

REPORT ON EFILA'S INAUGURAL CONFERENCE AT THE UNIVERSITY OF LONDON: 'EU LAW AND INVESTMENT TREATY LAW: CONVERGENCE OR CONVERSATION' (LONDON, 23 JANUARY 2015)



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The European Federation for Investment Law and Arbitration (EFILA) commenced its activities on Friday, 23 January 2015, at the University Senate House with an inaugural conference entitled "EU Law and Investment Law: Convergence, Conflict or Conversation". Three CEPANI members - Prof. Houtte, Professor Gerard Meljer and Ms. Erica Stein - participated in the conference.

EFILA has been established to promote, at the European level, all aspects of international investment law, including arbitration. EFILA strives to facilitate exchange of views on relevant and timely issues vital to the development of investment law and policy.

An impressive array of public and private sector stakeholders attended, including the European Commission, the European Parliament and European governments, arbitral institutions, trade associations, academia and private practice. A debate ensued on recent EU investment policy and the challenges associated with Investor State Dispute Resolution (ISDS), a highly topical subject given its proposed inclusion in the Transatlantic Trade and Investment Partnership amongst other international agreements currently being negotiated. The conference was structured around five panels, which focused on the pros and cons of the system, the relationship between international law and EU law in the context of arbitration, BITs between EU Member States and third countries, the future of making law in the context of investor-state resolution and, finally, the future of investment policy and its effects on foreign direct investment and dispute resolution.

The conference demonstrated overall that views on the relationship between investment treaty law depend on one's view of EU law in the hierarchy of laws and whether one believes EU law is supreme or merely forms part of international law.