

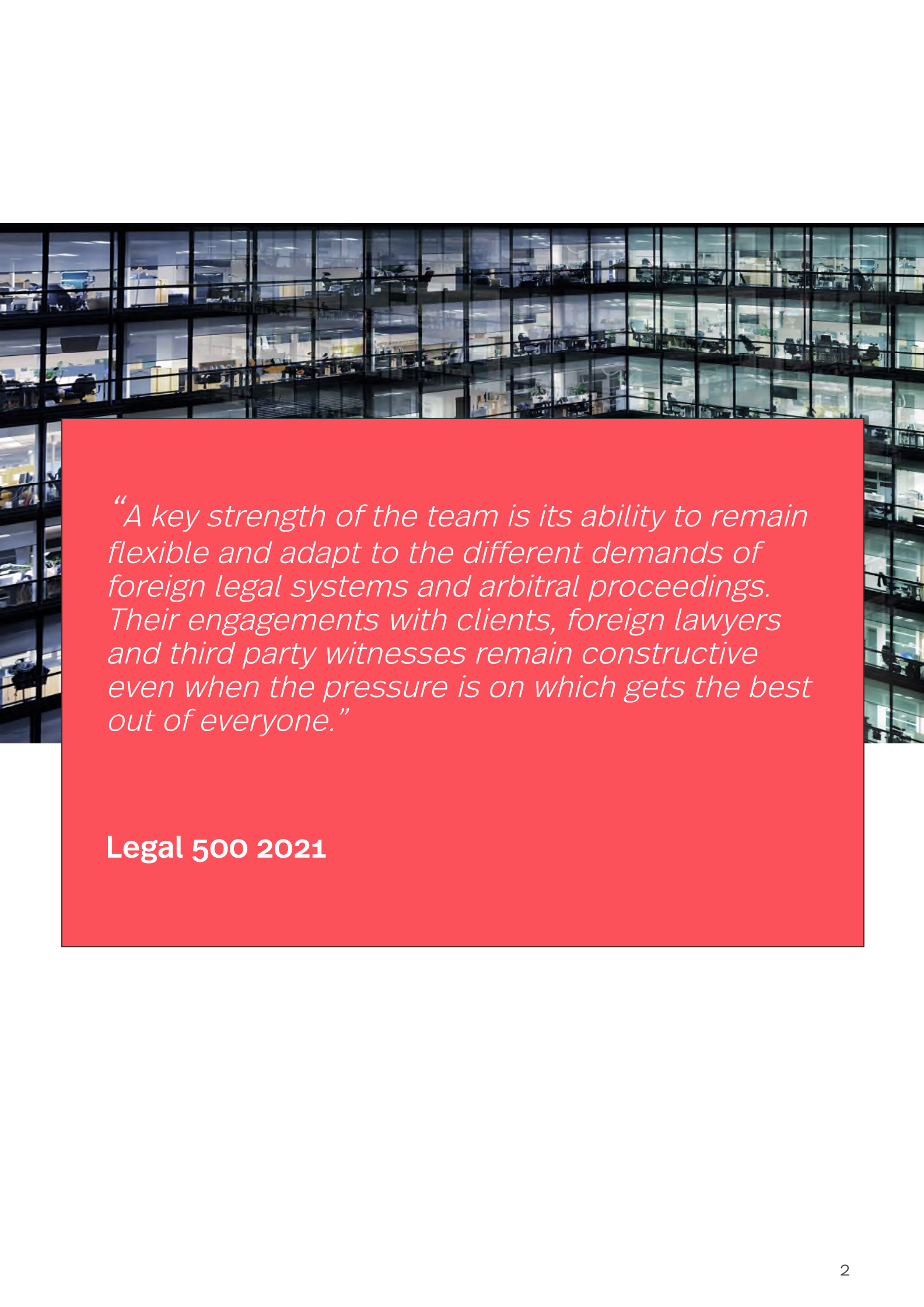
International Arbitration

About us

MARCH 2022

STRICTLY PRIVATE AND CONFIDENTIAL





“A key strength of the team is its ability to remain flexible and adapt to the different demands of foreign legal systems and arbitral proceedings. Their engagements with clients, foreign lawyers and third party witnesses remain constructive even when the pressure is on which gets the best out of everyone.”

Legal 500 2021

What sets us apart

Our firm has set up more than 14 years ago a dedicated Israeli Desk, coordinating our advice to Israeli clients and which is headed by Ariel Nachman. From providing services to Israeli-listed companies to advising private companies both in Israel and globally, our team offers valuable insight from around the world. We act for leading Israeli financial institutions, TMT, life sciences companies and industrial organizations within the Israeli market. We also work with the firm's non Israeli clients across the network.

Our International Arbitration group operates at the very highest end of the market. We advise on and manage complex, high-value international disputes involving complex points of law, which have attracted academic and industry-wide interest. Our expertise is recognised in the market: we are a proud member of the GAR 100 and are listed in various directories as a leading firm for international arbitration work.



A track record of winning our clients' bet-the-business disputes:

we take on our client's toughest cases and win, delivering outstanding results above and beyond winning the case. In 2020 we acted for Sodexo Pass in an ICSID claim against the Hungarian state. Our client was awarded €73m in damages, representing 93% of the total claim. This follows swiftly on the heels of our success in defending a half a billion-dollar investment treaty arbitration for the Government of the Republic of Indonesia in 2019, whereby our international team turned a \$580m claim against our client into a \$3m win.



Lawyers based in key arbitration hubs around the world:

we maintain offices in the world's key arbitration hubs – London, Paris, Singapore and Hong Kong – and are experienced in conducting arbitrations under the rules of all the major arbitration institutions, including the LCIA, ICC, SCC, CIETAC, HKIAC, SIAC, ADCCAC, DIFC, UNCITRAL and ICSID.



Seamless international capability: our arbitration team comprises over 50 lawyers operating from 21 offices from across Europe, the Middle East and Asia. We provide a seamless service regardless of where a matter originates and the number of jurisdictions involved.



Experience sitting as arbitrator: our lawyers regularly sit as arbitrator – sole, chair or co-arbitrator – under the rules of all of the major arbitration institutions and bring this experience to bear when acting for clients.

Our services

Commercial Arbitration

We act in commercial arbitration proceedings that are business-critical and are of industry importance in the sectors in which we operate.

With our specialist arbitration partners across our commercial disputes, insurance and construction practices, we have built one of the strongest arbitration teams across EMEA. Our lawyers advise in all types of dispute, and under all institutional rules and in *ad hoc* arbitrations. Our arbitration practitioners provide input from cradle to grave – advising on arbitration clauses, acting at the initial stages of a dispute and on into full-blown disputes, providing written and oral advocacy, and up to enforcement. We also have particular expertise in the granting of interim remedies and, where necessary, challenging arbitral awards in the courts.

Investor-State Arbitration

We act for commercial entities, investors and States in Investor-State arbitration proceedings that involve complex points of law, and are of international importance – often resulting in achievements against the odds.

We specialise in advising on Bilateral Investment Treaties (BITs) and Multinational Investment Treaties (MITs) across a range of sectors – including renewables, TMT and hospitality.

Our team routinely advises on audits and analyses of investment structures and public international law protections, to ensure clients can rely on the most favourable Investor-State protections – particularly as companies seek to keep abreast of changes in government legislation amid movement toward nationalisation and protectionism in certain jurisdictions.

Increasingly, our disputes and advisory work focuses on issues arising from the Energy Charter Treaty (ECT).

Services

- Pre-dispute advice
- Contractual negotiation
- Civil law and common law practice and procedure
- Oral and written advocacy
- Post-arbitration enforcement
- Investment structuring
- Bilateral and multilateral investment treaty advice and disputes
- Risk management advice

Sectors



Asset Management & Investment Funds



Aviation



Construction



Energy



Financial Institutions



Healthcare & Life Sciences



Technology, Media & Telecoms

Selected experience

- Successfully defended the Republic of Indonesia in the arbitration of a bilateral investment treaty claim by Indian Metals & Ferro Alloys Limited (IMFA). IMFA claimed over \$580mn, alleging breaches of the India-Indonesia bilateral investment treaty, arising out of its alleged investment in coal mines on the island of Borneo.
- Successfully acting for Sodexo Pass International in an ICSID arbitration in a claim against the Hungarian State. We obtained a EUR 73 million (plus interest) Award for our client, after declaring that Hungary unlawfully expropriated them.
- Acting for a design and build contractor in a complex LCIA arbitration against a Singapore based Respondent relating to the testing and commissioning of a data centre. Significant liquidated damages had been incurred and levied against the contractor.
- Acting on the enforcement of a \$200 million arbitration award against a Luxembourg subsidiary of Mobile TeleSystems (“MTS”), the largest mobile operator in Russia and CIS.
- Successfully defending claims valued at over US\$120 million under a shareholders’ agreement, relating to a chain of offshore companies in well-known secrecy jurisdictions.
- Acting for a Turkish state-owned company in relation to attempts to enforce six ICC arbitrations of over US\$110 million against assets it holds in Jersey.
- Representing Nori, Centimila and Coniston in a US\$600 million LCIA Arbitration regarding allegations of fraudulent conspiracy in relation to what was one of Russia’s largest private banks, Otkritie Bank, prior to its nationalisation by the Central Bank of Russia.

Experience acting as arbitrator

- Acting as President of an Arbitral Tribunal in a Geneva seated ICC arbitration involving companies respectively registered in Germany and Austria against a Romanian state-owned entity in a major construction dispute.
- Acting as Sole Arbitrator, in an ICC arbitration regarding a listed UK oil & gas company against an African citizen. The seat of the arbitration was London.
- Acting as Arbitrator (at the Respondent’s proposal) in an ICC arbitration concerning a rail project in the Middle East. The dispute related to the services contract and the non-payment of fees, which were valued at US\$ 44 million.
- Acting as Co-Arbitrator in an UNCITRAL arbitration between two state-owned companies on the division of costs of mutual public sector utilities.
- Acting as Co-Arbitrator in ad hoc proceedings between two state-owned rail companies on a failed joint railway project.

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