

# DIS40

DIS40 Munich

## European Investment Treaty Arbitration – *Status quo* and Outlook for 2022

In its 2018 *Achmea* decision, the European Court of Justice held that arbitration clauses in bilateral investment treaties between EU member states (intra-EU BITs) are invalid under EU law. Ever since, there have been intense discussions about the implications of this decision on pending and forthcoming arbitrations under intra-EU BITs or the Energy Charter Treaty. The repercussions also extend to investment treaties entered into between EU member states and non-EU member states (extra-EU BITs), to the binding force of existing awards, and even to commercial arbitration. There is also substantial uncertainty as to how the national courts of the EU member states, including the German Constitutional Court, will adopt and implement the ECJ's jurisprudence.

In our upcoming DIS40 Munich event, we will discuss the most recent developments in European Investment Treaty Arbitration law, which have shed some light on the manifold questions raised above. Moreover, we would like to give the floor to a debate on the remaining open issues and what may be expected from 2022 in terms of further clarification about the future of European Investment Treaty Arbitration.

**Date:** 24 February 2022, 7:00 - 9:00 p.m.

**Location:** Online (Zoom)

**Language:** English

**Speakers:** Susanne Schwalb (CMS)  
Martina Magnarelli (Seven Summits Arbitration)

**Registration:** Please register until 22 February 2022 by email to [nele.toedter@hengeler.com](mailto:nele.toedter@hengeler.com).

The dial-in details will be circulated on the day prior to the event.

**Nico Köppel & Daniel Engel**  
*Regional Coordinators DIS40 Munich*