A conference presented by the IBA Trade and Customs Law Committee and supported by the IBA European Forum


12–13 February 2009
InterContinental
Geneva, Switzerland

Topics include:
• An overview of the international legal regimes applicable to trade in energy products and services, with a particular focus on the World Trade Organization (WTO) and the Energy Charter Treaty
• The use of regional trade agreements to secure energy supplies
• How international trade rules will need to be adapted in order to achieve global climate change goals
• Disciplining government involvement in the energy sector through the use of international trade rules, with a particular focus on subsidies in the biofuels sector
• Whether and how current international trade rules can limit cartel arrangements in energy trade
• An analysis of existing mechanisms for the settlement of international disputes in the energy sector, and suggestions for improvement

Who should attend?
Private sector lawyers who would like to exchange views with WTO Secretariat officials and WTO member representatives on the growing international regulation of trade in energy products and services.

Corporate lawyers and executives who want to broaden their understanding of the various international trade disciplines applicable to energy trade, and who would like the opportunity to discuss these issues informally with leading legal experts in the field.

Government lawyers and officials responsible for the development of international trade and energy policies.

*As per the Solicitors Regulation Authority of England and Wales. The number of CPD points/hours available may vary for other bar associations and law societies depending
Thursday 12 February

0800 – 1730 Registration

0900 – 1030 Session one

**The rules of energy trade**

How do current WTO disciplines and other regimes such as the Energy Charter Treaty apply to trade in energy goods and services? The areas below will be discussed.

- Legal definition of energy
- Subsidies (eg, in the biofuels area)
- Export restraints
- Technical barriers to trade
- Rules regarding transmission
- Shipment of energy products

**Moderator**
Andrew Shoyer  Sidley Austin LLP, Washington DC

**Speakers**
Julia Selivanova  Energy Charter Secretariat, Brussels
Madelaine Tuininga  Deputy Head of Unit, Industry & Energy DG Trade, Brussels
Peter Van den Bossche  Maastricht University and former Appellate Body Secretariat Counsellor, Maastricht

1030 – 1100 Coffee/tea break

1100 – 1230 Session two

**Enhancing multilateral rules with regional trade agreements to secure energy supplies**

Are regional trade agreements, WTO accessions and trade-related investments being used as a tool to secure energy supplies? Do these strategies establish preferential rules to facilitate energy trade within blocs at the expense of open multilateral trade?

**Moderator**
Eric Emerson

**Speakers**
Matthew Kronby  Director, Trade Law Bureau, Government of Canada, Department of Foreign Affairs and International Trade, Department of Justice, Ottawa, Ontario
HE Mr Mario Matus  Chair of the Dispute Settlement Body, WTO, Santiago
Wen-Chen Shih  National Chengchi University, Taipei City, Taiwan

1230 – 1400 Lunch

**Keynote speaker**
Pascal Lamy  Director General, WTO, Geneva

1415 – 1545 Session three

**Adapting trade rules to accommodate climate change goals**

In late 2009, the United Nations Framework Convention on Climate Change is expected to be negotiated and signed. Once signed, parties may face various obligations to modify their national laws to enforce the new responsibilities in the Convention.

- To what extent will these rules conflict with parties’ obligations under existing international trade agreements?
• Will these new obligations result in new domestic laws that may impact on trade in energy-intensive products?
• Are existing WTO rules up to the task of adapting to these new requirements, or will they require further modification such as new subsidy disciplines?
• How will businesses respond?

Moderator
Matthew Yeo  Steptoe & Johnson LLP, Washington DC

Speakers
Andrew Shoyer
Jacob Werksman  World Resources Institute, Washington DC

1545 – 1615 Coffee/tea break

1615 – 1745 Session four
Disciplining government involvement in the energy sector – a biofuels case study
Around the world, governments play a key role in the provision, pricing and regulation of energy products and their inputs. In some cases, government involvement is designed to promote specific energy-related policies, such as carbon reduction; in other instances, it reflects a more complex effort to provide economic support, energy independence, and carbon reduction. To what extent do WTO disciplines apply to these practices? Are existing WTO rules sufficiently robust to address practices that are being used inappropriately? This session will explore these issues through the prism of the biofuels industry.

Moderator
Scott D Andersen

Speakers
Colin Brown  Trade Lawyer, DG Trade, Brussels
Marcos Jank  President, Brazilian Sugar Cane Industry Association (UNICA), São Paulo (invited)
Joseph Taets  Director Biofuels and Oilseeds, Archer Daniels Midland, La Morge (invited)
Simonetta Zarrilli  United Nations Conference on Trade and Development (UNCTAD), Geneva

1845 Boat Cruise
Lac Leman (Lake Geneva)
During the cruise you can enjoy local fondue chinoise whilst enjoying the magic of the lake. Admire the ports, the hillsides with their vineyards and the snow-covered peaks of the Swiss and Savoy Alps.
Transport to and from the hotel will be provided.
Ticket price: £65
Social event ticket registrations cannot be guaranteed unless payment has been received before 6 February 2009. Only two tickets allowed per registered delegate; subject to availability.

Friday 13 February

0830 – 1200 Registration

0900 – 1015 Session five
Disciplining energy cartels – the limits of WTO and competition rules
• Energy cartels at the corporate level or energy clubs of like-minded countries can direct energy trade and affect energy pricing outside normal market roles.
• How do current WTO rules discipline cartel behaviour on energy trade and pricing, if at all?
• What would be the pros and cons of expanding the WTO to address cartel-like behaviour?
• With competition negotiations in the WTO at a standstill, are there other WTO rules that could be invoked to address these concerns?

Moderator
Daniel Moulis

Speakers
Peter Alexiadis  Antitrust and Trade Regulation Group, Gibson Dunn & Crutcher, Brussels; LLM Course Coordinator, Competition Law and Regulated Network Sectors, King’s College, London; Editor, Utilities Law Review
Dr Melaku Desta  Centre for Energy, Petroleum and Mineral Law and Policy (CEPMLP), Dundee

1015 – 1045 Coffee/tea break

1045 – 1145 Session six
Settlement of international energy disputes
Given its transnational nature, most disputes in the energy sector are not easily addressed through domestic litigation. When faced with these disputes, what are the best tools for parties to use for their resolution? What are the pros and cons of WTO dispute settlements, BITs, normal commercial arbitration or claims tribunals? Are new rules needed to address disputes in the energy sector?

Moderator
Gary Horlick  International Trade Law expert, Washington DC

Speakers
Marcelo Procopio  Calliari Tozzi Freire, São Paulo
Matthew Yeo

1145 – 1215 Closing remarks
Daniel Moulis
Information

Date
12–13 February 2009

Venue
InterContinental Geneva
7–9 Chemin du Petit-Saconnex
1209 Geneva
Switzerland
Tel: +41 (22) 9193 939
Fax: +41 (22) 9193 838
E-mail: sales@intercontinental-geneva.ch
Website: www.ichotelsgroup.com/intercontinental/en/gb/locations/geneva

Language
All working sessions and conference materials will be in English.

How to register
Register online by 4 February 2009 at www.ibanet.org/conferences/266 and make payment by credit card to avail of the ten per cent online registration discount or complete the attached registration form and return it to Mary Hall at the IBA office for further information. You should receive e-mailed confirmation of your registration within five days; if you do not then please contact Mary Hall at mary.hall@int-bar.org.

Fees
Online registrations received:

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* By paying the non-member fee, we welcome you as a delegate member of the IBA for the year in which this conference is held, which entitles you to the following benefits:
1) Password access to certain parts of the IBA website
2) Receipt of IBA E-news and access to online versions of International Bar News
3) Pay the member rate for any subsequent conference registrations for this calendar year
4) Take advantage of IBA Special Offers

If you would like to become a full or general member of the IBA, which includes membership of one committee or more – and inclusion in and access to our Members’ Directory – we encourage you to do so now in order to register for this conference at the member rate. Full details of how to join can be found at www.ibanet.org

The IBA offers senior lawyers a discounted registration fee. Please contact the IBA office for further information.

Payment of registration fees
Pounds sterling: by cheque drawn on a UK bank and in favour of the International Bar Association. Please send to: 10th Floor, 1 Stephen Street, London W1T 1AT, United Kingdom.

OR by bank transfer to the IBA account number: 13270222 (Sort Code 56-00-03) at the National Westminster Bank, St James’s & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom or SWIFT address NWBKGB2L, IBAN GB05NWBK56000313270222. Please ensure that a copy of the bank transfer details is attached to your registration form.

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Fees include:
* Attendance at all working sessions
* Conference materials, including any available speakers’ papers submitted to the IBA before Friday 30 January
* Access to the above conference working materials from the IBA website (www.ibanet.org) approximately seven days prior to the conference
* Lunch on Thursday 12 February
* Tea and coffee during breaks

Please note that registrations are not transferable.

List of participants
In order for your name to appear in the list of participants, which will be distributed at the conference, your registration form must be received by 4 February 2009 at the latest.

Registration confirmation
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Credit card payments: by Visa, MasterCard or American Express. No other cards are accepted.

**Hotel accommodation**

The IBA has reserved a limited number of guestrooms for the nights of 11–12 February 2009 inclusive at the InterContinental Geneva at the following rates:

- Single room: CHF 390
- Double room: CHF 440

The following rates are per room, per night and inclusive of service and VAT. City tax (4.25 per cent) and buffet breakfast are not included.

Breakfast is CHF 44 per person per day.

Subject to availability, the rates quoted apply if booked by **9 January 2009** via the official accommodation agent, Judy Lane Consulting (JLC). This is a limited block of rooms so please book early as rates and availability cannot be guaranteed. To make a reservation, complete the ‘Accommodation form’ and return it to JLC as soon as possible to benefit from the special IBA rate.

**JLC**

PO Box 5098
Broadstone, BH18 9WG
United Kingdom
Tel: +44 (0)1202 699 488
Fax: +44 (0)870 429 2125
E-mail: office@judylaneconsulting.com

All reservations will be acknowledged, by e-mail, within 48 hours of receipt. Bookings cannot be made without a credit card number. Any subsequent amendment to your reservation must be made in writing to JLC. If you do not receive e-mail confirmation of your reservation or amendment/cancellation, please contact JLC by telephone. Subject to availability, JLC can accept reservations up until three days prior to the conference. Thereafter, all reservations should be made direct with the hotel, quoting ‘IBA Geneva conference’ as the reference.

Cancellations may be made 72 hours prior to the day of arrival. Thereafter, the hotel will make a penalty charge of one night’s room rate and tax to your credit card. This will also apply to no-shows.

By completing the ‘Accommodation form’, you enter into an agreement with the hotel regarding credit card guarantees, cancellation/no-show terms and conditions and room rates. Neither the IBA nor JLC can accept responsibility for hotel accommodation disputes between a delegate and the hotel.

**Disabled access**

Please notify us if you require special assistance.

**Promotional literature**

Please note that no individual or organisation may display or distribute publicity material or other printed matter during the conference, unless by prior arrangement with the IBA.Organisations and companies wishing to discuss promotional opportunities should contact the Sponsorship department at the IBA (sponsorship@int-bar.org).

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).
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Registration form

12–13 February 2009, InterContinental, Geneva, Switzerland

Please read the ‘Information’ section before completing this form and return it together with your payment to Mary Hall at the address overleaf.

**Personal details** *(Please attach your business card or write in block capitals)*

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Name and country to be shown on badge (if different from above) __________________________________________________________

IBA membership number *(if applicable)* ____________________________ Date of birth ____________________________

Firm/company/organisation ______________________________________________________________________________________________________

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**Special dietary requirements**

________________________________________________________________________________________________________________________________

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**Social functions**

Boat cruise
Thursday 12 February

Number of tickets x ____________________ @ £65 £

Social function ticket reservations are limited. Only two tickets are allowed per registered delegate; subject to availability.

**TOTAL AMOUNT PAYABLE** £

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*Join the IBA today and register for this conference at the IBA member rate.
Please find the membership application form at www.ibanet.org.
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Continued overleaf
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- I enclose a cheque/bank draft made payable to the IBA for the total amount payable.
- I have transferred to the IBA bank account the total amount payable and have attached a copy of the bank transfer details.
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Where did you first hear about this conference?

- IBA CONFERENCE
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Please provide further details, quoting code (if applicable)

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Mary Hall
International Bar Association
10th Floor, 1 Stephen Street, London W1T 1AT, United Kingdom
Tel: +44 (0)20 7691 6868 Fax: +44 (0)20 7691 6545 or +44 (0)20 7691 6544
E-mail: mary.hall@int-bar.org Website: www.ibanet.org

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Accommodation form

12–13 February 2009, InterContinental, Geneva, Switzerland

Please refer to the ‘Hotel accommodation’ section before completing this form

Please return to:

JLC
PO Box 5098, Broadstone BH18 9WG, United Kingdom.
Tel: +44 (0)1202 699 488    Fax: +44 (0)870 429 2125    E-mail: office@judylaneconsulting.com

Subject to availability, JLC can accept reservations up until 6 February.
Thereafter, please contact the hotel direct, quoting ‘IBA conference’ as the reference.

Personal details
Title (Mr, Mrs etc) ________________________  Given name ________________________  Family name ________________________
IBA membership number (if applicable) ________________________  Firm/company/organisation ________________________
Address ______________________________________________________________________________________________________________________
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Tel ________________________  Fax ________________________
E-mail ______________________________________________________________________________________________________________________
(Please print clearly as your reservation will be confirmed by email. If you do not receive confirmation of your reservation, please contact JLC by telephone.)

Accommodation requirements
Arrival date ________________________  Departure date ________________________

☐ Single room CHF 390  ☐ Double room CHF 440

Rates are per room, per night and inclusive of service and VAT. City tax and buffet breakfast are not included.

☐ Smoking  ☐ Non-smoking

Special requirements __________________________________________________________________________________________________________
(We will do our best to accommodate these requests but cannot make any guarantees.)

Accommodation guarantee
Reservations cannot be made without a valid credit card number (Visa, MasterCard and American Express are accepted)

Type of card ________________________  Expiry date ________________________
Name on card ________________________
Card number ________________________
Signature ________________________  Date ________________________

By completing the ‘Accommodation form’, you enter into an agreement with the hotel regarding credit card guarantees, cancellation/no-show terms and conditions and room rates. Neither the IBA nor JLC can accept responsibility for hotel accommodation disputes between a delegate and the hotel.

Cancellations may be made 72 hours prior to the day of arrival.
Thereafter, the hotel will make a penalty charge of one night’s room rate and tax to your credit card. This will also apply to no-shows.

For office use only
Date form recorded ________________________  Date registration ________________________
Confirmation number ________________________  Comments ________________________
The International Bar Association (IBA), established in 1947, is the world’s leading organisation of international legal practitioners, bar associations and law societies. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 30,000 individual lawyers and more than 195 bar associations and law societies spanning all continents. It has considerable expertise in providing assistance to the global legal community as well as being a source of distinguished legal commentators for international news outlets.

Grouped into two divisions – the Legal Practice Division and the Public and Professional Interest Division – the IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to-date information. Through the various committees of the divisions, the IBA enables an interchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of business law around the globe. Additionally, the IBA’s high-quality publications and world-class conferences provide unrivalled professional development and network-building opportunities for international legal practitioners and professional associates.

Trade and Customs Law Committee overview

The Trade & Customs Law Committee brings together private sector, government and corporate lawyers who are active in all aspects of the litigation, negotiation, and resolution of international trade and customs disputes as well as the development and dissemination of the best trade and customs practices. The committee focuses on multilateral trade and customs-related rules of the World Trade Organization, regional trade agreements such as NAFTA and Mercosul, and bilateral trade and investment agreements. It also addresses the interface between trade and customs rules and practices and other international disciplines involving anti-trust, bilateral investment treaties and litigation, commercial arbitration, tax, and intellectual property.

European Forum overview

The European Forum (EF) was established in 1989 to provide a focus for the work carried out by the IBA, with lawyers in Eastern and Central Europe developing their practice under changing legal systems, and also to act as a channel for IBA communication with the bar associations of these local lawyers. As of 2004 the European Forum has been developing and strengthening the existence of the IBA within the whole of Europe by promoting the goals of the IBA to members, non-members and others, transferring professional know-how, and assisting the committees and other constituencies of the IBA to increase their presence in the different sub-regions of Europe. The EF also facilitates cross-border activity between the lawyers and the bars in different European countries. Moreover, the EF has a particular focus on cross-disciplinary activities. At present, the European Forum has 7700 members.

Contact information:
International Bar Association
10th Floor, 1 Stephen Street
London W1T 1AT, United Kingdom
Tel: +44 (0)20 7691 6868
Fax: +44 (0)20 7691 6544
www.ibanet.org
The Conference will cover multijurisdictional topics including:

- Anti-corruption policies and initiatives: re-enactment of a hypothetical scenario on anti-corruption
- Global compliance challenges and expectations of regulators
- Multijurisdictional private enforcement and antitrust issues affecting corporations
- Dispute resolution in emerging markets and the effects of Sharia Laws
- Ethics and professional responsibilities in multiple constituencies
- Privacy and data protection in cross-border operations
- Business strategies for in-house counsel

The conference will continue with its new programme feature introduced in 2008 which includes the interactive ‘Speed Table Talks’ and the exclusive ‘Corporate Counsel Day’.

Who should attend?
All levels of in-house lawyers/corporate counsel involved in cross-border commercial transactions and senior practitioners.

For further information, please contact:

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E-mail: confs@int-bar.org  Website: www.ibanet.org
India as an Emerging Economic Giant

6–7 March 2009 Mumbai, India

The conference programme will cover key areas of corporate/commercial, finance and disputes resolution. There will be a focus on:

- India's role as an emerging global economic giant
- Outbound and inbound investments
- Problems and solutions in mergers & acquisitions market
- Innovations in the financial sector including bankruptcy and restructuring
- Competition laws and changing face of disputes resolution

Special topics like real estate financing, tax treaties and Mumbai as an international financial centre will also be discussed.

Who should attend?

Commercial/corporate lawyers in private practice, investment bankers, investors, bankers active in the real estate industry, financial advisers, fund managers, tax practitioners, antitrust lawyers, employment lawyers, arbitrators, regulators, litigators, judges, academics, in-house counsel, business leaders, bar leaders and policy makers.

To register your interest for this conference, please visit www.ibanet.org/conferences/conf257/. By doing so, you will receive further information and the chance to register your attendance.

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