

List of Publications

Articles & Book Chapters:

‘Article 13’ in Bruno Simma, Daniel-Erasmus Khan, Georg Nolte and Andreas Paulus (eds.), *The Charter of the United Nations: A Commentary* (4th edn, Oxford University Press, forthcoming 2024) (together with August Reinisch)

‘From Copying with Enlarged Intra-EU Objections to the Interpretative Intricacies of Exceptions Clauses in International Investment Agreements—ICSID Arbitration in 2021’ in Giuliana Ziccardi Capaldo (ed.), *The Global Community – Yearbook of International Law and Jurisprudence 2022* (Oxford University Press, forthcoming autumn 2023) (together with August Reinisch)

‘Legal Maxims: Summaries and Extracts from Selected Case Law: ICSID’ in Giuliana Ziccardi Capaldo (ed.), *The Global Community – Yearbook of International Law and Jurisprudence 2022* (Oxford University Press, forthcoming autumn 2023)

[‘The Role of the World Heritage Convention for Foreign Investments and Investment Disputes: An Overlooked Instrument for Preventing Harmful Investment Activities?’](#) (2023) 26 Austrian Review of International and European Law 39-75 (together with Laura Winninger)

Rockhopper v. Italy – Investitionsschutz vs. Klimaschutz? (2023) 3(1) Nachhaltigkeitsrecht 74-78 (together with Kilian Wagner)

[‘The EU Proposal for the Modernisation of the Energy Charter Treaty – A Model for Climate-Friendly Investment Treaties?’](#) (2022) 23(5-6) Journal of World Investment & Trade - Special Issue: International Investment Law and Climate Change (edited by Sandrine Maljean-Dubois, H el ene Ruiz Fabri and Stephan W. Schill) 813-848 (together with Kilian Wagner)

‘Introductory Note: From a new set of mass claims and challenges of entire tribunals to further fine-tuning of the fair and equitable treatment standard – ICSID Arbitration in 2020’ in Giuliana Ziccardi Capaldo (ed.), *The Global Community – Yearbook of International Law and Jurisprudence 2021* (Oxford University Press 2022) 629-666 (together with August Reinisch)

‘Legal Maxims: Summaries and Extracts from Selected Case Law: ICSID’ in Giuliana Ziccardi Capaldo (ed.), *The Global Community – Yearbook of International Law and Jurisprudence 2021* (Oxford University Press 2022) 667-711

‘Succession into Human Rights Treaties’ in Christina Binder, Manfred Nowak, Jane Hofbauer and Philipp Janig (eds.), *Elgar Encyclopedia of Human Rights* (Edward Elgar Publishing 2022) Vol. 4, 332–338 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3881137

‘Truth, Right to’ in Christina Binder, Manfred Nowak, Jane Hofbauer and Philipp Janig (eds.), *Elgar Encyclopedia of Human Rights* (Edward Elgar Publishing 2022) Vol. 4, 444–450 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3799570

‘The Argentinian Crisis Arbitrations’ in H el ene Ruiz Fabri and Edoardo Stoppioni (eds.), *International Investment Law: An Analysis of Major Decisions* (Hart Publishing 2022) 119-134 (together with August Reinisch)

‘The 2020 Termination Agreement of intra-EU BITs and its effect on investment arbitration in the EU: A public international law analysis of the Termination Agreement’ (2022) 16 *The Austrian Yearbook on International Arbitration* 301-340 (together with August Reinisch) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3947835

‘Article 8.6 – National Treatment’ in Marc Bungenberg and August Reinisch (eds.), *CETA Investment Law. Article-by-Article Commentary* (Beck-Hart-Nomos 2022) 194-215

‘Introductory Note: From the Intra-EU Objection to the Reach of Umbrella Clauses and the Limited Scope of Review in Annulment Proceedings – ICSID Arbitration in 2019’ in Giuliana Ziccardi Capaldo (ed.), *The Global Community – Yearbook of International Law and Jurisprudence 2020* (Oxford University Press 2021) 883-908 (together with August Reinisch)

‘Legal Maxims: Summaries and Extracts from Selected Case Law: ICSID’ in Giuliana Ziccardi Capaldo (ed.), *The Global Community – Yearbook of International Law and Jurisprudence 2020* (Oxford University Press 2021) 909-968

‘Exportverbote zwischen Nachhaltigkeit und Protektionismus’ (2021) 1(3) *Nachhaltigkeitsrecht* 335-339

‘Legal Maxims: Summaries and Extracts from Selected Case Law: ICSID’ in Giuliana Ziccardi Capaldo (ed.), *The Global Community – Yearbook of International Law and Jurisprudence 2019* (Oxford University Press 2020) 741-802 (together with Jose Magnaye)

‘1988 – Palestinian Declaration of Independence: A Tale of Poetry and Statehood’ (2020) 23 *Austrian Review of International and European Law* 163-182
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3766190

‘Demokratie etCETara. Das CETA-Gutachten im Lichte des Spannungsverhältnisses zwischen Demokratie und Investitionsschutzrecht’ (2020) 1 *juridikum. Zeitschrift für Kritik, Recht, Gesellschaft* 5-8

‘Investment Arbitration under the Energy Charter Treaty after Achmea’ (2019) 8(33) *Young Arbitration Review* 11-16

‘Achmea. Über Investitionsschutz, Demokratie und das Wesen des Unionsrechts’ (2018) 4 *juridikum. Zeitschrift für Kritik, Recht, Gesellschaft* 537-547
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3766218

Book Reviews & Conference Reports:

‘Cosimo Beverelli, Jürgen Kurtz, Damian Raess (Hrsg): *International Trade, Investment and the Sustainable Development Goals*’ (2021) 1 *Nachhaltigkeitsrecht* 130-131

‘Tagungsbericht zur 1. Tagung junger Europarechtler*innen’ in Cornelia Lanser et. al. (eds.), *Social Europe? Tagung junger Europarechtler*innen* (Jan Sramek Verlag 2018) 241-246

‘Social Europe? Bericht zur 1. Tagung junger Europarechtler*innen zu aktuellen Fragen des sozialen Europa’ (2018) 2 *juridikum. Zeitschrift für Kritik, Recht, Gesellschaft* 140-143

Online publications:

ILDC Headnote: STRABAG SE v Libya, Appeals decision, 3 Ob 80/22 v, ILDC 3403 (AT 2022), 8th September 2022, Austria; Supreme Court of Justice [OGH] (together with August Reinisch)

[An inter se Modification of the ECT to Exclude Intra-EU Arbitration – How Can It Work?](#), *Kluwer Arbitration Blog*, 19. Juni 2023

[Withdrawing from the Energy Charter Treaty: The End is \(not\) Near](#), *Kluwer Arbitration Blog*, 4 November 2022

[Opinion 1/20 and the Conclusion of the Modernisation Negotiations of the Energy Charter Treaty – Hitting the Home Stretch?](#), *Kluwer Arbitration Blog*, 25 June 2022

[Don't Pull the Plug on the Energy Charter Treaty: Why EU Member States Should Modernise Rather Than Abandon It](#), *Völkerrechtsblog*, 16 May 2022, doi: 10.17176/20220516-182032-0 (together with Kilian Wagner)

[Russia's Plans for 'Nationalizing' Foreign-Owned Companies](#), *Völkerrechtsblog*, 29 March 2022, 10.17176/20220329-130931-0

[Mission Impossible? Implementing *Komstroy* and Modifying the Energy Charter Treaty](#), *Völkerrechtsblog*, 17 November 2021, 10.17176/20211117-081229-0 (together with Haris Huremagić)

[From *Achmea* to *Komstroy*: The CJEU strikes back against investment arbitration under the Energy Charter Treaty](#), *Völkerrechtsblog*, 22 September 2021, doi: 10.17176/20210922-085152-0.

[The Energy Charter Treaty and its \(in\)compatibility with EU law](#), *Völkerrechtsblog*, 17 December 2020, doi: 10.17176/20210107-182456-0.

[The treaty to end all investment treaties. The Termination Agreement of intra-EU BITs and its effect on sunset clauses](#), *Völkerrechtsblog*, 12 May 2020, doi: 10.17176/20200513-013127-0.

[Alea iacta est? Post-Achmea investment arbitration in light of recent declarations by EU-member states](#), *Völkerrechtsblog*, 24 January 2019, doi: 10.17176/20190124-154417-0.

[China's \(non-\) market economy status: how a WTO ruling could change the EU anti-dumping regime](#), *European Student Think Tank blog*, 14 May 2016.

[Could EU-import restrictions for environmental purposes be legal under international law?](#), *European Student Think Tank blog*, 12 May 2016.

[Protecting rule of law in the EU- Article 7 and the Rule of Law Framework](#), *European Student Think Tank blog*, 2 March 2016.

[France fighting ISIS- a legitimate use of force under international law?](#), *European Student Think Tank blog*, 29 November 2015.

Miscellaneous:

‘Interim Report (2020) of the ILA Committee on “Rule of Law and International Investment Law”’, available at <https://www.ila-hq.org/images/ILA/docs/kyoto/SG%20Rule%20of%20Law%20and%20Int%20Investment%20Law%20Kyoto%20Report%202020.pdf>