

Curriculum Vitae

Dr. Claudia Annacker

Avocat à la Cour

Doctor iuris (habil.)



PERSONAL DETAILS

Nationality: Austrian

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

Position: Independent Arbitrator and Counsel

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Email: cannacker@intldisputes.com

Languages: English, German and French

PROFESSIONAL POSITIONS

2024 – present	Independent Arbitrator and Counsel – Paris
2020 – 2023	Partner, Dechert LLP – Paris
2008 – 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 – 1995	Research and teaching assistant, University of Vienna, Institute of Public International Law – Vienna

PROFESSIONAL EXPERIENCE

As Arbitrator

- Member of an Annulment Committee in **ICSID** Case No. ARB/18/8, Rand Investments and others v. Republic of Serbia, relating to agricultural investments.
- Co-arbitrator of an **ICC** arbitral tribunal seated in Zurich, Switzerland, between Austrian and Italian companies, relating to 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 investments in a construction company.
- 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, relating to 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, relating to an exclusive distribution agreement.
- Sole arbitrator in an **ICC** arbitration seated in Paris, France, between an Italian company and a Montenegrin company, relating to the privatization of a steel production company.

As Counsel

- Georgia in an **ICSID** arbitration under the Georgia-Azerbaijan bilateral investment treaty relating to the 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 under the Hellenic Republic-Lebanon bilateral investment treaty, relating to investments in a shipyard (ICSID Case No. ARB/16/20).
- The Arab Republic of Egypt in an **ICSID** arbitration under the Egypt-Kuwait bilateral investment treaty, relating to agricultural and urban development projects in the Egyptian desert (ICSID Case No. ARB/18/31).
- The Hellenic Republic in an **ICSID** arbitration under the Cyprus-Hellenic Republic bilateral investment treaty and ensuing annulment proceedings, relating to measures taken to address the country's financial and sovereign debt crisis (ICSID Case No. ARB/17/4).
- The Republic of Côte d'Ivoire in an **ICSID** arbitration under 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 under the Cyprus-Hellenic Republic bilateral investment treaty and ensuing annulment proceedings, relating to measures taken to address the country's financial and sovereign debt crisis (ICSID Case No. ARB/14/16).
- The Hellenic Republic in an **ICSID** arbitration 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 under the Spain-Egypt bilateral investment treaty and ensuing annulment proceedings, relating to an investment in an LNG plant (ICSID Case No. ARB/14/4).
- The French Republic in an **ICSID** arbitration under the French Republic-Turkey bilateral investment treaty, relating to IP rights (ICSID Case No. ARB/13/22).
- DP World in an **ICSID** arbitration under a port concession agreement and the UK-Peru bilateral investment treaty (ICSID Case No. ARB/11/21).
- The Arab Republic of Egypt in an **ICSID** arbitration 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 under the Italy-Argentina bilateral investment treaty, relating to sovereign bonds (ICSID Case No. ARB/07/5).
- The Argentine Republic in an **ICSID** arbitration under the Italy-Argentina bilateral investment treaty, relating to sovereign bonds (ICSID Case No. ARB/07/8).
- E.T.I. Euro Telecom International N.V. in an **ICSID** arbitration under the Netherlands-Bolivia bilateral investment treaty, relating to the nationalization of a telecommunications company (ICSID Case No. ARB/07/28).
- The Republic of Slovenia in an **ICSID** arbitration 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.
- A European State in 12 treaty-based **UNCITRAL** arbitrations, 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, relating to 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 under the Russia-Ukraine bilateral investment treaty, relating to an investment in a refinery.
- OAO Gazprom in an **UNCITRAL** arbitration under the Russia-Lithuania bilateral investment treaty, relating to the forced divestiture of natural gas transmission operations and assets.
- OJSC Tatneft in an **UNCITRAL** arbitration under the Russia-Ukraine bilateral investment treaty and ensuing annulment and enforcement proceedings, relating to an investment in a refinery.

- The Russian Federation in three parallel **UNCITRAL** arbitrations under the Energy Charter Treaty and ensuing annulment proceedings before the Hague District Court, relating to Yukos Oil Company's liquidation.
- E.T.I. Euro Telecom N.V. in an **UNCITRAL** arbitration under the Netherlands-Bolivia bilateral investment treaty, relating to the nationalization of a telecommunications company.
- Mittal Steel Company N.V. in an **UNCITRAL** arbitration under the Netherlands-Czech and Slovak Federal Republic bilateral investment treaty, relating to the privatization of steel plant.
- An Austrian company in an **UNCITRAL** arbitration under the Austria-Croatia bilateral investment treaty, relating to a gaming concession.
- The Republic of Iraq in an **ICC** arbitration against the Republic of Turkey under intergovernmental agreements governing the operation of transnational oil pipelines and related facilities.
- A European State in an **ICC** arbitration under a bilateral investment treaty, relating to regulatory measures taken against a bank and its management.
- Électricité de France (EDF) in an **ICC** arbitration initiated by the Federal State of Baden-Württemberg, through a special purpose company, relating to the acquisition of EDF's shareholding in the German energy company Energie Baden-Württemberg AG.
- A Czech steel company in an **ICC** arbitration seated in Vienna, Austria, relating to a letter of credit issued under a contract for the construction of a steel mill.
- Asahi Glass in an **ICC** arbitration seated in Zurich, Switzerland, relating to a joint venture and technology dispute with Schott Glas.
- 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.
- A Russian oil and gas company in an **AAA** arbitration, relating to the sale of a stake in a company formed to develop an oil field in the Orenburg region.
- A Russian oil and gas company in an **AAA** arbitration, relating to the ownership of oil and gas exploration and production assets.
- 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 to 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 to 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 (BIS) in proceedings before the standing arbitral tribunal for the BIS established pursuant to Article XV of the 1930 Hague Agreement regarding the Complete and Final Settlement of the Question of Reparations, commenced by the Bank's former private shareholders seeking additional compensation for the mandatory redemption of their shares.
- Boehringer Ingelheim KG and Merck, Sharp & Dohme GmbH in preliminary reference proceedings before the Court of Justice of the European Union, relating to parallel imports of repackaged, trade-marked products.

QUALIFICATIONS

1997	<i>Venia legendi et docendi</i> (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 POSITIONS

1998 – present	University of Vienna, adjunct professor Advanced research seminars in international responsibility and international dispute settlement
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

PROFESSIONAL ACTIVITIES

Arbitration Panels

ICSID

Asian International Arbitration Centre (AIAC)

BVI International Arbitration Centre (BVI)

Mauritius International Arbitration Centre (MIAC)

Oman Commercial Arbitration Centre (OAC)

Singapore International Arbitration Centre (SIAC)

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

Panel of Arbitrators Nominated 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 (2024).

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. W. Rowley/E. Gaillard/G. 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 – Foreign Investment Law Journal (2014).

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

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

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

How Better Investment Treaties May Help China Investors, *International Financial Law Review* (2006).

State Immunity and Arbitration, *ICC International Court of Arbitration Bulletin* (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* (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, (Inexistence as Means of Attack and Defense in Proceedings before the ECJ and the General Court), *Europäische Zeitschrift für Wirtschaftsrecht* (1995).

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

The Legal Regime of Erga Omnes Obligations in International Law, *Austrian Journal of Public International Law* (1994).

SPEAKING ENGAGEMENTS

Sunset Clauses in Bilateral Investment Treaties, National Law School of India University, Inaugural NLSIU-SIAC Arbitration Lecture, Bangalore, April 19, 2024.

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

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

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

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

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

GAR Live BITs Conference, 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, ICC, KCAB, and Seoul IDRC, Seoul, November 5, 2021.

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.

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.

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, 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.

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.

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