



15 Years of Energy Investment Promotion and Protection under the Energy Charter Treaty

Discussion Note

Nicosia, Cyprus, 5 December 2013

Steivan Defilla

Director

Energy Charter Secretariat



Practice of Promoting Energy Investments

- How do Conference participants assess the role and performance of ECT in promoting investments?
- What are critical success factors for investments?
- What can be done to strengthen investment promotion under ECT?



Experience of Protecting Energy Investments

- Accede (or not) to the new treaty on transparency rules? Or incorporate these rules into the ECT?
- How can the potentially active role of states be better communicated?
- How to ensure that litigation costs are borne by the losing party?



Recent Trends in International Investment Agreements

- Advantages / disadvantages of regional dispute settlement?
- Would the ECT be more acceptable to other regions if it provided for a regional arbitration centre to administer disputes?



Challenges to Investment Protection

- How to balance rights and obligations of states and investors, and how to accommodate sustainable development in investment arbitration?
- What is required to initiate a dialogue on the subject of investment protection with regions outside ECT?



Common rules for global energy security

THANK YOU FOR YOUR ATTENTION

Energy Charter Secretariat

Boulevard de la Woluwe, 56 • B-1200 Brussels, Belgium

Tel.: +32 2 775 98 00 • Fax: +32 2 775 98 01 • info@encharter.org

www.encharter.org