



CURRENT RESEARCH IN PRIVATE INTERNATIONAL LAW

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**“Investment Arbitration – Lost in the Bermuda
Triangle of EU Law, Public International Law and
Private International Law?”**

Tuesday, 7 March 2023, 11:00 a.m. – 12:30 p.m. (CET)

The virtual workshop will be held as a video conference via Zoom.

Please register for the workshop using this [LINK](#)

Ralf Michaels and Michael Cremer



About the speaker:

Dário Moura Vicente is a Full Professor at the Faculty of Law of the University of Lisbon, where he has taught, over the past 30 years, among other subjects, Comparative Law, Private International Law, International Commercial Law and Intellectual Property Law. He is the Chair of the Portuguese Arbitration Association and was a member of the Drafting Committee of the Portuguese Law on Voluntary Arbitration of 2011. Among his publications are: *Direito Internacional Privado: Ensaios* (four volumes, Almedina, 2002-2018); *La propriété intellectuelle en droit international privé* (Brill, 2009); *Direito Comparado* (two volumes, Almedina, 2017-2018); and *Comparative Law of Obligations* (Edward Elgar, 2021).

About the topic:

Over the past decades, investment arbitration has been a fundamental mechanism for the settlement of disputes between States and foreign investors, which contributed significantly to enhance the protection of foreign investments vis-à-vis host States and strengthen the rule of law in international trade.

However, with the EU Court of Justice's rulings on the *Achmea*, *Komstroy* and *PL Holdings* cases, rendered between 2018 and 2021, serious doubts arose in respect of the compatibility of International Law provisions concerning investment arbitration and the law of the European Union.

This has led not only to the termination of intra-EU bilateral investment treaties, but also to intense litigation regarding the arbitrability of claims brought by investors of EU Member States against other Member States and the jurisdiction of arbitral tribunals established under multilateral agreements, such as the Energy Charter Treaty.

Differing decisions, emanating *inter alia* from French, German, and Swedish courts, have been recently rendered in cases in which intra-EU arbitral awards concerning investment disputes were challenged before them.

This presentation will aim at giving an overview of the problem and of the different approaches to solving it in light of EU Law, Public International Law and Private International Law.

About the virtual workshop series:

The virtual workshop series „Current Research in Private International Law” is organised by Ralf Michaels and Michael Cremer. The series features guest speakers and Institute staff members who present and discuss their work on current developments and research topics in private international law. The workshops are geared to scholars who are researching in the field of private international law, but attendance is open to all individuals having an academic interest (including doctoral candidates and students).