

Saenredamstraat 81
Haarlem, 2021 ZP
+31 6 25 24 94 93
www.nl-investmentconsulting.com
contact@nl-investmentconsulting.com



NIKOS LAVRANOS

EXPERTISE

Advising, litigating, negotiating, drafting legislation and briefings, lecturing and researching in the following areas:

- international investment law and arbitration
- WTO law
- EU law
- Public International law
- Interaction between international, European and national law

NON-ACADEMIC POSITIONS

- founder & owner of NL-Investmentconsulting.
- Secretary General of the European Federation for Investment Law and Arbitration (EFILA).
- Legal Advisor at NautaDutilh, Amsterdam.
- Of Counsel at Wöss & Partner, Vienna.
- Permanent contributor for the Kluwer Arbitration Law Blog, EFILA Blog, Practical Law Arbitration Blog and Borderlex.
- Associate Consultant for Trade Impact BV, Rotterdam.
- Chair of the Investment Arbitration Committee of the Dutch Arbitration Association (DAA)

Previous non-academic positions:

- from 1 September 2014 until 31 December 2016: Head of Legal Affairs, Global Investment Protection AG.
- from 1 March 2010 until 1 July 2014: Senior Trade Policy Advisor & Chief Negotiator, International Trade section, responsible for all Dutch BITs, Dutch Ministry of Foreign Affairs, The Netherlands.
- from 1 January 2007 until end of August 2008: Senior Advisor European & International Strategy, Dutch Competition Authority (NMa) The Hague.

**APPOINTMENTS BY
ARBITRATION
INSTITUTIONS**

- Arbitrator on the Panel List of the China International Economic and Trade Arbitration Commission (CIETAC)
 - Mediator on the Panel List of the Asia International Arbitration Centre (AIAC).
 - Arbitrator and Mediator on the List for the Vienna International Arbitration Centre (VIAC).
 - Mediator on the Panel List of the Energy Community.
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**EXAMPLES OF
REPRESENTATION AS
LEGAL ADVISOR (OR AS
PART OF ANOTHER
LAW FIRM'S TEAM
THAT REPRESENTED
THE CLIENTS)**

- A Dutch B.V. against a Balkan state;
 - a Dutch B.V. in an investment arbitration dispute against Russia under the Netherlands- Russia BIT;
 - a US company in setting aside proceedings against Ecuador in relation to multiple arbitral awards rendered against Ecuador;
 - several European photovoltaic SMEs in investment arbitration disputes against the Czech Republic under several BITs and the ECT;
 - a Dutch B.V. in an investment arbitration dispute against the Czech Republic under the Netherlands-Czech BIT;
 - a Dutch B.V. in an investment arbitration dispute against the Slovak Republic;
 - several investors against Russia in the context of the annexation of Crimea;
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**ACADEMIC
POSITIONS**

- Guest Professor "International Investment Law" at the Free University Brussels – Brussels Diplomatic Academy.
- Guest Professor at the Global Master's Program in Law, Kobe University Graduate School of Law, Japan.
- from 2015-2018: Visiting Professor at Verona University, Law Faculty.
- Senior Fellow at the WTI, Bern.
- Co-Editor-in-Chief of the: *European Investment Law and Arbitration Review*.
- from 2012-2016: Editor-in-Chief and since 2016 Editorial Board member of the *Hague Yearbook of International Law*.
- from 2012-2014: Adjunct Professor, The Hague University.
- from 2012-2016: Guest Professor, University of Amsterdam.
- from 1 September 2009 until end February 2010: Interim Academic Research Director European Law and Senior Lecturer, The Hague University.
- from 1 September 2008 until end of August 2009: *Max Weber Fellow* at the European University Institute (EUI), Florence; mentor: Prof. E.-U. Petersmann.

- from December 2001 until end of August 2008: Assistant Professor “European Law” and Senior Researcher “International Law” at the ACIL, Law Faculty, University of Amsterdam.
- from September 1997 until December 2001: Researcher and Ph.D. Candidate at the Dep. of International and European Law, Law Faculty, Maastricht University.

ACADAMIC EDUCATION

4 JUNE 2004 - DOCTOR IN LAW - MAASTRICHT UNIVERSITY - THE NETHERLANDS

Title of Ph.D. thesis:

Decisions of International Organizations in the European and domestic legal orders of selected EU Member States, Europa Law Publishing, Groningen 2004, 309 pp.

1996 - 1997 - MASTER OF COMPARATIVE AND EUROPEAN COMMUNITY LAW (LLM) – MAASTRICHT UNIVERSITY – THE NETHERLANDS

Master of Comparative and European Community Law (LL.M.), cum laude, Maastricht University, The Netherlands.

1990 - 1997 – LAW STUDIES – GOETHE UNIVERSITY- FRANKFURT - GERMANY

Law studies at the Johann Wolfgang Goethe University Frankfurt, Germany, 1. Juristisches Staatsexamen (1st state exam).

1992 - 1993 – ERASMUS EXCHANGE – MAASTRICHT UNIVERSITY – THE NETHERLANDS

one-year ERASMUS exchange studies in European and International Law at Maastricht University, The Netherlands.

SELECTED RECENT PUBLICATIONS

Book contributions

- Co-editor of *International Arbitration and EU law* (Edward Elgar, March 2021), 500 pp.
- The ICS and MIC Projects: A Critical Review of the Issues of Arbitrator Selection, Control Mechanism, and Enforcement, in: J. Chaisse et al (eds), *Handbook of International Investment Law and Policy* (Oxford University Press, 2020).
- Renewable Energy Investment Disputes – Recent Developments and Implications for Prospective Energy Market Reforms, in: M. Roggenkamp et al (eds.), *European Energy Law Report XII 2018*, pp. 65-94 (together with Cees Verburg).
- How the European Commission and the EU Member States are reasserting their control over their Investment Treaties and ISDS Rules, in: A. Kulick (ed.), *States’ Reassertion of control over International Investment*

Agreements and International Investment Treaty Dispute Settlement (Cambridge University Press, 2016), pp. 309-332.

- Commentary on Art. 351 TFEU, in: Von der Groeben et al, *Kommentar zu den EU Verträgen*, Nomos, Baden-Baden, 2014 and for the forthcoming new edition in 2022.
- The remaining decisive role of Member States in negotiating and concluding EU Investment Agreements, in: M. Bungenberg et.al. (eds.), *EU and Investment Agreements*, Nomos 2013, pp.165-170.
- Is an international investor-state arbitration system possible under the auspices of the ECJ? in: N. Jansen Calamita (ed.), *The Future of ICSID and the place of Investment Treaties in International law, Investment Treaty Law Current issues IV*, BIICL, 2013, pp. 129-148.

(peer reviewed) Articles

- The Investment Treaty Implications of Covid-19 Responses by States, in: *European Investment Law and Arbitration Review 2021* (forthcoming) (together with Ahmed Mazlom).
- The world after the termination of intra-EU BITs, in: *European Investment Law and Arbitration Review 2020*, pp. 196-220.
- The new arbitration rules under the 2018 Dutch model BIT text, in: *Tijdschrift voor Arbitrage 2020*, issue no. 2, pp. 56-63.
- The changing ecosystem of Dutch BITs, in: *Arbitration International 2020*, pp. 441-457.
- CJEU Opinion 1/17: Keeping International Investment Law and EU Law Strictly Apart, in: *European Investment Law and Arbitration Review 2019*, pp. 240-259.
- *Achmea*: Ground-breaking or Overrated?, in: *SchiedsvZ 2018*, pp. 348-357 (together with T. Singla).
- Recent Awards in Spanish Renewable Energy Cases and the Potential Consequences of the *Achmea* Judgment for intra-EU ECT Arbitrations, in: *European Investment Law and Arbitration Review 2018*, pp. 197-224 (together with Cees Verburg).
- Mixed Exclusivity: The CJEU's Opinion on the EU-Singapore FTA, in: *European Investment Law and Arbitration Review 2017*, pp. 3-34.
- The CETA-drama: Entering the dark age of protectionism and nationalism?, in: *Int'l Lis – Corriere trimestrale della litigation internazionale 2017*, pp. 111-113.
- Lights and Shadows of the WTO-inspired International Court System of Investor-State Dispute Settlement, in: *European Investment Law and Arbitration Review 2016*, pp. 191-266 (together with several other authors).

- A Response to the Criticism against ISDS by EFILA, in: *Journal of International Arbitration* 2016, pp. 1-36 (together with several other authors).
- In defence of Member States' BITs gold standard: The Regulation 1219/2012 establishing a transitional regime for existing extra-EU BITs - A Member State's perspective, in: *TDM special issue*, published in Vol. 10, issue 2, March 2013.

Shorter Articles/Commentaries

- The (ab)use of Third Party Submissions, in: *European Investment Law and Arbitration Review* 2020, 426-436.
- Comparative Analysis between the 2018 and 2004 Dutch Model Bilateral Investment Treaty Texts, in: *European Investment Law and Arbitration Review* 2019, pp. 89-123 (together with A.M. Paschalidis).
- Is Commercial Arbitration an Alternative to Investment Treaty Arbitration in Light of the increasing aversion against BITs ?, in: *European Investment Law and Arbitration Review* 2017, pp. 302-314.
- Het TTIP-verdrag: een Odyssee door onbekende wateren, in: *Nederlandse Tijdschrift voor Europees Recht* 2016, pp. 24-33.
- Naar een nieuw EU-investeringsbeleid, in: *Nederlandse Tijdschrift voor Europees Recht* 2013, pp. 185-190 (together with I. Efilali, R. Niesink, J. Luycks).
- Bilateral Investment Treaties (BITs) and EU law, in: *Indian Yearbook of International Law and Policy* 2010-2011, pp. 220-257.
- Member States' Bilateral Investment Treaties (BITs): Lost in Transition?, in: *Hague Yearbook of International Law* 2011, pp. 281-312.
- Judicial Review of UN Sanctions by the ECJ, in: *Nordic Journal of International Law* 2009, pp. 343-359.
- The epilogue in the MOX plant dispute: An end without findings, in: *European Energy and Environmental Law Review* 2009, pp. 180-184.
- The Solange-Method as a Tool for Regulating Competing Jurisdictions Among International Courts and Tribunals, in: *Loyola Los Angeles International & Comparative Law Review* 2008, pp. 275-334.
- Competing Jurisdictions between MERCOSUR and WTO, in: *The Law and Practice of International Courts and Tribunals* 2008, pp. 205-234 (together with N. Vielliard).
- Regulating competing jurisdictions among International Courts and Tribunals, in: *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 2008, pp. 575-621.

Blogposts and miscellaneous

- Comment: Will Solvit-Invest solve it?, Borderlex, 7 July 2021.
- Is the Court of Justice of the EU the Ultimate Judge of the ECT?, Kluwer Arbitration Blog, 9 April 2021.
- ECJ Advocate General: Intra-EU Energy Charter Treaty investor-state arbitration is illegal, Borderlex, 3 March 2021.
- UNCITRAL ISDS reform talks: appeals solution – more questions than answers, Borderlex, 15 February 2021.
- CETA investment court rules reflect wider multilateral dispute settlement reform goals, Borderlex, 2 February 2021.
- EU-China investment agreement – a thin deal, Borderlex, 25 January 2021.
- Analysis: The EU's ECT modernisation proposals, Borderlex, 28 May 2020.
- The CJEU – German Constitutional Court Debate and Impact on *Achmea* and the Termination Agreement, Kluwer Arbitration blog, 21 May 2020.
- Comment: When 23 EU member states terminate their intra EU BITs, Borderlex, 6 May 2020.
- Using the Paris Agreement in arbitrations, Practical Law Arbitration blog, 31 March 2020.
- What is the CETA drama in the Netherlands all about?, Borderlex, 13 February 2020.
- Game over for intra-EU BITs, Practical Law Arbitration blog, December 5 2019.
- The EU Plurilateral Draft Termination Agreement for all intra-EU BITs: An End of the post-*Achmea* saga and the beginning of a new One, Kluwer Arbitration blog, 1 December 2019.
- The need for a Data Protection Protocol for arbitration proceedings, Practical Law Arbitration blog, 12 September 2019.
- Court of Justice of the EU approves CETA investment court system, Practical Law Arbitration blog, 14 June 2019.
- The Harvest Report of the First Half of 2019, Kluwer Arbitration blog, 7 June 2019.
- ISDS reform: New York meeting will test global appetite for EU investment court plans, Borderlex, 1 April 2019.
- The new EU Regulation on the screening of foreign direct investments: A tool for disguised protectionism?, EFILA blog, 22 January 2019.
- Analysis: Even the EU cannot be fully consistent on investment protection in FTAs, Borderlex, 8 January 2019.
- 2019: the Year of the Big Harvest!, Kluwer Arbitration blog, 30 December 2018.
- Beyond USMCA: ISDS à la carte, Kluwer Arbitration blog, 8 October 2018.

- After *Achmea*: The Need for an EU Investment Protection Regulation, Kluwer Arbitration blog, 17 March 2018.
- Black Tuesday: the end of intra-EU, Practical Law Arbitration blog, 7 March 2018.
- Insight: The end of intra-EU BITs – what next? Borderlex, 9 March 2018.
- A new *Micula*-type case on the horizon?, Practical Law Arbitration blog, 25 February 2018.

LANGUAGES

German, English, Dutch: excellent

French, Greek: intermediate

Italian: basic