

**Stockholm Centre for Commercial Law and
Oxford Institute of European and Comparative Law
invite you to their 3rd joint biennial conference**

Global Trends in Arbitration

2-3 June 2022 at Hotel Skeppsholmen, Skeppsholmen, Stockholm



The Stockholm Centre for Commercial Law (SCCL) joins forces again with the Oxford Institute of European and Comparative Law (IECL), to host their third joint biennial conference on international arbitration in Stockholm. After a virtual but very successful conference in 2020, we are this year delighted to be able to welcome the participants back to Stockholm at a time when it is (hopefully) at its best. The third edition of this conference is set to highlight the latest developments and trends in international commercial arbitration in light of the experiences gained during the pandemic as well as looking at the future of investment treaty arbitration in Europe.

The first session will be dedicated to investor-state arbitration, assessing the impact of the development after the Achmea ruling and rulings of the Court of Justice of the European Union (CJEU) up and until the time of the conference, and considering the further impacts these may have in the future. The second session will be devoted to “adequate dispute resolution”, which may include expert adjudication, early independent evaluation and the use of technology in the risk analysis for the future. The third session will feature topical discussions on commercial arbitration, in particular on oral hearings following the pandemic experience, and visions for the future. Experts will all these sessions share their insights on current developments in international arbitration practice.

THURSDAY 2 JUNE8.30 **COFFEE AND REGISTRATION**9.00 **WELCOME AND INTRODUCTION**

André Andersson, Senior Adviser at Mannheimer Swartling, Jur Dr (hc) Stockholm University and Chair of the SCCL

Ciara Kennefick, Associate Professor of Law at the University of Oxford, Official Student at Christ Church and Research Fellow at the IECL

Axel Calissendorff, independent arbitrator, Chair of the Organising Committee, Head of the Arbitration Research Panel at the SCCL

09.20 **INVESTMENT TREATY ARBITRATION IN EUROPE:
A CHANGING LANDSCAPE**

Moderator: *Axel Calissendorff*

An overview of the CJEU case law – from Achmea to Komstroy

Christopher Vajda, QC at Monckton Chambers, Visiting Professor at King's College, London, previously UK Judge at the Court of Justice of the European Union (CJEU) 2012-2020

The tension between treaty and commercial arbitration, and between Public International Law and EU law – is there mutual trust?

Robin Oldenstam, Partner at Mannheimer Swartling, Head of the firm's International Arbitration Practice, Swedish member of the ICC Court of Arbitration 2015-2021, Chair of the Arbitration Institute of the Stockholm Chamber of Commerce

10.30 **COFFEE BREAK**11.00 **PANELLIST PRESENTATIONS**

On the future for arbitration investor state disputes within the EU

Veronika Korom, Assistant Professor at Essec Business School, France

The future of investment protection and arbitration in the post-Brexit UK, focusing on the relevance of the EU/UK Trade And Cooperation Agreement and the numerous investment treaties signed by the UK after leaving the EU

Crina Baltag, Associate Professor in International Arbitration, Stockholm University, board member of the Arbitration Institute of the Stockholm Chamber of Commerce

On the impact of the République de Moldavie ruling on the ECT and the international legal order

Paschalis Paschalidis, Counsel at Arendt & Medernach, previously Référéndaire at the CJEU, Associate Professor of EU law at the University of Lyon III Jean Moulin

Views on investment treaty arbitration in Asia and the Americas

Lucy Reed, independent arbitrator based in New York and Hong Kong

11.40 **COMMENTARIES BETWEEN KEYNOTE SPEAKERS AND PANELISTS;
QUESTIONS AND COMMENTS FROM THE FLOOR**12.45 **LUNCH**

14.00 **ADR: ADEQUATE DISPUTE RESOLUTION MECHANISMS
– AND THEIR INTERACTION**

Moderator: *Geneviève Helleringer*, Lecturer in Law at the University of Oxford, Research Fellow of Lady Margaret Hall, Oxford, Law Professor at Essec Business School, France

Visions for a digital justice reform: a need to reform the overall system, rather than focusing only on the judicial decision-making process

Sir Geoffrey Vos, Master of the Rolls for England and Wales,¹ author of a report for the EU Commission on mediation in ADR and in charge of designing the future of justice in the UK

Institutional evolution in ADR mechanisms – new developments on mediation and settlements, hybridation, etc

Catherine Kessedjian, Professor at the University of Paris II (Panthéon-Assas), Deputy Secretary General of the Hague Conference on Private International Law 1996-2000

15.00 **COFFEE BREAK**

15.30 **PANELLIST PRESENTATIONS**

Mediation as a dispute resolution mechanism for the settlement of international commercial disputes: all set for take-off ... at last

Christopher Newmark, Partner at Spenser Underhill Newmark, former Chair of ICC Commission on Arbitration and ADR

Room for more?: expert determination, adjudication, early neutral evaluation in international commercial disputes, pre-arbitration dispute resolution mechanisms

Jonas Bengtsson, Head of Corporate Affairs at Polarium Energy Solutions, board member of the Arbitration Institute of the Stockholm Chamber of Commerce

The role of technology in dispute risk analysis and choice of resolution mechanism

Horst Eidenmueller, Professor for Commercial Law at the University of Oxford and a Professorial Fellow of St. Hugh's College, Oxford

The role of the arbitrator in the settlement of disputes – continuing the debate

Ania Farren, Partner at Omnia Strategy LLP, Chair of the ICC UK Committee on Arbitration and Alternative Dispute Resolution

16.30 **COMMENTARIES BETWEEN KEYNOTE SPEAKERS AND PANELISTS;
QUESTIONS AND COMMENTS FROM THE FLOOR**

17.00 **CLOSING REMARKS**

Geneviève Helleringer and Axel Calissendorff

¹ Master of the Rolls and Records of the Chancery of England is the President of the Civil Division of the Court of Appeal of England and Wales and Head of Civil Justice. As a judge, he or she is the second in seniority only to the Lord Chief Justice. The position dates from at least 1286.

18.30 **DINNER CRUISE ABOARD M/S WAXHOLM III**

All conference participants and speakers are welcome to a Dinner Cruise in the Stockholm Archipelago aboard M/S Waxholm III. The ship departs from Västra Brobänken on Skeppsholmen (just behind the floating youth hostel Af Chapman).

Speech by *Róbert Spanó*, President of the European Court of Human Rights:

Arbitration and Human Rights – Different Worlds?

The Dinner Cruise is expected to finish at 21.30.

Accompanying persons are welcome to join for the Dinner Cruise.

FRIDAY 3 JUNE

8.30 **COFFEE**

9.00 **THE ORAL HEARING – VISIONS FOR THE FUTURE IN LIGHT OF PANDEMIC EXPERIENCES**

Moderator: *Christer Danielsson*, Partner at Danielsson & Nyberg, former president of the Swedish Bar Association

Opportunities for a re-think of arbitral procedure following Covid-19

Hilary Heilbron QC, Barrister at Brick Court Chambers

Oral hearing post-pandemic and the internal lex arbitri – re-transnationalisation or back to the basics

Loukas Mistelis, Partner at Clyde & Co, Clive M Schmitthoff Professor of Transnational Commercial Law and Arbitration and the Director of the School of International Arbitration at the Centre for Commercial Law Studies, Queen Mary University of London

10.00 **COFFEE**

10.30 **PANELLIST PRESENTATIONS**

The international arbitrator's perspective

Rupert Choat QC, Barrister at Atkin Chambers, has served as extensively as an arbitrator in London, Asia and The Middle East

The counsel's perspective

Kristoffer Löf, Partner and Co-Chair of the Dispute Resolution Group at Mannheimer Swartling

The institutional perspective

Kristin Campbell-Wilson, Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce

Organisational aspects regarding a remote hearing and what happens backstage

Nicolas Martinez, Stockholm International Hearing Centre

11.10 **COMMENTARIES BETWEEN KEYNOTE SPEAKERS AND PANELISTS;
QUESTIONS AND COMMENTS FROM THE FLOOR**

12.00 **CLOSING OF THE CONFERENCE**

Ciara Kennefick and Axel Calissendorff

12.30 **LUNCH AT RESTAURANT TORPEDVERKSTAN**

The restaurant is located in the old torpedo workshop on Skeppsholmen's east side.

The lunch is kindly hosted by Mannheimer Swartling.

14.00 **GUIDED TOURS AT THE NATIONAL MUSEUM OF ART**

Accompanying persons are welcome to join for the lunch and the guided tour of the museum.



UPDATED PROGRAMME

This version of the programme is dated 23 May 2022. The contents of the programme may be subject to future adjustments. Updates of the conference programme can be obtained from the SCCL and the IECL.



ORGANISING COMMITTEE

Axel Calissendorff (chair)

André Andersson

Crina Baltag

Christer Danielsson

Geneviève Helleringer

James Hope, Partner and Head of international arbitration at Vinge

Daria Kozłowska Rautiainen, Senior Lecturer in Arbitration Law, Stockholm University

Anders Reldén, Partner at White & Case, Stockholm

Administrative assistant: *Anna Klasson*, +46 73-8223743, anna.klasson@juridicum.su.se

REGISTRATION

Participation at the conference is by invitation only and is free of charge (including lunches and refreshments). To ensure a diverse audience, the organisers reserve the right to limit the number of participants from different categories.

The Dinner Cruise is free of charge for speakers, academics and participants in public service. For participants in private practice and accompanying persons the cost is SEK 1,500 per person.

You apply for a registration at the conference on this [link](#) or by contacting Anna Klasson at the SCCL directly at anna.klasson@juridicum.su.se. We would be grateful if you could make your application as soon as possible and in any event before 13 May. Places at the conference are limited, so we would strongly recommend you to apply early. An application is no guarantee of a place at the conference, and participation is conditional upon a confirmation by email that you have been registered and allocated a place at the conference.

When you apply we would be grateful if you could specify whether you intend to attend the Dinner Cruise aboard Waxholm III and the lunch with the visit to the National Museum of Art and whether you intend to bring an accompanying person to these events.

CONFERENCE VENUE

The conference takes place at *Hotel Skeppsholmen*, which is located on the island of *Skeppsholmen*, in the middle of the Stockholm harbour, with a stunning view of both the maritime traffic and the Stockholm waterfront. There are a number of rooms at the hotel which have been preliminary reserved for the conference.



Skeppsholmen is the historic home of the Swedish Navy and the hotel was built in 1699 as naval barracks. Today it is a popular venue for conferences, tourists and other private parties. You get to Skeppsholmen by passing in front of the National Museum of Art, crossing a bridge and then continuing past the Museum of Modern Art to the far end of the island. The hotel is the long building in the middle of the picture.

RECOMMENDED HOTELS



The conference sessions will take place at **Hotel Skeppsholmen**, located on the island of Skeppsholmen. The departure point for the Dinner Cruise is 500 meters from the hotel. The hotel opened in 2009 in naval barracks from 1699 (designed by Nicodemus Tessin the younger, who also designed the Royal Palace).

www.hotelskeppsholmen.se/en

Other conveniently located hotels:

Grand Hotel – www.grandhotel.se/en

Lydmar Hotel – www.lydmar.com

Strand Hotel – www.radissonhotels.com/en-us/hotels/radisson-collection-stockholm-strand

TAXI IN STOCKHOLM

You should be careful with taxis in Stockholm. To avoid the risk of being over-charged you should only take a taxi from one of the three larger, reliable companies indicated below. The fixed fee for a trip to or from the airport should not exceed SEK 700.

Taxi Stockholm (make sure that the telephone number 150 000 is displayed in the logo)

Taxi Kurir (black cars)

Sverigetaxi (yellow cars)

PERSONAL DATA

Your personal data will be handled in accordance with applicable legislation and used only for the purpose of organising the conference.



WAXHOLM III



M/S Waxholm III, built in 1903, is one of the finest examples of the many white steamers that were the main means of transport in the Archipelago in the early 20th century. She was used for regular traffic for about fifty years after which she lived a sad life ending up in 1990 as a dilapidated café permanently moored in Vaxholm. Fortunately, she was saved at the last minute and carefully restored to her original glory, albeit with a diesel engine, and is now again used for tours and cruises in the Archipelago.

THE NATIONAL MUSEUM OF ART



The National Museum of Art (*Nationalmuseum*) is Sweden's main museum for art and design. The collections comprise paintings, sculpture, drawings and prints from 1500-1900 and applied arts, design and portraits from early Middle Ages up until the present day. The current building, built between 1844 and 1866, was inspired by North Italian Renaissance architecture. The museum closed

for renovation in 2013 and reopened in 2018. Notable works include *The Conspiracy of Claudius Civilis* by Rembrandt and *Midvinterblot* by Carl Larsson.

You can read more about the museum at www.nationalmuseum.se/en/.

ARBITRATION IN SWEDEN

Sweden is recognised globally for transparency and consistent adherence to the rule of law. Swedish law is often characterised as a mixture of common and civil law, which makes parties from both legal traditions feel equally at home. On the basis of this, Stockholm has become one of the leading venues for international arbitration. Particularly, ever since the introduction of the US/USSR Optional Clause Agreement in 1977, Stockholm has been the leading venue for East-West disputes. More recently Stockholm has also become an international hub for many investment arbitrations under bilateral investment treaties and multilateral treaties, such as the Energy Charter Treaty.

Sweden has a long-standing tradition of supporting and respecting arbitration. Arbitration awards have been enforced by Swedish public authorities since at least the 17th century and references to arbitration as a recognised method of resolving disputes are found already in medieval legislation. Many of the world's most prominent arbitrators act in Sweden on a regular basis, and Sweden is home to an internationally-renowned arbitration institute at the Stockholm Chamber

of Commerce. As a result, Swedish arbitration practice continuously evolves in line with, and is at the forefront of, international best practice.

THE STOCKHOLM CENTRE FOR COMMERCIAL LAW

The Stockholm Centre for Commercial Law (SCCL) was established in 2000 as a part of the Faculty of Law at Stockholm University. The SCCL promotes scientific research and doctoral studies in the field of commercial law in a broad sense. The SCCL is led by Professor Göran Millqvist as Director. Twenty researchers are active at the SCCL, which makes it the leading commercial law research centre in the Nordic Region. Research is conducted partly by research panels and partly by individual research efforts within and outside the SCCL.

You can read more about the SCCL at www.sccl.se.

THE INSTITUTE OF EUROPEAN AND COMPARATIVE LAW

The Institute of European and Comparative Law (IECL) is one of the Research Centres of the Oxford Law Faculty. It was established in 1995, and today it is one of the leading research institutions of its kind in the English-speaking world. The IECL provides a focus for research and teaching in the fields of European and comparative law within the Faculty of Law. It holds regular seminars and conferences, many of which lead to books in the series from the IECL, and every year it hosts numerous visiting post-doctoral researchers who carry out advanced research and contribute to the academic community. Professor Birke Häcker is the Director of the IECL.

You can read more about the IECL at www.law.ox.ac.uk/centres-institutes/institute-european-and-comparative-law.



COOPERATION BETWEEN OXFORD AND STOCKHOLM

The SCCL and the Faculty of Law at Stockholm University have since 2011 a cooperation agreement with the IECL and the Faculty of Law at the University of Oxford, focused on the establishment of a research fellowship at the University of Oxford for Swedish academics. To date, ten Stockholm Centre Oxford Fellows have each spent a year at the IECL. Additionally, four senior Stockholm academics have spent sabbatical periods in Oxford. As a part of the cooperation the Stockholm Oxford Law Symposium is arranged by the SCCL every second year at Christ Church, Oxford. The next Symposium takes place 8-9 September 2022. However, the cooperation between Oxford and Stockholm goes back even further, and professor Ulf Bernitz has, as Co-ordinator of the Stockholm-Oxford Collaboration, been a member of the IECL since 2001. The cooperation has over the years also resulted in numerous seminars, conferences and publications.