

**Stockholm Centre for Commercial Law &
Oxford Institute of European and Comparative Law**

THE FUTURE OF ARBITRATION IN EUROPE

26–27 October 2018 at Klara Strand, Stockholm

Conference chair: John Beechey CBE



Under the auspices of SCCL and IECL we are delighted to bring together a select group of leading international scholars and practitioners to a conference about the future of arbitration in Europe. In three sessions outstanding experts will discuss very topical issues.

The first session will be devoted to the relationship between arbitration and European Union law generally. In light of recent rulings of the Court of Justice of the European Union (ECJ) this session will discuss issues such as the autonomy of the EU legal order and the inadmissibility of referrals from arbitral tribunals to the ECJ.

The second session will discuss the future impact of the ECJ's *Achmea* ruling on investor-state arbitration in Europe and the EU. The most relevant questions here are the compatibility of bilateral investment protection agreements between EU Member States (so-called intra-EU BITs) with the autonomy of Union law and the exclusive power of the ECJ to interpret EU law. An important issue for the future will be to find the most efficient way to solve investor-state disputes that is also in compliance with EU law. Will investor-state disputes be referred to national courts or other bodies or even to arbitration outside of the EU? To what extent would awards rendered in investor-state arbitration outside of the EU be recognised and enforceable?

The third session will feature a general discussion on the future of arbitration in Europe, in which experts will examine current trends and developments.

FRIDAY 26 OCTOBER

12.00 LUNCH WRAPS AND REGISTRATION

13.00 **WELCOME BY THE ORGANISING COMMITTEE**

Axel Calissendorff, Jan Kleineman and Andreas von Goldbeck

INTRODUCTION BY THE CONFERENCE CHAIR

John Beechey, Partner, BeecheyArbitration

13.15 **SESSION 1: RELATIONSHIP BETWEEN ARBITRATION AND EU LAW**

Keynote-speech: *George Bermann, Professor, Columbia Law School*

Comments: *Ulf Bernitz, Professor, Stockholm & Oxford Universities*

Autonomy of the EU legal order: *Christopher Vajda QC, UK Judge at the Court of Justice of the European Union*

Preliminary references by arbitral tribunals: *Melchior Wathelet, Advocate General at the Court of Justice of the European Union*

Panel: *Robin Oldenstam, Partner, Mannheimer Swartling, George Bermann, Ulf Bernitz, Christopher Vajda, Melchior Wathelet*

Chair: *Axel Calissendorff*

15.15 COFFEE BREAK

15.45 **SESSION 2: FUTURE OF INVESTOR-STATE ARBITRATION IN EUROPE**

Keynote-speech: *Lucy Reed, Professor, National University of Singapore*

Comments: *Giuditta Cordero-Moss, Professor, University of Oslo*

EU State Aid Law and Investment Arbitration: *Paschalis Paschalidis, R f rendaire, Court of Justice of the European Union*

Investment arbitration and the Energy Charter Treaty: *Luca Radicati di Brozolo, Professor, Universit  Cattolica di Milano, Partner, Arblit, Barrister, Fountain Court Chambers*

Panel: *Annette Magnusson, Secretary General, Arbitration Institute of the Stockholm Chamber of Commerce, Lucy Reed, Giuditta Cordero-Moss, Paschalis Paschalidis, Luca Radicati di Brozolo*

Chair: *Kaj Hob r, Chair of the Arbitration Institute of the Stockholm Chamber of Commerce, Professor of International Investment and Trade Law at Uppsala University*

18.00 **CLOSING REMARKS**

Jan Kleineman

TRANSPORT TO EITHER THE ROYAL PALACE OR SCHEFFLER PALACE

18.30 **DINNER**— Conference Guests and Speakers will be invited to Dinner either at the:

Royal Palace (The Royal Armoury), or

This dinner will be kindly hosted by Cederquist, Gernandt & Danielsson, Lindahl, White & Case and Vinge.

Speech by *Christer Danielsson*, President of the Swedish Bar Association and former Chair of the Swedish Arbitration Association..

Accompanying persons are welcome to join for the dinner.

Scheffler Palace

This dinner will be kindly hosted by the President of Stockholm University Professor Astrid Söderbergh Widding.

SATURDAY 27 OCTOBER

8.30 COFFEE

9.00 **SESSION 3: FUTURE OF COMMERCIAL ARBITRATION IN EUROPE**

Keynote-speech: *The Rt Hon the Lord Hoffmann*, Former Lord of Appeal in Ordinary (Law Lord), Visiting Professor, Oxford University

Comments: *Carita Wallgren-Lindholm*, Chair of the ICC Commission on Arbitration and ADR

Level of review under Article V New York Convention: *Rolf Trittman*, Partner, Freshfields Bruckhaus Deringer, Professor, Goethe University Frankfurt

Arbitration and EU public policy: *Stavros Brekoulakis*, Professor, Queen Mary University of London, and associate member of 3 Verulam Buildings, Gray's Inn, London

COFFEE BREAK

Brussels Recast and arbitration: *Andreas von Goldbeck*

Arbitrators, multiple references and bias: maintaining confidence in the system: *Ewan McKendrick QC*, Professor of English Private Law, Oxford University and Barrister at 3 Verulam Buildings, Gray's Inn, London

Panel: *Claes Lundblad*, Partner, Lundblad Zettermarck, *Lord Hoffmann*, *Carita Wallgren-Lindholm*, *Rolf Trittman*, *Stavros Brekoulakis*, *Andreas von Goldbeck*, *Ewan McKendrick*

Chair: *Jan Kleineman*

Summary and conclusions: *John Beechey*

12.00 **CLOSING OF THE CONFERENCE**

Axel Calissendorff

TRANSPORT TO THE MUSEUM OF MODERN ART

12.30 **BUFFET LUNCH AT THE MUSEUM OF MODERN ART**

The lunch is kindly hosted by Mannheimer Swartling.

13.30 **GUIDED TOURS AT THE MUSEUM OF MODERN ART**

The tours will focus on the museum's permanent collection, which is particularly strong on 1960s art.

Accompanying persons are welcome to join for the lunch and the guided tour of the museum.

ORGANISING COMMITTEE

Axel Calissendorff, Head of Arbitration Research Panel at SCCL, Partner at Calissendorff Swartling
Jan Kleineman, Chairman of Council and Special Committee at SCCL, Professor at Stockholm University

Andreas von Goldbeck, Visiting Fellow at SCCL, Lecturer at Stockholm & Oxford Universities

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REGISTRATION

Participation at the conference is by invitation only and is free of charge (including meals).

You register for the conference by clicking on this link: [The Future of Arbitration in Europe](#)

We would be grateful if you could register as soon as possible and in any event before 12 October. As places are limited, we would recommend that you register as early as possible.

CONFERENCE VENUE

The conference takes place in room *Sankta Clara* at the newly built conference venue Klara Strand, close to the main railway station. The address is *Klarabergsviadukten 90*.

HOTELS WITH REDUCED RATES

Nobis Hotel, Norrmalmstorg 2-4

If quote "MAN3" when you book, you will get a reduced rate.

www.nobishotel.se/en/

Hotel Kungsträdgården (The King's Garden), Västra Trädgårdsgatan 11B

If quote "MANN15" when you book, you will get a reduced rate.

www.hotelkungstradgarden.se/en/

The reduced rates are made available by Mannheimer Swartling.

TAXI IN STOCKHOLM

You should be careful with taxis in Stockholm. To avoid being over-charged you should only take a taxi from one of the reliable companies. The fixed fee for a trip to or from the airport should not exceed SEK 600.

Taxi Stockholm (make sure that the telephone number 150 000 is displayed in the logo)

Taxi Kurir (black cars)

Sverigetaxi (yellow cars)

PERSONAL DATA

Your personal data will be handled in accordance with applicable legislation and used only for the purpose of organising the conference.



ARBITRATION IN SWEDEN

Sweden is recognised globally for transparency and consistent adherence to the rule of law. Swedish law is often characterised as a mixture of common and civil law, which makes parties from both legal traditions feel equally at home. On the basis of this, Stockholm has become one of the leading venues for international arbitration under a variety of rules. Ever since the introduction of the US/USSR Optional Clause Agreement in 1977, Stockholm has been the leading venue for East-West disputes. More recently Stockholm has also become an international hub for many investment arbitrations under bilateral investment treaties and multilateral treaties, such as the Energy Charter Treaty.

Sweden has a long-standing tradition of supporting and respecting arbitration. Arbitration awards have been enforced by Swedish public authorities since at least the 17th century and references to arbitration as a recognised method of resolving disputes are found already in medieval legislation. Many of the world's most prominent arbitrators act in Sweden on a regular basis, and Sweden is home to an internationally-renowned arbitration institute at the Stockholm Chamber of Commerce. As a result, Swedish arbitration practice continuously evolves in line with, and is at the forefront of, international best practice.

THE STOCKHOLM CENTRE FOR COMMERCIAL LAW

The Stockholm Centre for Commercial Law (SCCL) was established in 2000 as a part of the Faculty of Law at Stockholm University. The SCCL promotes scientific research and doctoral studies in the field of commercial law in a broad sense. The SCCL is led by Professor Jan Kleineman as Chairman of the Council and the Special Committee, and Associate Professor and Judge Patrik Schöldström as Director. Twenty researchers are active at the SCCL, which makes it the leading

commercial law research centre in the Nordic Region. Research is conducted partly by research panels and partly by individual research efforts within and outside the SCCL.

You can read more about the SCCL at www.sccl.se.

THE INSTITUTE OF EUROPEAN AND COMPARATIVE LAW

The Institute of European and Comparative Law (IECL) is one of the Research Centres of the Oxford Law Faculty. It was established in 1995, and today it is one of the leading research institutions of its kind in the English-speaking world. The IECL provides a focus for research and teaching in the fields of European and comparative law within the Faculty of Law. It holds regular seminars and conferences, many of which lead to books in the series from the IECL, and every year it hosts numerous visiting post-doctoral researchers who carry out advanced research and contribute to the academic community. Following the retirement of Professor John Cartwright the new Director of the IECL is Professor Birke Häcker.

More information on the IECL is available at www.law.ox.ac.uk/centres-institutes/institute-european-and-comparative-law.

COOPERATION BETWEEN OXFORD AND STOCKHOLM

The SCCL and the Faculty of Law at Stockholm University have since 2011 a cooperation agreement with the IECL and the Faculty of Law at the University of Oxford, focused on the establishment of a research fellowship at the University of Oxford for Swedish academics. To date, six Stockholm Centre Oxford Fellows have each spent a year at the IECL. Additionally, four senior Stockholm academics have spent sabbatical periods in Oxford, and presently Andreas von Goldbeck is a visiting fellow at the SCCL. As a part of the cooperation the Stockholm Oxford Law Symposium is arranged by the SCCL every second year at Christ Church, Oxford. However, the cooperation between Oxford and Stockholm goes back even further, and Professor Ulf Bernitz has, as Co-ordinator of the Stockholm-Oxford Collaboration, been a member of the IECL since 2001. The cooperation has over the years also resulted in numerous seminars, conferences and publications.



Photo: Oxford University



Photo: Raphael Stecksén Copyright: Kungl. Hovstaterna

THE ROYAL ARMOURY AT THE ROYAL PALACE

The Royal Armoury (*Livrustkammaren*) is a museum in the basement of the Royal Palace. It is the oldest museum in Sweden and was established in 1628 by King Gustavus Adolphus when he decided that his clothes from the campaign in Poland should be preserved for posterity. It contains many iconic artefacts from Swedish history, such as the blood-stained shirt which King Gustavus Adolphus was wearing when he was killed in the battle at Lützen in 1632 and the costume worn by King Gustavus III when he was assassinated at a masked ball at the Royal Opera in 1792. Also on display are robes from royal weddings and coronations, as well as a number of elegant state coaches.

THE SCHEFFLER PALACE

The Scheffler Palace, commonly known as the Ghost Palace (*Spökslottet*), was built in the late 1690s as a summer residence for the merchant Hans Petter Scheffler. Since 1924 it is owned by Stockholm University and used for entertaining guests and other official university functions. It is the home of the University's art collection, containing masterpieces of artists such as Pieter Brueghel the younger and Giovanni Battista Tiepolo. Stories about ghosts haunting the palace have been told since the 18th century.

THE MUSEUM OF MODERN ART

The Museum of Modern Art (Moderna museet) is located on the island of Skeppsholmen, housed in a building from 1998 designed by Rafael Moneo. The first curator for the museum was Pontus Hultén, who in the 1960s shaped the museum into one of the world's leading institutions of modern art. During his tenure, the museum played a seminal role in bridging the gap between Europe and America. In 1973 Hultén left Stockholm to become the founding director of the modern art museum at Centre Georges Pompidou.

You can read more about the museum at <https://www.modernamuseet.se/stockholm/en/>

