

Curriculum Vitae

Dr. Claudia Annacker

Avocat à la Cour

Doctor iuris (habil.)

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PERSONAL DETAILS

Nationality: Austrian

Bar admissions: Paris; England and Wales (Registered Foreign Lawyer); Vienna (inactive)

Position: Independent Arbitrator and Counsel – Annacker | International Disputes

Address: 94 rue du Faubourg Saint Honoré, Paris, France 75008

Tel: +33 6 18 40 38 25

Email: cannacker@intldisputes.com

Languages: English, German and French

PROFESSIONAL POSITIONS

2024 – present	Independent Arbitrator and Counsel , Annacker International Disputes
2020 – 2024	Partner , Dechert LLP – Paris
2008 – September 2020	Partner , Cleary Gottlieb Steen & Hamilton, Partner – Paris
2004 – 2008	Counsel , Cleary Gottlieb Steen & Hamilton – Paris, New York
1998 – 2004	Associate , Cleary Gottlieb Steen & Hamilton – Brussels, New York
1995 – 1998	Associate , Heller Löber, Bahn – Vienna
1993 – 1995	Associate , Schönherr – Vienna
1992 – 1996	Research and teaching assistant , University of Vienna, Institute of Public International Law – Vienna

PROFESSIONAL EXPERIENCE

As Arbitrator

- Co-arbitrator of an ICC arbitral tribunal seated in Zurich, Switzerland, between Austrian and Italian companies concerning a dispute arising from a joint-venture agreement for the construction of a tunnel.
- Member of an Annulment Committee in ICSID Case No. ARB/10/18, Niko Resources (Bangladesh) Ltd. v. Bangladesh Oil Gas and Mineral Company (Petrobangla) and Bangladesh Petroleum Exploration and Production Company Limited (Bapex), relating to gas supplies.
- Presiding arbitrator in ICSID Case No. ARB/20/30, between a Lithuanian investor and the Kingdom of Denmark under the Denmark-Lithuania bilateral investment treaty, relating to riots on a construction site.
- Presiding arbitrator in ICSID Case No. ARB/16/30, between a Turkish construction company and the Republic of Turkmenistan under the Turkmenistan-Turkey bilateral investment treaty, relating to the construction of a shopping and trade center.
- Presiding arbitrator of an ICC arbitral tribunal seated in Paris, France, between a Polish company and a Korean company concerning a dispute arising from an agreement for the sale and purchase of helicopters.
- Sole arbitrator in an ICC arbitration seated in Miami, United States, between a Panama company and a US company concerning a dispute arising from an exclusive distribution agreement.
- Sole arbitrator in an ICC arbitration seated in Paris, France, between an Italian company and a Montenegrin company concerning a dispute arising from the privatization of a Montenegrin steel production company.

As Counsel

- Georgia in an ICSID arbitration commenced by Mr. Nasib Hasanov under the Georgia-Azerbaijan bilateral investment treaty relating to the purported acquisition of a controlling interest in a Georgian telecommunications company (ICSID Case No. ARB/20/44).
- The Hellenic Republic in ICSID annulment proceedings arising from an ICSID arbitration commenced by Iskandar and Akram Safa under the Hellenic Republic-Lebanon bilateral investment treaty, concerning investments in a shipyard (ICSID Case No. ARB/16/20).
- The Arab Republic of Egypt in an ICSID arbitration commenced by International Holding Project Group and others under the Egypt-Kuwait bilateral investment treaty, concerning agricultural and urban development projects in the Egyptian desert (ICSID Case No. ARB/18/31).
- The Hellenic Republic in an ICSID arbitration commenced by Bank of Cyprus Public Co. Ltd under the Cyprus-Hellenic Republic bilateral investment treaty relating to measures taken to address the Hellenic Republic's financial and sovereign debt crisis (ICSID Case No. ARB/17/4) and ensuing annulment proceedings.
- The Republic of Côte d'Ivoire in an ICSID arbitration commenced by Wise Solutions CDI, SA arising out of a dispute relating to a concession contract for waste management services in Abidjan (ICSID Case No. ARB/17/48).
- The Republic of Austria in an ICSID arbitration under the Austria-Malta bilateral investment treaty relating to regulatory measures taken against an Austrian bank and its management (ICSID Case No. ARB/15/32).
- The Hellenic Republic in an ICSID arbitration commenced by Cyprus Popular Bank Public Co. Ltd under the Cyprus-Hellenic Republic bilateral investment treaty relating to measures taken to address the Hellenic Republic's financial and sovereign debt crisis and ensuing annulment proceedings (ICSID Case No. ARB/14/16).
- The Hellenic Republic in an ICSID arbitration commenced by Poštová banka a.s. and its Cypriot shareholder under the Slovak Republic-Hellenic Republic and the Cyprus-Hellenic Republic bilateral investment treaties relating to sovereign bonds (ICSID Case No. ARB/13/8).
- The Arab Republic of Egypt in an ICSID arbitration commenced by Unión Fenosa Gas under the Spain-Egypt bilateral investment treaty relating to an investment in an LNG plant and ensuing annulment proceedings (ICSID Case No. ARB/14/4).
- The French Republic in an ICSID arbitration commenced by a Turkish investor under the French Republic-Turkey bilateral investment treaty concerning claims related to IP rights (ICSID Case No. ARB/13/22).
- DP World in an ICSID arbitration against the Republic of Peru under a concession agreement for the development and operation of the South Pier of the Port of Callao and the UK-Peru bilateral investment treaty (ICSID Case No. ARB/11/21).

- The Arab Republic of Egypt in an ICSID arbitration commenced by H&H Enterprises Investments, Inc. under the US-Egypt bilateral investment treaty relating to the development of a tourist resort (ICSID Case No. ARB/09/15).
- The Argentine Republic in an ICSID arbitration brought by holders of Argentine bonds under the Italy-Argentine bilateral investment treaty (ICSID Case No. ARB/07/5).
- The Argentine Republic in an ICSID arbitration brought by holders of Argentine bonds under the Italy-Argentine bilateral investment treaty (ICSID Case No. ARB/07/8).
- E.T.I. Euro Telecom International N.V. in an ICSID arbitration against the Plurinational State of Bolivia under the Netherlands-Bolivia bilateral investment treaty relating to the nationalization of a Bolivian telecommunications company (ICSID Case No. ARB/07/28).
- The Republic of Slovenia in an ICSID arbitration brought by Interbrew Central European Holding BV under the Netherlands-Slovenia bilateral investment treaty, relating to the acquisition of a stake in a Slovenian brewer company (ICSID Case No. ARB/04/17).
- A UK company in a potential ICSID arbitration against an Eastern European State relating to real estate investments.
- An Italian bank in an UNCITRAL arbitration against an African State under domestic investment legislation relating to promissory notes issued by the State's Central Bank.
- Georgia in an UNCITRAL arbitration under the Energy Charter Treaty, in a dispute arising from the termination of a production sharing contract.
- Georgia in an UNCITRAL arbitration brought by a group of investors under the US-Georgia bilateral investment treaty relating to a real estate project.
- The Republic of Tatarstan and its Ministry of Land Property Relations in an UNCITRAL arbitration against Ukraine under the Russia-Ukraine bilateral investment treaty relating to an investment in a refinery.
- OAO Gazprom in an UNCITRAL arbitration against the Republic of Lithuania under the Russia-Lithuania bilateral investment treaty, concerning the forced divestiture of AB Lietuvos Dujos' natural gas transmission operations and assets.
- OJSC Tatneft in an UNCITRAL arbitration against Ukraine under the Russia-Ukraine bilateral investment treaty relating to an investment in a refinery and ensuing annulment and enforcement proceedings.
- The Russian Federation in three parallel UNCITRAL arbitrations under the Energy Charter Treaty commenced by one Isle of Man and two Cypriot companies, in their capacities as former majority shareholders of Yukos Oil Company, and ensuing annulment proceedings before the Hague District Court.
- E.T.I. Euro Telecom N.V. in an UNCITRAL arbitration against the Plurinational State of Bolivia under the Netherlands-Bolivia bilateral investment treaty, relating to the nationalization of a Bolivian telecommunications company.

- Mittal Steel Company N.V. in an UNCITRAL arbitration against the Czech Republic under the Netherlands-Czech and Slovak Federal Republic bilateral investment treaty.
- A European State in an ICC arbitration under a bilateral investment treaty arising from regulatory measures taken against a bank and its management.
- The Republic of Iraq in an ICC arbitration against the Republic of Turkey for breaches of intergovernmental agreements governing the operation of transnational oil pipelines and related facilities.
- Électricité de France (EDF) in an ICC arbitration initiated by the Federal State of Baden-Württemberg, through a special purpose company, which had acquired EDF's shareholding in the German energy company Energie Baden-Württemberg AG (EnBW).
- Asahi Glass in an ICC arbitration seated in Zurich regarding a joint venture and technology dispute with Schott Glass.
- The Republic of Iraq in a VIAC arbitration concerning claims under financial arrangements in violation of the financial sanctions imposed by the UN Security Council on the Saddam Hussein regime.
- The Russian Federation in an SCC arbitration under the UK-Soviet bilateral investment treaty relating to Yukos Oil Company's liquidation.
- Adria Beteiligungs GmbH in an UNCITRAL arbitration under the Austria-Croatia bilateral investment treaty, relating to a gaming concession agreement.
- The Republic of Slovenia in UK High Court proceedings (AY Bank Ltd. (in liquidation) and Bosnia and Herzegovina and Others) concerning State succession issues.
- The Republic of Slovenia in Chamber and Grand Chamber proceedings initiated by Croatian nationals before the European Court of Human Rights, relating liabilities arising out of the former Socialist Republic of Yugoslavia's guarantee of foreign-currency deposits.
- The Republic of Slovenia in Chamber and Grand Chamber proceedings initiated by Bosnian nationals before the European Court of Human Rights, relating liabilities arising out of the former Socialist Republic of Yugoslavia's guarantee for foreign-currency deposits.
- Japan in proceedings commenced by Australia and New Zealand, first before the International Tribunal for the Law of the Sea and then before a tribunal constituted under Annex VII of the United Nations Convention on the Law of the Sea relating to international fishing rights.
- The Bank for International Settlements in proceedings before an arbitral tribunal established pursuant to Article XV of the Agreement signed at The Hague on January 20, 1930 commenced by the Bank's former private shareholders seeking additional compensation for the mandatory redemption of their shares.
- OOO Orenburggazprom in an AAA arbitration commenced by Avalon International, L.C., arising from Avalon's sale of its interest in a Russian joint stock company formed to develop an oil field in the Orenburg region of the Russian Federation.

- OAO Gazprom and OOO Orenburggazprom in an AAA arbitration commenced by Victory Oil, B.V., pertaining to the ownership of oil and gas exploration and production.
- Boehringer Ingelheim KG in preliminary reference proceedings before the Court of Justice of the European Union concerning parallel imports of repackaged, trade-marked products.

QUALIFICATIONS

- 1997 *Venia legendi et docendi* (habilitation) for public international law, University of Vienna
- 1992 Doctor iuris, University of Vienna
- 1992 Diploma in Public International and European Law, University of Helsinki
- 1990 Mag. iur. (Master in Law), University of Vienna

ACADEMIC EXPERIENCE

- 1998 – current University of Vienna, adjunct professor
Advanced research seminars in international responsibility and international dispute settlement (2004 to present)
- 2013 Paris Ovest Nanterre La Défense University, visiting professor
Course in investment treaty arbitration
- 2019 Center for International Dispute Settlement, Geneva
MIDS Lecture – 30 Years of Investment Treaty Arbitration: An Engine for the Development of General International Law for Good and for Bad
- 2019 – present Austrian Arbitration Academy, faculty member
Course in investment treaty arbitration
- 2019 – 2021 National University of Singapore, SIAC Academy
Course in investment treaty arbitration
- 2020,
2021 National Academy of Legal Studies and Research, SIAC Academy
Course in investment treaty arbitration
- 2020, 2022 Fudan University, SIAC Academy
Course in investment treaty arbitration
- 2021 Chulalongkorn University, SIAC Academy
Course in investment treaty arbitration
- 2022, 2023 Thammasat University, SIAC Academy
Course investment treaty arbitration

PROFESSIONAL ACTIVITIES

Arbitration Panels

ICSID

Asian International Arbitration Centre (AIAC)

Mauritius International Arbitration Centre (MIAC)

Oman Commercial Arbitration Centre (OAC)

Singapore International Arbitration Centre (SIAC)

European Commission Pool of Individuals Suitable for Appointment as Arbitrators in Bilateral Disputes under EU Trade Agreements

List of Arbitrators Proposed by the European Union under the EU-Kazakhstan Enhanced Partnership and Cooperation Agreement

Memberships

Court of Arbitration of the Singapore International Arbitration Centre

Board of the Vienna International Arbitration Centre, president of the Investment Arbitration Committee

Board of Trustees of the Foundation for International Arbitration Advocacy

Energy Charter Treaty Legal Advisory Task Force

International Law Association

International Bar Association

International Council for Commercial Arbitration

Swiss Arbitration Association

European Society of International Law

German Society of International Law

American Society of International Law

PUBLICATIONS

Books and Book Chapters

Articles 13 to 15 of the ILC's Articles on Responsibility of States for Internationally Wrongful Acts, in: *Commentary on General International Law in International Investment Law*, M. Waibel/A. Kulick (eds) Oxford University Press (2023).

Evolution of International Investment Law in Treaty Making and Arbitral Practice: Comment from Counsel's Perspective, in: *Evolution, Evaluation and Future Developments in International Investment Law*, Proceedings of the 10 Year Anniversary Conference of the International Investment Law Centre Cologne, St. Hobe/J. Scheu (eds) (2021).

Issues relating to Challenging and Enforcing Arbitration Awards – ICSID Awards, *The Guide to Challenging and Enforcing Arbitration Awards*, J. William Rowley/E. Gaillard/Gordon E. Kaiser (eds) (2019).

Der fehlerhafte Rechtsakt im Gemeinschafts- und Unionsrecht (Defective Legal Acts In EU Law) (1999), Vienna/New York.

Die Durchsetzung von erga omnes Verpflichtungen vor dem Internationalen Gerichtshof (The Enforcement of Erga Omnes Obligations before the International Court of Justice) (1994) Hamburg.

Articles

Fragmentation and Integration in International Investment Law: *Plus Ça Change*, *ICSID Review – Foreign Investment Law Journal* (2023).

2021 Vienna Investment Arbitration Rules, *Austrian Yearbook on International Arbitration* (2022).

2021 Vienna Investment Arbitration Rules, *Ecolex* (2021).

Role of Investor's Legitimate Expectations' In Defense of Investment Treaty Claims, *Yearbook on International Investment Law & Policy 2013-2014* (2015).

Investment Treaty Arbitration as a Tool to "Enforce" Arbitral Awards?, *The European, Middle Eastern and African Arbitration Review* (2015).

Protection of Sovereign Wealth (book review), *ICSID Review* (2014).

Protection and Admission of Sovereign Investment under Investment Treaties, *Chinese Journal of International Law*, Volume 10 (2011).

How Bilateral Investment Treaties Can Protect Foreign Investors in the Arab World or Arab Investors Abroad, *Journal of International Arbitration*, Volume 25, N°2 (2008).

State Succession and the Liquidation of a UK Licensed Bank, *Banker's Law*, Volume 1, N°4 (2007).

How Better Investment Treaties May Help China Investors, *IFLR* (2006).

State Immunity and Arbitration, ICC International Court of Arbitration Bulletin, Volume 15, N° 2 (2004).

How Bilateral Investment Treaties Can Protect Japanese Investors, Journal of the Japanese Institute of International Business Law (2004).

Free Movement of Goods and the Protection of Trademarks – Current Issues concerning Repackaging, Relabelling and Rebranding in EC law, The Journal of World Intellectual Property, Volume 5 (2002).

Die Rechtswirkungen von Sicherheitsratsresolutionen im österreichischen Recht, (The Legal Effects of UN Security Council Resolutions in Austrian Law) Juristische Blätter (1995).

Die Inexistenz als Angriffs- und Verteidigungsmittel vor dem EuGH und EuG, (The Inexistence as Means of Attack and Defense in Proceedings before the CJEU and the General Court) Europäische Zeitschrift für Wirtschaftsrecht, Volume 2 (1995).

Part Two of the International Law Commission's Draft Articles on State Responsibility, German Yearbook of International Law, Volume 37 (1994).

The Legal Regime of Erga Omnes Obligations in International Law, Austrian Journal of Public International Law, Volume 46, N°2 (1994).

SPEAKING ENGAGEMENTS

Tax-Related Measures in Investor-State Arbitration, British Institute of International and Comparative Law, December 7, 2023, London.

Jurisdictional Troubles – Arbitrating with States and State Entities, GAR Live Berlin, Berlin, September 12, 2023.

The Next Generation of Disputes in International Arbitration, 2023 SIAC Symposium, Singapore, August 28, 2023.

Investment Arbitration Update, 2023 Baltic Arbitration Days, Riga, June 12, 2022

Artificial Intelligence – Hope of Hype for Dispute Resolution, 2023 London International Disputes Week, London, May 17, 2023.

Lecture on Investment Arbitration: Status and Trends, 64. DACH Tagung, Paris, May 13, 2023.

Investment Protection in the European Union: Arbitration and its Alternatives, Paris, March 30, 2023.

ESG in Investment Arbitration: Status and Trends, Swiss Arbitration Association Conference: ESG and disputes: flash in the pan or game changer?, Zurich, February 3, 2023.

MIAS Latin America Investor-State Arbitration Conference, Debate on Dual Nationals in Investment Arbitration, Miami, October 30, 2022.

Fragmentation and Integration in International Investment Law: Plus Ça Change, Keynote speech, 12th Prague Investment Treaty Arbitration Conference, Prague, October 20, 2022.

Georgian International Arbitration Days, The Notion of Provisional Measures, Tbilisi, October 12, 2022.

Investment arbitration at the crossroads of civil and common law, Keynote Speech, Harvard International Arbitration Conference, April 1, 2022.

International Investment Law and Sovereign Immunity, lecture, ELSA Athens Summer School on International Investment Law, Athens, July 29, 2022.

Introduction to Investment Arbitration, lecture, Austrian Arbitration Academy, Strobl, July 27, 2022.

State Succession to USSR BITs, Baltic Arbitration Days, Riga, June 12, 2022.

GAR Live BITs, co-chair, London, June 8, 2022.

Shareholder and Corporate Claims in Investment Arbitration, Vienna Arbitration Days, virtual, February 25, 2022.

Sovereign Wealth Funds and International Dispute Resolution, British Institute of International and Comparative Law, London, September 14, 2021.

Refining Rules and Structures of ISDS Mechanism, 2021 Asia Pacific ADR Virtual Conference hosted by the Korean Ministry of Justice, UNCITRAL, the ICC, KCAB, and Seoul IDRC, Seoul, November 5, 2021.

The GAR Live Debate, GAR Interactive, Moscow, October 8, 2020.

ASA Annual Conference 2020: Clear Path or Jungle in Commercial Arbitrators' Conflicts of Interest?, Zurich, February 7, 2020.

The Boundaries of Investment Arbitration: The Use of Trade and European Human Rights Law in Investor-State Disputes, conference on the release of Prof. José E. Alvarez's book, London, December 11, 2019.

Evolution Of Investment Law In Treaty Making And Arbitral Practice, Comment from Counsel's Perspective, 10 Year Anniversary Conference Of The International Investment Law Centre Cologne, Cologne, May 16, 2019.

Recent Trends in Investment Arbitration, AILA Investment Treaty Law and Arbitration Training, London, September 20, 2018.

Transforming Institutions in Investor-State Dispute Settlement, Harvard Law School, March 24, 2018.

Denial of Benefits: When – How – Effects?, 7th Investment Treaty Arbitration Conference, Prague, October 26, 2017.

Parallel Proceedings in Investment Arbitration, 2nd UNCITRAL Asia Pacific Judicial Conference on International Law, Hong Kong, October 18, 2017.

Investment Protection Standards under the Energy Charter Treaty, is There a Need to Clarify, International Energy Charter Forum, Brussels, June 17, 2017.

Forging the Path in Asia: The Draft SIAC Rules on Investment Arbitration, 2016 SIAC Congress, Singapore, May 25, 2016.

The Reaction to Contemporary Jurisprudence – Time to Move from Hegemony and Fragmentation to Harmonization? GAR Live BITs Conference, Washington, D.C., April 27, 2015.

Are Contracting Parties Successfully Clawing Back Investment Treaty Protections?, GAR Live Conference, Frankfurt, June 5, 2014.

Utilization of Investment Treaties to Compel or Effectively Reverse the Enforcement of Commercial Awards: Can Investment Treaty Protections Provide a Second Bite at the Enforcement Apple?, Columbia Arbitration Day, New York, NY, March 18, 2014.

Legitimate Expectations, The Litigation of Public Law Concepts in Investor-State Arbitration – Practical and Theoretical Considerations, Twentieth Investment Treaty Forum Public Conference, British Institute of International and Comparative Law, London, May 10, 2013.

Prospects for Reform of the New York Convention of June 10, 1958, Recognition and Enforcement of Arbitral Awards, seminar jointly organized by the ICC international Court of Arbitration, UIA Arbitration Commission and ArbIt, Rome, September 30, 2011.

The Place of Arbitration in European Civil Procedure, Vienna Arbitration Days, Vienna February 17 and 18, 2012.

Corruption, Fraud, Illegality Issues in Investment Arbitration – ‘Como Espada y Escudo’, Yale Law School – Latin American Legal Studies Breakfast Roundtable – International Investment Arbitration in the Latin American Context, April 12, 2012.

Investment Treaty Arbitration from the Perspective of the Host State, Meeting of the Asian African Legal Consultative Organization, Promoting International Law, United Nations, New York, NY, November 1, 2011.

Recent Trends of Investment Treaty Arbitration, Policy Implications Host States’ Perspectives, Seoul National University Center for International Economic & Business Law, May 22, 2009.