

Universidade Nova de Lisboa – Faculdade de Direito

Investment Arbitration

Final Exam
24 June 2020

Prof. Dr. iur. Dr. rer. pol. Peter Christian Sester

Please answer the following for question. Each question has the same weight (5 Points in total 20 Points).

1. What is the difference between substantive and procedural investment (arbitration) law? Answer the question first in an abstract way, and then by discussing the issue of double nationals in investment disputes. (maximum 5 points)
2. The fair and equitable treatment principle is a center piece of Bilateral Investment Treaties and multilateral investment treaties such as the Energy Charter Treaty. Please explain the scope of the principle, use examples. (maximum 5 points)
3. Explain the differences between ICSID Investment Arbitration and Investment Arbitration not based on the Washington Convention? Discuss in particular the issues of enforcement requirements and challenges against the award. (maximum 5 points)
4. Why has investment arbitration come under pressure, particularly within the European Union and in recent years? Discuss, among others, the Achmea Case of the European Court of Justice. (maximum 5 points)

Good luck!