

Objective

The conference will address the recast of the Brussels I Regulation (No. 1215/2012) and its connection to arbitration. Article 1 d) Brussels I Regulation ("This Regulation shall not apply to arbitration") will be discussed indepth: Do we have clear cut answers to jurisdictional issues? How are arbitral awards to be enforced? Insolvency and arbitral proceedings will also be an issue.

The conference will also deal with the interrelationship between arbitration and procedural minimum standards according to Article 6 of the European Convention of Human Rights.

Investment arbitration, notably the problems of compatibility of investment treaties with EU law will be discussed. The question will be raised whether arbitrators are the guardians of public policy.

Who should attend?

International arbitrators, counsel, lawyers involved in international litigation and investment disputes resolution.

Travel to Trier:

Shuttle services from Luxembourg airport to the ERA Conference Centre can be booked at special rates with our partner Taxi Franken: www.taxi-franken.de/era

Speakers

Professor Aw Stefania Bariatti, University of Milan; Of Counsel, Chiomenti Studio Legale, Milan

Professor Massimo Benedettelli, University of Bari; Partner, Freshfields Bruckhaus Deringer, Milan

Dr Martin Bernet, Partner, Schellenberg Wittmer, Zurich

Professor Burkhard Hess, Director of the Max Planck Institute for International, European and Regulatory Procedural Law, Luxembourg

Professor Catherine Kessedjian, University Panthéon-Assas, Paris

Mr Alexander Layton QC, Barrister, 20 Essex Street, London

Dr Dirk-Reiner Martens, Martens Rechtsanwälte, Munich

Dr Patricia Nacimiento, Partner, Norton Rose Fulbright, Frankfurt

Professor Aw Luca G. Radicati di Brozolo, Catholic University of Milan; Partner, ARBLIT Radicati di Brozolo Sabatini, Milan

Dr Maxi Scherer, Senior Lecturer, School of International Arbitration, Queen Mary, University of London; Special Counsel, Wilmer Cutler Pickering Hale and Dorr, London

Professor István Varga, ELTE Faculty of Law; Partner, KNPLAW, Budapest

For further information:

Christiane Schmitz
Tel. +49 (0)651 937 37 122
Fax. +49 (0)651 937 37 773
E-mail: cschmitz@era.int

Online registration:

www.era.int?124178&en



ARBITRATION AND EU LAW

- AFTER THE RECAST OF BRUSSELS I
- INSOLVENCY & ARBITRATION
- INVESTMENT TREATIES & EU LAW

Trier, 10-11 March 2014
ERA Conference Centre
Metzer Allee 4, Trier, Germany

Conference organisers:
Dr Angelika Fuchs, ERA and
Professor Burkhard Hess,
Max Planck Institute Luxembourg

Language: English

Event number: 114DP26



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Monday, 10 March 2014

09:00 Arrival and registration

Moderator: *Burkhard Hess*

09:15 Welcome
Angelika Fuchs / Burkhard Hess

Moderator: *Stefania Bariatti*

I. AFTER THE RECAST OF BRUSSELS I

09:30 **Consequences and interpretation of the arbitration exception**
István Varga

10:00 **West Tankers, antisuit injunctions and beyond: recent developments and latest case law**
Alexander Layton

10:30 Discussion

11:00 Coffee break

11:30 **Brussels I and the New York Convention: recognition and enforcement of judgments and awards**
Catherine Kessedjian

12:00 Discussion

Moderator: *Catherine Kessedjian*

12:15 **Panel discussion: How to ensure the effective coordination of judicial and arbitration proceedings?**

- *Massimo Benedettelli*
- *Alexander Layton*

13:00 Lunch

II. THE CROSS-OVER BETWEEN INSOLVENCY AND ARBITRATION

14:00 **Effects of insolvency in arbitral proceedings taking into account the Insolvency Regulation and the proposals for its review**
Stefania Bariatti

14:30 **Effects of foreign insolvency on arbitration seated in Switzerland**
Martin Bernet

15:00 Discussion

15:30 Coffee break

III. PROCEDURE, MINIMUM STANDARDS AND HUMAN RIGHTS

16:00 **Innovative systems for dispute resolution in sport – and in other areas?**
Dirk-Reiner Martens

16:30 **Procedural minimum standards and the applicability of Article 6 ECHR in arbitration**
Massimo Benedettelli

17:00 Discussion

17:30 End of the first conference day

19:00 Evening programme and dinner

Tuesday, 11 March 2014

Moderator: *Alexander Layton*

IV. INVESTMENT ARBITRATION

09:30 **Compatibility of bilateral investment treaties (BITs) with EU law**
Luca Radicati di Brozolo

10:00 **Investment arbitration under extra-EU BITs**
Patricia Nacimiento

10:30 Discussion

11:00 Coffee break

Moderator: *Luca Radicati di Brozolo*

11:30 **Recent developments in investment arbitration**
Maxi Scherer

12:00 Discussion

12:15 **Panel discussion: Challenges and opportunities for investment arbitration**

- *Patricia Nacimiento*
- *Maxi Scherer*
- *István Varga*

13:00 Lunch and end of the conference

Programme may be subject to amendment.
For programme updates: www.era.int.
