P.R.I.M.E. Finance
Panel of Recognized International Market Experts in Finance
Judicial Panel

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CASES ON WHICH MY LIMITED EXPERIENCE ORIGINATES

- A PUBLIC LAW PERSPECTIVE SUPPLEMENTING PRIVATE LAW
- FEDAX V. VENEZUELA, THE FIRST CONTEMPORARY DISPUTE. NATURE OF FINANCIAL INSTRUMENTS
- CMS, ENRON, SEMPRA V. ARGENTINA. NATURE OF REGULATORY POWERS
- KARDASSOPOULOS V. GEORGIA. MULTIPLE CLAIMS, FEW CLAIMANTS
- MAFFEZINI V. SPAIN. STATE RESPONSIBILITY
- WTO PANEL EU-US LARGE CIVIL AIRCRAFT. SUBSIDIES.
- ADAMAKOPOULOS V. CYPRUS. CURRENTLY ONGOING
WHAT IS AN INVESTMENT

- MEANING: DIRECT AND INDIRECT INVESTMENTS (SIEMENS)
- BROAD CONTEMPORARY APPROACH: BITS AND OTHER. CONSENT OF PARTIES (CSOB)
- DEATH KNELL OF SALINI TEST
  - AMOUNT/ DURATION/ PROFTS/ RISK/ CONTRIBUTION TO HOST STATE DEVELOPMENT
  - AMBIENTE UFFICIO: NOT STRCT SENSE
  - DIMINISHED CONTEMPORARY APPLICATION
- BONDS, DEPOSITS AS INVESTMENTS (PROMISSORY NOTES IN FEDAX)
- JOY MINING V. EGYPT: DISTINCTION BETWEEN INVESTMENTS AND ORDINARY COMMERCIAL ACTS
INTRIGUING ISSUES IN MASS CLAIMS

- ARGUMENTS FOR AND AGAINST
- ABACLAT: ENORMITY OF CLAIMS
- DUE PROCESS RIGHTS V. HOMOGENEITY OF CLAIMS, FACTS AND RIGHT TO COMPENSATION
- ABACLAT, ALEMANNI, AMBIENTE UFFICIO: SIMILAR CONCLUSIONS ON JURISDICTION, BIFURCATION
- DISSENTING OPINIONS
PENDING DECISIONS

- CONSENT TO MASS CLAIMS PROCEDURES
- WHAT IS HOMOGENEITY (DIFFERENT BITS, COMPATIBILITY ICSID PROCEEDINGS)
- AMBIENT UFFICIO: DO SIMILAR CLAIMS NEED TO BE IDENTICAL? (CONTRACTUAL UNRELATED CLAIMANTS)
- DOES EU LAW PREVAIL OVER INTRA EU DISPUTES
- MASS CLAIMS, BIFURCATION, RELATION TO MERITS
- ADMISSIBILITY OF CLAIMS INTRODUCED AFTER REQUEST FOR ARBITRATION?
- INTERPLAY OF DIFFERENT NATIONALITIES
- TIMING OF DOCUMENT PRODUCTION
DISCRIMINATION AND ARBITRARINESS

- CONSENSUS ON NEED TO AVOID DISPROPORTIONALITY.
- PROPORTIONALITY AS GENERAL INTERNATIONAL LAW (Opec v. Ecuador-2012)
- LIMITED CONSIDERATION OF WTO CASES
- COLLECTIVE ACTION CLAUSES (PARI PASSU, NML). NEW APPROACHES TO ENFORCEMENT. USELESSNESS OF GENERAL ASSEMBLY RESOLUTIONS
- LAWFUL AND UNLAWFUL EXPROPRIATION (CHORZOW, EL PASO). UNSETTLED ANSWERS
- AMICABLE, LOCAL SOLUTIONS: IN CASE OF FUTILITY IS IT STILL A JURISDICTIONAL REQUIREMENT OF ARBITRATION?
NEW ISSUES IN BREXIT

• EXTENT OF FINANCIAL COMMITMENTS AND LIABILITIES. LIMITS UNDER EU OR INTERNATIONAL LAW

• INSTITUTIONS CALLED TO SETTLE DISPUTES:

• JURISDICTION OF ECJ? / ICJ/ PCA /E.Ct HUMAN RIGHTS

• FINANCIAL MATTERS AT HEART OF DISPUTES (EU BUDGET, REBATES, PENSION RIGHTS). MILLIONS OF MASS CLAIMANTS?
AN AD-HOC TRIBUNAL

• ABSENT AGREEMENT, ESTABLISH AD-HOC ARBITRATION TRIUNAL?
• FINANCIAL QUESTIONS AND INTERNATIONAL LEGAL MATTERS
• UK PAID OFF SOUTH SEA BUBBLE,
• STILL STRUGGLING WITH DEBT ORIGINATING IN NAPOLEONIC WARS AND WORLD WARS
• NOT A GOOD IDEA TO ADD AN EU BREXIT BUBBLE