

The Energy Community Dispute Resolution Forum

27 SEPTEMBER 2018

Energy Community Secretariat, Am Hof 4, Vienna

09.15 – 09.30 ——— Welcome and introduction
*Dirk Buschle, Energy Community Secretariat's
Dispute Resolution and Negotiation Centre*

09.30 – 10.00 ——— Keynote Speech
*The impact of the Achmea decision, **Nikos Lavranos***

1st session:

Resolution of energy regulation disputes – an update
Chair: Herfried Wöss, Wöss & Partners

10.00 – 10.20 ——— Richard Happ, Luther Rechtsanwälte:
Vattenfall vs Germany

10.20 – 10.40 ——— Dag Mjaaland, Wikborg Rein:
Naftogaz vs Gazprom

10.40 – 11.00 ——— Eric Leikin, Freshfields Bruckhaus Deringer:
Antaris vs Czech Republic

11.00 – 11.20 ——— Discussion

11.20 – 11.50 ——— Coffee break

2nd session:

Regulation and dispute resolution
Chair: Andreas Gunst, DLA Piper

11.50 – 12.10 ——— Jack Stirzaker, The Brattle Group:
*The fine line between regulatory independence and
protection of investor's rights*

12.10 – 12.30 ——— Stefan Weber, WEBER & Co:
Is reliance damage recoverable in a case of bad business?

12.30 – 12.50 ——— Jose Luis Gomez Pascual, Gas Natural Fenosa:
Gas Natural Fenosa vs Moldova

12.50 – 13.10 ——— Discussion

13.10 – 14.00 ——— Lunch

3rd session:

The future of investor-state dispute resolution
Chair: Guenther Horvath, Vienna International Arbitration Centre

14.00 – 14.20 ——— Stanimir Alexandrov:
A critical overview of 60 years of investor-state arbitration

14.20 – 14.40 ——— Adinda Sinnaeve, Senior Expert, DG Trade,
EU Commission: *Towards an investment arbitration court*

14.40 – 15.00 ——— Ilija Mitrev-Penusliski, Shearman & Sterling:
Challenges at enforcement level, the Yukos experience

15.00 – 15.20 ——— Discussion

4th session:

Mediation: competition or complement to
arbitration? *Chair: Alina Leoveanu, Manager of the ICC
International Centre for ADR*

15.20 – 15.40 ——— Anne-Karin Grill, Vavrovsky Heine Marth Rechtsanwälte:
Why mediation works where arbitration has failed

15.40 – 16.00 ——— Dirk Buschle, Energy Community Secretariat's Dispute
Resolution and Negotiation Centre: *The experience at the
Energy Community Dispute Resolution Centre*

16.00 – 16.20 ——— Judith Knieper, UNCITRAL Secretariat:
*Enforcement of international commercial settlement
agreements resulting from mediation*

16.20 – 16.40 ——— Discussion

Concluding remarks:

*Smaranda Miron,
Energy Community Secretariat's Dispute Resolution
and Negotiation Centre*