Liebe [Name],

anbei die Biographie; es ist die gleiche wie im letzten Jahr, nur leicht aktualisiert. Ich werde dann wie besprochen zusätzlich kurz die Ergebnisse unserer neuesten Binnenmarktumfrage erwähnen, die die Schwierigkeiten und Rechtsschutzdefizite im Binnenmarkt für Investitionen bestätigen.

Liebe Grüße

---

Von: ec.europa.eu
An: xxxx@xxxxxxxxxxxxxx; rbinternational.com; businesseurope.eu; ec.europa.eu; avocat.be; businesseurope.eu; ec.europa.eu; ec.europa.eu; ec.europa.eu; ec.europa.eu; FISMA-ec.europa.eu
Cc: ec.europa.eu; ec.europa.eu; businesseurope.eu; FISMA-ec.europa.eu
Betreff: Follow-up to Teleconference with panellists - workshop 3/12 - 2nd panel

Dear panel speakers,

May we remind those of you who haven't done so yet to send us a little bio that we will publish online with the agenda?

Please also note that due to the number of interested participants, we may have to change the venue from Borschette to a slightly bigger room in another building, we will give you more information should the change be confirmed.

As not all speakers on the second panel were able to join the call on Monday, please find a little re-cap of the issues and of the different topic attributions below:

In Achmea, the Court ruled that ISDS based on arbitration clauses contained in BITs between Member States undermines the system of legal remedies foreseen in the Treaties and is contrary to EU law. (Given that those clauses are inapplicable, there is no valid Member States' consent to arbitration). Following that judgment, the vast majority of Member States agreed on a plurilateral treaty that also formally terminates those intra-EU BITs. Thus, BITs and arbitration based on BITs are no longer available to resolve Investor-to-State disputes within the EU. Investors will have to enforce the substantive investment protection rights conferred by EU law before national courts and it will be for the national courts and for the Court of Justice to ensure the legal protection of the rights of individuals/investors.

Each panellist should give a short impulse statement that should cover the points below. We suggest to allow a first round of questions after the third speaker, and to take a second round of questions after the statements of the two last speakers.

- [Name] will expose the legal avenues open to investors (before national courts)
  - Are there possibilities to seek interim relief to prevent investment losses?
  - How can investors claim financial compensation for financial losses caused by a breach of an investment protection right?

- [Name] will elaborate on the perceived shortcomings of these available avenues
before national courts

- will give her views on the impact of those perceived shortcomings on actual investment decisions (eg whether or not to invest in certain countries, whether or not to downsize or delay a planned investment)
- will assess whether in the light of the foregoing, there is a need for alternative mechanisms and sketch out what these alternatives could be
- will give his first views and recall the EU framework under the Treaty for any dispute settlement mechanism under EU law

We are looking forward to seeing you on Tuesday for those interesting discussions. Please let us know should you have any additional comments or suggestions.

Kind regards

European Commission
DG Financial Stability, Financial Services and Capital Markets Union
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B-1000 Brussels/Belgium
+32 229
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From: Mail JustinianLawyers [mailto:xxxx@xxxxxxxxxxxxxxxxxx.xxx]
Sent: Friday, November 22, 2019 10:41 AM
To: FISMA; FISMA; (FISMA); (FISMA); @avocat.be; dihk.de
Cc: (FISMA); (FISMA); (FISMA); (FISMA); @businesseurope.eu
Subject: RE: Teleconference with panellists - workshop 3/12 - 2nd panel

Dear all,

I am currently travelling abroad today but shall be available Monday morning.

Best regards

From: @businesseurope.eu [mailto: @businesseurope.eu]
Sent: Wednesday, November 20, 2019 5:21:32 PM
To: FISMA; ec.europa.eu; ec.europa.eu; ec.europa.eu; ec.europa.eu; dihk.de
Cc: @ec.europa.eu; @ec.europa.eu; @ec.europa.eu; @ec.europa.eu; @ec.europa.eu; @businesseurope.eu
Subject: Re: Teleconference with panellists - workshop 3/12 - 2nd panel

Dear all,

I am currently travelling abroad and cannot be available this Friday. Monday morning would work for me.

Best regards

From: Mail JustinianLawyers [mailto:xxxx@xxxxxxxxxxxxxxxxxx.xxx]
Sent: Friday, November 22, 2019 10:41 AM
To: FISMA; FISMA; (FISMA); (FISMA); @avocat.be; dihk.de
Cc: (FISMA); (FISMA); (FISMA); (FISMA); @businesseurope.eu
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Subject: RE: Teleconference with panellists - workshop 3/12 - 2nd panel

Dear all,

I am currently travelling abroad today but shall be available Monday morning.

Best regards
Subject: RE: Teleconference with panellists - workshop 3/12 - 2nd panel

Dear all,

This Friday between 9h00 and 10h00 works for me. Monday will not work as I will be in China.

Kind regards

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Cc: @ec.europa.eu; @ec.europa.eu; ec.europa.eu; @ec.europa.eu; @businesseurope.eu

Subject: Teleconference with panellists - workshop 3/12 - 2nd panel

Dear Panellists,

We are pleased to let you know that by now all speakers on the second panel of the Stakeholder workshop on intra-EU investment have confirmed their participation and would like to thank you all for your contribution to this workshop!

We would now like to invite you to a teleconference with all panellists and the moderator to coordinate the contributions of each speaker. We would suggest holding the phone call this Friday morning between 9-10h (which seems to be a time slot suitable for several participants). In case this time is impossible for you, could you please let us know as soon as possible tomorrow. Another alternative from our side could be Monday morning.

Please see attached an up-dated provisional agenda. We would also be grateful if you could provide a short paragraph about yourself which we will include in the final programme to introduce the speakers.

We look forward to hearing from you and talking to you during the phone call!
Kind regards,

DG FISMA team

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