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| **Webinar on Intra-EU Investment Protection****Online, …** |

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| Speakers**…****…** **…** **…** **…****…****…** | Key topics * Freedoms and principles protecting intra-EU investment
* Free movement of capital
* Freedom of establishment
* Expropriation
* Protection of legitimate expectations
* Enforcement of investors’ rights and effective judicial protection for investor rights under EU law
* Preliminary reference procedure

LanguageEnglishThe training material was created under the service contract between the European Commission Directorate-General for Financial Stability, Financial Services and Capital Markets Union and the Academy of European Law (contract number FISMA/2022/LVP/0010) and financed by the European Union. The content of this training material cannot be taken as an official opinion of the European Commission. |

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| Webinar on Intra-EU Investment Protection |

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| **Day 1, …**08:45 **Opening of the webinar, connecting to the platform** INTRODUCTION09:00 **Introduction to Intra-EU Investment Protection*** The situation before and after the ruling in *Achmea*
* Definitions of investment and investor
* The different stages of investment cycles

10:15 Discussion10:30 Short break 1. **INTRA EU INVESTMENT PROTECTION BASED ON EU FUNDAMENTAL FREEDOMS AND PRINCIPLES**

10:45 **Justified and unjustified restriction to investments under**  **EU law (“EU measures”) – Part 1*** EU law provisions of relevance
* Non-discrimination

11:45 Short break12:00 **Justified and unjustified restriction to investments under**  **EU law (“EU Measures”) - Part 2*** Necessity and proportionality test, particularly in light of public health, public order and public security
* Referral to the CJEU

12:45 Lunch break14:00 **Case study 1: Freedoms and principles protecting intra-EU investments** * Applying EU free movement of capital/workers and freedom of establishment in the light of CJEU rulings
* Cross border investment protection and EU principles of non-discrimination and legitimate expectations in the light of CJEU rulings
* Case scenarios

15:00 Discussion 15:15Short Break 15:30 **Case Study 2: Protection of property against expropriation under**  **the Charter of fundamental rights and the European Convention of Human Rights*** Overview on the applicability of Article 17(1) CFR as well as, more specifically Article 1 of Protocol 1 of the ECHR
* Alleged expropriation, compensation and “fair balance test” applied under Art. 1 Protocol 1 of the ECHR

16:30 Discussion 16:45 End of the first webinar day **Day 2, …**1. **PROCEDURAL RIGHTS, REMEDIES, PRELIMINARY REFERENCE AND ENFORCEMENT**

09:00 **Procedural rights and effective judicial remedies under EU law*** Investment disputes and claimants’ arguments on the basis of arbitrary treatment in Member States administration and judiciary
* How do procedural rights enshrined in EU law (e.g., Art 47 CFR, Art. 41, Art. 19 TEU) protect investors and investments from arbitrary treatment?

09:45 Discussion 10:00 Short break 10:15 **Remedies for the breach of investors’ rights under EU law*** Overview of remedies granted by EU law
* CJEU rulings on compensation (e.g: Brasserie du Pêcheur/Factortame and Koebler)

11:00 Discussion 11:15 Short break11:30 **Guided discussion: Preliminary ruling procedure and enforcement*** Introduction to preliminary ruling procedure under Article 267 TFEU
* Enforcement of CJEU’s decisions in national courts

12:30 **Closing of the webinar, evaluation sheets**13:00 End of the second webinar day  | **Objective**This workshop is part of a project aiming to develop and organise an online training module and related material for judges and other professionals working in the justice system on cross-border investment protection between EU Member States. At the end of the training the participants will be able:* to answer how they can best access and understand relevant intra-EU investment protection rules;
* reflect on practices they can adopt in their particular jurisdiction and in accordance with the relevant rules, to ensure the ethical standards of the profession are maintained;
* identify the problems that may arise in the interpretation of specific provisions in the light of hypothetical and actual cases and other considerations.

Who should attend? Judges and legal court staff dealing with cross-border investment protection, such as administrative, constitutional and relevant civil matters can apply for the training.It is considered to be an advantage if the participants* regularly deal with cross-border cases
* already have experience with investment protection on national or EU level
* already have experience as a lecturer

Times indicated are CEST(Central European Summer Time)Your contact persons |