

WTI Brown Bag Seminar



Title

Investment arbitration and European Union law: Where do we stand?

Speaker

Dr Blerina Xheraj

When

26 September 2018
12:30 - 13:30

Where

Silva Casa Auditorium
World Trade Institute
Hallerstrasse 6, 3012 Bern

Abstract

The relationship between investment arbitration and European Union (EU) law is complex. The first clash between these two normative orders started many years ago, when Member States (MS) of the EU invoked EU law as an objection to the applicability of intra-EU bilateral investment treaties (BITs) and the validity of intra-EU BITs arbitration clauses. Since then, the issue is occupying national judges, arbitrators and EU judges alike.

From an EU law perspective, the Court of Justice of the EU (CJEU) decided the matter in March 2018, but difficulties have not yet been fully overcome. Today, many questions remain unanswered and new challenges are appearing in the practice of investment arbitration. This presentation will address selected issues concerning the interplay between EU law and investment arbitration, and will analyse past, present and future challenges related to this topic. It will conclude by highlighting the increasing 'Europeanisation' of investment dispute settlement and by advocating for more use of comparative law method when examining these issues.

Biography of the speaker

Dr Blerina Xheraj specializes in EU law and investment arbitration. She holds law degrees from the University of Geneva, Queen Mary University of London, the University of Oxford and the University of Siena.

In the past, Dr Xheraj worked as a Research Assistant at the Private International Law Department of the University of Geneva and conducted research on conflict of norms in international arbitration; this project was funded by the Swiss National Science Foundation. She was a Researcher at the Center for International Dispute Settlement and contributed to the preparation of the first UNCITRAL/CIDS report on the reform of ISDS. Dr Xheraj participated in pro bono projects advising foreign governments on issues of investment law. She has previously held positions as Associate, International Dispute Resolution Intern and Consultant in law firms in Geneva and London.

During her academic career, she won several grants and fellowships from prestigious organizations, including the American Society of Comparative Law, the European Society of International Law and the European University Institute. She has teaching experience as a 'Guest Lecturer' and is currently completing a paper addressing EU ISDS and the multilateral investment court system, scheduled to be presented at a conference in The Hague in December 2018.