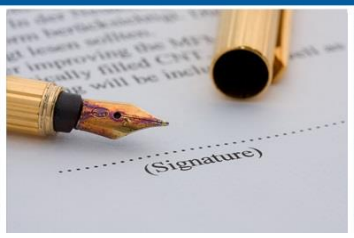
ICC Austria Seminars - Arbitration & Dispute Settlement



ICC AUSTRIA
INTERNATIONAL CHAMBER OF COMMERCE
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Ninth Investment Arbitration Forum

Valuation of Damages in Changing Economic and Political Circumstances

Lessons learnt in Latin America – relevant for investment arbitration in Europe?

Organizers

Herfried Wöss Irmgard Marboe Adriana San Román

26 May 2018
9.00 am – 6.30 pm
Juridicum, Schottenbastei 10-16
1010 Vienna, Austria

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Target Group

- General Counsel
- Attorneys at law
- Arbitrators and Counsel
- Financial and Economic Experts
- Academia and Government Officials
- International Organisations

Partners:

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Programme

08:30 **Registration**

09:00 **Welcome by the organizers**

09:15-9:45 **Keynote address:**
ISDS Reform: An Overview in the Light of the Working Group III Discussion
Corinne Montineri, UNCITRAL
Judith Knieper, UNCITRAL

09:45-11:15 **Lessons learnt in Latin America**
Moderator:
Prof. Guillermo Estrada Adán, Instituto de Investigaciones Jurídicas/UNAM, Mexico City
Argentina's emergency measures: a case for investment arbitration claims and their valuation
Diego Brian Gosis, GST LLP, Miami – Washington DC
Chavez' "Bolivarian revolution" and its consequences for the valuation of investors' claims against Venezuela
Michael Kotrly, Freshfields, London
Ecuador's struggle with foreign investors in the petroleum industry
Alberto Wray, Foley Hoag, Washington DC
Mexico's soft drink disputes
[Ricardo Ramírez Hernández, former WTO Appellate Body member, RRH Consultores, Mexico City]

11:15-11:45 Coffee Break

11:45-13:15 **Changing Economic and Political Circumstances and their Effects on Damages**
Moderators:
Prof. Nikos Lavranos, Wöss & Partners, Amsterdam, and Smaranda Miron, Energy Lawyer, Energy Community, Vienna
The sovereign right to expropriate-how to do it correctly? The views of investment tribunals
Prof. Irmgard Marboe, University of Vienna
The measure of damages in oil & gas disputes
Adriana San Román, Wöss & Partners, Mexico City – Washington DC – Vienna (rep. office)
The Energy Charter Treaty and Changing Economic Circumstances
Alejandro Carballo Leyda, General Counsel, Energy Charter Secretariat, Brussels
The effect of contractual limitations on damages in investment arbitration (Mobil v Venezuela)
Benard Preziosi, Curtis, Mallet-Prevost, Colt-Mosle, London

Programme

13:15-14:30 Lunch

14:30-16:00 **Recent Developments of Investment Arbitration in Europe and Latin America.**

Moderators:

Prof. Loukas Mistelis, Queen Mary College, University of London, and Elisabeth Vanas-Metzler, VIAC

Lessons learnt in Latin America - ICSID denunciations and their consequences

Prof. Christoph Schreuer, of counsel, zeiler.partners, and University of Vienna

Valuing damages in renewable energy cases against Spain and Italy

Herfried Wöss, Wöss & Partners, Mexico City – Washington DC – Vienna (rep. office)

Applying the FMV for breach of contract under an umbrella clause?

Anne-Karin Grill, International Conflict Management, Vienna

Is reliance damage recoverable in case of a bad business?

Prof. Stefan Weber, Weber & Co., Vienna

16:00-16:30 Coffee

16:30-18:00 **Economic and Financial Experts Roundtable**

Moderator:

Adriana San Román, Wöss & Partners

Difference between damages valuation and company valuation

James Searby, FTI Consulting, Washington DC

The use of hindsight information when quantifying damages

Tomas Haug, Nera, Berlin

A Dollar today is worth more than a Dollar tomorrow: Exploring the time value of money in damage valuation

Thierry J. Senechal, Finance for Impact, Paris

Damages quantification under changing economic/political conditions: the case of RES disputes.

Anton García, Compass Lexecon, London

18:15 **Concluding remarks**

Prof. Irmgard Marboe and Dr. Herfried Wöss

Registration Form

Mail or Fax to:

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further ICC Austria conferences and courses:

- **Damages in International Arbitration**
  24./25. May 2018, Vienna
- **ICC Austria Trade Finance Week**
  18-22 June 2018, Vienna www.tradefinanceweek.org

For further details please visit: www.icc-austria.org

Participant Information

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Visa applications must be made at the Austrian embassy or consulate in your country of residence well in advance!
It takes approx. 6 – 8 weeks to get the visa – please contact your local Austrian Embassy early on.
For visa support letter please send us a copy of your valid passport with the registration.

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Registration – closing date 11 May 2018

	26 May 2018
I want to register for:	**9th Investment Arbitration Forum**
Regular Fee	☐ **EUR 290,--** (plus 20% VAT)
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After receiving the registration, we will sent a confirmation with the invoice attached - please transfer the course fees - free of charges for ICC Austria - via banktransfer. ***We do not accept payments by credit card.*** In exceptional cases, a payment in cash is possible on site.

Once confirmed by ICC Austria, your registration is legally binding! The regular fee shall be paid within two weeks from receipt of invoice- in case of late registration verifiably before the Conference starts!

A full refund will only be given for cancellations received up to 14 working days before the event. Cancellations must be made in written from. Should you be unable to attend, you can nominate a colleague as replacement. **I acknowledge that my data is stored electronically for registration purposes.**

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