

PhD Course: Recent Developments on International Investment Law

25 – 29 September 2023

Lecturers: Dr Michele Potestà, Dr Nikos Lavranos, Dr Sofía Boza, and Dr Andrea Steingruber

ECTS: 3

KSL information: HS2023, Root nr: 483408

Teaching Schedule

Unless otherwise indicated, each teaching day is scheduled as follows:

9:00 – 10:30: First teaching block
10:30 – 11:00: Coffee break
11:00 – 12:00: Second teaching block
12:00 – 14:00: Lunch break
14:00 – 15:30: Third teaching block
15:30 – 16:00: Coffee break
16:00 – 17:00: Fourth teaching block

Module I: Criticism and reform of ISDS – The 2022 ICSID Amendments and the ongoing UNCITRAL WGIII reform process

Lecturer: Dr Michele Potestà

Dates: 25-26 September 2023

Course Description

The sessions will devote particular attention to the criticism that the current investor-state dispute settlement (ISDS) system is facing and the various reform efforts that States and other stakeholders are making to address such criticism. The course will in particular review in detail the recent ICSID Rules amendments which have reformed the ICSID arbitration framework in a number of significant respects and which have come into effect in July 2022. We will in particular look at the new rules on transparency and third party funding, and at the innovations aimed at making proceedings more time- and cost-efficient. Moreover, the classes will address in some detail the ongoing work of UNCITRAL Working Group III with respect to ISDS reform, including the proposals of tribunals, ad hoc and standing multilateral mechanism (multilateral advisory centre, stand-alone review or appellate mechanism, and standing first instance and appeal investment court, with full-time judges); arbitrators and adjudicators appointment methods and ethics (ISDS tribunal members' selection appointment and challenge, and code of conduct); treaty Parties' involvement and control mechanisms on treaty interpretation; cost management and related procedures (expedited procedures, and principles/guidelines on allocation of cost and security for cost); and third party funding, as well as the possible mechanisms to implement the reform options. The course will explore the complex design and legal questions which each of these reform options entails, including the law of treaty questions that arise in seeking to reform the existing investment treaty framework.

Learning objectives

- Understand the most important reforms to investor-State dispute settlement that have been implemented or proposed as alternatives to investor-State arbitration or to improve that system in light of the criticism raised;
- Examine the main innovations brought by the 2022 ICSID Rules Amendments and those that are contemplated by the UNCITRAL Working Group III;
- Review the design and legal questions (including law of treaty questions) that arise in reforming the investment treaty system.

Reading materials

Compulsory:

A. The concerns with the existing system

- Gabrielle Kaufmann-Kohler and Michele Potestà, "Can the Mauritius Convention serve as a model for the reform of investor-State arbitration in connection with the introduction of a permanent investment tribunal or an appeal mechanism? Analysis and roadmap," CIDS Report of 3 June 2016 ("CIDS Report I"), available at https://www.cids.ch/images/Documents/CIDS_First_Report_ISDS_2015.pdf
Please read sections I, II and III.
- Julian Arato et al., *Lack of Consistency and Coherence in the Interpretation of Legal Issues*, <https://www.ejiltalk.org/lack-of-consistency-and-coherence-in-the-interpretation-of-legal-issues/>
- Gabriel Bottini, *Excessive Costs and Insufficient Recoverability of Cost Awards*, <https://www.ejiltalk.org/excessive-costs-and-insufficient-recoverability-of-cost-awards/>
- Holger Hestermeyer and Anna De Luca, *Duration of ISDS Proceedings*, <https://www.ejiltalk.org/duration-of-isds-proceedings/>
- Andrea Kay Bjorklund, *The Diversity Deficit in Investment Arbitration*, <https://www.ejiltalk.org/the-diversity-deficit-in-investment-arbitration/>
- Chiara Giorgetti, *Independence and Impartiality of Arbitrators in Investor-State Arbitration: Perceived Problems and Possible Solutions*, <https://www.ejiltalk.org/independence-and-impartiality-of-arbitrators-in-investor-state-arbitration-perceived-problems-and-possible-solutions/>
- Mark Feldman, *Responding to Incorrect ISDS Decision-Making: Policy Options*, <https://www.ejiltalk.org/responding-to-incorrect-isds-decision-making-policy-options/>
- Julian Arato, Kathleen Claussen, Jaemin Lee, Giovanni Zarra, *Reforming Shareholders Claims in ISDS*, *Academic Forum on ISDS Concept Paper 2019/9*. <https://www.jus.uio.no/pluricourts/english/projects/leginvest/academic-forum/papers/papers/arato-reforming-shareholder-claims-isds-af-9-2019.pdf>

B. The 2022 ICSID Rules Amendments

- Antonio R. Parra, *The 2022 Amendments of the Regulations and Rules of the International Centre for Settlement of Investment Disputes : Changes and*

Continuity, in The journal of world investment & trade, Vol. 23, No. 5-6 (2022), p. 717-736

C. The UNCITRAL Reform Process

Options for reforms :

- Anthea Roberts, "Incremental, Systemic, and Paradigmatic Reform of Investor-State Arbitration", American Journal of International Law, Volume 112, Issue 3, July 2018, pp. 410-432.

Treaty party interpretations:

- Please read the three contributions on treaty parties' interpretation by C. Titi, T. Gazzini, and G. Zarra on *EJIL: Talk!*, at the following links:
 - <https://www.ejiltalk.org/the-timing-of-treaty-party-interpretations/>;
 - <https://www.ejiltalk.org/authentic-or-authoritative-interpretation-of-investment-treaties-by-the-treaty-parties/>;
 - <https://www.ejiltalk.org/uses-and-abuses-of-authentic-interpretations-of-international-investment-agreements-reflections-on-the-role-of-arbitral-tribunals-as-masters-of-the-judicial-function/>

The new Code of Conduct

- Please read the latest version of the Code of Conduct available on the UNCITRAL WGIII website (specific link will be provided once the latest version of the Code is published)

The proposed Multilateral Investment Court (MIC)

- Gabrielle Kaufmann-Kohler and Michele Potestà, "The Composition of a Multilateral Investment Court and of an Appeal Mechanism for Investment Awards", CIDS Supplemental Report of 15 November 2017 (**CIDS Report II**) https://www.cids.ch/images/Documents/CIDS_Supplemental_Report_ISDS_2016.pdf (please read sections I to III)

The proposed Appellate Mechanism

- Please read the latest UNCITRAL WG3 working paper on the AM (specific link will be provided once paper is published)

Implementation of reform options / treaty questions

- Gabrielle Kaufmann-Kohler and Michele Potestà, "Can the Mauritius Convention serve as a model for the reform of investor-State arbitration in connection with the introduction of a permanent investment tribunal or an appeal mechanism? Analysis and roadmap," CIDS Report of 3 June 2016 ("CIDS Report I"), available at https://www.cids.ch/images/Documents/CIDS_First_Report_ISDS_2015.pdf
Please read section VII. A-B, and section VIII.

Optional :

- Gabrielle Kaufmann-Kohler and Michele Potestà, "Investor-State Dispute Settlement and National Courts – Current framework and reform options", CIDS Report for the Swiss State Secretariat for Economic Affairs (SECO), Springer 2020, in open access. <https://link.springer.com/book/10.1007%2F978-3-030-44164-7>
- Michele Potestà, "The compatibility of an appeal mechanism for ISDS disputes with the ICSID Convention under the law of treaties", in *The Vienna Convention on the Law of Treaties: in International Arbitration: History, Evolution, and Future* (Kluwer Law, 2022, pp. 349-384)
- Polanco, Rodrigo (2019) "Home State Role in ISDS Together with the Host State", in *The Return of the Home State to Investor-State Disputes: Bringing Back Diplomatic Protection?*, Cambridge University Press, pp. 89-166.
- Martin Jarrett, Sergio Puig, Steven Ratner, Investor Accountability: Indirect Actions, Direct Actions by States, and Direct Actions by Individuals, Academic Forum on ISDS Concept Paper 2021/16. https://www.jus.uio.no/pluricourts/english/projects/leginvest/academic-forum/papers/papers/16_investor-accountability.pdf

Module II: The Energy Charter Treaty (ECT) modernization process

Lecturer: Dr Nikos Lavranos

Course Description

The Lecture will provide a tour d'horizon regarding the modernization process of the Energy Charter Treaty (ECT).

We will start with the brief history of the ECT, explaining which aims and purpose the drafters of the ECT had in mind in the early 1990s. We will also focus on the particular multilateral nature of the ECT, as one of the few multilateral investment promotion and protection agreements as apposed to bilateral investment and promotion agreements. Moreover, we will focus on the particular position of the EU and its Member States as Contracting Parties to the ECT and the legal consequences arising out of it.

The second part will focus on the reasons for the increasing use by and thus importance of the ECT for European investors. In particular, we will explain the reasons behind the huge number of intra-EU renewable energy disputes.

The third part will zoom into the ECT modernization process by explaining the relationship and interaction between the Paris Agreement and the ECT and the particular reform agenda of the EU, followed by an analysis of the results of the ECT modernization process.

The fourth part will assess the consequences of the meltdown of the ECT caused by the CJEU, the EC and the EU Member States.

The last part will focus on the present and future of the ECT and what the consequences will be for Contracting Parties of the ECT which are in the EU and those outside the EU. Also, the issue of the application of the sunset clause of the ECT is of particular importance, especially in connection with pending and new ECT disputes.

Learning aims

After this Lecture, participants should have gained a comprehensive and up-to-date understanding of the modernization process of the ECT as well as the wider consequences for the EU and its Member States, for non-EU Contracting Parties of the ECT and for investors. Also, participants should have gained an understanding and thus be able to reflect on the interaction with the Paris Agreement and the energy transition as well the energy supply security.

Topics

- Brief history of the ECT
 - Introduction into the ECT
 - The aims and purpose of the ECT

- The multilateral nature of the ECT
- The particular position of the EU and its Member States
- The increasing use and importance of the ECT
 - The focus on renewable energy cases
 - The focus on intra-EU ECT disputes
- The ECT modernisation process
 - The Paris Agreement and the ECT
 - The EU's reform agenda for the ECT
 - The ECT negotiations and the results
- The meltdown of the ECT
 - The ECT before the Court of Justice of the EU (CJEU)
 - The EC's amicus curiae interventions
 - The sudden change of mind of some EU Member States
- The present and the future of the ECT
 - The application of the ECT within and outside the EU
 - The application of the sunset clause
 - How to deal with pending and new ECT disputes
 - The Paris Agreement, the energy transition energy supply security.

Compulsory Reading Material

- N. Lavranos et al, The meltdown of the ECT: How the ECT was ruined by the EU and its Member States, *SchiedsVZ* 2023, pp. 38-46.
- P. Paschalidis, Intra-EU Application of the Energy Charter Treaty: A Critical Analysis of the CJEU's Ruling in *Republic of Moldova (Komstroy)*, *European Investment Law and Arbitration Review* 2022, pp. 1-35.
- S. Vasani and N. Allen, No Green without More Green: The Importance of Protecting FDI through International Investment Law to Meet the Climate Change Challenge, *European Investment Law and Arbitration Review* 2020, pp. 1–39.
- C. Verburg and N. Lavranos, Recent Awards in Spanish Renewable Energy Cases and the Potential Consequences of the *Achmea* Judgment for Intra-EU ECT Arbitrations, *European Investment Law and Arbitration Review* 2018, pp. 197–222.
- The revised draft ECT text (June 2022).
https://www.bilaterals.org/IMG/pdf/reformed_ect_text.pdf
- J. Topper and K. Wagner, Don't pull the plug on the Energy Charter Treaty, Why EU Member States should modernise rather than abandon it, 16.05.2022.
<https://voelkerrechtsblog.org/dont-pull-the-plug-on-the-energy-charter-treaty/>

- A. Daszko, No Longer Feeling the Energy - Unpacking Poland's reasoning behind its decision to withdraw from the ECT, 9.9.2022.
<https://verfassungsblog.de/not-feeling-the-energy-anymore/>

Suggested Reading Material

- Kluwer Arbitration blog, dedicated website reg the ECT modernisation process, multiple blogposts.
<https://arbitrationblog.kluwerarbitration.com/category/ect-modernisation/>
- C. Baltag and A. Stanič, The Future of Investment Treaty Arbitration in the EU: Intra-EU BITs, the Energy Charter Treaty, and the Multilateral Investment Court, Kluwer Law International, 2020.

Module III: The Investment Facilitation for Development Negotiations at the WTO

Lecturer: Dr Sofía Boza

Course Description

The main objective of this lecture is to understand the role of investment facilitation for the promotion of Foreign Direct Investment (FDI), as well as the mechanisms that countries can implement in terms of increasing transparency, predictability and streamlining administrative procedures for investors. In this context, specific attention will be given to the Investment Facilitation for Development (IFD) negotiations at the World Trade Organization.

Learning aims

- A) Economic impact of investment facilitation and general overview of the situation worldwide
- B) Mechanisms in the line of investment facilitation for increasing transparency, predictability and streamlining administrative procedures
- C) Origins and evolution of the Investment Facilitation for Development negotiations at the WTO
- D) Overview of the discussions at the negotiations of an IFD Agreement at the WTO
- E) Technical assistance and capacity-building processes for investment facilitation

Compulsory Reading Material

Balistreri, E. J. and Olekseyuk, Z. (2021). Economic Impacts of Investment Facilitation. Working Paper 21-WP 615, Center for Agricultural and Rural Development, Iowa State University.

Berger, A., Dadkhah, A. and Olekseyuk, Z. (2021). Quantifying investment facilitation at country level: introducing a new index. IDOS Discussion Paper 23/2021.

Berger, A., Yardenne, K. and Sauvart, K. P. (eds.) (2022). Investment Facilitation for Development: A Toolkit for Policymakers. International Trade Centre.

Jose, R. (2023). The Joint Initiative on Investment Facilitation for Development: Evolution from 2022 and the road to MC13. International Institute for Sustainable Development and CUTS International.

Sauvart, K. P. (2022). Three Reasons Why a WTO Agreement on Investment Facilitation for Development is Important. International Economic Law and Policy Blog.

Module IV: Subject of the lecture: Economic sanctions and their relationship with investment law

Lecturer: Dr Andrea Marco Steingruber

Brief description of the topics

The Lecture will provide a tour d'horizon regarding the development of (international) economic sanctions and their increasing importance in the last decade, and of their relationship with investment law.

We will start by setting the stage. On the one hand, the lesson will explain and delimit the concept of (international) economic sanctions. On the other hand, it will provide a brief history of (international) economic sanctions and of their evolution.

The second part will focus on the originators, the addressees and on the reach of economic sanctions.

The third part will analyse the relationship between (international) economic sanctions and investment law. It will be discussed which investment law standards can be breached by (international) economic sanctions, but also which justifications can possibly be brought in order to justify the economic sanctions.

The fourth part will analyse the issues that can arise because of (international) economic sanctions in international investment arbitration. These issues can be of procedural, jurisdictional or substantive nature.

Finally, some conclusions will be drawn. An outlook will be provided by pointing out at the discussion about the seizure and the "repurposing" of frozen assets.

Learning aims

After this lecture, participants should have gained a comprehensive and up-to-date understanding of (international) economic sanctions and their relationship with investment law.

Participants should also have gained an understanding on the issues that may arise because of international economic sanctions in investment arbitration and of reparation more generally.

Outline of the lecture

- Introduction into sanctions and (international) economic sanctions
 - The concept of "sanction"
 - Overview of types of sanctions:
 - economic sanctions
 - diplomatic sanctions

- military sanctions
 - sport sanctions
 - cultural sanctions
 - etc.
- The aims and purpose of sanctions and (international) economic sanctions
- Delimitations, for example:
 - with blockades
 - with embargoes
 - with retorsions, reprisals, countermeasures
 - economic sanctions vs. trade sanctions
- Evolution of sanctions and (international) economic sanctions
 - brief history
 - from embargoes, to comprehensive sanctions, to targeted sanctions
- Originators, addressees and the reach of (international) economic sanctions
 - Originators of sanctions:
 - UN
 - supranational organizations (EU)
 - single countries (e.g. USA)
 - Thematic (e.g. terrorism) / geographic sanctions (e.g. against a country)
 - Addressees of sanctions:
 - individuals
 - organizations;
 - countries
 - Countersanctions
 - The reach of (international) economic sanctions:
 - comprehensive sanctions vs. targeted/smart sanctions
 - unilateral vs. multilateral sanctions
 - primary vs. secondary sanctions
- Economic sanctions and international investment law
 - Differences with WTO law?
 - Possible breaches of international investment law standards:
 - national treatment
 - MFN clause
 - expropriation
 - full protection and security (FPS)
 - Possible justifications for breaches?
 - the security exception
 - non-precluded-measures clauses
 - customary international law, namely the law of countermeasures
 - international public policy
 - jus cogens
- Economic sanctions in international investment arbitration
 - Sanctions and judicial proceedings in general
 - General issues
 - The issue with the representation of sanctioned parties
 - Procedural/institutional issues for arbitrators and arbitration institutions

- Jurisdictional and admissibility issues
 - Effects on the substance of disputes
 - investment contract arbitration (frustration, impediment and hardship, force majeure, contract illegality)
 - investment treaty arbitration
 - Annulment
 - Recognition and enforcement of awards
- Concluding remarks on sanctions: outlook
 - The discussion about seizure and “repurposing” of frozen assets
 - Reparation

Compulsory reading material

- Bakos A.-C., Economic sanctions in International Investment Arbitration, *Jus Mundi* (2023)
- Böckstiegel K.H., Applicable Law in Disputes Concerning Economic Sanctions: A Procedural Framework for Arbitral Tribunals, *Arbitration International* (2014), pp. 605–614
- De Brabandere E. and Holloway D., Sanctions and international arbitration, in van den Herik L. (eds.), *Research Handbook on UN Sanctions and International Law*, Research Handbooks in International Law series, Elgar 2017
- De Brabandere E. and Holloway D., Unilateral sanctions through an international arbitration lens: procedural and substantive issues, in Beaucillon C. (eds.), *Research Handbook on Unilateral and Extraterritorial Sanctions*, Research Handbooks in International Law series, Elgar 2021
- Dupont, P.-E., The Arbitration of Disputes Related to Foreign Investments Affected by Unilateral Sanctions, in Marossi, A.Z. and Bassett, M.R. (eds.), *Economic Sanctions under International Law*, T.M.C. Asser Press 2015
- Ghodoosi F., Combatting Economic Sanctions: Investment Disputes in Times of Political Hostility, a Case Study of Iran, *37 Fordham International Law Journal* (2014), pp. 1731-1784
- Van Aaken A., International investment law and decentralized targeted sanctions: an uneasy relationship, *Columbia FDI Perspectives* No. 164 (2016)
- TBC: article/s from the TDM Special Issue on on "Sanctions and International Arbitration: Impact on Substantive and Procedural Issues"

Further suggested reading material

- Ahn T., The Applicability of Economic Sanctions to the Merits in International Arbitration Proceedings: With a Focus on the Dynamics between Public International Law Principles, Private International Law Rules and International Arbitration Theories, *18 Pepperdine Dispute Resolution Law Journal* (2018), pp. 299-323

- Bechky P.S., Sanctions and the Blurred Boundaries of International Economic Law, 83 Missouri Law Review (2018), pp. 1-38
- Beess J. and Chrostin J., Unilateral and Multilateral Sanctions in Investment Treaty Arbitration, Proceedings of the Annual Meeting (American Society of International Law), Vol. 110 (March 30–April 2, 2016), pp. 207-209
- Bogdanova I. V., Targeted Economic Sanctions and WTO Law: Examining the Adequacy of the National Security Exception, 48(2) Legal Issues of Economic Integration (2021), pp. 171-200
- Hofer A., The Proportionality of Unilateral “Targeted” Sanctions: Whose Interests Should Count?, Nordic Journal of International Law 89 (2020), pp. 399-421
- Hunt, C., Trehearne, C. and Kadota, E., The Challenge of Sanctions for Arbitral Participants, Kluwer Arbitration Blog 2015
- Lee-Thibault, S., Lifting of Iran Sanctions: A Time for Cautious Optimism? Background to the Iran Sanctions Legislation, Kluwer Arbitration Blog 2015
- LeMay T., Protecting International Petroleum Investments During Geopolitical Unrest: Arbitrating Disputes Under Economic Sanctions, 53 Texas International Law Journal (2018), p. 307
- Levashova Y. and Azeredo da Silveira M., Investment Claims Against Russia in the Economic Sanctions, Kluwer Arbitration Blog 2022
- Menkes M.J., The Legality of US Investment Sanctions against Iran before the ICJ: A Watershed Moment for the Essential Security and Necessity Exceptions, The Canadian Yearbook of International Law (2019), pp. 328-364
- Morgan T. C., Syropoulos C., and Yotov Y. V., Economic Sanctions: Evolution, Consequences, and Challenges, Journal of Economic Perspectives – Volume 37, Number 1 (2023), pp. 3–30
- Razavi S. M. and Zeynodini F., Economic Sanctions and Protection of Fundamental Human Rights: A Review of the ICJ's Ruling on Alleged Violations of the Iran-U.S. Treaty of Amity, 29 Washington International Law Journal (2020), pp. 303-339
- TBC: article/s from the TDM Special Issue on on "Sanctions and International Arbitration: Impact on Substantive and Procedural Issues"

Some further literature for a more in-depth study on specific aspects

- Beaucillon C. (eds.), Research Handbook on Unilateral and Extraterritorial Sanctions, Research Handbooks in International Law series, Elgar 2021
- Bogdanova I., Unilateral Sanctions in International Law and the Enforcement of Human Rights, Brill 2023
- Caroni Andrea, Finanzsanktionen der Schweiz im Staats- und Völkerrecht, Dargestellt am Beispiel der Sperrung von Geldern, Schulthess 2008
- Gowlland-Debbas Vera (Hrsg.), National Implementation of United Nations Sanctions: A Comparative Study, Brill 2004

- Ruys T. and Ryngaert C., Secondary Sanctions: A Weapon out of Control? The International Legality of, and European Responses to, US Secondary Sanctions, *The British Yearbook of International Law* (2020), pp. 1-116
- Steingruber A., Embargogesetz – Kurzkomentar, DIKE 2023
- Van den Herik L. (eds.), *Research Handbook on UN Sanctions and International Law*, Research Handbooks in International Law series, Elgar 2017

Some useful links:

- **General:** <https://www.globalsanctionsdatabase.com/> (last accessed 16 April 2023)
- **Europe:** https://www.eeas.europa.eu/eeas/european-union-sanctions_en (last accessed 16 April 2023)
- **Switzerland:**
https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/exportkontrollen-und-sanktionen/sanktionen-embargos.html (last accessed 16 April 2023)
- **UK:**
<https://www.gov.uk/government/collections/uk-sanctions-regimes-under-the-sanctions-act> (last accessed 16 April 2023)
- **US:**
<https://ofac.treasury.gov/> (last accessed 16 April 2023)

Lecturers bio

Dr Michele Potestà



Michele Potestà is a partner at Geneva-based law firm Lévy Kaufmann-Kohler, where he specializes in international commercial and investment arbitration, as well as public international law. Over the past ten years, Michele has participated in over 40 international investment and commercial arbitrations as counsel, arbitrator (president, co-arbitrator and sole arbitrator) and secretary of the tribunal, under all major arbitral rules and in different jurisdictions.

Michele's areas of expertise include energy and natural resources (oil, gas, mining and solar energy), pharmaceuticals, telecommunications, international sales, banking and finance, shareholders disputes, real estate and construction, aviation, IT- and sports-related commercial disputes. He has particular experience in disputes involving states and state entities.

Michele has advised sovereign states on their investment treaty programs and currently acts as expert advisor to the Swiss Government in the inter-State negotiations on the reform of ISDS in UNCITRAL's Working Group III. He is a member of the ICSID Panels of Arbitrators and Conciliators, designated by the Republic of San Marino, and of the EU list of arbitrators and trade and sustainable development (TSD) experts in bilateral disputes under the EU's trade agreements with third countries, appointed by the European Commission.

Michele is part of the faculty at the Geneva LLM in International Dispute Settlement (MIDS), for which he teaches investment arbitration, and at the Graduate Institute of International and Development Studies, for which he teaches international investment law. He is also a senior researcher at the Geneva Center for International Dispute Settlement (CIDS) where he co-leads a research project on the reform of ISDS. He has authored numerous publications on issues of investment and commercial arbitration as well as public international law, and is frequently invited to speak at arbitration conferences.

An Italian national, Michele is qualified to practice law in Italy and registered with the Geneva bar (foreign lawyers section). He holds a Ph.D., a bachelor and a master's degree from the University of Milan. Michele speaks English, Italian, French, German, and Spanish.

Prof. Dr. Nikos Lavranos, LL.M., Secretary General of EFILA



Nikos Lavranos is the first Secretary-General of the European Federation for Investment Law and Arbitration (EFILA). He is founder & owner of NL-Investmentconsulting, external Legal Advisor for numerous law firms. He is also Partner at Herreveld van der Hurk & Partners, Senior Advisor at Grayston & Company (Brussels) and Of Counsel at Wöss & Partners (Vienna).

He specializes in international investment law & arbitration, EU law, WTO law and public international law. Nikos has advised in numerous disputes involving in particular Dutch BITs, intra-EU BITs, the ECT initiated under various rules such as ICSID, UNCITRAL and SCC rules.

He is listed as Arbitrator by the EU regarding EU free trade and investment agreements, as Arbitrator and/or Mediator at CIETAC, VIAC, AIAC, Energy Disputes Arbitration Centre (EDAC) and Energy Community. In addition, he is Guest Professor *International Investment Law* at the Free University of Brussels and is visiting professor at several other universities. Nikos is also co-Editor-in-Chief of the *European Investment Law and Arbitration Review* and co-Editor of the book *International Arbitration and EU Law* (Edward Elgar Publishing 2021). Previously, he was Chief Negotiator for Dutch BITs at the Dutch Ministry of Economic Affairs and later at the Dutch Ministry of Foreign Affairs. He is a permanent contributor to the Kluwer Arbitration Blog, the Practical Law Arbitration Blog, the EFILA Blog and Borderlex. He earned his Dr.jur. and LL.M degrees from Maastricht University, The Netherlands and a Law degree from J.W. Goethe University Frankfurt.

Dr. Sofía Boza M.



Sofía Boza was appointed by President Gabriel Boric to be the Ambassador of Chile to the World Trade Organization from July 2022. She has also taken over the co-coordination of the Structured Discussions on Investment Facilitation for Development. Prior to that, Sofia Boza was an associate professor and chief at the Department of Rural Management and Innovation at the University of Chile and professor at the Institute of International Studies at the same University, as well as external evaluator of public policies for the Budget Office of the Chilean Ministry of Finance.

She holds a bachelor's degree in Economics (Honors) from the University of Seville, a professional title in Commercial Engineering from the University of Chile, a master's in Economic Development and Public Policies and a PhD in Economics from the Autonomous University of Madrid. She has more than half a hundred academic publications in the last years on agricultural policy and governance, rural development, food markets and international

trade. She has been a visiting fellow at the World Trade Institute at the University of Bern, as well as expert instructor at the Institute of Food Laws and Regulations at the Michigan State University. She has participated in numerous research projects and studies founded by the Chilean National Agency for Research and Development, the Chilean Foundation for Agricultural Innovation, the Chilean Office of Agricultural Studies and Policies, and the Ministry of Social Development of Chile, as well as the Secretariat of State of Economy of Switzerland, the Ministry of Science, Technology and Innovation of Brazil, the Economic Commission for Latin America and the Caribbean and the Food and Agriculture Organization of the United Nations, among others. She has been member of the Board of the Chilean Association of Agricultural Economists and of the Ibero-American Network for Development Studies. Within the University of Chile, she participated in the creation and coordination of the Group of Studies in Agricultural Policy and Development (NEPAD), the Sustainable Agrifood Systems Laboratory (SASLab) and the Chair of Family Farming and Food, to whose Council she belonged to.

Dr. Andrea Marco Steingruber, LL.M.



Andrea Marco Steingruber practice law with SwissLegal (Bern). SwissLegal Group is a network of independent Swiss law firms, which is present in more than 10 locations all over Switzerland.

Andrea studied law at the University of Bern, Switzerland. In Bern he was admitted to the bar (Attorney-at-law). Moreover, he is also admitted as Solicitor (non-practising) in England and Wales.

Andrea also holds an LL.M. in Commercial Law with distinction from the University of Edinburgh, an M.Litt. in International Law from the University of Cambridge and a Ph.D. in International Arbitration from the University of London, Queen Mary, School of International Arbitration. Besides, he graduated with an MA HSG in Business Administration/Economics from the University of St. Gallen, Switzerland.

The University of Edinburgh awarded him 2004 the W.A. Wilson Prize in International Law. Andrea further developed his skills in international law at The Hague Academy of International Law and was a Visiting Fellow at the Lauterpacht Centre for International Law, University of Cambridge.

Andrea lectured, held courses and gave presentations at the University of Bern (World Trade Institute), Switzerland, University of London, University of Lucerne, Switzerland, and University of Siena, Italy.

He wrote his Ph.D. thesis on consent in international arbitration, which was later published as a monograph in the Oxford International Arbitration Series with the title "Consent in International Arbitration" (OUP 2012).

Andrea regularly publishes in the field of international arbitration, investment law and investment arbitration. More recently, he conducted research on international sanctions and

he wrote the first comprehensive article-by-article Commentary on the Swiss Federal Act on the Implementation of International Sanctions (Swiss Embargo Act) with the title “Embargogesetz, Kurzkomentar” (DIKE 2023).