

**EUROPEAN COMMISSION**

Directorate-General for Trade

Directorate F - WTO, Legal Affairs and Trade in Goods
The DirectorBrussels, 25 July 2017
F.2/CB/AB/mn (2017) 4243382**Subject: Invitation to the workshop on possible approaches to a multilateral reform of the investor-state dispute settlement (ISDS) system**

Dear Colleague,

We are pleased to invite you to a workshop on possible approaches to a multilateral reform of the investor-state dispute settlement (ISDS) system. The workshop will take place on 21 September 2017 in the COEX Convention & Exhibition Centre in Seoul, Korea in the margins of the ASEM meeting.

Recent years have witnessed a growing debate on the need of reform of the international investment dispute settlement system and potential new mechanisms that could replace it. For many countries, the functioning of the existing ISDS system, as well as its fragmentation resulting from the co-existence of over 3.000 bilateral investment treaties, have spurred a reflection process about the development of a new system, which would provide for a more independent, impartial and transparent adjudication system with increased legal certainty and predictability. Discussion on such possible reforms are taking place in different international settings, including within the United Nations Commission on International Trade Law (UNCITRAL), which has recently given a mandate to one of its Working Groups to engage into further work on a multilateral reform of ISDS.

The upcoming workshop in Seoul will host international speakers from academia, representatives of various governments involved in ISDS reform discussions, as well as speakers from UNCITRAL and the EU. The presentations will be followed by inter-active discussions with participants. For further information please find enclosed the draft programme of the Workshop.

We would be pleased if you would accept to join us for this workshop and to share your views on this important topic. We would be grateful if you could confirm attendance by the 8 September 2017 at TRADE-F2-MULTILAT-INVEST-DS@ec.europa.eu. If you are unable to attend, but are nevertheless interested in the topic, please feel free to contact the officials responsible in the European Commission, by sending an e-mail to colin.brown@ec.europa.eu or andre.von-walter@ec.europa.eu for further discussion.

Yours sincerely

[e-signed]
Denis REDONNET

Workshop on possible approaches to a multilateral reform of ISDS

COEX Convention & Exhibition Centre, Seoul, Korea

21 September 2017

Draft Programme

Morning Session

OPENING SESSION (9:00 – 9:45)

- 9:00 – 9:30** Opening remarks
Speaker: Cecilia Malmström, European Commissioner for Trade
- 9:30 – 9:45** Questions and discussion

SESSION 1 (9:45 – 10:30)

- 09:45 – 10:00** The rationale of ISDS reform
Speaker: Professor Shan Wenhua, Xi'an Jiaotong University
- 10:00 – 10:30** Questions and discussion

Coffee break (10:30 – 10:45)

SESSION 2 (10:45 – 11:30)

- 10:45 – 11:00** Options for reforming ISDS
Speaker: Associate Professor Anthea Roberts, Australian National University
- 11:00 – 11:30** Questions and discussion

SESSION 3 (11:45 – 12:30)

- 11:45 – 12:00** Investment dispute resolution as a two way street:
Perspectives from a capital exporting and importing country [TBC]
Speaker: Sylvie Tabet, Government of Canada, General Counsel and Director of Trade Law Bureau [TBC]
- 12:00 – 12:30** Questions and discussion

Lunch Break (12:30 – 14:00)

Afternoon Session

SESSION 4 (14:00 – 14:45)

- 14:00 – 14:15** Current and possible future work on ISDS reform within the UNCITRAL
Speaker: Representative of UNCITRAL [TBD]
- 14:15 – 14:45** Questions and discussion

SESSION 5 (15:00 – 15:45)

- 15:00 – 15:15** Perspectives from the EU: The idea of creating a multilateral investment court
Speaker: André von Walter, European Commission, DG Trade
- 15:15 – 15:45** Questions and discussion

Coffee break (15:45 – 16:00)

SESSION 6 (16:00 – 16:30)

- 16:00 – 16:30** Closing remarks
Speaker: Colin Brown, European Commission, DG Trade, Deputy Head of Unit, Dispute Settlement and Legal Aspects of Trade Policy