



EUROPEAN COMMISSION

Directorate-General for Trade

Directorate F - WTO, Legal Affairs and Trade in Goods
Dispute Settlement and Legal Aspects of Trade Policy

Brussels, 24 July 2017
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Subject: Meeting with AFEP (Association française des entreprises privées) and Cercle de l'industrie on the multilateral investment court (1 June 2017)

Participants

[REDACTED] (COM TRADE F2)
[REDACTED] (AFEP)
[REDACTED] (Cercle de l'industrie)

The aim of this meeting was to exchange on the points that AFEP and Cercle de l'industrie had raised in their joint submission to the public consultation on the multilateral reform of investment dispute settlement.

Summary

COM explained the context of the multilateral investment court initiative including background (milestones since Treaty of Lisbon, rationale of the initiative) and state of play (EU ongoing internal and external work). COM elaborated on the expected next steps once the Impact Assessment is finalised.

AFEP's main concern is to ensure speedy proceedings and that the adjudicator is neutral and competent. To AFEP, priority should be ensuring a system granting effective protection to EU investors in other countries. AFEP is concerned that generalist adjudicators and the possibility to appeal may delay proceedings. A discussion ensued on why, instead, a system where adjudicators do not need to be appointed by the disputing parties and there is consistency of case law will shorten proceedings. The role of an appeal instance was put in this context. Participants agreed that the emphasis must be on the competences of adjudicators rather than on whether they are qualified judges or not.

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