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Lunch seminar with Loris Marotti

On the Consequences of Treaty Termination. Insights from the Termination Agreement of Intra-EU BITs

The research focuses on the legal consequences of the termination of treaties with reference to the impact of termination on non-state actors involved in the execution of the treaty (either as private entities and/or as international tribunals). The research looks at this issue through the lens of the delicate balance between States' prerogatives as masters of their treaties, private entities' interests or rights deriving from the treaty, and international tribunals' autonomy in the performance of their judicial function and in ensuring the good administration of justice.

This question arises dramatically in the recent approach taken by the Member States of the European Union (EU) towards investment arbitration following the 2018 *Achmea* judgment, where the Court of Justice of the EU found investor-State arbitration based on intra-EU bilateral investment treaties (BITs) incompatible with EU treaties. The research seeks to disentangle the international legal issues raised by State parties' mutual termination of BITs and takes as a case study the 2020 Agreement for the termination of BITs between the Member States of the EU.

Speaker bio

Loris Marotti is an Assistant Professor of International Law at the University of Naples Federico II, where he teaches International Law, International Investment Law and Arbitration, and International Law of the Sea. He has held research and teaching positions at University of Milan, University for Foreigners of Perugia, University of Macerata, The Hague Academy of International Law, Max Planck Institute for Comparative Public Law and International Law and the Lauterpacht Centre for International Law.

As a generalist international lawyer, Loris has taught and published in several areas of international law, including international dispute settlement, the law of treaties, international responsibility, international economic law and international organizations law. His works include the book "Il doppio grado di giudizio nel processo internazionale" (Giappichelli, Torino, 2019), addressing the law and practice of appellate proceedings in international adjudication, and the co-edited book "More Equal than Others? Perspectives on the Principle of Equality from International and EU Law" (T.M.C. Asser Press, 2022).



At iCourts Loris will work on the consequences of treaty termination under international law, with a focus on the termination of bilateral investment agreements and its impact on non-state actors involved in the execution of the treaties (either as private entities and/or as international tribunals). The research looks at such issue through the lens of the delicate balance between States' prerogatives as masters of their treaties (and main clients of international courts), private entities' interests or rights deriving from the treaty, and international tribunals' autonomy in the performance of their judicial function and in ensuring the good administration of justice.

Join Zoom Meeting

<https://ucph-ku.zoom.us/j/67100433042?pwd=M2tQTnBWdmZHWdTdLVzFTYUduaTcwQT09>

Meeting ID: 671 0043 3042

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[Centre of Excellence for International Courts, Faculty of Law](#)
[University of Copenhagen](#)
Karen Blixens Plads 16
DK-2300 Copenhagen S

Contact:
iCourts
icourts@jur.ku.dk
Tel: +45 35 32 26 26

Details

Time: 26 Oct. 2022, 12:15-13:15

Place: Room 7A-2-04 (Justitia),
Njalsgade 76, 4th floor & online via
Zoom

Organizer: iCourts