



Fachbereich WD 2

Involvement of parliaments in decision-making regarding international arbitrations

Litigation in the context of investor-state arbitration proceedings falls within the remit of the Federal Ministry for Economic Affairs and Energy. Arbitration clauses are particularly common in the context of investment protection agreements. Investment protection agreements must be ratified by the German *Bundestag* in accordance with Art. 59 sec. 2 of the Basic Law.¹ The Parliamentary Act pursuant to Article 59 sec. 2 of the Basic Law conveys the democratic legitimacy of the arbitral tribunals insofar as Germany is concerned as the respondent in arbitration proceedings.²

Prior approval by Parliament is not required for the Federal Government to settle an investor-state arbitration case. However, the parliamentary groups in the German *Bundestag* may request information on the current status of the arbitration proceedings within the scope of their right to information.

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- 1 Classen, Die Unterwerfung demokratischer Hoheitsgewalt unter eine Schiedsgerichtsbarkeit, in: EuZW, 2014, 611.
 - 2 Ohler, Die Vereinbarkeit von Investor-Staat-Schiedsverfahren mit deutschem und europäischem Verfassungsrecht, in: JZ, 2015, 337-346 (344).