




# 1st Athens F D I PreMoot

23 - 25 October 2020



Athens PIL

Athens Public International Law Center



The Athens Public International Law Center (Athens PIL) was founded in July 2015. It is an academic institution that forms part of the Faculty of Law of the National and Kapodistrian University of Athens. The mission of Athens PIL is to be a leading research center committed to the study and promotion of International Law.

The Centre's objective is; to contribute to the promotion of International Law through teaching, research and other scientific events; to unite students, academics and practitioners with a keen interest in International Law; to play a pivotal role in the development of International Law through the formation of partnerships with important academic institutions.

The Centre's key activities include expert seminars and meetings on carefully selected topics of International Law and the organization of conferences on topical issues of international character.



Welcome to the *1<sup>st</sup> Virtual Athens FDI PreMoot 2020...*

*Dear all,*

The recent pandemic has brought the world before a critical change in their lives and requires rapid and thorough adjustment to the new conditions and the applied measures.

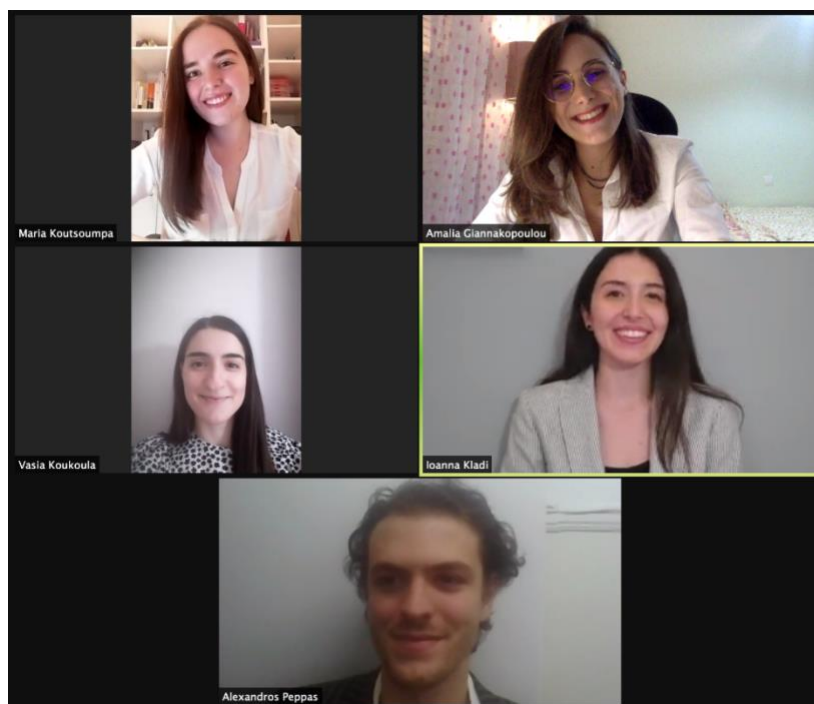
In the light of the Covid-19 developments, and as our number one priority remains that everyone stays healthy and safe, *FDI Moot 2020* goes virtual. We are confident that this new development will not inhibit the interaction between the legal and moot community. On the contrary, it will be seen as a good chance to eliminate distance barriers and foster meaningful dialogue on the hottest topics of investment arbitration. The Athens Public International Law Center (Athens PIL), willing to contribute to the preparation of the teams participating at the *FDI Moot 2020*, is delighted to host its *1<sup>st</sup> Virtual Athens FDI PreMoot*, which is going to be held from 23 to 25 October 2020.

The *1<sup>st</sup> Virtual Athens FDI PreMoot 2020* is hosted by the Athens PIL, an academic institution that forms part of the Faculty of Law of the National and Kapodistrian University of Athens, and is under the academic supervision of Dr Anastasios Gourgourinis. Aiming at a high-level academic interaction, we are very pleased to welcome 12 teams from 10 different countries and 4 different continents! We are also very proud to announce that a great number of distinguished academics and practitioners from all over the world will join our PreMoot as arbitrators and we would like to deeply thank them for their kind acceptance of our invitation.

On our behalf, we commit to make every possible effort to meet up the expectations of an academically integral experience. We hope that all the participating teams and arbitrators will enjoy our PreMoot and will find it particularly helpful for them in order to successfully prepare for the virtual hearings in the Global Rounds.

*The Organizing Committee of the 1st Virtual Athens FDI Pre-Moot,*

*Amalia Giannakopoulou, Ioanna Kladi, Vasiliki Koukoula, Maria Koutsoumpa, Alexandros Peppas.*



## *Message from the Academic Supervisor of the Athens Pre-FDI Moot Court Competition*

For obvious reasons, dictated by the reality after the pandemic, the *Athens FDI PreMoot* will be held virtually from 23 to 25 October 2020, with social responsibility and due consideration for the well-being of all our academic partners, and of course, our participants. We are very proud to welcome this year 12 Participating Teams, with participants from 10 different countries. I cordially give my thanks to our academic institution, Athens PIL, for hosting the event, all our sponsors, the renowned scholars and practitioners, every person involved this year, and of course, all of our participants, who, despite the different circumstances, supported practically and importantly our virtual event. I express the hope that the virtual rounds will meet the expectations of both arbitrators and participants, and that they will offer the latter great experience and knowledge, indispensable tools for the Global Rounds' challenges.

*Dr Anastasios Gourgourinis,  
National & Kapodistrian University of Athens, Faculty of Law  
Athens Public International Law Center  
Academic Supervisor of the 1st Virtual Athens FDI PreMoot*



*Anastasios Gourgourinis is Lecturer in Public International Law at the Faculty of Law of the National and Kapodistrian University of Athens, specializing in International Economic Law. He is also a Research Fellow at the Academy of Athens. He holds an LL.B. and an LL.M from the Faculty of Law of the National and Kapodistrian University of Athens, as well as an LL.M. (awarded with Distinction) and a Ph.D. from University College London. Anastasios has served in the past as Special Legal Advisor at Greece's Ministry for Development and Competitiveness, and the Ministry of State, advising on issues pertaining to investment, trade and state aid. Currently, he practises with the Athens Bar in Greece.*

*Anastasios' teaching and research interests include public international law, international investment law and WTO law, particularly from the perspectives of international arbitration and adjudication, the theory of sources of international law, State responsibility, and normative fragmentation of international law.*

*Anastasios is also the academic supervisor of the Summer Law School on International Investment Law, organized annually by the Athens Public International Law Center and ELSA Athens, convenes the Trade Law Clinic project, and coaches the teams which annually represent the National and Kapodistrian University of Athens in the Foreign Direct Investment International Arbitration Moot, the ELSA Moot Court Competition on WTO Law and the Willem C. Vis International Commercial Arbitration Moot.*



## *The FDI Moot 2020 case*

As usual, this year's FDI Moot case encompasses some of the hottest topics of international investment law.

In the *FDI Moot 2020* case the investment refers to a loan for the construction of a coal-fired power plant. At the time of the investment, the legal and socio-economic regime of the host state is totally conducive for coal-related investments and municipal authorities actively encourage the project.

The coal-plant is built and starts operation in 2014. One year later, following some detrimental floods related to high greenhouse emissions, a green party comes to power. The host state later accedes to a regional economic integration organization (much like the EU) and ratifies an environmental treaty (much like the Paris Agreement). Subsequently, the REIO enacts a Directive, pursuant to which all coal-fired power plants shall phase-out by 2028, long before the project's expected lifetime.

The host state transposes that Directive and in addition provides incentives for the development of renewable sources of energy. Nonetheless, the loan provided for the construction of the power plant cannot be repaid and the initial investor finds itself on the verge of insolvency. The loan and the right to sue the host state for the potential breach under the investment treaty is assigned to another bank. The latter initiates arbitration against the host state and appoints an arbitrator who had already participated in an alike case concerning the implementation of the same Directive. The host state launches a challenge against the arbitrator. The questions that arise include:

- *Shall the arbitrator be disqualified?*
- *Has the assignee standing to sue?*
- *Is the phase-out attributable to the host state?*
- *Does the phase-out violate the fair and equitable treatment standard under the investment treaty?*

These are the major points upon which the participants of *FDI Moot 2020* will have to compete. Each team is equally prepared to defend the rights of the investor-claimant and the respondent-host state. For the first time in the competition's history the University of Athens takes an active role in the preparation of the competing teams for the Global Rounds.

Who will conquer the first *Athens FDI Pre-Moot*?

# ARBITRATORS



## Michele Potestà

Michele Potestà is an attorney at Lévy Kaufmann-Kohler, a leading international arbitration firm based in Geneva, Switzerland. He has participated in over 30 international investment and commercial arbitrations as counsel, arbitrator and secretary of the tribunal, under all major arbitral rules, including the ICC, ICSID, and UNCITRAL Rules, and in different jurisdictions.

## Anne Hoffmann

Anne K. Hoffmann is an internationally recognised arbitration practitioner with two decades of experience in international commercial and investment arbitration. She is dual qualified in both Germany and England & Wales and practiced at leading international law firms in London, Geneva and Dubai before focusing on her practice as an independent arbitrator. To date, Anne has acted as sole arbitrator, co-arbitrator and chair in commercial arbitrations, both institutional under all major rules (including ICC, LCIA, Swiss Rules, DIFC-LCIA, SIAC, HKIAC, DIAC and DIS) as well as *ad hoc*, including UNCITRAL. She has also been appointed in investment arbitration proceedings under the ICSID Rules. She has been recognized as a leading international arbitration practitioner in all editions of Who is Who Legal since 2014.

Anne is also a visiting lecturer at Humboldt University Berlin.



## Dr. Walid Ben Hamida

Dr. Walid BEN HAMIDA is a Professor of Law at the University of Paris-Saclay (Evry-Val d'Essonne), France. He was a member of the International Chamber of Commerce (ICC) Arbitration Court for 6 years. He served as arbitrator, president of arbitral tribunal, expert and counsel in many cases under ICSID, ICC, OHADA and *ad hoc* rules. His practice focuses on business and commercial Law, Investment Law, International law, Investor-State Dispute Settlement and Arbitration. Dr. BEN HAMIDA authored more than 90 publications in the Arabic, French and English languages. He cooperates with many international organisations on issues of ADR, International Trade, Investment and business law.

He is a regular speaker at conferences on arbitration and dispute settlement, and visiting professor in more than 60 countries.



## Dr. Marina Trunk – Fedorova

Dr. Marina Trunk-Fedorova. LL.M. (Univ. Connecticut) is an associate professor at the Law Faculty of St. Petersburg State University, where she teaches courses on International Economic Law. She has a number of publications on international trade and investment law and is also a Co-Chair of the ESIL Interest Group on International Economic Law.

## Pratyush Panjwani

Pratyush Panjwani (LL.M., MIDS Geneva) is an associate at Hanotiau & van den Berg. He focuses his practice on international commercial and investment arbitration, acting as counsel for sovereign States in annulment proceedings and as assistant to the tribunal in international arbitrations. He is a member of the Bar in New Delhi, India.



## Emily Sipiorski

Emily Sipiorski is a senior researcher and lecturer at the University of Hamburg, Socio-Economics Institute, Department of Law. Her doctoral project, Good Faith in International Investment Arbitration, was published last year by Oxford University Press. In addition to investment arbitration, she teaches and writes on sustainability, treaty interpretation, and global constitutionalism.

## Panagiotis Chalkias

Panagiotis Chalkias is an associate in the International Arbitration Group of the Geneva office of White & Case. Panagiotis' practice encompasses international commercial and investment arbitration cases conducted under all major institutional arbitration rules. The current Co-Chair of Young ICCA (Young International Council for Commercial Arbitration), Panagiotis regularly speaks and publishes in the field of international arbitration. He serves as arbitrator for the FDI Moot and the Vis Moot competitions. He has been recognized as an Arbitration Future Leader by Who's Who Legal: Arbitration –2021.



## Dr. Daniel G. Costelloe

Daniel Costelloe is a counsel at the Litigation/Controvers Department and a Member of the International Arbitration Practice Group. Dr Costelloe focuses his practice in international arbitration matters across a range of industries, including oil and gas, financial services, manufacturing and automotive. He has represented clients in arbitrations under a variety of arbitral rules and has particular experience with the ICSID, ICSID Additional Facilities, LCIA, UNCITRAL and ICC Arbitration Rules. In addition, he advises clients on public international law issues and in arbitration-related court proceedings. Dr. Costelloe also has experience advising on countermeasures in connection with disputes before the World Trade Organization.



## Camilla Gambarini

Camilla is a Senior Associate in the International Arbitration Group of Withers in London. She is dual qualified in Italy and England & Wales, and specialises in international arbitration and public international law. She is recommended in 2021 Legal 500 UK and on WWL – Arbitration Future Leader (Non-Partner).

## Charalampos Tagaroulis

Charalampos Tagaroulis (Bobby) (*LLM, 2012*) is currently serving as a judicial representative (attorney) for the Legal Counsel of the Greek state. Prior to 2007 he worked for 5 years as a private attorney. Bobby has been involved in representing the Greek government in courts and arbitrations, and he currently focuses his efforts on promoting the introduction of alternative dispute resolution methods in governmental practices and the administrative law. Bobby is accredited as mediator (Greek state), mediation trainer (toolkit company of Holland), and negotiator (ACB Foundation, IMI).



## Eirini Kikarea

Eirini Kikarea is pursuing a PhD in international economic law at the University of Cambridge and is also a Visiting Fellow at the Harvard Institute for Global Law and Policy. Eirini teaches international investment law and WTO law to Cambridge LLM students and was also the Editor-in-Chief of the Cambridge International Law Journal (CILJ).



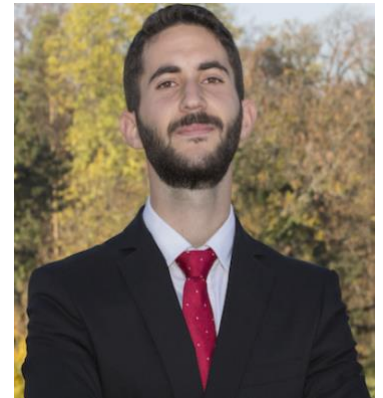


## Anna Ventouratou

Anna is a DPhil candidate and tutor in Public International Law at the University of Oxford. Her thesis explores the availability of the defences codified in Part I, Chapter V of the Articles on the Responsibility of States for Internationally Wrongful Acts in international adjudication. She has studied law at the University of Athens (LLB; LLM in Public International Law) and the University of Oxford (MJur; MPhil) and is admitted to practice law in Greece (Athens Bar). Anna is currently a trainee at the Legal Service of the European Commission (CFSP and External Relations team).

## Panagiotis Kyriakou

Panagiotis Kyriakou is an independent legal consultant and a teaching assistant at the Graduate Institute of International and Development Studies. He works closely with law firms and governments on international regulatory matters pertaining to investment, trade, sports and commercial contracts. He is also a member of Homo Digitalis, an Athens-based NGO focusing on the protection of digital rights.



## Panos Theodoropoulos

Panos Theodoropoulos is an International Arbitration associate in Dechert (Paris), focusing on investment and commercial arbitration, public international law and EU law. Panos is a graduate of the Athens Law School and the MIDS LLM, and, before joining Dechert, he worked at the WIPO Arbitration and Mediation Center in Geneva.

## Faidon Varesis

Faidon is a qualified attorney practicing in international commercial and investment arbitration, as well as representing clients in international transactions. He has completed his Ph.D. at the University of Cambridge and has taught at Cambridge, Oxford, Milan, and Athens. He holds an M.Jur. (Distinction) from the University of Oxford having already completed an LL.M. in Civil law (Summa cum Laude) and an LL.B. (Summa cum Laude) from the National and Kapodistrian University of Athens, Greece.





## Pushkar Keshav

Pushkar is an Advocate qualified to practice Law in Karnataka, India and an accredited Commercial Mediator, having trained at the Bangalore International Mediation, Arbitration and Conciliation Centre. He is a Post-Graduation Candidate (2020-21) at NALSAR, India. At present, he is a Trainee at Arista Chambers (Bangalore) and also volunteers as a Research Assistant to Dr. Kabir Duggal in his academic writings on public international law and investment arbitration.



## Magdalena Bulit Goñi



Magdalena Bulit Goñi graduated from the University of Buenos Aires, where she specialized in public international law and administrative law. She completed the Postgraduate Diploma on Economics & Finance for Lawyers from Pompeu Fabra University (2016) and the Master's in International Dispute Settlement (MIDS) from the Graduate Institute in Geneva (2017-2018).

Her professional experience includes working within the international dispute settlement teams of various law firms in England and in France, as a Legal Advisor at the International Affairs Direction at the Ministry of Finance of Argentina and as a Judicial Law Clerk at the Federal Contentious Administrative Appeals Court in Argentina.

## Nicole Chalikopoulou

Nicole Chalikopoulou is an associate at Lalive in Geneva, Switzerland. She specialises in international arbitration, including commercial and investment treaty arbitration, as well as public international law. Before joining LALIVE, Ms Chalikopoulou trained in London with Fietta LLP (2018-2019) and Three Crowns LLP (2019). She holds an LL.B. in Law and an LL.M. in International Legal Studies from the University of Athens, as well as an LL.M. in International Dispute Settlement (MIDS) from the University of Geneva and the Graduate Institute of International and Development Studies.



## Aikaterini Daskalopoulou



Katerina Daskalopoulou is a Junior Associate at AZHA Avocats, a Geneva-based boutique law firm specialising in international arbitration and economic sanctions. She holds a Master's in International Dispute Settlement from the MIDS program and an LL.M. in Public International Law from the University of Athens.



## Emma Villard

Emma is a French trained lawyer specialised international arbitration. She is currently working at Cleary Gottlieb Steen & Hamilton. She holds a double degree in English and French Law, a Master's degree in international economic law at Paris I – Panthéon Sorbonne and an LL.M. from the Master in International Dispute Settlements (MIDS). Prior to joining the MIDS, Emma worked as a research assistant for the arbitrator Jane Willems in Hong-Kong and as an intern at Betto Seraglini, a Parisian boutique law firm specialized in international commercial and investment arbitration.

## Maria Paschou

Maria is a Greek qualified lawyer, currently working as an International Arbitration Trainee with Hanotiau & van den Berg. She holds an LL.B. from the Democritus University of Thrace (2017), an LL.M. in Public International Law from the University of Athens (2018), as well as the MIDS LL.M. in International Dispute Settlement (2020).



## Achilles Tsoutsis

Mr. Tsoutsis is a Greek qualified lawyer, specializing in International Law and Dispute Resolution. He holds an LL.B. and an LL.M in Private International Law from the University of Athens, a minor in Finance from the American College of Greece and an LL.M from the Graduate Institute of Geneva (MIDS LL.M). He has worked both for the public sector, with the Central Bank of Greece, and private sector, with law firms in Athens, Paris and London, representing both Sovereigns and investors in investment and commercial arbitration proceedings. He is currently working with LALIVE Avocats in Geneva, Switzerland.

## Antoine Weber

Antoine Weber is an associate in Dentons Paris' International Arbitration group based in Paris. His work focuses on commercial arbitration and investment treaty arbitration. Antoine is a former participant to the FDI Moot (2019 Edition). He graduated from the Paris-Saclay University Master in Arbitration and International Business Law.





## Mitchell Dorbyk

Mitchell recently completed his J.D. at the University of Ottawa and specializes in construction litigation, arbitration, and international arbitration. He competed in the 2019 FDI moot, where the team ranked first with the highest combined score in the competition's history. Individually he placed 2nd overall among advocates. Mitchell is currently drafting the 2021 moot problem.

## Alina Papanastasiou

Alina is an international arbitration trainee at Three Crowns LLP. She holds an LLM from the University of Cambridge and an LLB from the University of Athens. She has also studied finance (American College of Greece), international business (Harvard) and in the Paris Arbitration Academy (2016 Laureate). She has participated in the FDI and Vis Moot (member, coach, arbitrator) and co-authored the 2019 FDI Moot case.



## Quinn Giordano

Quinn Giordano is a Canadian articling student at Borden Ladner Gervais LLP. He graduated *cum laude* from the University of Ottawa Common Law JD Program in 2020 and achieved the 1<sup>st</sup> place Claimant Factum, 3<sup>rd</sup> place Respondent Factum, and 1<sup>st</sup> place team score at the 2019 FDI Moot in Miami.

## Marilena Chrysanthakopoulou

Marilena is pursuing her LLM from the University of Georgetown in International Business and Economic law. She holds an LLB from the University of Athens. She has participated in the FDI Moot as a team member and coach. She was awarded the Arps trophy for best advocate in the Final hearing in 2015 and her team was ranked 1st in the overall ranking. Marilena also co-authored the 2019 FDI Moot case.



## Dimitrios Kontogiannis

Dimitris is a PhD Candidate in International Investment Law at the University of Geneva. He has completed the MIDS LLM in International Dispute Settlement as the 2018-2019 Young ICCA Scholar and he holds an LLM from the National and Kapodistrian University of Athens.



## Maria Vlachou

Maria Vlachou is a junior legal consultant in Lambadarios Law Firm, Athens and an LL.M. candidate in Private International Law, University of Athens. She also holds a Minor degree in Finance. Ms. Vlachou is an FDI Moot alumni, as she was a member of the team of the University of Athens in 2017 and a coach of the team in 2019. She has been appointed as an arbitrator in the Budapest and Warsaw Pre-Moots. In her professional life, she has taken part in commercial arbitration proceedings, in the energy and banking sectors.



## Marios Tokas

Marios is a Data Analyst for Arbitrator Intelligence as well as Associate Research Fellow and the Trade Program Coordinator at Centre for International Sustainable Development Law. He is pursuing his Master's in International Law at IHEID. He holds an LL.M in Public International Law and an LLB from the University of Athens.



## Aggeliki Kolokotsa

Aggeliki Kolokotsa is a graduate of the National and Kapodistrian University of Athens, Faculty of Law. She was a member of the University team that participated in the FDI Moot Court Competition in 2017 and was distinguished as one of the top oralists. Aggeliki is currently working as a trainee lawyer at Zepos & Yannopoulos law firm in the fields of Energy and Public Procurement & Concessions.



## Anna Anastasiadou

Anna is a trainee lawyer in Vrettos and Associates Law firm, Athens, and an LL.M candidate in Private International Law at the National and Kapodistrian University of Athens. She is a graduate student of the Law School of Nicosia University of Cyprus from which she graduated with Honors in 2018. In the past she has been working as a trainee lawyer and legal intern in Lambadarios Law Firm, Hill Dickinson International and CNN International. In her professional life she has provided legal assistance in alternative dispute resolution in construction cases.



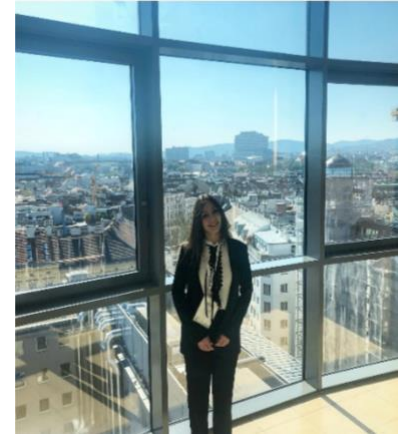


## Margarita Tsigkou

Margarita Tsigkou holds a LLB from the National Kapodistrian University of Athens and is currently a postgraduate student of the International MBA Program of the AUEB. She practiced law for 2 years as a trainee lawyer in a Greek law firm and participated in the FDI Moot Competition (2017 and 2019), as a team member and as a coach.

## Natalia Mouzoula

Natalia is currently working at Three Crowns in Paris as a Juriste. She has recently completed her LL.M. in International Dispute Settlement in Geneva (MIDS). She also holds an LL.M. in Public International Law and LL.B. from the University of Athens, as well as a minor in Finance.



## Anastasios Kardamakis

Anastasis Kardamakis is a senior LLB candidate at the National and Kapodistrian University of Athens. He has participated as an oralist in the 24th Vis Moot and has since served as an arbitrator in Pre - Moots. Anastasis takes an academic interest in both investment and commercial arbitration.


## Margarita Chatzi

Margarita holds an LL.B from the University of Athens and an LL.M in International Business Law from Université Paris 2 Panthéon Assas. She is currently pursuing an internship with the Secretariat of the ICC Court of Arbitration and she has worked as a Trainee Lawyer in Tsetos & Leboulanger Law Firm in Athens.



## Raphael Kok Chi Ren

Raphael Ren was a former litigation counsel in Malaysia, and corporate counsel of Shell overseeing Asia-Pacific. Presently, he teaches law at University of Malaya. He regularly writes articles on international law. He has vast experience in international moot competitions (e.g. Jessup, Vis, Price Media Law and IMLAM).



In preparing our 1<sup>st</sup> FDI PreMoot we received valuable advice and technical assistance both from the Directors of the FDI Moot and the Prague FDI Pre-Moot O/C, especially Mr Campbell and Ms Nikolá Klimova.

We would like to deeply thank them for their kind support!

Of course, we could not conclude this report without thanking the coaches of the teams for their invaluable assistance!

*We are looking forward to virtually seeing all of you in the 1stVirtual Athens FDI Pre-Moot 2020!*