15	<i>Registration</i>
9:15-9:30	<i>Opening remarks</i>
9:30-10:00	Institutional Arbitration Speaker: Natalia Petrik , Legal Counsel, SCC Arbitration Institute <ul style="list-style-type: none"><i>Investment Arbitration</i><i>How institutional arbitration works: organization, decision-making, secretariats;</i><i>Initial exchange of briefs: specifics of investment proceedings;</i><i>Referral to tribunal</i>
10:00 –11:00	Introduction into investment arbitration Speakers: Noah Rubins , Partner, Freshfields Comments: Natalia Petrik , Legal Counsel, SCC Arbitration Institute Sabine Konrad , Partner, McDermott, Will & Emery Christer Söderlund , Partner, Morssing Nycander Erica Stein , Partner, Dechert Ginta Ahrel , Partner, Lindahl
11:00 – 11:30	<i>Coffee Break</i>
11:30 – 12:15	Investment treaty claim from the perspective of the defendant state Speaker: Sabine Konrad , Partner, McDermott, Will & Emery Comments: Natalia Petrik , Legal Counsel, SCC Arbitration Institute Noah Rubins , Partner, Freshfields Christer Söderlund , Partner, Morssing Nycander Erica Stein , Partner, Dechert Ginta Ahrel , Partner, Lindahl



12:15 – 13:00 Jurisdictional objections in investment arbitration

Speaker:

Christer Söderlund, partner, Morssing Nycander

Comments:

Natalia Petrik, Legal Counsel, SCC Arbitration Institute

Noah Rubins, Partner, Freshfields

Sabine Konrad, Partner, McDermott, Will & Emery

Erica Stein, Partner, Dechert

Ginta Ahrel, Partner, Lindahl

13:00 – 14:00 Lunch

14:00 – 15:00 Constitution of the Tribunal and commencement of proceedings

Speakers:

Natalia Petrik, Legal Counsel, SCC Arbitration Institute

Comments:

Christer Söderlund, Partner, Morssing Nycander

Noah Rubins, Partner, Freshfields

Sabine Konrad, Partner, McDermott, Will & Emery

Erica Stein, Partner, Dechert,

Ginta Ahrel, Partner, Lindahl

- *Who are arbitrators;*
- *How are they appointed;*
- *Specifics of challenges in investment cases and at the SCC;*
- *How are their fees decided;*
- *Advance on costs vs final costs in investment cases;*
- *Pre-award relief and emergency arbitration under the SCC Rules*

15:00 – 15:45 Mock case with a request for appointment of an emergency arbitrator, development of emergency proceedings, emergency decision

Facilitators:

Erica Stein, Partner, Dechert,

Ginta Ahrel, Partner, Lindahl (Parties)

Christer Söderlund, Partner, Morssing Nycander (Emergency Arbitrator)

15:45 - 16:00 Coffee Break

16:00 – 17:00 Mock case with request for arbitration, requests for extension of time, answer, jurisdictional objections

Facilitators:

Erica Stein, Partner, Dechert

Ginta Ahrel, Partner, Lindahl

17:00 – 17:30 Summary and close



Tuesday 6 November 2018

9:00 – 12:30 **PCA investment arbitration practice and procedure (with interactive exercises)**

Speakers:

Dirk Pulkowski, Senior Legal Counsel, Permanent Court of Arbitration
Lisa Bingham, Legal Counsel, Permanent Court of Arbitration & Deputy Executive Director, International Council for Commercial Arbitration (ICCA)
Nicolas Angelet, Professor of International Law at ULB and Partner, Liedekerke

- *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 11:15-11:30

12:30 – 13:30 *Lunch*

13:30 – 17:15 **PCA investment arbitration practice and procedure (with interactive exercises)**

Speakers:

Dirk Pulkowski, Senior Legal Counsel, Permanent Court of Arbitration
Lisa Bingham, Legal Counsel, Permanent Court of Arbitration & Deputy Executive Director, International Council for Commercial Arbitration (ICCA)
Nicolas Angelet, Professor of International Law at ULB and Partner, Liedekerke

- *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*



Wednesday 7 November 2018

9:00 – 11:00 **ICSID investment arbitration practice and procedure**

Speakers:

Francisco Abriani, Legal Counsel, ICSID

Eloïse Obadia, International Investment Lawyer

Alejandro Escobar, Partner, Baker Botts

Nicolas Angelet, Professor of International Law at ULB and Partner, Liedekerke

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

11:00 – 11:15 *Coffee Break*

11:15 – 12:30 **ICSID (with mock exercises)**

Speakers:

Francisco Abriani, Legal Counsel, ICSID

Eloïse Obadia, International Investment Lawyer

Alejandro Escobar, Partner, Baker Botts

Nicolas Angelet, Professor of International Law at ULB and Partner, Liedekerke

- *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*

12:30 – 13:30 *Lunch*

13:30 – 17:15 **ICSID (with interactive exercises)**

Speakers:

Francisco Abriani, Legal Counsel, ICSID

Eloïse Obadia, International Investment Lawyer

Alejandro Escobar, Partner, Baker Botts

Nicolas Angelet, Professor of International Law at ULB and Partner, Liedekerke

- *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*
- *Recognition and Enforcement of Awards*

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

17:15 – 17:30 *Summary and close*



Thursday 8 November 2018

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

Speakers:

Travis Taylor, Senior Managing Director, Ankura

Joachim Knoll, Partner, Lalive

- *Introduction; What are damages?*
- *Framework for assessing damages – the Chorzów principle*
- *Damages case studies*
- *Mock exercises*

11:00 – 11:15 *Coffee Break*

11:15 – 12:30 **Determination of damages: methods of calculation with a mock case**

Speakers:

Travis Taylor, Senior Managing Director, Ankura

Joachim Knoll, Partner, Lalive

- *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*

12:30 – 13:30 **Award ceremony and family photo**

16:45 – 17:00 **Networking coffee and registration for the roundtable**

17:00 – 19:00 **Roundtable on “Defining legitimate expectations in international investment law”, organised in cooperation with BIICL**

(Participants of the training course are welcome to participate for free)