

Jan Philipp Köster

Investitionsschutz in Europa

Der Justizkonflikt zwischen EuGH und Schiedsgerichtsbarkeit

[Investment Protection in Europe. The Conflict between the CJEU and Arbitration.]

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Since its *Achmea* judgment, the CJEU and investment arbitration are in open conflict. The EU's constitutional principle of autonomy collides with investor-state arbitration clauses contained in investment treaties concluded by EU member states. Due to the insecurity created by this conflict, the current system of investment protection within the EU, numerous investment treaties between EU Member States and third states as well as commercial arbitration are called into question. To overcome these issues, Jan Philipp Köster develops a contextual reading of the CJEU's jurisprudence and considers its consequences for arbitration proceedings. He concludes his book by discussing future mechanisms that may be established to protect investments within the European single market.

Jan Philipp Köster Geboren 1990; Studium der Rechtswissenschaften an den Universitäten Freiburg und Kapstadt; 2016 Erstes Staatsexamen; 2017 Magister Juris an der Universität Oxford (Balliol College); 2019 Zweites Staatsexamen nach Referendariat am Kammergericht Berlin; Wissenschaftlicher Mitarbeiter am Lehrstuhl von Prof. Dr. Gerhard Wagner an der Humboldt-Universität zu Berlin; 2021 Promotion (HU Berlin); seit 2021 Richter in Berlin.



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