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## The Future of Investor-State Arbitration and the European Union

13 June 2011

# Bocconi



Università Commerciale  
Luigi Bocconi

Via Sarfatti 25  
20136 Milano

2:15pm  
Room 205  
via Sarfatti 25

The Lisbon Treaty has broadened the scope of EU external competence over Common Commercial Policy to include “foreign direct investment”, in accordance with Article 207 of the Treaty on the Functioning of the European Union (TFEU). However, the exact scope of EU competence in investment matters is far from clear under the TFEU in respect of both its object and extent.

The future investment policy of the European Union is currently the subject of discussion between the Commission, Member States and the European Parliament (EP). This is due to its apparently nebulous contours based on elements put forward by the Commission in its communication, Towards a Comprehensive European International Investment Policy of July 2010, as well as diverging indications given by the EP and Council in their Resolution of 6 April 2011 on Future European International Investment Policy and Conclusions on a Comprehensive European International Investment Policy of 25 October 2010, respectively.

Among the most debated issues at the EU level is international arbitration as a means of setting investment disputes between foreign investors and host states. More specifically, in its Resolution the EP shows a generally skeptical attitude toward international arbitration as a means of setting investment disputes between foreign investors and host states. The seminar will focus on the future of investor-state arbitration within the EU and in future EU agreements.

**2:15pm Introduction**  
**Giorgio Sacerdoti**  
Università Bocconi

**2:30pm Guest Speaker**  
**Steffen Hindelang**  
Humboldt University (Berlin)

**Discussant**  
**Anna De Luca**  
Università Bocconi