

## CEPS Energy Climate House and Université Saint-Louis Brussels

# THE CJEU JUDGMENT IN *ACHMEA*: DEATH SENTENCE FOR INVESTMENT PROTECTION TRIBUNALS?

Date: 26 June 2018, 13:30 to 16:00

Venue: CEPS, Place du Congrès 1, 1000 Brussels (Conference Room, ground floor)

On 6 March 2018, the Court of Justice of the EU ruled in *Achmea* that the Investor-State Dispute Settlement provided for by a bilateral investment treaty (BIT) concluded between two member states was inconsistent with EU law. This means that an investor established in a EU member state will no longer be able to initiate an investment arbitration case against another EU member in the event of a dispute concerning investments made by that investor in this other member state. It is therefore no surprise that this landmark judgment is opening up a new debate regarding the future of investor protection in the EU.

Specialists in EU and investment law will attempt to answer the following questions at this event:

- What are the repercussions of the *Achmea* judgment for the ISDS mechanism in intra- and extra-EU BITs?
- What are the reactions of the international investment community to the judgment?
- What will happen to ongoing investment arbitrations under intra-EU BITs?
- What are the legal repercussions for the arbitration cases under the Energy Charter Treaty?

## AGENDA

**13:30: REGISTRATION AND COFFEE**

**14:00: WELCOME BY CEPS**

**Christian Egenhofer**, Director, CEPS Energy Climate House

**14:05: SHORT PRESENTATIONS AND PANEL DISCUSSION**

Moderator: **Jorge Núñez Ferrer**, Senior Research Fellow, CEPS Energy Climate House

**Ivana Damjanovic**, Centre for European Studies, The Australian National University: The State of play: The ISDS mechanism in intra- and extra-EU investment treaties

**Nicolas de Sadeleer**, Professor, Jean Monnet Chair, Faculty of Law, University of St. Louis, Brussels, Guest Professor at UCL: End game: the consequences of *the* judgment for intra-EU and intra-EU investment arbitrations

**Quentin Declève**, Associate, Van Bael & Bellis: The impact of *the* judgment on EU trade and investment agreements with third countries

**Tim Maxian Rusche**, Member of the Legal Service, European Commission: Legal implications of the *Achmea* judgement

Followed by discussion with the audience

**16:00 END OF MEETING**

Link to [REGISTRATION](#) <sup>1</sup>

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<sup>1</sup> [crm.ceps.eu/civicrm/event/info?id=1404&reset=1](http://crm.ceps.eu/civicrm/event/info?id=1404&reset=1)