

ESG IN EU-RELATED SUPPLY CHAINS

UPCOMING EU LAW | CONTRACTUAL DRAFTING AND CASCADING | DAMAGE CLAIMS | SUPPLY CHAIN-RELATED ARBITRATIONS | INVESTMENT
ARBITRATIONS | PUBLIC CLAIMS | SUSTAINABILITY IN EU TRADE AGREEMENTSFRIDAY, 17 FEBRUARY 2023, 2:00 – 6:00 PM CET (4 HOURS), PART 1
FRIDAY, 24 FEBRUARY 2023, 2:00 – 6:00 PM CET (4 HOURS), PART 2

IN LIGHT OF THE EUROPEAN GREEN DEAL, THE EUROPEAN CLIMATE LAW (SETS A LEGALLY BINDING TARGET OF NET ZERO GREENHOUSE GAS EMISSIONS BY 2050 AND A TARGET FOR 2030 OF REDUCING NET GREENHOUSE GAS EMISSIONS BY AT LEAST 55% COMPARED TO LEVELS IN 1990) AND THE PARIS AGREEMENT, THE EUROPEAN COMMISSION ADOPTED ITS PROPOSAL FOR A CORPORATE SUSTAINABILITY DUE DILIGENCE DIRECTIVE (“CSDD”) ON 23 FEBRUARY 2022. THE CSDD WILL OBLIGE LARGE COMPANIES TO HAVE IN PLACE A SUPPLY/VALUE CHAIN-RELATED DUE DILIGENCE POLICY WITH REGARD TO ADVERSE ENVIRONMENTAL AND ADVERSE HUMAN RIGHTS IMPACTS.

It should be stressed that the CSDD will also have an extraterritorial effect in relation to non-EU entities: First, non-EU entities which exceed certain turnover criteria will directly be covered by the CSDD. Second, any non-EU entity not directly covered by the CSDD may be impacted by the due diligence procedures performed by companies directly covered by the CSDD, if the respective non-EU entities are involved in supply/value chains as contractors, subcontractors, lower-tier subcontractors or sub-suppliers.

Furthermore, the seminar will provide the necessary insights into ESG-related contractual clauses and provide information on how to draft and make ESG-related clauses/supplier codes of conduct contractually binding along the supply chain. The webinar will also discuss the danger of potential damage claims related to ESG matters even prior to the entering into force of the CSDD.

As all this will certainly give rise to complex multi-party disputes involving several supply chain members, the webinar will address important questions regarding the dispute resolution of ESG-related disputes, such as international commercial arbitration being the ideal means for the resolution of ESG-related disputes along international supply chains, the choice of arbitration institutions and applicable institutional arbitration rules, consolidation and joinder clauses in arbitration agreements, etc.

As ESG will not only play a major role in international commercial arbitration, the webinar will also highlight the substantial impact on international investment arbitration, including issues relating to damage claims, the role of climate change-related obligations (Paris Agreement) in investment arbitration, the inter-play between environmental obligations and fair and equitable treatment (FET) and the question whether investment protection bars ESG.

The webinar will show as well how the recently concluded trade agreement between the EU and New Zealand may support the enforcement of the Paris Agreement by means of the trade agreement’s dispute resolution mechanism. Could this be a trendsetting trade agreement? Last, but not least, the seminar will explain administrative (public) claims relating to ESG/sustainability matters.

PLATFORM AND REGISTRATION:

ZOOM WEBINAR:

PLEASE REGISTER SEPARATELY FOR EACH PART OF THE WEBINAR

- REGISTRATION PART 1:
https://us06web.zoom.us/webinar/register/WN_hxROkMLsQjip4OhhcgBR0A
- REGISTRATION PART 2:
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LANGUAGE:

ENGLISH

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KEYNOTE SPEAKER: ANNETTE MAGNUSSON: Co-Founder Climate Change Counsel <https://www.linkedin.com/in/annette-magnusson/>
THE EXPANDING UNIVERSE OF CLIMATE CHANGE DISPUTES

SPEAKERS INCLUDE (in alphabetical order):

- | **Dr. Dr. Markus BEHAM**
LL.M., Assistant Professor at University of Passau, Germany, <https://www.linkedin.com/in/markus-p-beham-a9358b48/>
- | **Dr. Alice FREMUTH-WOLF**
LL.M. (LSE), Nivalion AG, Head of Austria & CEE, <https://www.linkedin.com/in/alice-fremuth-wolf-60a1952/>
- | **Jillian KIRN**
J.D., Climate Change Counsel and US-licensed environmental and energy attorney, <https://www.linkedin.com/in/jilliankirn/>
- | **Simon KNUPFER**
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- | **Mag. Michaela KRÖMER**
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- | **Prof. Dr. Nikos LAVRANOS**
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- | **Dr. Carmen MARQUES RUIZ**
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- | **Dr. Alice MEISSNER**
Founding Partner of Meissner & Passin Attorneys, Vienna, Austria, <https://www.linkedin.com/in/dr-alice-meissner-99a7a4159/>
- | **Dr. iur. Dr. phil. Adolf PETER**
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- | **Els VAN POUCKE**
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- | **Mag. Dr. Lic. Herfried WÖSS**
LL.M., Founding Partner of Wöss & Partners, Mexico City / Washington D.C., <https://woessetpartners.com>
- | **Dr. XU Guojian**
Dean of International School of Law, Shanghai University of Political Science and Law, <https://iclg.com/firms/sgla-law-firm/dr-xu-guojian>

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WEBINAR PROGRAMME

Part 1, 17 February 2023

2:00 pm – 2:05 pm

SEMINAR OPENING: Alice Fremuth-Wolf | Herfried Wöss

2:05 pm – 2:35 pm

KEYNOTE SPEECH: ANNETTE MAGNUSSON
Co-Founder Climate Change Counsel

PANEL 1 REGISTRATION:

Register in advance for Part 1 of this webinar:

https://us06web.zoom.us/webinar/register/WN_hxROkMLsQjip4OhhcgBR0A

After registering, you will receive a confirmation email containing information about joining the webinar.

MODERATOR: Adolf Peter

2:35 pm – 3:10 pm

The EU Corporate Sustainability Due Diligence Directive and the EU Corporate Sustainability Reporting Directive
Jillian Kirm | Adolf Peter

3:10 pm – 3:30 pm

Overview on the European Green Deal and the EU Climate Pact
Carmen Marqués Ruiz

3:30 pm – 3:50 pm

The Sanctions Mechanism of the EU Corporate Sustainability Due Diligence Directive
Markus P. Beham

3:50 pm – 4:20 pm

GHG emissions reductions, the Hague district court decision and Shell – the environmental component of ESG
Leonardo Sempertegui

4:20 pm – 4:45 pm

Supply chain-related due diligence and third-party verifications
Els van Poucke

4:45 pm – 5:15 pm

Contractually binding ESG-related supplier codes of conduct, contractual cascading and ESG-related contractual clauses
Harald Sippel

5:15 pm – 5:45 pm

ESG claims from a funder's perspective
Simon Knupfer | Lucas Macedo

5:45 pm – 6:00 pm

Q&A Session

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WEBINAR PROGRAMME

Part 2, 24 February 2023

PANEL 2 REGISTRATION:

Register in advance for Part 2 of this webinar:

https://us06web.zoom.us/webinar/register/WN_l2dUFGrhSZaiujl2TZRjrw

After registering, you will receive a confirmation email containing information about joining the webinar.

MODERATOR: Markus P. Beham

2:00 pm – 2:30 pm

ESG-related damage claims in international commercial – applicable law

Herfried Wöss

5:20 pm – 5:45 pm

Challenges and financing of administrative (public) claims relating to ESG/sustainability matters

Michaela Krömer | Alice Fremuth-Wolf

2:30 pm – 3:15 pm

ESG-related supply chain arbitrations – Consolidations and joint-ventures

Adolf Peter | Alice Fremuth-Wolf

5:45 pm – 6:00 pm

Q&A Session

3:15 pm – 4:00 pm

Specifics regarding arbitration agreements involving Chinese parties (including sino-foreign joint venture companies and wholly foreign-owned companies incorporated in China) in EU-related supply chains

Xu Guojian | Adolf Peter | Alice Meissner/

4:00 pm – 4:20 pm

The Trade and Sustainable Development Chapter of the EU/New Zealand Trade Agreement dated 30 June 2022

Adolf Peter

4:20 pm – 5:20 pm

Investment arbitration: ESG-related damage claims, the relationship between ESG and investment protection and the role of climate change-related obligations (Paris Agreement) in investment arbitration

Herfried Wöss | Nikos Lavranos

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