

# BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW

## UK INVESTMENT PROTECTION POLICY POST-BREXIT: THE VIEW FROM THE UK

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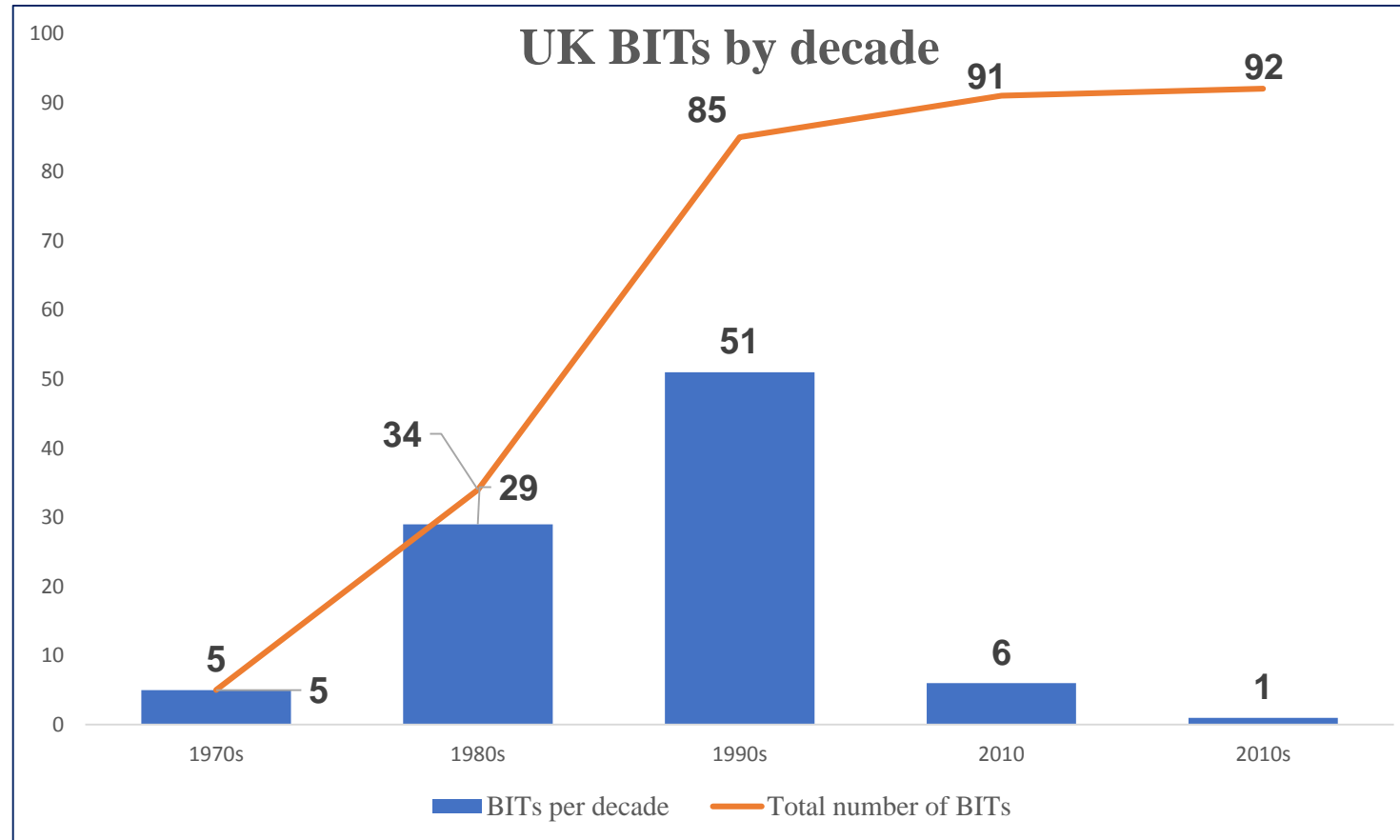
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# UK Investment Protection Policy Post-Brexit

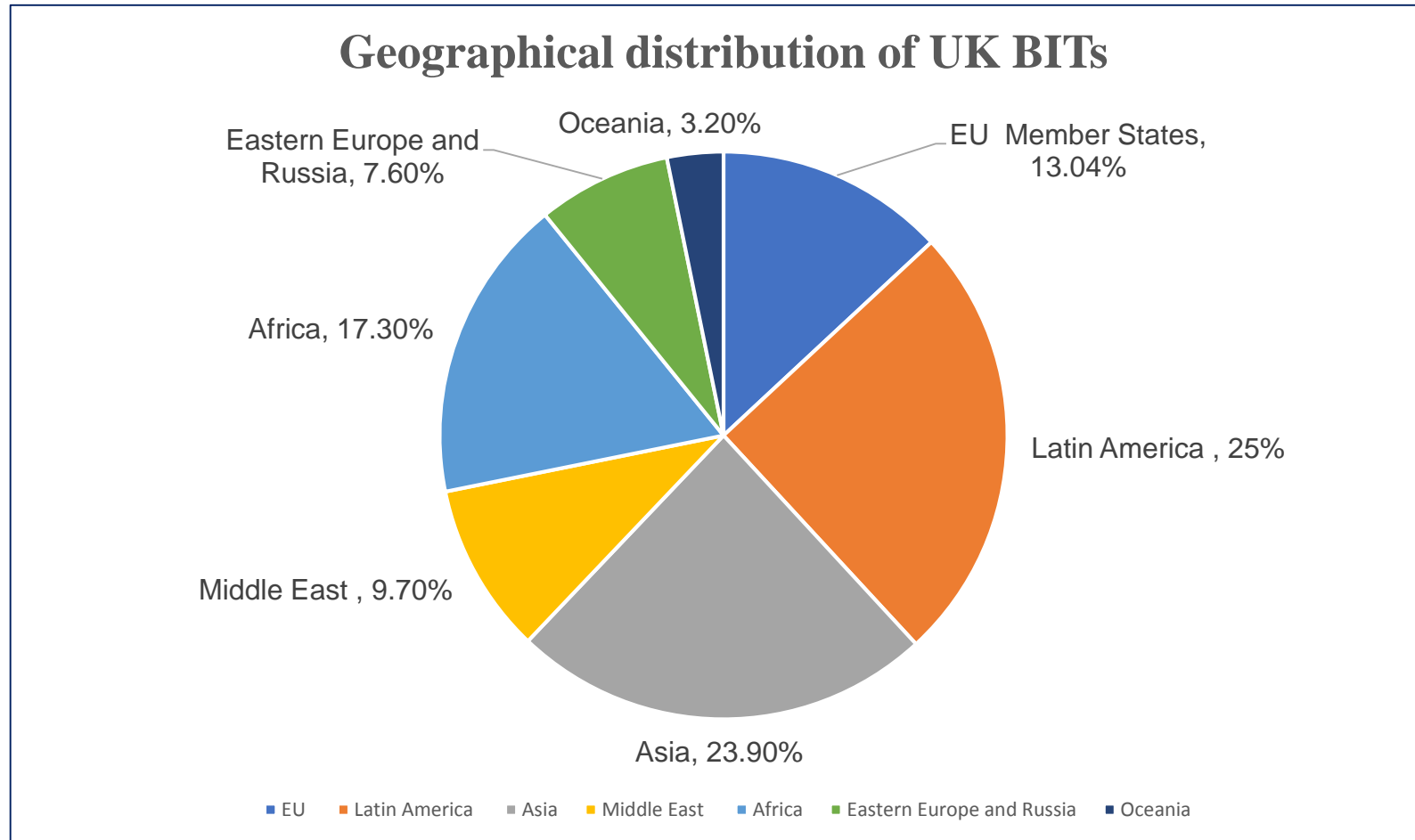
## The view from the UK

1. Where we are today:
  - a. Landscape of the UK's existing BITs
  - b. The competence of the EU / EU Member States to enter into agreements with third countries relating to investment protection
2. Looking forward: the UK's policy on investment protection post-Brexit

# Landscape of the UK's existing BITs



# Landscape of the UK's existing BITs



# The UK's policy on investment protection post-Brexit

- **Annual report of the International Trade Committee** of the House of Commons on the UK investment policy (30 July 2019), recommendations include:
  - Clarify UK position on investment protection standards and dispute resolution mechanisms for investors
  - Consider compatibility of investment protection with sustainable development, climate and human rights
  - Publish an overarching strategy plan on investment promotion
  - Enhance transparency about requirements that foreign investors must meet in the UK
  - Clarify how the UK will ensure proper balance between facilitating investment and safeguarding national security

# The UK's policy on investment protection post-Brexit

- **Government's response to the Committee's report** (17 October 2019), highlights:
  - The UK's existing BITs and the ongoing multilateral discussions on ISDS reform are the starting point of the government's post-Brexit approach to investment treaty policy
  - “Negotiating objectives” will be published ahead of the start of negotiating new trade and investment agreements (see generally, statement of the Secretary of State for International Trade – next slide)
  - Rejected the Committee's proposal to publish a detailed strategy plan on its investment policy
  - The Government will refer to model agreements for best practice when drafting new BITs
  - The Government will make sure that the provisions of new IIAs will be compatible with its policies on development, climate and human rights
  - Affirmed support for the use of arbitration as a method of dispute resolution