



WEBINAR

COVID-19 RESPONSE MEASURES AND THE PROTECTION OF FOREIGN DIRECT INVESTMENTS ***Protecting Legitimate Expectations or Cashing In On the Pandemic?***

28 January 2021, 3-6 pm CET, on the Zoom platform, free registration [here](#)

Overview

The outbreak of the Covid-19 pandemic has exposed some fundamental vulnerabilities of our society, shaking the foundations of economic globalization and giving rise to an inward turn of global economic policies. The field of international investment law has been particularly affected by policy measures adopted as a response to the Covid-19 pandemic. On one hand, governments have manifested their concern that the economic turbulence related to the pandemic might be exploited by foreign investors for the ‘predatory acquisition’ of strategic assets, introducing tighter rules for a more careful screening of foreign direct investments (FDIs). On the other hand, foreign investors negatively affected by national response measures have threatened legal challenges before arbitration tribunals, giving rise to a vivid debate on the opportunity of a moratorium on investor-State dispute settlement (ISDS). Taking stock of these developments, this GPN webinar provides a timely appraisal, from a global perspective, of the emerging frictions between the defense of national security interests and the promotion of foreign investments in response to the global health crisis.

The main topics covered by the webinar relate to the following developments, arising from the on-setting and legacy of the Covid-19 Pandemic. In particular, the webinar aims to address the following major issues concerning the regulation of FDIs, as well as the prevention and management of ISDS disputes:

- Investment policy developments in the EU: The first panel investigates the impact of the Covid-19 pandemic on the regulation of foreign investments in the EU, respectively focussing on current policies regulating the screening of foreign direct investments and on how the Covid-19 crisis has influenced the debate on the modernisation of the Energy Charter Treaty.
- Global implications of Covid-19 on foreign direct investments: The second panel examines the implications of Covid-19 on foreign direct investments outside the EU borders. In particular, it focuses on recent legislative developments in the U.S. and in Viet Nam, respectively examining the potential of the U.S. Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA) and of the Vietnamese amended Investment Law to attract or limit foreign investments in a post-Covid world.
- Moratorium on ISDS: The third panel focuses on the proposal for a global temporary moratorium on ISDS, which has been advanced to limit governments’ exposure to the ISDS claims potentially resulting from Covid-19 response measures. This panel explores the main tenets of the moratorium proposal and appraises its potential economic impact.

Programme of the webinar

The webinar will consist of a 3-hours event to be held on 28 January 2021, 3-6 pm CET, on the Zoom platform. It will be moderated by [Matteo Fermeglia](#) (Hasselt University) and [Alessandro Monti](#) (University of Copenhagen).

- **Opening remarks:** Brief introduction of the topics of the webinar and introduction of the GPN by Fabio Bassan, GPN Steering Committee, University of Roma Tre
- **Keynote speech:** *Too Much or Not Enough: Can International Investment Law Provide a Framework through which States are Held Liable for Covid-19?* – David Collins, City University of London
- **Panel 1: EU foreign investment policies in a Covid-19 world: General and sectoral challenges**
Chair: Matteo Fermeglia, Hasselt University
 - *The EU FDI Screening Framework in the context of the COVID-19 pandemic* – Leonie Reins, Tilburg University
 - *The backlash against intra-EU ISDS and the modernization of the Energy Charter Treaty in a post-Covid world* – Ilaria Espa, Università della Svizzera Italiana
 - Q&A session
- **Panel 2: Current developments in the regulation of foreign direct investments: A global perspective**
Chair: Alessandro Monti, University of Copenhagen
 - *Work-from-Home Asian Tigers: Investment Liberalization in a Pandemic World* – Soo-Hyun Lee, Lund University
 - *The 2020 CFIUS/FIRRMA setup and its relationship with the US executive powers amidst the COVID-19 crisis* – Chijioke Chijioke-Oforji, Liverpool John Moores University
 - Q&A session
- **Panel 3: A global moratorium on ISDS: Opportunities and challenges**
Chairs: Matteo Fermeglia, Hasselt University & Alessandro Monti, University of Copenhagen
 - *ISDS Moratorium During Covid-19 Crisis and Response* – Lise Johnson, Columbia Center on Sustainable Investment
 - *Potential Effects and Systemic Impacts of a Global ISDS Moratorium* – Kabir Duggal, Columbia Law School
 - Q&A session
- **Concluding remarks:** Presentation of the ICLR Call for Papers by the Moderators and David Collins, City University of London

Contacts

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Call for papers - Journal of International Trade Law and Regulation

The Journal of International Trade Law and Regulation (ITLR) is a quarterly international journal providing topical analysis on key debates and developments in both public and private aspects of international trade and investment law. It features:

- In-depth analytical articles by leading academics and practitioners;
- Shorter opinion pieces on recent developments and emerging issues;
- Book reviews of recent publications in the field.

A number of contributions will be selected for peer-review and eventually published on ITLR on a rolling basis in the 2021 forthcoming issues. All contributions must be written in English and should read between 5,000-8,000 words (articles); 2,000-3,000 words (opinions); 800-1,500 words (book reviews). Abstracts must contain the title, name(s) of the author(s), institutional affiliation and contact details (email and institution's address) and a short biography (max 150-200 words). The full text of the abstract should not exceed 400 words. Abstracts must be submitted by February 26, 2021. Abstracts should be sent to the following email addresses:

Matteo Fermeglia, Hasselt University, matteo.fermeglia@uhasselt.be

Alessandro Monti, University of Copenhagen, alessandro.monti@jur.ku.dk

The Global Pandemic Network (GPN)

GPN is an international network in the field of human sciences, aimed at bringing together academics as well as distinguished experts, with a view to mutually exchange research and information on pandemics, engage in deep-rooted discussions and bring forward solutions for decision-makers based on analysis of best practices and comparison of experiences.

To this end we have identified the following thematic focuses: Covid-19 and government response, human rights, environment, cities, competition, digital society, taxation, healthcare systems, public management, international organizations, international investments and virtual teams.

As a newly established Global Network, the GPN will be shaking the global debate on political-legal-socio-economic recovery, supporting and enhancing the role of the Research, with several actions and team working as one across different aspects of the response.

Therefore the GPN will undertake a series of academic activities through 2022. GPN's activities will include webinars, drafting of scientific reports, and academic publications. Moreover, the GPN will serve as a unique forum to collect relevant contributions on global responses to COVID-19 and its legacy, to prompt further debate and enable knowledge-sharing among high-level academic institutions worldwide, and to spur future cutting-edge, interdisciplinary research collaborations.