



Dr. Richard Happ

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Main Areas of Work:

- Investment protection law and Investment arbitration
- National and international arbitration
- Domestic and cross-border litigation

Curriculum Vitae:

- Since 2001 German attorney (Rechtsanwalt) in the law firm Luther
Rechtsanwaltsgesellschaft mbH, Hamburg/Germany
- 2001 Admission to the Bar in Hamburg.
- 2000 Doctor of Laws (Dr. iur.), University of Kiel/Germany (doctoral thesis:
State - Investor Arbitration under Article 26 Energy Charter Treaty
- 1998 - 2000 Legal Clerkship (Referendariat) in the district of Higher Regional Court
Schleswig/Germany with stages at White & Case (Hamburg) and the
Secretariat of Energy Charter Conference (Brussels)
- 1996 - 1999 Research Fellow at the Faculty of Law, University of Kiel
- 1990 - 1996 Legal Studies at the Universities of Kiel and Surrey/England
- 1971 born in Kiel/Germany

Memberships / Professional Affiliations

- German Institution of Arbitration (DIS)
- Co-Chair of the DIS' "Arbitrators under 40"- Group
- International Law Association
- German Association for Foreign Investment

Pertinent Publications and Conference Papers:

TREATISES

- „*Schiedsverfahren zwischen Staaten und Investoren unter Artikel 26 Energiechartavertrag. Eine Studie zum Wandel der Streitbeilegung im Investitionsschutzrecht unter den Bedingungen der globalen Weltwirtschaft*“, (State-Investor Arbitration under Article 26 Energy Charter Treaty: A Study on the Change of Dispute Settlement within the Framework of a Global Economy, Doctoral Thesis), Schriftenreihe der August Maria Berges-Stiftung für Arbitrales Recht, Bd. 7, Peter Lang, 2000.
- „*Digest of ICSID Awards and Decisions 2003- 2007*“ (co-author Noah Rubins), Oxford University Press, forthcoming end of 2008 / early 2009.

BOOK CHAPTERS

- „*Die Zuständigkeit des Investitionsschiedsgerichts für vertragliche Ansprüche*“ (Jurisdiction of an Investment Arbitration Tribunal for Contractual Claims), in: *Tietje* (ed.), *International Investment Protection and Arbitration – Theoretical and Practical Perspectives*, 2008, p. 51-64.
- *The Foreign Nationality Requirement and Exhaustion of Local Remedies*“ in: *Hofmann /Tams* (eds.), *The ICSID Convention: Taking Stock after 40 Years*, p. 103-122.
- *“The Nykomb Case in the light of recent ICSID jurisprudence“*, in: *Ribeiro* (ed.), *Investment Arbitration and the Energy Charter Treaty*, 2006, p. 315-329

PAPERS

- *“Awards and Decisions of ICSID Tribunals in 2007”*, German Yearbook of International Law 50 (2007), (co-author Noah Rubins).
- *“Investitionsstreitigkeiten auf Grundlage des Energiechartavertrages”* (Investment Disputes on the Basis of the Energy Charter Treaty), in: *Ehricke* (ed.), *Proceedings of the 36th Annual Energy Law Meeting*, forthcoming 2008.
- *“Rechtsprechung der ICSID-Schiedsgerichte 2005-2007“* (Jurisprudence of ICSID-Tribunals 2005 - 2007), *Zeitschrift für Schiedsverfahren* (German Arbitration Journal) 2008, p. 19-30.
- *“Awards and Decisions of ICSID-Tribunals in 2006”*, German Yearbook of International Law 49 (2006), (co-Autor Noah Rubins), p. 623-663.
- *“The Legal Status of the Investor vis-à-vis the European Communities: some salient thoughts”*, *International Arbitration Law Review* 3/2007, p. 74-81.
- *“Die praktische Bedeutung des Energiechartavertrages – eine EG-feste Grundsrechtscharta für die deutsche Energiewirtschaft?“* (The practical relevance of the Energy Charter Treaty – an EU - safe bill of rights for German Energy Industry?), in: *Energiewirtschaftliche Tagesfragen* vol. ½ 2007, p. 129-131.
- *“Awards and Decisions of ICSID-Tribunals in 2005”*, German Yearbook of International Law 48 (2005), p. 581-624 (co-author Noah Rubins).

- “*Awards and Decisions of ICSID-Tribunals in 2004*”, German Yearbook of International Law 47 (2004), p. 879-921 (co-author Noah Rubins).
- „*Aktuelle Rechtsprechung der ICSID-Schiedsgerichte*“ (Current Jurisprudence of ICSID-Tribunals), Zeitschrift für Schiedsverfahren (German Arbitration Journal) 2005, p. 21-30.
- “*Awards and Decisions of ICSID Tribunals in 2003*”, German Yearbook of International Law 46 (2003), p. 711-739.
- „*Dispute Settlement under the Energy Charter Treaty*“, German Yearbook of International Law 45 (2002), p. 331-362.

BOOK REVIEWS

- “*International Investment Arbitration: Substantive Principles*”, by Campbell Mc.Lachlan QC, Laurence Shore and Matthew Weiniger, German Arbitration Journal 2008, 193.
- “*International Investment, Political Risk and Dispute Resolution: A Practitioner’s Guide*” by Noah Rubins and Stephen Kinsella, SchiedsVZ 5/2006, p. 275-276.
- “*Foreign Investment Disputes: Cases, Materials and Commentary*” by R. Doak Bishop, James Crawford and W. Michel Reisman, SchiedsVZ 5/2006, p. 275-276.
- “*The ICSID-Convention: A Commentary*” by Christoph Schreuer, German Yearbook of International Law 45 (2002), p. 653 - 654.
- “*International Investments and the Protection of the Environment*” by The International Bureau of the Permanent Court of Arbitration”, German Yearbook of International Law 45 (2002), p. 637 - 638.
- „*Law and Practice of International Commercial Arbitration*“ by Alan Redfern and Martin Hunter, German Yearbook of International Law 42 (1999), p. 655-657.

CONFERENCE PAPERS

- „*Energy Charter Treaty: Investment Arbitration between Public and Private Law*“, Sixth Zagreb International Arbitration Days, 10 - 11 December 1998.
- “*Investment Arbitration and the Energy Charter Treaty*”, Stockholm 10-11 June 2005, Commentator Session 5 (Arbitration under the ECT and other Investment Protection Treaties), organised by the Stockholm Arbitration Institute and the Secretariat of the Energy Charter Treaty.
- “*The Foreign Nationality Requirement and Exhaustion of Local Remedies*”, Frankfurt ICSID Conference “The ICSID Convention: Taking Stock after 40 years”, Frankfurt 26 - 28 April 2006, organised by the University of Frankfurt.
- “*Die tatsächliche Bedeutung des Energiechartavertrages für die deutsche Energiewirtschaft*“, 2nd annual meeting of the German Discussion Circle for Investment Protection Law, Frankfurt, Germany 25. October 2006.
- „*Die Zuständigkeit des Investitionsschiedsgerichts für vertragliche Ansprüche*“ (Jurisdiction of the Investment Arbitration Tribunal for Contractual Claims), Conference “Investitionsschutzrecht- und Praxis: Unternehmensstrategie und

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Rechtsdurchsetzung”, Halle (Saale), Germany, 2 -3 November 2006, organised by the University of Halle and the German Association for Foreign Investment.

- „*Investitionsstreitigkeiten auf Grundlage des Energiechartavertrages*“ (Investment Disputes on the Basis of the Energy Charter Treaty), 36. Energierechtliche Jahrestagung „Aktuelle Herausforderungen des Energierechts aus deutscher und internationaler Sicht“, Cologne, 15 November 2007;
- „*Enforcement of Arbitral Awards*“, 2nd Swiss Investment Forum “Protection of Foreign Investments through Modern Treaty Arbitration”, Zürich, 7 March 2005
- “Zurechnungs- und Haftungsprobleme im Verhältnis von Mitgliedstaat und Gemeinschaft” (Problems of Attribution and Liability in the relation between Member State and Community“), Workshop “*Der Vertrag von Lissabon und die neue EU-Investitionskompetenz*“ (The Lisbon Treaty and the new EU investment competence), organised by PwC and the German Ministry of Economics, Berlin, 23 April 2008.