



European
Commission



Stakeholder Workshop on intra-EU investment

3 December 2019

European Commission
Charlemagne building
Meeting room Lord Jenkins
Rue de la Loi 170
1040 Brussels

Banking and
Finance

#CMU | #InvestEU

09:30 - 10:00

Coffee and registration of participants

10:00 - 10:05

Introductory remarks

10:05 - 10:30

Info point by Member States on the state of play on the termination of intra-EU BITs

Panel Discussion 1

10:30 - 11:45

How to ensure that investments are comprehensively and effectively protected within the European Union?

- *What are your views on the current set of investment protection rights under EU law and where do you see potential areas for improvement?*
- *How to strike the right balance between necessary investment protection while preserving the Member States' right to regulate in the public interest?*

Chair: Mr. **Mario Nava**, Director for Horizontal Policies at Directorate-General for Financial Stability, Financial Services and Capital Markets Union (DG FISMA)

Speakers: Mr. **Winfried Pöcherstorfer**, Senior Advisor for Investment Policy, Legal Policy Department, Wirtschaftskammer Österreich (Austrian Federal Economic Chamber)

Mr. **Marc Poulain**, International Trade Negotiations Director, French Association of Large Companies (AFEP)

Prof. **Alessandra Arcuri**, Erasmus School of Law, Erasmus University Rotterdam

Mr. **Leo Vester**, Strategic Legal Advisor, Ministry of Justice and Security, Government of the Netherlands

Questions and Answers

Panel Discussion 2

11:45 - 13:00

Assessing existing processes and mechanisms of investment dispute resolution in the EU and the need for a new investment dispute settlement mechanism at EU level

- *Is there a need to improve the existing mechanisms in the EU?*
- *Is there a need for new investment dispute resolution mechanisms under EU law and what could they look like?*

Chair: Ms. **Anne-Françoise Mélot**, Head of Unit, DG FISMA B4

Speakers: Mr. **Dominique Grisay**, Belgian partner at Justinian Lawyers (for the Council of Bars and Law Societies of Europe)

Mr. **Werner Mörth**, Head of Legal Services at Raiffeisen Bank International AG (for European Banking Federation)

Ms. **Luisa Santos**, International Relations Director, BusinessEurope

Ms. **Patricia Stöbener de Mora**, Director EU Law and International Economic Law, Deutscher Industrie- und Handelskammertag (DIHK e.V.)

Mr. **Pieter van Nuffel**, Head of Institutional Team, Legal Service of the European Commission

Questions and Answers

13:00 - 14:00

Lunch break - Sandwich lunch

14:00 - 14:20

European Commission presentations on EU initiatives facilitating and promoting cross-border investment

Single Digital Gateway - Ms. Sylwia Jaczewska, Policy Officer, DG for Internal Market, Industry, Entrepreneurship and SMEs, European Commission

InvestEU - Mr. Filippo Munisteri, Economic analyst - Team Leader for Social Investment, DG for Economic and Financial Affairs, European Commission

Panel Discussion 3

14:20 - 15:45

Making cross-border investments easier through investment facilitation and promotion

- *How to best promote and facilitate cross-border investment opportunities*
- *How to increase the use of out of court dispute resolution (SOLVIT)*
- *How to develop a future stakeholder dialogue*

Chair: Ms. Raffaella Assetta, Deputy Head of Unit DG FISMA

Speakers: Mr. Ilya Bruggeman, Head of Single Market, Eurocommerce

Ms. Andrea Mihaličková, Senior Consultant, Slovak Investment and Trade Development Agency (SARIO)

Mr Raido Lember, Director, Estonian Investment Agency

Ms. Anoushka Janssens, Team Leader SOLVIT, DG for Internal Market, Industry, Entrepreneurship and SMEs, European Commission

Questions and Answers

15:45 - 16:00

Concluding remarks

Speakers' profiles →

Speakers' profiles

Mario Nava is Director for Horizontal policies, Directorate General for Financial Stability, Financial Services and Capital Markets Union, European Commission. Mario Nava (born Milan, 1966) holds an undergraduate degree in Economics from Bocconi University (1989), an MA from the Université Catholique de Louvain, Belgium (1992) and a PhD in Public Finance from the London School of Economics (1996). Mario joined the European Commission in 1994 and held various senior positions. Since October 2018, he is the Director for "investment and Company reporting" in the Financial Stability, Financial Services and Capital Markets Union Directorate General. Prior to that, from 2016 to April 2018, he was Director of the "Financial system surveillance and crisis management" Directorate and, from 2011 to 2016, Director of the "Regulation and prudential supervision of financial institutions". Previously, he was Head of the "Banking and Financial Conglomerates" Unit, of the Financial Markets Infrastructure Unit, a member of the Group of Policy Advisers of the EU Commission President, Prof. Romano Prodi, and a member of the Cabinet of the Competition Commissioner, Prof. Mario Monti. Alongside his current work, he is active in research and teaching. He is currently Visiting Professor at Bocconi University (Milan) and at Solvay Business School (Brussels) and has been teaching in several universities in Europe and Latin America. From April to September 2018 he also served as Chairman of CONSOB, Italy's financial markets supervisor.

Winfried Poecherstorfer is a senior advisor for Investment Policy and Bilateral Investment Agreements as well as Media, Telecommunications and Postal Services Law and Regulation at the Department of Legal Policy of the Austrian Federal Economic Chamber (WKÖ). He holds a PhD-degree in Law and a Master degree in Translation Studies (English, Spanish) from the University of Graz as well as a Master's degree in Law from the London School of Economics and Political Science. Before entering the Austrian Federal Economic Chamber, he worked at the Institute for European Law at the University of Graz and subsequently as a Research Fellow with a focus on EU-Competition Law at the European Institute of Public Administration in Maastricht. He is a lay-judge at the Austrian Federal Administrative Court, a substitute member of the Austrian Competition Commission and has worked as a lecturer at several Universities of Applied Sciences.

Marc Poulain is Afep (Association of Large French companies)'s director for international trade negotiations, including EU trade policy and coordination on Brexit-related issues. Since 2017, he has been notably dealing with investment protection and screening issues, among the priority files for the association's membership. Prior to joining Afep, Marc Poulain held for seven years the position of policy officer in the European Commission's Directorate-General for Trade, in charge of legislative files and trade negotiations in the field of public procurement. He previously worked in the legal department of the French ministry of Economy,

as deputy head of the unit dealing with the development of the public procurement legal framework. Marc Poulain began his carrier in the administrative court of Paris as a judge specialised in litigations over public bodies' liability and public contracts. He is graduated from the Institute of Political Sciences (Science Po Paris) and is a former student of the French National School of Administration (ENA).

Alessandra Arcuri *is Professor of Inclusive Global Law and Governance at the Department of International and European Union Law, Erasmus School of Law, Erasmus University Rotterdam. Her research focuses on international economic law and the relationship with human rights, environmental and public health law, as well as on the global governance of risks and the emergence of global technocracy. She has lived and held positions at various international institutions, including the European University Institute, New York University and Hamburg University. Professor Arcuri holds a law degree from La Sapienza University, Rome (cum laude), an LL.M. from Utrecht University and a Ph.D. from the Erasmus School of Law. Professor Arcuri is Member of the Erasmus Initiative on Dynamics of Inclusive Prosperity, Member of the Erasmus Institute of Public Knowledge, and and Co-Chair of the Young Erasmus Academy.*

Leo Vester *is a strategic legal advisor in the section Legal Affairs and Legislative Policy of the Department of Legislation and Legal Affairs from the Dutch Ministry of Justice and Security. This section has a coordinating task with respect to the quality of the legislation issued by the Dutch government. To this end he and his colleagues develop instruments and procedures aimed at improving the quality of the laws and regulations as well as the quality and efficiency of the legislative procedure. He is the chair of the working group on the Directives on Legislation (Aanwijzingen voor de regelgeving). The Directives are formally issued by the Prime Minister and contain rules and best practices with respect to the content, form and procedure of legislation. They are binding instructions to all departmental legislative lawyers. Furthermore he chairs the Interdepartmental legislative consultation group dealing with legislative procedures and standards. Through his work in this section he has a broad experience with respect to the Dutch legislative process.*

Anne-Françoise Mélot *is Head of the Unit "Free Movement of Capital and application of EU law" in the Directorate General for Financial Stability, Financial Services and Capital Markets Union (DG FISMA) of the European Commission. Previously Anne-Françoise had worked in DG FISMA in the audit policy unit, in the financial reporting unit and in the corporate governance and social responsibility unit, where she was responsible for the revision of the anti-money laundering directive. She also worked in the Directorate General for Economic and Financial Affairs, in the unit in charge of the relationship with the European Investment Bank and the European Investment Fund. Before joining the European Commission in 2001, she had been manager in the Luxembourg audit and assurance practice*

of KPMG. She specialised in the audit of financial institutions and insurance and reinsurance companies. In 2000, she qualified as a certified public accountant (Réviseur d'Entreprises). She holds a degree in Engineering and Business Administration from Hautes Etudes Commerciales (HEC) Liège, Belgium and University of Trier, Germany. She also holds a degree in General and International Management from University of Alabama, USA.

Dominique Grisay is a Belgian attorney and member of the European law Commission of the O.B.F.G. (Ordre des Barreaux Francophones et Germanophones). Dominique Grisay has studied law in Belgium (UCL), and EU and International law in Leyden (NL). He has been admitted to the Brussels Bar in 1985 where he is still active. Dominique GRISAY is also invited Professor at the University of Bordeaux and teaches international and European law at the Haute Ecole Francisco Ferrer (Brussels). Finally, he is also arbitrator, among others places, at the ICSID.

Werner Mörth is an Austrian attorney and Head of Legal Services at Raiffeisen Bank International AG, Vienna, Austria.

Luisa Santos is Director for International Relations at BusinessEurope and Chair of BusinessEurope's Brexit Task Force. She was a member of the TTIP Advisory Group and is now a member of the Expert Group on EU trade agreements. Her principal experience is in the textiles sector, having acted first as the chief representative for the Portuguese textile industry in Brussels, later as Trade and Industry Manager for Euratex- European Apparel and Textile Confederation. She was also the manager responsible for international partnerships – including a joint venture in India – for a leading Portuguese textiles company. Her academic background is in law and management.

Patricia Sarah Stöbener de Mora is Director for EU Law and International Economic Law in the Association of German Chambers of Commerce and Industry (DIHK), and has been working on internal market and other EU and International law issues for the last seven years. DIHK has contributed to the discussion on a reform of investment protection with several position papers and proposed improvements particularly for SMEs. Furthermore, DIHK has published surveys among chambers of commerce and enterprises on obstacles in the internal market for goods, services and investments, also recently in November 2019.

Pieter Van Nuffel is Principal Legal Advisor, head of the 'Institutions' team in the Legal Service since 2014. He has a master degree in law (Antwerp University, 1976) and in history (Brussels University, 2009). He joined the Commission in 1983, and is since 1990 a member of its Legal Service. From 2000-2004 he was Head of the Unit on Institutional Reform in the Secretariat General.

Maria Raffaella Assetta is deputy Head of the Unit in charge of monitoring the

implementation of the free movement of capital, within the Directorate General for Financial Stability, Financial Services and Capital Markets Union. In this role, she is involved in particular in EU policy initiatives seeking to improve the investment climate in the European Union. She is a lawyer and has been working at the European Commission since 2002, after a working experience in the private sector as independent attorney-at-law. Since she joined the European Commission, she has been working in policy coordination, policy development, and enforcement of EU legislation, first in the field of public procurement and since 2010 in the field of financial services and capital movements.

Anoushka Janssens is within the European Commission responsible for the coordination of the SOLVIT network. Previously she worked in the DG Internal Market and Financial Services in the general policy coordination unit. Before joining the Commission in 2004, she worked in the Dutch Ministry of Economic Affairs managing bilateral relations with Central and East European countries. Her first 5 professional years were with Banque Paribas NL, after having passed a European Law degree in Paris in 1990.


Sylwia Jaczewska is a Policy Officer of the European Commission and dealing with the Digitalisation of the Single Market within the DG for Internal Market, Industry, Entrepreneurship and SMEs. As part of the Single digital gateway team, Sylwia has had various responsibilities including the preparation of the legislative proposal and is currently involved in the implementation phase of the Single digital gateway Regulation.

Filippo Munisteri is Team Leader for Social Investment within the Treasury and Financial directorate at DG ECFIN in the European Commission. Filippo is part of the team coordinating the negotiation of the new InvestEU programme and coordinating relations with the EIB Group and other IFIs. Until 2017, he worked in the Telecom regulation department of DG CNECT, where he dealt with high-speed broadband financing and took part in the negotiation of the new Telecom Regulatory Framework.

Andrea Mihalickova is a Senior Consultant at the Slovak Investment and Trade Development Agency (SARIO), an organization that works under the auspice of the Ministry of Economy. Andrea advises companies interested in setting up new or expanding a facility in Slovakia. She specialized in various kinds of projects, from the manufacturing plants to the shared services, IT and R&D centres.

Ilya Bruggeman is Head Single Market since January 2013, has held several positions at EuroCommerce, the European voice for retail and wholesale. In this position, he has led EuroCommerce activities in a broad range of policy issues aimed at improving single market governance, the free movement of goods and

freedom of establishment. He started his career in 2006, working for Public Matters, a leading public affairs consultancy in the Netherlands. He moved in 2007 to the Dutch retail federation, Detailhandel Nederland, where he worked in a number of different positions. He was subsequently responsible for payment systems, product law, establishment and taxation issues. He studied Public Administration at Leiden University in the Netherlands



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