

# 6<sup>th</sup> EFILA Annual Conference

14 and 15 January 2021

*online event*

## The renewed role of States in arbitration proceedings



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## 6<sup>th</sup> EFILA Annual Conference

### Programme

**Thursday, 14 January 2021**

**14:00-14:15 Welcome Address by Chair of the Executive Board of EFILA**

**Prof. Loukas Mistelis (Queen Mary University of London and Chair of the Executive Board of EFILA)**

**14:15-15:45 Panel 1: The renewed role of States in arbitration**

**Chair: Prof. Attila Tanzi (University Bologna and 3VB)**

**Panellists:**

Jim Boykin (Hughes Hubbard & Reed)

Lucian Ilie (Reed Smith)

Evgenyia Rubinina (ENYO law)

Dr. Ilze Dubava (Latvian Government lawyer)

**15:45-16.00 Presentation by Jus Mundi of its Search Engine for International Law and Arbitration**



**16:00-17:30**

**Keynote Speech: Gary Born, Wilmer Hale, Partner and Chair International Arbitration Practice Group**

**Chair: Epaminontas Triantafilou (Quinn Emanuel Urquhart & Sullivan)**

**Commentators:**

Kirstin Schwedt (Linklaters)

Samantha J. Rowe (Debevoise)

Dany Khayat (Mayer Brown)

Kimberly Tah (Gambia Principal State Counsel & International Arbitration Lead)

## 6<sup>th</sup> EFILA Annual Conference

### Programme

**Friday, 15 January 2021**

**14:00-14:15**    **Welcome Address by Secretary General of EFILA**

**Prof. Nikos Lavranos (Secretary General of EFILA)**

**14:15-15:45**    **Panel 2: The toolbox of States against Claimants**

**Chair: Andrew Cannon (Herbert Smith Freehills)**

**Panellists:**

Rafael Gil Nievas (Spanish Government lawyer)  
Guled Yusuf (Allen & Overy)  
Dr. Veronika Korom (Queritius)  
Tim Rusche (European Commission, TBC)  
Laura Rees-Evans (Fietta)

**15:45-16:00**    **2020 Essay Competition Prize giving ceremony sponsored by**



**NORTON ROSE FULBRIGHT**

**16:00-17:30**    **Panel 3: Best Practices for Defending Investor-State Damage Claims on Quantum**

**Chair: Kathleen Paisley (Ambos NBGO Law firm)**

**Panellists:**

Anthony Theau Laurent (Accuracy)  
Dr. Herfried Wöss (Wöss & Partners)  
Ayse Lowe (Bench Walk Advisors)  
Sandy Cowan (Grant Thornton)

## Practical details

This will be a 2 afternoon online event only.

The link for participating at the event will be send one or two days before the event to the registered participant by email.

### **TICKETS and REGISTRATION**

#### **Online ticket:**

The online entrance fee ticket is: €127.04 (incl. €27.04 fee & VAT)

The ticket is valid for both afternoons.

Registration and payment before the event is required via this link:

<https://www.eventbrite.co.uk/e/6th-efila-annual-conference-the-renewed-role-of-states-in-arbitration-tickets-118122973995?aff=ebdssbdestsearch>

#### **Group online tickets:**

For law firms and other organizations that wish to order multiple online tickets for their group should contact Prof. Nikos Lavranos, [n.lavranos@efila.org](mailto:n.lavranos@efila.org)

#### **Cancellation and Refund policy:**

Registered attendees can receive a 100% refund of the entrance fee for cancellations up to 7 days before the start of the event.

For all cancellations received after 7 January 2021 no refund of the entrance fee will be offered.

The registration fee for Eventbrite is non-refundable.

#### **Contact:**

For any questions regarding the Conference you can contact the EFILA team via email:

Prof. Dr. Nikos Lavranos, Secretary General of EFILA: [n.lavranos@efila.org](mailto:n.lavranos@efila.org) or Ms Tetyana

Makukha, General Manager of EFILA: [t.makukha@efila.org](mailto:t.makukha@efila.org)



## Panel Chairs and Speakers

### **Gary Born, Partner and Chair of the International Arbitration Practice Group, Wilmer Hale**



Mr. Born is widely regarded as the world's preeminent authority on international commercial arbitration and international litigation. He has been ranked for the past 20 years as one of the world's leading international arbitration practitioners and the leading arbitration practitioner in London.

He has participated in more than 600 international arbitrations, including four of the largest ICC arbitrations and several of the most significant ad hoc arbitrations in recent history. Mr. Born is uniformly ranked by Euromoney, Chambers, Legal500 and Global Counsel as one of the leading practitioners in the field. He is one of only two lawyers in the world, and the only lawyer in London, to receive global "starred" status in Chambers rankings for international arbitration.

Mr. Born was selected by leading international arbitrators and peer practitioners to receive the Global Arbitration Review's inaugural "Advocate of the Year" award for 2010. He was also chosen by his peers as the "World's Best International Litigator" in a recent survey by Legal Media Group. He is described by competitors and clients in Chambers and other publications as "awesome," "inimitable," "a force of nature," "stellar," a "powerful advocate," "extremely talented" and "utterly phenomenal."

Mr. Born heads the firm's 70-person international arbitration group, which is based in London and integrated with related practices in our New York, Washington, Berlin and Brussels offices. Mr. Born has represented European, US, Asian and other companies in arbitrations under all leading institutional rules (ICC, LCIA, AAA, Vienna, Stockholm, ICSID) and in ad hoc arbitrations in all leading international seats (London, Paris, Geneva/Zurich, Vienna, Stockholm, New York, Washington, Singapore). He has particular experience in joint venture, investor-state, M&A, investment banking and other financial services, project finance, energy, oil and gas, intellectual property and insurance disputes.

He also advises on the litigation of international disputes in US courts. He has particular experience in the fields of jurisdiction, enforcement of judgments, conflict of laws and international judicial cooperation, and also serves as an expert witness on aspects of US private international law in foreign proceedings.

Mr. Born also sits as arbitrator (presiding arbitrator, sole arbitrator and co-arbitrator). He has served as arbitrator in more than 175 institutional and ad hoc arbitrations.

Mr. Born has published a number of leading works on international arbitration, international litigation and other forms of dispute resolution. He is the author of *International Commercial Arbitration* (Kluwer 2d ed. 2014), the leading treatise in the field, which has received the American Society of International Law's Certificate of Merit for High Technical Craftsmanship and OGEMID's Book of the Year award for 2009. He has also authored *International Arbitration: Law and Practice* (Kluwer 2d ed. 2015), *International Arbitration and Forum Selection Agreements: Drafting and Enforcing* (Kluwer 5th ed. 2016), which received OGEMID's Book of the Year award for 2010, *International Arbitration: Cases and Materials* (Aspen 2011) and *International Commercial Arbitration: Commentary and Materials* (Kluwer 2d ed. 2001). Mr. Born is also the author (together with Peter Rutledge) of *International Civil Litigation in United States Courts* (Wolters Kluwer 6th ed. 2018), the leading commentary on the subject.

Mr. Born is an Honorary Professor of Law at the University of St. Gallen, Switzerland and Tsinghua University, Beijing. He has also taught at Harvard Law School, University of Pennsylvania Law School, Stanford Law School, Georgetown University Law Center, National University of Singapore, Peking University School of Transnational Law, University of Virginia School of Law, University College London and the University of Arizona College of Law.

Mr. Born is a member of the American Law Institute and of the Board of Trustees of the British Institute for International and Comparative Law. He has served on the Executive Council of the American Society of International Law, the Advisory Committee of the ALI's Restatement of US International Arbitration Law, the Advisory Committee of the ALI Restatement of US Foreign Relation Law (Fourth) and as co-chair of the ABA International Section, Committee on International Aspects of Litigation. He is also a Vice President of the American Society of International Law.

Mr. Born is President of the Singapore International Arbitration Centre (SIAC) Court of Arbitration, a member of the International Advisory Board of the Hong Kong International Arbitration Centre (HKIAC), a member of the Global Advisory Board of the New York International Arbitration Center (NYIAC), a member of the International Arbitration Committee of the Korean Commercial Arbitration Board (KCAB) and a member of the Jerusalem Arbitration Center's Court of Arbitration.

He is a member of the Academic Council of the Institute for Transnational Arbitration, the Advisory Board of African International Legal Awareness, the Advisory Board of the Indian Journal of Arbitration Law and the Editorial Advisory Board of the Journal of World Investment and Trade.

#### **James H. Boykin, Partner, Chair of Hughes Hubbard's Investment Treaty Arbitration**



His practice focuses on international arbitration and includes state-to-state and investor-state arbitration as well as commercial disputes. James has represented investors in treaty arbitrations under the ICSID, UNCITRAL, and SCC Rules. In addition, he has represented clients in commercial arbitrations under the ICDR and ICC Rules. James is a member of the Expedited Commercial Panel of the American Arbitration Association. His professional activities include: International Arbitration Editorial Advisory Board for Law360 (2018),

Board of Directors of the American Branch of the International Law Association (2016-present), Adjunct Professor, American University, Washington College of Law (2008–present). He has been recognized by The Legal 500 United States, Dispute Resolution: International Arbitration (2018-2019), in The International Who's Who of Arbitration Lawyers (2015–2018). Recent publications include:

- "Advocacy Against an Absent Adversary," co-authored with John M. Townsend, The Global Arbitration Review: The Guide to Advocacy, Fourth Edition, edited by Stephen Jagusch QC, Philippe Pinsolle, Alexander G Leventhal, October 2019;
- "Discovery in Aid of International Arbitration: California Dreaming?," Zeitschrift für Deutsches und Amerikanisches Recht, Abschiedsheft, June 2018;
- Commentary on Seagate v. Western Digital Corp., Revista Brasileira de Arbitragem No. 49, March 2016;



- "Protection of Communications with Company Lawyers: The Last Gap in the Common Law –Civil Law Divide in Arbitration," co-authored with John M. Townsend, Festschrift for Siegfried H. Elsing on His 65th Birthday, edited by Werner F. Ebke, Dirk Olzen, Otto Sandrock, R&W Fachmedien Recht und Wirtschaft, 2015;

James Boykin is also regularly invited to speak at international conferences, including recently:

- Panelist, 14th Annual International Investment Law and Investment Arbitration Roundtable ("Gesprächskreis Investitionsrecht und –schiedsgerichtsbarkeit"), 14 November 2018, Frankfurt, Germany;
- Moderator, Hot Topics in International Arbitration, ICDR and Georgetown International Arbitration Society, 6 November 2018, Washington D.C.;
- Lecturer, Harvard International Arbitration Law Students Association, The Legitimacy Crisis of Investment Arbitration: Fake News or Valid Criticisms?, 23 October 2018, Cambridge, Massachusetts;
- Panelist, DAJV Working Group Day, New Approaches to Attorney Remuneration and Financing in Times of Digitalization, 17 March 2017, Frankfurt, Germany;
- Panelist, 12th Annual International Investment Law and Investment Arbitration Roundtable ("Gesprächskreis Investitionsrecht und –schiedsgerichtsbarkeit"), 14 November 2016, Frankfurt, Germany;
- Panelist, ICDR Y&I/GIAS Conference, "Best Practices in International Arbitration," 24 October 2016, Washington D.C.;
- Panelist, DAJV Conference, "The Implementation of Investor–State Dispute Settlement into the Transatlantic Trade and Investment Partnership (TTIP)," 9 July 2015, Berlin, Germany.

#### **Andrew Cannon, Partner, Herbert Smith Freehills, Paris and London**



Andrew Cannon has extensive experience of advising states, state-owned entities and major companies on all aspects of public international law. He has acted in ad hoc and institutional arbitrations across multiple jurisdictions and under a range of governing laws. He has also acted in high profile litigation cases before a range of international and domestic judicial bodies, including the European Court of Justice and General Court, the UK Supreme Court, House of Lords and Court of Appeal.

Andrew previously worked as a legal adviser to the UK Foreign and Commonwealth Office, and represented the UK at the UN in New York and the EU in Brussels, as well as in other international institutions. He has extensive experience of negotiating and advising on bilateral and multilateral treaties and other international instruments.

Andrew's experience includes:

- acting for a consortium of leading multinational energy companies in UNCITRAL arbitration and expert determination proceedings against a Central Asian Republic. The case concerned budget and schedule disputes worth US\$ 9 billion in a high-profile and politically significant dispute concerning one of the world's largest oil and gas projects

- acting for a multinational energy company in a US\$150 million ICC arbitration concerning the impact of compulsory price renegotiation through governmental regulation in the Indonesian coal industry, giving rise to complex issues of force majeure, contractual and common law termination rights, and the quantification of damages using the loss methodology
- acting for a multinational technology company in an LCIA arbitration against a national government involving disputes concerning highly confidential information
- acting for a subsidiary of a major UK plc in UK High Court proceedings relating to the application of EU sanctions to an oil and gas field in the North Sea

Andrew presents regularly at seminars on international arbitration and public international law. He is a member of the International Law Association and the LCIA European Users' Council and member of the Executive Board of EFILA.

**Sandy Cowan, Director, Forensic & Investigation Services; UK Head of International Arbitration at Grant Thornton**



Sandy is a Fellow of the Institute of Chartered Accountants in England and Wales and leads Grant Thornton's international arbitration group. Sandy focuses on complex international dispute resolution and has a breadth of experience in international arbitration, expert witness and shareholder dispute work.

Sandy is experienced in claimant, defence and advisory work in both litigation and international arbitration fora; he also focuses on expert determinations arising from shareholder disputes. He has worked on assignments across a multitude of jurisdictions including Africa, Europe and the Middle East in a variety of sectors including energy and natural resources, construction and technology media and telecoms involving claims ranging from £1 million to £500 million.

Who's Who Legal describes Sandy as being lauded by clients and "a personable expert who is analytical, knowledgeable and full of creative ideas". Sandy is the only forensic accountant ranked in Legal 500's International Arbitration Power list.

Sandy's recent dispute resolution experience includes:

- International Arbitration in relation to the loss of value of an international retail business (ICC).
- Warranty dispute arising from the sale and purchase of a renewable power plant.
- Warranty dispute arising from the sale and purchase of two high-end hotels.
- International Arbitration in relation to alleged breaches of a BIT due to the imposition of certain measures against the Claimant's investment in the agriculture sectors (ICSID).
- International Arbitration in relation to the valuation of a power station in East Africa. Involved in assessing the compensation due to the client for unpaid power invoices and recalculating the invoiced amounts based on the debt:equity split (ICSID)

**Dr. Ilze Dubava, State Chancellery of the Republic of Latvia**



Ilze Dubava is a lawyer at the State Chancellery of the Republic of Latvia, where her task is to ensure state representation in investment treaty disputes. Prior to joining the State Chancellery, she was legal editor for the weekly magazine for lawyers 'Jurista Vārds' and visiting lecturer at the Riga Graduate School of Law (RGSL).

Dr Dubava obtained her PhD in Law at the European University Institute in 2014. She specializes in international investment law. Her latest publication on the topic came out in 2019 (The Future We Want: Sustainable Development as an Inherent Aim of Foreign Investment

Protection in George Ulrich, Ineta Ziemele (eds.) *How International Law Works in Times of Crisis* (OUP, 2019).

**Lucian Ilie, Senior Associate, International Arbitration team of Reed Smith in London**



Lucian is advising clients on international arbitration matters, in particular, cases relating to investment treaty arbitration, public international law and commercial arbitration. As part of the International Arbitration team, Lucian has experience of acting for both the claimant and the respondent in investment and commercial arbitrations in various industry sectors (including construction, telecoms and energy) and under different arbitration rules (including ICSID, UNCITRAL, PCA, SCC, ICC, LCIA and SCAI). In addition, Lucian is a visiting lecturer at the University of Toulouse, where he teaches international

arbitration and EU law.

Prior to joining Reed Smith in London, Lucian acted for several years as counsel and tribunal secretary in commercial arbitrations (ICC, LCIA, CEPANI) and investment arbitrations (ICSID, UNCITRAL, PCA), while practising law in Paris.

Trained in common law and civil law jurisdictions, Lucian is a solicitor advocate in England and Wales, and a member of the Paris and Bucharest bars. He is referenced as an arbitrator on the Bucharest International Arbitration Court's list of arbitrators, and he acts in such role in ICC proceedings. He speaks English, French and Romanian. Lucian regularly publishes and speaks at conferences on issues of international arbitration.

His recent experience includes:

- Representing the Republic of Kazakhstan in a several hundred million US dollars ICSID arbitration case brought against it by the oil and gas company Big Sky Energy Corporation (US)
- Representing the Republic of Kazakhstan in a several hundred million US dollars ICSID arbitration case brought against it by two gold mining companies, Alhambra Resources Ltd (Canadian) and Alhambra Cooperatief U.A (Dutch)
- Represented an Emirati construction company in an UNCITRAL investment arbitration claim amounting to USD 525 million, initiated against Libya under the investment agreement of the Organisation of Islamic Cooperation
- Represented a French investor (natural person) in the context of an UNCITRAL/PCA investment arbitration against the Russian Federation, in relation to a USD 12 billion expropriation claim

- Represented a French telecommunications company in the context of an ICSID arbitration against the Hashemite Kingdom of Jordan in relation to the renewal of a telecommunications license, for a claim in damages of USD 120 million
- Represented a Swedish petroleum company in the context of an ICSID arbitration against the Tunisian state, arising out of an investment contract for a claim in damages of USD 50 million
- Represented an Ukrainian electricity supplier company against the Republic of Moldova in the context of the annulment of a USD 49 million ECT UNCITRAL award before the Paris Court of Appeal and the French Supreme Court.

**Dany Khayat, Head of the Litigation and International Arbitration practice of Mayer Brown in Paris and co-leader of the Middle-East dispute practice.**



Dany Khayat has substantive knowledge of investment treaty arbitration and the protection of foreign investments and has been involved, as lead counsel, in more than a dozen investor/State disputes, representing both States and investors. Dany has also extensive experience in commercial arbitration and has acted as lead counsel in dozens of cases under a variety of applicable laws. He has particular experience in disputes in the following industries: construction, intellectual property, defense, infrastructure, Joint Venture agreements with a particular regional focus on Africa and the Middle East. Dany has also been involved in arbitration-related proceedings before French courts including annulment proceeding as well as in disputes involving State immunities and seizure of State-owned assets, and in other contractual and commercial matters heard before French courts. He also acts as arbitrator (president, co-arbitrator or sole arbitrator) in ICC, DIAC, CRCICA, BCDR-AAA, DIFC-LCIA, WIPO and ad hoc proceedings conducted in French, English or Arabic. He has been involved in numerous arbitration proceedings conducted under the Rules of the ICC, ICSID (including Additional Facility), UNCITRAL, SIAC, LCIA, DIAC, CRCICA, BCDR-AAA, LMAA, GAFTA, RSA, AFA, CMAP as well as in ad hoc arbitration proceedings. Pending or recent experience in investor/State disputes include the following representations:

- A French investor in an ICSID Arbitration against the Republic of Croatia in a dispute arising from Croatia's adoption of legislation in the banking industry (ICSID Case No. ARB/19/33).
- The Republic of India in an UNCITRAL/PCA investment treaty arbitration brought by a state owned Korean company arising out of that company's investment in a power plant in Maharashtra State in India.
- The Kingdom of Morocco in an ICSID Arbitration brought by a German investor in a dispute which relates to a series of measures regarding the export of ferrous scraps and the import of metallic bars (ICSID Case No. ARB/19/2).
- A UAE company in an UNCITRAL/PCA investment treaty arbitration brought pursuant to the Agreement for Promotion, Protection and Guarantee of Investments among Member States of the Organisation of the Islamic Conference (OIC Investment Treaty), concerning numerous large construction projects throughout Libya.
- An Asian company in an UNCITRAL arbitration against the State of Libya on the basis of an investment treaty concerning housing projects initiated in Libya pre-revolution.

- The Republic of Gambia in an ICSID Arbitration brought by Western African Aquaculture Ltd, Kurt Lennart Hansson and Martje Bolt Hansson in a dispute arising out of the alleged expropriation of a shrimp farming and processing operation (ICSID Case No. ARB/18/10).
- A PRC investor in an investment treaty claim against the Republic of Ecuador arising out of the taking of its mining rights in Ecuador.
- Canadian and US investors in two UNCITRAL investment arbitrations against Romania in a dispute arising out of our clients' investment in the media industry.
- Kuwaiti investors in an ICSID Arbitration against the Hashemite Kingdom of Jordan in a dispute related to the tax treatment of their investment (ICSID Case No. ARB/13/38).
- A Canadian investor in a NAFTA Arbitration under the Rules of ICSID's Additional Facility against the United Mexican States in a dispute related to Claimant's investment in the real estate sector in Mexico (ICSID Case No. ARB(AF)15/2).
- The Arab Republic of Egypt as respondent in an ICSID Arbitration initiated by a French multinational corporation with respect to a waste management services contract in a major Egyptian city (ICSID Case No. ARB/12/15).
- A European company against a North African State in an UNCITRAL investor-State dispute on the basis of a bilateral investment treaty relating to the construction of a major infrastructure project in that country.
- The Republic of The Gambia in an ICSID Arbitration initiated by the subsidiary of a mining company in a dispute related to the termination of a mining license in that country including before an ad hoc Committee (ICSID Case No. ARB/09/19).
- A US investor and his US companies in an ICSID Arbitration against the Republic of Romania in a dispute related to the expropriation and treatment of their investments in the press distribution and real estate sectors (ICSID Case No. ARB/10/13).
- The Republic of The Gambia in two ICSID Arbitrations against a British oil company in a dispute related to the termination of concessions in off-shore fields in that country (ICSID Case No. ARB/14/16 and ICSID Case No. ARB/14/7).
- An investor from the Dutch West Indies in the jurisdiction phase of an ICSID Arbitration against a North African State in a matter relating to the banking sector in that country.
- A European investor in the water distribution and purification sector in an ICSID Arbitration against a Latin American State, in a dispute related to the cancellation of a concession in that country.
- North American investors in the textile industry in an ICSID Arbitration against an Arab State in the jurisdiction phase of ICSID proceedings.
- Advice to various investors and States on investment treaty matters in relation to disputes in various countries (Eastern-Europe, Asia, Middle-East, Latin-America) under various investment treaties, including bilateral investment treaties, the Energy Charter Treaty and the Investment Agreement of the Organization of Islamic Cooperation.
- Dany has written extensively on ICSID awards and decisions for fifteen years. He is the co-author of the 700-page "Recueil des Commentaires des Décisions du CIRDI (2002-2007)" (Bruylant 2009) in which all ICSID awards, decisions and orders published between 2002 and 2007 are commented upon and has continued to publish regularly since in the Revue québécoise de droit international and The Law & Practice of International Courts and Tribunals.



Dany has appeared at numerous conferences as a speaker on international arbitration, investment treaties and investment disputes and lectured on international arbitration, arbitration in the Arab countries and investor-State disputes at the University of Paris I (Pantheon—Sorbonne), University of Paris—Sud and the University of Poitiers.

#### **Dr. Veronika Korom founding Partner at Queritius**



Dr Veronika Korom is a founding Partner at Queritius. She has more than 10 years of experience working in international arbitration teams of the leading global law firms in Paris and London and acting as counsel in large-scale and complex investment and commercial arbitration proceedings under the main arbitration rules (ICSID, UNCITRAL, ICC, LCIA, and SCC). Dr Korom has particular expertise in investment arbitration involving states from the Middle East and Member States of the European Union and questions of EU law. She regularly advises companies and states in a variety of economic

sectors, such as energy, gas and hydrocarbons, construction, telecommunications, civil aviation, and mining. She also serves as a secretary to arbitral tribunals and represents clients in various types of annulment and setting-aside proceedings, as well as in domestic enforcement proceedings and proceedings before the courts of the European Union. Her recent representative experience in investment treaty arbitration includes:

- Counsel to Viorel Micula in the case Ioan Micula, Viorel Micula, S.C. European Food S.A, S.C. Starmill S.R.L. and S.C. Multipack S.R.L. v. Romania (ICSID Case No. ARB/05/20) related to the Romanian government's introduction of a series of investment incentives for the development of certain disfavoured regions of Romania and from the subsequent partial withdrawal or amendment of those incentives in the context of Romania's accession to the European Union
- Counsel to EDF International in the case EDF International v. Hungary (PCA Case No. 2009-13) related to EDF International's majority shareholding in Budapesti Erőmű ZRt, an electricity company that operated several plants under long-term power purchase agreements with Hungary's state electricity company, and the premature termination of those long-term agreements by the Hungarian government in the context of Hungary's accession to the European Union
- Counsel to Lithuania in the case Gazprom OAO v. Lithuania (ICC Case No. 18630/GZ) related to Gazprom's investment in a thermoelectric power plant in Kaunas and Lithuania's introduction of mandatory regulated heating tariffs for heating producers
- Counsel to Croatia in the case Amlyn Holding BV v. Republic of Croatia (ICSID Case No. ARB/16/28) related to a failed biomass power plant project
- Counsel to Lebanon in the case Abed El Jaouni and Imperial Holding SAL v. Lebanese Republic (ICSID Case No. ARB/15/3) related to the alleged expropriation and unlawful revocation of aviation licenses by the Lebanese government from the claimants' Lebanese subsidiary
- Counsel to Egypt in the case Mohamed Abdel Raouf Bahgat v. Arab Republic of Egypt (PCA Case No. 2012-07) related to a failed investment project in an iron ore venture and a steel plant
- Secretary to the arbitral tribunal in the case Tamagot Bumi S.A. and Bumi Mauritania



S.A. v. Islamic Republic of Mauritania (ICSID Case No. ARB/14/23) related to the cancellation of the claimants' iron ore mining licence

Dr Korom has been recognised as a 'Future Leader' in arbitration in France by Who's Who Legal 2019 and 2020. She is also Assistant Professor in international business law and arbitration at the prestigious ESSEC Business School in Paris. She is the acting President of the Hungarian Arbitration Association and a member of the Academic Forum on ISDS. She is referenced as an Arbitrator on the list of arbitrators of the Court of Arbitration of the Hungarian Chamber of Commerce and on the list of arbitrators of the OHADA Common Court of Justice and Arbitration. She is a member of the International Advisory Board of the Vienna International Arbitration Centre (VIAC).

### **Prof. Dr. Nikos Lavranos, LL.M., Secretary General of EFILA**



Nikos Lavranos is the first Secretary-General of the European Federation for Investment Law and Arbitration (EFILA). He is founder & owner of NL-Investmentconsulting, external Legal Advisor for numerous law firms. He specializes in international investment law & arbitration, EU law, WTO law and public international law. He is listed as Arbitrator and Mediator at VIAC and as Mediator at the Energy Community and the Asian International Arbitration Centre (AIAC). Nikos is listed in the GAR Arbitrator Research Tool (GAR ART) and in the GAR 100. His recent work

as legal advisor in investment treaty disputes includes:

- a Dutch B.V. in an investment arbitration dispute against Russia under the Netherlands- Russia BIT;
- a US company in setting aside proceedings against Ecuador in relation to multiple arbitral awards rendered against Ecuador;
- several European photovoltaic SMEs in investment arbitration disputes against the Czech Republic under several BITs and the ECT;
- a Dutch B.V. in an investment arbitration dispute against the Czech Republic under the Netherlands-Czech BIT;
- a Dutch B.V. in an investment arbitration dispute against the Slovak Republic;
- several investors against Russia in the context of the annexation of Crimea.

In addition, he is Guest Professor *International Investment Law* at the Free University of Brussels. Nikos is also co-Editor-in-Chief of the *European Investment Law and Arbitration Review*. Previously, he was Chief Negotiator for Dutch BITs at the Dutch Ministry of Economic Affairs and later at the Dutch Ministry of Foreign Affairs. He is a permanent contributor to the Kluwer Arbitration Blog, the Practical Law Arbitration Blog, the EFILA Blog and Borderlex. He earned his Dr.jur. and LL.M degrees from Maastricht University and a Law degree from J.W. Goethe University Frankfurt.

**Ayse Lowe, Director, Bench Walk Advisors**



Prior to joining Bench Walk Advisors, Ayse worked as a Manager within Arthur J Gallagher's Dispute Resolution team. In her role she worked with international law firms and litigation funders around the world to achieve funding and insurance solutions for clients. Ayse also worked for one of the world's largest litigation and arbitration funders for seven years in an underwriting capacity. Before entering the funding market Ayse worked for various law firms both in Turkey and in the United Kingdom. After finishing her scholarship funded Turkish law degree at Baskent University, she studied English Law at Nottingham Law School and graduated with distinction. Ayse is a Chartered Insurer. Recently, Ayse has won dispute resolution expert of the year 2020 for the US by Legal Awards and she has been recognised in Who is Who Legal as Thought Leader in Third Party Funding 2020.

**Prof. Loukas Mistelis, LLB, MLE, FCIArb, Advocate (Athens Bar), Clive M Schmitthoff Professor of Transnational Commercial Law and Arbitration, Queen Mary University of London, Chairman of the Executive Board of EFILA**



Professor Loukas Mistelis is an acknowledged authority on international dispute resolution and investment treaty law. He is listed on the Who's Who Commercial Arbitration since 2007 and also a member of the ICSID Panel of Arbitrators as well as the recipient of the GAR Award for best arbitration lecture of 2013. He is also listed as one of the Thought Leaders in International Arbitration. Loukas Mistelis is the Clive M Schmitthoff Professor of Transnational Commercial Law and Arbitration at the Centre for Commercial Law Studies, Queen Mary University of London. He is a member of the Academic Committee of the Institute of Transnational Arbitration, an academic member of the Investment Treaty Forum, British Institute of International and Comparative Law and a member of the Academic Committee of AIPN, and President of the Court of CEDRAC (Cyprus Eurasia Dispute Resolution & Arbitration Centre). Professor Mistelis was educated in Greece, France, Germany and Japan. He is fluent in English, German and Greek, and has good knowledge of French, and basic knowledge of Polish, Russian and Spanish. Member of Chartered Institute of Arbitrators (CIArb) since 2001, became Fellow of the CIArb (FCIArb) in December 2016.

He has practiced law in Germany, Greece and the United Kingdom, having also acted as a consultant in Cambodia, Japan, Moldova, Nigeria, Poland, Ukraine, and Vietnam. He has also advised several UK government agencies (such as DTI, BERR, MoJ) and international organizations, including the United Nations (UNCTAD, UNCITRAL and ECLAC) and the European Bank for Reconstruction and Development.

His substantial arbitration experience (as arbitrator, counsel and expert) covers ad hoc and ICC, ICSID, LCIA, UNCITRAL, SCC, Swiss Chambers and Moscow cases. He has published widely including 14 books and more than 75 articles or chapters in books.

**Rafael Gil Nieves, Deputy Head of Arbitration of the Spanish Government**



Currently, Mr Nieves is Deputy Head of Arbitration of the Spanish Government. In this capacity, he is involved in all kinds of international arbitrations and disputes all around the world, particularly in ISDS and ICC disputes. Currently, first chair in 14 ISDS proceedings (11 active arbitrations and 3 ICSID annulment proceedings) and second chair in 5 other arbitrations.

He is also an Attorney with considerable international experience and member of the Madrid and NY Bar exams passed. He has received Executive Education at Harvard Law School and is graduate with honors of Columbia Law School.

He is also Professor of International Arbitration in the LL.M. on International Business Law at the Complutense University in Madrid.

Previous positions include Chief Legal Officer of Cepsa, General Counsel for the Americas of Iberdrola, diplomat and Counselor of Justice at the EU Council, Chairman of the EU Council Group for the assessment of the legal respects of the financial crisis and of the Civil Law Committee (in charge of international litigation regulations), secretary and member of the Board of several corporations and other business organizations, delegate at the Hague Conference of Private International Law, the ICSID and the Energy Charter Treaty reforms.

**Kathleen Paisley, Counsel, Ambos Lawyers NBGO**



Kathleen Paisley is a US national who has been practicing in Brussels, London and The Hague for more than 25 years. She combines a degree from the Yale Law School with an MBA in Finance and has passed the Certified Public Accountancy exam. As member of the New York bar, Kathleen specializes in: International business transactions, especially technology-related; Regulatory compliance; International dispute resolution; and EU competition law.

Kathleen is a leading international arbitration expert and has acted in arbitrations and mediations of commercial and investor-State disputes under all the major international arbitration rules related to:

Technology; Telecommunications; Healthcare; biotech; pharma; Intellectual Property; Construction and infrastructure projects; Upstream and downstream energy projects of all types; Commercial and contractual matters; Banking and financial services; and Shareholder and accounting disputes.

Kathleen's litigation experience spans the Atlantic from handling pan-European patent disputes between the world's largest semiconductor and telecommunications companies to trying major cases in the US courts. She also manages European litigation matters and provides litigation support in Europe for US litigation matters.

She also advises on all aspects of international business transactions, in particular involving the commercial exploitation of technology and intellectual property. Kathleen is co-head of the firm's technology practice and has extensive experience in IP/IT matters in the United States, Europe and Asia, including a recent licensing transaction with estimated value of € 1 billion. Kathleen counsels clients with respect to international regulatory compliance related to technology, intellectual property, securities, foreign corrupt practices, and money laundering issues. Her multinational clients find her cross Atlantic experience of these issues to be particularly helpful in understanding their needs for regulatory compliance, which given

the increasing importance of regulatory compliance in both the US and the EU are becoming core business priorities for our clients.

Kathleen is an expert in US antitrust and EU competition law and particularly the intersection between technology, intellectual property, and competition. She has been involved in some of the most high profile competition matters decided by the European Union institutions over the last two decades and has successfully counseled clients in all aspects of EU competition law.

#### **Laura Rees-Evans, Counsel, Fietta LLP**



Laura is an English-qualified solicitor and Solicitor-Advocate (Higher Courts Civil Proceedings). Laura's practice focuses on contentious and non-contentious aspects of public international law (PIL) and international arbitration. Laura is identified as a recommended lawyer in the dispute resolution/PIL and international arbitration categories of The Legal 500 UK 2021.

Laura has experience representing companies and States in disputes across many industries, including: banking; gaming; hospitality; manufacturing; oil and gas; petrochemicals; pharmaceuticals; and private equity. She advises on a wide range of PIL issues, including State immunity and the immunity of international organisations; international human rights law; international humanitarian law; the law of the sea; statehood and sovereignty issues; treaty interpretation; and UN procedure. She has acted for both claimant investors and respondent States in complex and high-value international investment arbitrations under all of the major arbitral rules (ICSID, SCC, UNCITRAL). She has acted as counsel in *ad hoc* inter-State proceedings conducted under the auspices of the Permanent Court of Arbitration. Laura also regularly advises on PIL issues before domestic courts (including, in particular, State immunity issues, recognition and enforcement of arbitral awards, and set-aside proceedings), and is currently advising a client defending set-aside proceedings in which a reference has been made to the CJEU.

Laura frequently delivers training courses to officials of State clients and lectures at academic and other institutions on topics of public international law. Recent highlights include providing training to Government officials of two Asian States on various topics within the law of the sea; delivering a module as part of the Nippon-ITLOS training programme 2018-2019 (organised by the International Tribunal for the Law of the Sea with the financial support of the Nippon Foundation); delivering a lecture to the Public International Law Discussion Group at the University of Oxford; and teaching at King's College London. Laura is frequently invited to speak at and organises conferences, and has authored and co-authored numerous articles on topics of PIL and international arbitration. Her most recent article, on the Agreement terminating intra-EU BITs, co-authored with Gordon Nardell QC, will be published in a forthcoming issue of *Arbitration International*.

In the six months leading up to the UK's original scheduled departure date from the EU, Laura spent six months at the UK's Foreign & Commonwealth Office, where she was advising the

British Government on PIL issues arising out of Brexit. Laura has continued to focus on, and has widely written and spoken on such issues, since her return to Fietta LLP.

Laura is a founding board member of the Young Public International Law Group, a network of PIL practitioners from law firms, the bar, international organisations, governments and academic institutions. Laura is also a member of LexisNexis's Q&A panel of experts for its Arbitration and Brexit practice areas.

**Samantha J. Rowe, Partner in the International Dispute Resolution and Business Integrity Groups, Debevoise & Plimpton**



Ms. Rowe focuses on international arbitration and public international law and has represented private clients and States across multiple jurisdictions (most notably, Latin America, Asia, the Middle East and Eastern Europe) in arbitrations governed by various substantive laws and conducted under the rules of the ICC, LCIA, ICSID, UNCITRAL and SIAC. She has experience across a broad range of industries and sectors, including energy, mining, construction, financial services and pharmaceuticals. She advises clients on a broad range of international

law issues, including the international protection of investments, and represents her clients in associated disputes.

Ms. Rowe has been named to The Lawyer's Hot 100 list, which recognizes the profession's most innovative and inspirational lawyers. The magazine noted the "precedent-setting cases" she advises on. She was also named a UK rising star, and a rising star in the Commercial Arbitration practice category at the inaugural Euromoney Legal Media Group Europe Rising Stars Awards. Ms. Rowe is included in The Legal 500's inaugural International Arbitration Powerlist and she is also recommended for International Arbitration in The Legal 500 UK (2020) with the guide noting that she "provides sharp insight from various angles."

Ms. Rowe is a solicitor of the Senior Courts of England & Wales, and is admitted to the New York Bar. She is fluent in French and Spanish and proficient in Portuguese, and frequently handles contentious matters involving these languages.

Ms. Rowe sits on the Steering Committee of the American Bar Association's International Arbitration Committee. She is also a member of the Executive Board of the International Centre for Dispute Resolution's Young & International Group. Ms. Rowe has previously served on the Board of Directors and the Program Committee of the New York International Arbitration Center (NYIAC) and the Programme Committee for the American Society of International Law's 2013 Annual General Meeting.

Ms. Rowe is listed as a leading lawyer for arbitration by Who's Who Legal, where clients have said that she is "terrific" and is "doing great things."

She speaks regularly on arbitration-related issues and has authored or co-authored a number of publications in the field, including most recently:

- a chapter in the latest edition of the International Arbitration Country Comparative Guide, published by The Legal 500 (November, 2019);
- "The Guide to Energy Arbitrations - Third Edition: Compensation in Energy Arbitration," Global Arbitration Review (January, 2019);
- "UK Guide to Arbitration," In-House Lawyer (November, 2018);
- "Tactics and procedures used in international arbitration to promote efficiency,"



Experiencias y Retos del Ecuador en el Arbitraje de Inversión y Comercial (September, 2018);

- “Corruption as a defense in arbitration,” Practical Law (February, 2018);
- the “Compensation in Energy Arbitration” chapter in The Guide to Energy Arbitrations, Global Arbitration Review (June, 2017);
- the “Protecting Property Rights in Investment Treaty Arbitration - A Misleading Rubric?” chapter in Investment Treaty Arbitration and International Law, Juris, Vol.9 (May, 2016);
- the “Fair and Equitable Treatment Issues in Oil & Gas Investment-Treaty Arbitration” chapter in The Leading Practitioners’ Guide to International Oil & Gas Arbitration, Juris (July 2015);
- “The Role of the Tribunal in Controlling Arbitral Costs,” The International Journal of Arbitration, Mediation and Dispute Management (May 2015).

She also serves on the ITA Board of Reporters, and as co-editor of the ABA’s International Dispute Resolution News and the European Investment Law and Arbitration Review. She regularly contributes to the ITA Arbitration Report and KluwerArbitration.com.

#### **Evgeniya Rubinina, Partner, ENYO Law**



Evgeniya is an international arbitration lawyer with more than 10 years of experience representing companies, individuals and governments in high-value disputes. She has acted as advocate in international commercial disputes under LCIA, ICC and SCC rules and has represented both investors and states in investment treaty cases. In addition to being admitted to practise in England & Wales as a solicitor-advocate, Evgeniya is admitted in New York and Russia. Clients say Evgeniya "impresses with her commitment and commercial insight" (UK Legal 500, 2018) and "is fantastic - she is

responsive and provides practical advice in respect of potential proceedings" (UK Legal 500, 2019). She has been included in the Legal 500 International Arbitration Powerlist UK 2019, and is recognised by Legal 500 as a 'Next Generation Lawyer' in International Arbitration and by Who's Who Legal as a 'Future Leader' in international arbitration. She has also been recognised as one of the top young international arbitration practitioners by the Russian Arbitration Association’s under-40 chapter (2016 – 2018).

Evgeniya joined Enyo Law after 10 years at Freshfields in Paris and London. She has also worked for the World Bank Group’s International Centre for Settlement of Investment Disputes and the Permanent Court of Arbitration in The Hague. She speaks English, French and Russian. Evgeniya’s recent experience includes representing:

- A Russian banker in a London-seated ICC arbitration arising from a dispute with another Russian individual concerning the acquisition of a shareholding in an eastern European bank, as well as in related English court proceedings.
- A US energy company in a post-acquisition London-seated LCIA arbitration with an Asian party.
- A UK/Canadian mining company in relation to a potential investment treaty claim against the Government of Armenia in relation to the blockade of a gold mine.
- A consortium of regional and international energy companies in an LCIA arbitration against a regional government in the Middle East in relation to the ownership and



commercial operation of two petroleum fields.

- A Ukrainian businessman in a dispute with another Ukrainian businessman arising out of a joint venture in the metals sector.
- Two Russian-owned businesses in LCIA arbitrations arising from a dispute under commercial loan agreements.
- The government of Romania in the *Micula v Romania* ICSID arbitration concerning Romania's repeal of customs duty exemptions in order to join the European Union.
- Swisslion in an ICSID arbitration against the Republic of Macedonia concerning the privatisation of a food production company.

Evgeniya has published a number of articles on international arbitration and is a co-author of *Russia: Overview of Investment Treaty Programme*, *GAR Know-How: Investment Treaty Arbitration*, available [here](#).

### **Kirstin Schwedt, Partner, Linklaters**



Kirstin Schwedt has specialised experience in international arbitration, litigation and alternative dispute resolution, including expert determination and mediation, particularly in the context of complex post-M&A, joint venture and commercial disputes as well as D&O liability, corporate litigation and cartel damage litigation.

She has in-depth industry experience in the healthcare, industrials and insurance sectors and has been involved in ad hoc and institutional arbitrations, both as counsel and as arbitrator, under the rules of ICC, DIS, DIS-SRCOL, VIAC, UNCITRAL, Waren-Verein der Hamburger Börse and ICSID/ECT in more than 25 arbitration cases.

Kirstin has advised on many major litigation and arbitration cases. Those that can be disclosed include advising:

- E.ON on a €1bn joint venture dispute before a Swiss/Czech/Austrian UNCITRAL arbitral tribunal applying Czech law
- an international chemicals group in cartel damages litigation and concurrent settlement negotiations regarding private damages claims resulting from the organic peroxide cartel
- a German insurance group in a series of litigation proceedings concerning fair value expert determination for various companies following the termination of equity investment management agreements
- a leading global healthcare company in litigation and concurrent tailor-made ADR proceedings to obtain damages for delivery of toxic production filters
- several clients in the assessment and pursuit of D&O liability claims amounting up to €225m

Kirstin is a member of the German Bar Association, Lawyers of German and French Law Association (Juristen des Deutschen und Französischen Rechts e.V. – JDfR) and of all major arbitration institutions, e.g. the International Chamber of Commerce (ICC), Arbitral Women or the German Institution of Arbitration (Deutsche Institution für Schiedsgerichtbarkeit – DIS). She frequently speaks at seminars on international arbitration and alternative dispute resolution, cartel damages litigation and D&O liability.

Kirstin regularly publishes in the field of litigation. Her articles include:

- The Future of Cartel Damages Litigation in the UK, the Netherlands and Germany after the Implementation of the Damages Directive, *Global Competition Review* 3/2017
- Zur Verjährung von Ausgleichsansprüchen zwischen Gesamtschuldern; Anm. zu BGH v. 08.11.2016 – VI ZR 200/15, *NZG* 2017, 756
- When Does an Arbitration Agreement Have a Binding Effect on Non-Signatories? The Group of Companies Doctrine vs. Conflict of Laws Rules and Public Policy, *Kluwer Arbitration Blog Online* 30.07.2014

**Kimheng Tah, Principal State Counsel & International Arbitration Lead at Attorney General's Chambers & Ministry of Justice, The Gambia**



Kimheng is a Principal State Counsel at the Attorney General's Chambers & Ministry of Justice and heads the International Arbitration team. Over the past 6 years Kimheng has been Instructing Counsel in 9 Arbitration matters, 7 of them before ICSID, one under ICC rules and another under LMAA rules. Kimheng has also represented the Gambia in three Arbitration Cases before ICSID over a Petroleum Exploration Dispute with a Norwegian Company, resulting in a favourable outcome for The Gambia. In 2020 he was named one of Africa's 50 Most Promising

Young Arbitrators by the Association of Young Arbitrators AYA.

In Addition to his work on Arbitration, Kimheng is active in the field of International Trade and Investment Law. He currently advises the Ministry of Trade of The Gambia and is the external legal adviser to the Gambia Investment and Export Promotion Agency. For the past 2 years he has been a member of his country's delegation to the UNCITRAL Working Group III's working sessions on ISDS Reform. Kimheng holds a Masters Degree in Trade and Investment Law in Africa and frequently speaks at international conferences and fora on issues pertaining to International Trade & Investment Law, and ISDS Reform particularly from a state-perspective.

**Prof. Attila Tanzi, Bologna University and 3VB**



Professor Tanzi holds the Chair of International Law at the University of Bologna (since 2006). His other appointments include: external scientific fellow, Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law (2019-2020); visiting professor, University of Vienna (2018-2019); enseignant invité, Université Paris II, Panthéon Assas (2018); visiting professor, Queen Mary University of London (2014-2016); professor at the University of Verona (1999 - 2006); visiting professor at the University of Perugia (1990-1999); Director of studies at the Hague Academy of International Law (1997).

He is also a member of the Permanent Court of Arbitration, conciliator at the Court of Conciliation and Arbitration of the Organization for Security and Co-operation in Europe, chairman of the Implementation Committee of the UNECE Water Convention and legal consultant to Italy's Ministry of Foreign Affairs. On several occasions, he was a member of Italy's delegation to the Sixth Committee (Legal) of the U.N. General Assembly.

Professional activities: counsel and arbitrator in inter-state and investor-state cases on investment law, law of the sea, environmental law, jurisdictional immunities and law of international organizations.

He is also associate member of 3 Verulam Buildings Barristers in London.

Notable cases as counsel or advisor that are in the public domain include:

- before the ICJ, Elettronica Sicula S.p.A. (ELSI) (United States of America v. Italy) case (advisor for Italy);
- before ITLOS and UNCLOS ad hoc Annex VII Tribunals, The "M/V Norstar" case (Panama v. Italy) (lead counsel for Italy) and The Enrica Lexie Incident (Italy v. India) (counsel and advocate for Italy);
- before ad hoc Tribunals, The Wet Dock of Puerto Caldera (Italy v. Costa Rica) case (lead counsel for Italy).

Notable cases as Arbitrator that are in the public domain include:

- Italy v. Brazil (ICC Case No. 12988/FM);
- Italy v. Cuba ad hoc arbitration;
- Sevilla Beheer B.V. and others v. Kingdom of Spain (ICSID Case No. ARB/16/27).
- He is currently nominated as Arbitrator in two ongoing UNCITRAL-PCA cases and two current ICSID cases.

Attila Tanzi regularly advises governments and international organisations on international law matters, including questions concerning investment law, treaty interpretation, environmental law, the law of the sea, State immunity, the law of international organisations and international procedural law.

Professor Tanzi is the author of a number of books, including International Investment Law and Arbitration: An Introductory Casebook (2013, CEDAM), Introduzione al Diritto Internazionale Contemporaneo (2016 (5° ed.), CEDAM), The Consolidation of international Water Law. A Comparative Analysis of the UN and UNECE Water Conventions (2017, Editoriale Scientifica) and A Concise Introduction to International Law (2019, Giappichelli-Eleven).

**Anthony Theau Laurent, Partner, Accuracy**



Anthony Theau Laurent provides advice and independent expertise on business, valuation and accounting matters in the context of disputes, transactions and frauds. He has been appointed as expert witness in commercial and investment treaty arbitrations and in English High Court proceedings. He is listed among the leading expert witnesses for quantum of damages by Who's Who Legal, according to which he "is frequently appointed on large-scale arbitrations for the strength of his oral testimony in proceedings" and "is praised for his hands-on approach and exceptional ability to identify and address sophisticated financial issues". He is able to testify in English and French. Anthony also advises organisations seeking to acquire or divest businesses and leads financial investigations in relation to allegations of fraud.

He regularly contributes to publications and gives presentations on issues pertaining to valuation, damage assessment, and mergers and acquisitions.

Anthony has particular expertise in the assessment of damages arising from, *inter alia*, breaches of commercial contracts, shareholder agreements, expropriation, construction delays and fraud. His disputes work primarily involves the valuation of lost profits, assets and businesses.

Much of Anthony's work in recent years has been in an international context, involving cross-border disputes, transactions and investigations in the United Kingdom, Europe, the Middle-East, Africa, North America and Asia. These assignments covered a wide range of sectors including energy, utilities, mining, construction, civil engineering, manufacturing, distribution, media, retail and software.

Recent examples of the assessment of complex damages arising from:

- Expropriations, market evictions or unlawful terminations of commercial agreements in relation to, for example, mining concessions and assets in Central Asia (ICSID, UNCITRAL), service agreements in the Middle East (BCDR-AAA) and Europe (ICSID), and land usage rights in Africa (ICC Paris).
- Breaches of commercial agreements, including the distribution of consumer goods in the Middle East (DIFC-LCIA) and the distribution of broadcast rights in the Middle East (ICC Paris).
- Breaches of joint-venture agreements, recently in the food and beverage industry (ICC Paris) and the automotive industry (ICC Tokyo).
- Fraudulent misrepresentations and breaches of warranties consecutive to, for example, the acquisition of a civil engineering company in the Middle East (High Court of England and Wales) and the acquisition of waste management assets in Europe (ICC Milan).
- Business interruption and construction delays in relation to, amongst others, a property development project in Turkey (ICSID), the delivery of a manufacturing plant in the UK (LCIA) and the relocation of a manufacturing plant (High Court of England and Wales).

Financial investigations in relation to:

- Allegations of traffic of influence and money laundering against a listed provider of services to public utilities.
- Allegations of tax fraud against a global retailer.

Mergers and acquisitions:

Anthony has extensive experience of assisting organisations to divest or acquire businesses.

His expertise ranges from buy-side and vendor due diligence to advice on price adjustments and warranty clauses.

**Epaminontas E. Triantafilou, Partner, Quinn Emanuel Urquhart & Sullivan**



Epaminontas Triantafilou's broad experience in international arbitration includes roles as arbitrator, counsel to private corporations and sovereign governments, as well as legal counsel at the Permanent Court of Arbitration in The Hague, secretary to several international arbitral tribunals, and legal assistant to a leading arbitrator.

Mr Triantafilou has been involved as counsel in dozens of arbitration proceedings under all major arbitral rules, including government contracts and concessions, joint ventures, shareholder agreements, patent licensing disputes and construction/EPC contracts. He has also advised in arbitrations involving intellectual property, shipping, media and advertising. Mr. Triantafilou has been involved as counsel and arbitrator in dozens of arbitration proceedings under all major arbitral rules, including LCIA, ICC, UNCITRAL, SCC and ICSID, often involving multiple parties. Mr. Triantafilou is consistently highly rated in the most prominent legal directories in the areas of international commercial arbitration and investment treaty arbitration:

Legal 500 UK has described Mr. Triantafilou as possessing a "remarkable intellect" (2015), while being "highly creative" (2016) "highly professional" (2017) and "widely respected" (2018). The publication has recommended him for international arbitration every year since 2013. Chambers and Partners describes him as "exceptionally bright" with an "impressive reputation among clients and peers alike" (2016). Clients have noted in particular "the patient and measured manner in which he explains extraordinarily complex matters" (2015) and that "he perfectly understands the concerns of his clients and is unbelievably committed to doing the best job for them." (2017). He has also been cited for his "fantastic advocacy" (2018) and as being "very capable and hard-working" (2019).

Who's Who Legal has recognised Mr. Triantafilou for being "absolutely a star of investor-State arbitration" and "an excellent legal mind who thinks clearly about complex issues" (2019). He has been cited as "an excellent advocate who is quick on his feet" (2017), with peers lauding his "superb handling of complex cases." (2018). Peers also referred to him as "one of the most effective cross-examiners I have ever witnessed" (2019).

Recent representations include:

- Counsel to a major pharmaceutical company in a dispute with a drug manufacturer
- Counsel to a Middle Eastern investment group in a shareholders' dispute
- Counsel to a major mining company in tax-related disputes
- Counsel to an aviation business in an investment treaty claim against a Middle Eastern state
- Counsel to a major corporate group in a share purchase dispute with a major bank
- Counsel to two major state-owned banks in landmark investment treaty claims
- Counsel to a construction contractor in a claim against a Central Asian state
- Counsel to a technology conglomerate in a patent licensing arbitration
- Counsel to an individual director in a compliance review and associated disputes with major media companies



- Counsel to an EPC contractor in an investment treaty claim against a Central European state
- Counsel to a money transfer services company in an agency and franchising dispute
- Counsel to two mining companies in connection with claims against a Southeast Asian state regarding a coal mining concession

Recent publications include:

- Contributor, Julien Fouret et al., "The ICSID Convention, Regulations and Rules: A Practical Commentary" (2019)
- Article, "The Other Side of the Coin: India's 2015 Model BIT and Indian Investors Abroad", Transnational Dispute Management (2018) (with J. Menezes)
- Article, "Specific Performance Under Commercial Contracts with Sovereign States", 34(5) Journal of International Arbitration (2017) (with Anthony Sinclair)
- Article, "Contemporaneity and Evolutive Interpretation under the Vienna Convention on the Law of Treaties", 32(1) ICSID Rev. 138 (2017)
- Article, "Non-lawyer arbitrators and the deliberative balance of international tribunals", Transnational Dispute Management (2016)

#### **Dr. Herfried Wöss, founding partner of Wöss & Partners**



Dr. Herfried Wöss is a renowned international arbitrator in large damages cases and complex arbitrations in commercial and investment arbitration. He is currently president, co-arbitrator, party counsel and expert adjudicator in some of the largest, most politically sensitive arbitrations in Latin America, dealing with the construction and operation of gas pipelines, aqueducts, oil platforms, cement plants, power purchase agreements and refineries under LCIA, ICDR, ICC, CCL and ICC ADR Rules.

He is also highly specialized in investment arbitration and principal author of the Oxford University Press monograph on "*Damages in International Arbitration under Complex Long-term Contracts*" (2014) where he established an international damages doctrine for income-generating contracts and investments in commercial and investment arbitrations, which has been espoused by leading arbitral awards *Yukos v. Russia* (measure of damages under Chorzów), *Murphy v. Ecuador* (illegality threshold under FET and indirect expropriation) and *Mobil v. Venezuela* (contract as investment) and is currently being used as reference by the Iran-US Claims Tribunal.

Dr. Wöss is also advisor of the ICCA-ASIL Task Force on Damages in International Arbitration and listed by the International Who's Who of Commercial Arbitration, the Global Arbitration Review Arbitrator Research Tool (GAR ART) and The Legal 500 as a leading international arbitrator.

Dr. Wöss has been visiting scholar for arbitration and damages law at the Georgetown University Law Center in Washington DC from 2012-2013. He holds a Magister iuris and a Doctorate in International Economic Law (summa cum laude) from the Johannes Kepler Universität Linz, Austria, an LLM in International Business Legal Studies from the University of Exeter, UK, and is Licenciado en Derecho from the National Autonomous University of Mexico. Dr. Wöss was recently licensed by the Washington DC Court of Appeals as Special Legal Consultant. He is resident in Mexico City and Vienna (Palais Aurora), works in German, English and Spanish, and also reads French.



**Guled Yusuf, Counsel, International Arbitration Group, Allen & Overy**



Guled is a Counsel in. His areas of practice include public international law, investment treaty arbitration and international commercial arbitration. He has extensive experience in both investment treaty and commercial arbitration, with his experience in investment arbitration including representing The Kingdom of Morocco, The Sultanate of Oman and The Islamic Republic of Pakistan.

Guled has experience in private practice and intergovernmental organisations, including representing an African State at the UN General Assembly and serving as a legal adviser to the Food and Agriculture Organization. He currently serves as Chair of the Singapore International Arbitration Centre's (SIAC) Users Council Committee for Africa and as member of the SIAC Users Council Executive Committee. Guled is also advising the Intergovernmental Authority for Development (an eight-country trade bloc) on the creation of an arbitration centre in East Africa. He was recently appointed to the ICSID Panel of Conciliators by an African State.

He has published articles and book chapters on international arbitration and public international law, including co-authoring a chapter in ICSID's 50th Anniversary book ("Building International Investment Law") edited by its Secretary-General and co-authoring articles in ICSID Review (ICSID's peer-reviewed academic journal). He currently serves on the peer review boards of ICSID Review and the American Review of International Arbitration.

He regularly speaks at international arbitration conferences. He has also spoken at Cambridge University, Columbia Law School and NYU School of Law on a variety of international law topics.

# EUROPEAN FEDERATION FOR INVESTMENT LAW AND ARBITRATION (EFILA)

The Brussels-based think tank at the heart of EU investment law

## THINK-TANK ON THE EU'S INVESTMENT LAW AND ARBITRATION POLICY

The European Federation for Investment Law and Arbitration (EFILA) has been established in Brussels to promote the knowledge of all aspects of EU and international investment law, including arbitration, at the European level. EFILA endeavours to facilitate a meaningful exchange of views on relevant and timely investment law and arbitration issues.

## EFILA PROMOTES AN OPEN AND BALANCED DISCOURSE ON INVESTMENT LAW AND ARBITRATION

EFILA serves as a platform for a fact and merit-based discussion on European and international investment law issues. In particular, it fosters an objective debate about the current system of investment arbitration. As a think-tank EFILA analyses the scope and use of investment arbitration, especially from a European perspective.

## EFILA'S GOVERNING BOARDS ARE COMPOSED OF LEADING INVESTMENT LAW SPECIALISTS

The Executive Board and Advisory Board of EFILA are composed of leading investment law and arbitration specialists, representatives of investors and academics from various European states.

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### **RECENT ACTIVITIES**

Since its creation EFILA has submitted several position papers in response to public consultations organized by, inter alia, the European Commission, the OECD, ICSID Secretariat and the UK Parliament. In addition, EFILA has published in-depth analytical papers countering the misleading ISDS criticism as well on the proposed Multilateral Investment Court (MIC). Since 2018 EFILA has been granted Observer Status by UNCITRAL to participate in the Working Group III on ISDS reform.

All EFILA submissions and publications are available on EFILA's website: [www.efila.org](http://www.efila.org)

### **ANNUAL CONFERENCE SERIES**

Starting in 2015 with a very successful inaugural conference in London, EFILA has organized a similarly outstanding conference in Paris in 2016 and in London in 2018, 2019 and 2020. The 2021 conference continues the Annual Conference Series of EFILA. These conferences bring together the most experienced and outstanding experts in international investment law and arbitration from practice, academia and international arbitration institutions.

### **ANNUAL LECTURE SERIES**

Since 2015 EFILA organizes the Annual Lecture series, which was kicked off by Sophie Nappert. This Lecture was awarded the GAR Prize for the Best Lecture in 2015. In 2016, Johnny Veeder QC gave the Annual Lecture, while the 2017 Annual Lecture was delivered by Judge Christopher Greenwood.

The 2018 Annual Lecture was given by Prof. George Bermann, Columbia University New York. The 2019 Annual Lecture was delivered by Prof. Laurence Boisson de Chazournes, Faculty of Law, University of Geneva. The 2020 Annual Lecture was given by Prof. Loukas Mistelis, Queen Mary University of London. The most recent Lectures can still be watched at the YouTube channel of EFILA:

[https://www.youtube.com/channel/UC3DVmlvk-aj6EgpFgKCLu3A/videos?disable\\_polymer=1](https://www.youtube.com/channel/UC3DVmlvk-aj6EgpFgKCLu3A/videos?disable_polymer=1)

## EUROPEAN INVESTMENT LAW AND ARBITRATION REVIEW

Since 2015 EFILA publishes together with Queen Mary University of London annually the *European Investment Law and Arbitration Review*. This Review is the first legal journal that focuses on the EU's investment policy and its impact on international investment law and arbitration. The Review (also available online) can be ordered at Brill Martinus Nijhoff Publishers:

<https://brill.com/view/journals/eilo/eilo-overview.xml?rskey=Uz2m9f&result=1>

EFILA welcomes unpublished submissions (long and short articles, case-notes, book reviews) for publication. The deadline for submission is always 1 April of the year. For more information visit the website of the Review: <https://efila.org/eila-review/>

## BLOG

EFILA also runs a highly successful blog which presents a platform for discussion on the current developments pertaining to the fields of international (investment) law and arbitration, EU law and public policy, as well as the dynamics of these multiple legal, political and economic spheres. EFILA welcomes contributions by arbitration practitioners and academics from around the world.

For more details, please visit: <http://efilablog.org>

## EFILA WELCOMES NEW MEMBERS

We also welcome new individual and corporate Members who wish to actively get involved in EFILA. In particular, we welcome donations, intellectual input and organizational support in order to achieve the aims of EFILA.

EFILA offers three types of membership:

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To become a Member and learn more about how you can contribute to EFILA please contact:  
Prof. Dr. Nikos Lavranos, LL.M., Secretary-General at: [n.lavranos@efila.org](mailto:n.lavranos@efila.org)

For more information about the upcoming EFILA events, please contact EFILA Secretariat:  
Ms Tetyana Makukha, LL.M., General Manager of EFILA at: [t.makukha@efila.org](mailto:t.makukha@efila.org)