



PRIVATE PRACTICE POWERLIST 2022
ARBITRATION | [BENELUX](#)

CONTENTS

EDITOR'S MESSAGE

1

ARBITRATION BENELUX INCLUSION LIST

2

REGIONAL ARBITRATION CENTRES – BENELUX

3

ENHANCED PROFILES:

Yves Herinckx (*top left*)

34

Françoise Lefèvre (*top right*)

30

Dr. Herman Verbist (*bottom left*)

28

Joost Verlinden (*bottom right*)

6



TEAM PROFILE:

De Brauw

12

For over 30 years, The Legal 500 has been analysing the capabilities of law firms and sets across the world. In the research team, we constantly track which sections are used most by clients, and this often matches up with an increase in that section from submissions, client referees, requests for interviews and feedback – all of which make up the research process. The international arbitration rankings are consistently one of our most used and read editorial sections and one of the most competitive areas for law firms, sets, lawyers and barristers. This very much chimes with what we constantly hear anecdotally in the market, with international arbitration frequently cited as the preferred form of dispute resolution.

The *Arbitration Powerlist: Benelux 2022* showcases the leading arbitration practitioners working today in Belgium, the Netherlands, and Luxembourg. All three countries are jurisdictions with very strong traditions in alternative dispute resolution, enforcement in particular. It is no surprise, then, that the world looks to this region to derive inspiration and guidance on how to ensure that arbitral awards are reliably enforced and upheld. This region has always understood the importance of international cooperation, hosting many important EU institutions and international organisations; it has also reaped the wide-ranging benefits of global commerce. These factors mean that practitioners based in the region will benefit from a wealth of expertise in adjoining institutions, as well as the influx of ideas and trends from all around the world because of the region's global reach and links. This openness is, in turn, reflected in the local

courts, which often adopt a common-sense approach to arbitration proceedings, as well as to hearing directly from foreign lawyers.

All this points to Benelux being one of the most important jurisdictions in international arbitration. As the profiles in the following pages will show, practitioners in the region tend to showcase a substantial amount of expertise in various fields, not just commercial litigation. Likewise, they tend to specialising in a variety of sectors. Parties tend to favour counsel or arbitrators who accrue experience in various sectors and fields, as they are fully aware that doing so maximises their chances of securing the best possible outcome for each case and arbitration.

As with any publication of this nature, we were faced with the dilemma of including as many worthy candidates as possible without diluting the significance of their listing. After lengthy discussions across the editorial team, we decided that a larger selection was necessary to provide sufficient nuance and balance across so many different markets. We hope that by expanding the selection we have managed to include some surprises.

To collate the list of leading practitioners we have of course drawn on our research team's expertise. We have also approached leading arbitrators, arbitral institutions, and general counsel active in the market to help create a definitive list of the leading arbitration counsel within Belgium, the Netherlands, and Luxembourg today. As such, we think the listing reflects those practitioners that are deemed the gold standard by businesses. ■



Chris Vlachopoulos | Research Editor



Elena Lewis | Researcher

ARBITRATION POWERLIST BENELUX 2022 – INCLUSIONS

Benoît Allemeersch , Quinz	47	Bo Ra Hoebeke , Linklaters	38
Bregje Korthals Altes , Ysquare B.V.		Véronique Hoffeld , Loyens & Loeff	42
Nicolas Angelet , Angelet Law	5	Patrick Hofströssler , Eubelius	
Cindy Arces , Unalome Legal		Pascal Hollander , Hanotiau & van den Berg	33
Katrien Baetens , Linklaters	39	Iuliana Iancu , Hanotiau & van den Berg	33
Niuscha Bassiri , Hanotiau & Van Den Berg	32	Sophie Jacmain , NautaDutilh	
Thomas Berger , Allen & Overy	4	Rafaël Jafferli , Simont Braun	47
Maxime Berlingin , Fieldfisher	27	Patrick Kinsch , EtudeWurth Kinsch Azizi	
Dominique Blommaert , Janson	36	Prof. Dr. Jan Kleinheisterkamp , Independent Arbitrator	35
Michelle Glassman Bock , Squire Patton Boggs	48	Marc Kleyr , Kleyr Grasso	37
Hakim Boularbah , Loyens & Loeff	41	Dirk Knottenbelt , Houthoff	35
Stan Brijs , NautaDutilh		Joanna Kraus-Kolber , Strelia	49
Peter Callens , Loyens & Loeff	42	François Kremer , Arendt	8
Olivier Caprasse , Olivier Caprasse Law Firm	45	Matthias Kuscher , De Brauw	22
Tom Claassens , Loyens & Loeff	42	Antoine Laniez , NautaDutilh	45
Marc Dal , Daldewold	11	Mathieu Laurent , Luther	43
Brooks W Daly , Permanent Court of Arbitration		Paul Lefebvre , Hanotiau & van den Berg	
Filip De Ly , Erasmus University School of Law		Françoise Lefèvre , Françoise Lefèvre Arbitration	30
Dirk De Meulemeester , De Meulemeester & De Brabandere Law (DMDB)		Irène Léger , De Brauw	23
Marijn De Ruyscher , Lydian	43	Marnix Leijten , De Brauw	14
Aimery De Schoutheete , Liedekerke		Guy Loesch , Linklaters	39
Martin Doe , Permanent Court of Arbitration	46	Catherine Longeval , Van Bael & Bellis	50
Maarten Draye , Hanotiau & van den Berg	32	Stefaan Loosveld , Linklaters	40
Marc Elvinger , Elvinger Hoss Prussen	26	Paulo Lopes Da Silva , MOLITOR	
Pierre Elvinger , Elvinger Hoss Prussen	26	Clara Mara-Marhuenda , Arendt	8
Werner Eyskens , Crowell & Moring	11	Albert Marsman , De Brauw	18
Jean-Pierre Fierens , Strelia	49	Céline Masschelein , Janson	
Vanessa Foncke , Jones Day	36	Didier Matray , Matray Matray & Hallet	
Laure-Hélène Gaicio-Fievez , Bonn Steichen & Partners	8	Gerard Meijer , Linklaters	40
Sophie Goldman , Tossens Goldman Gonne		Thales Mertens , Allen & Overy	4
Donata Grasso , Kleyr Grasso	37	Joelle Milquet , Philippe & Partners	
Michèle Grégoire , Jones Day		Michel Molitor , MOLITOR	44
Bernard Hanotiau , Hanotiau & Van den Berg		Albert Moro , Clifford Chance	10
Bruno Hardy , Liedekerke	38	Arnaud Nuyts , Liedekerke	38
Emily Hay , Hanotiau & van den Berg	32	Kathleen Paisley , Ambos	
Yves Herinckx , Herinckx	34	Guy Perrot , Harvey	
		Dr Niek Peters , Simmons & Simmons	47

Juan Pablo Valdivia Pizarro , Linklaters	40
Fleur Potter , FCI Arb	26
Dirk Pulkowski , Permanent Court of Arbitration	46
Stan Putter , Smallegange Lawyers	48
Nicolas Résimont , Stibbe	48
Pascal Sassel , Kleyr Grasso	37
Rogier Schellaars , Van Doorne	50
Erica Stein , Dechert	
Thomas Stouten , Houthoff	35
Robbie Tas , Intui	36
Marc Thewes , Thewes & Reuter	
Nicolas Thieltgen , Brucher, Thieltgen & Partners	9
Jean-François Tossens , Tossens Goldman Gonne	49
Fabio Trevisan , BSP	9
Emma Van Campenhoudt , CEPANI	9
Mirjam van de Hel , NautaDutilh	45
Koen van den Broek , Fieldfisher	27
Hilde van der Baan , Allen & Overy	4
Bommel Van Der Bend , De Brauw	16
Olivier van der Haegen , Loyens & Loeff	41
Marieke van Hooijdonk , Allen & Overy	5
Hans van Houtte , Van Houtte Partners BV	
Vera van Houtte , Van Houtte Partners BV	51
Sigrid Van Rompaey , Matray Matray & Hallet	
Bas van Zelst , Van Doorne	50
Dr. Herman Verbist , Everest	28
Martje Verhoeven-de Vries Lentsch , De Brauw	20
Joost Verlinden , ARCAS Law	6
Dorothee Vermeiren , Clifford Chance	10
Andrea Lapunzina Veronelli , Permanent Court of Arbitration Mauritius	46
Emilio Paolo Villano , Elexi	11
Armel Waise , MOLITOR	44
Frank Wijckmans , Contrast	10
Jo Willems , Lydian	44

Important Regional Arbitration Centres – Benelux

Netherlands Arbitration Institute

Location: Netherlands

Arbitration Board for the Building Industry

Location: Netherlands

Unum Arbitration

Location: Netherlands

The Belgian Centre for Arbitration and Mediation

Location: Belgium

Belgium International Chamber of Commerce

Location: Belgium

Arbitration Center (EN) from Luxembourg Chamber of Commerce

Location: Luxembourg

Thomas Berger

Allen & Overy

Job title: Partner

Location: Luxembourg

Number of years in practice: 15

Admissions: Luxembourg Bar

Main sectors covered: Finance disputes, post M&A, shareholder, private capital

Geographical areas of focus: EU, US, UK

Languages: English, French

Thomas Berger is a partner at the Luxembourg branch of Allen & Overy, who heads the litigation department.

He has a particular focus on financial law, including investment funds as well as professional liability in the financial sector, anti-money laundering, and white-collar criminal law aspects. He also regularly advises on regulatory issues related to AML, PSD, MiFID and banking secrecy.

Thales Mertens

Allen & Overy

Job title: Partner

Location: Brussels

Number of years in practice: 17

Main sectors covered: Private equity, large corporates

Geographical areas of focus: Europe

Languages: Dutch, French and English

Thales Mertens is the head of the Belgian litigation practice of Allen & Overy, where he specialises in insolvency-related matters and post-closing litigation, both local and international, in addition to more general contract-related advice.

Mertens also advises both suppliers and customers on a wide variety of commercial contracts involving many different jurisdictions and sectors, as well as being a regular lecturer with numerous publications.

Hilde van der Baan

Allen & Overy

Job title: Partner

Location: Amsterdam

Number of years in practice: 17

Number of years as an arbitrator: Four

Admissions: Netherlands Bar

Main sectors covered: Corporate, energy, projects, construction

Geographical areas of focus: Worldwide

Languages: English, Dutch

Hilde van der Baan is a partner at the Amsterdam branch of Allen & Overy, who specialises in international arbitration with a particular focus on project, energy, and construction arbitration.

She is a member of the executive board of the Dutch Arbitration Association, as well as a member of the advisory board of the Dutch Arbitration Institute, and a supervisory board member Netherlands Arbitration Institute.

She has represented clients in numerous national and international arbitrations under various institutional rules, as well as regularly lecturing and speaking on arbitration.

Marieke van Hooijdonk

Allen & Overy

Job title: Partner

Location: Amsterdam

Number of years in practice: 27

Number of years as an arbitrator: 11

Main sectors covered: Energy, life sciences, corporate and commercial disputes

Languages: Dutch, English

Marieke van Hooijdonk is a partner with Allen & Overy specialising in international arbitration. She heads the arbitration group in Amsterdam, where she typically handles corporate and commercial disputes involving joint ventures, mergers and acquisitions and trade matters.

Van Hooijdonk sat as the Dutch member on the ICC International Court of Arbitration in Paris from 2014 until 2021. She regularly sits as arbitrator herself, as chair, sole and co-arbitrator. Since 2010, she is also a deputy judge at the Court of Appeal in Arnhem-Leeuwarden. She also regularly speaks and writes on arbitration related issues.

Nicolas Angelet

Angelet Law

Job title: Founder

Location: Brussels

Number of years in practice: 22

Number of years as an arbitrator: Four

Current number of arbitrator appointments: Three

Admissions: Belgian Bar

Main sectors covered: International investment law, public international law, natural resources, energy, environment, human rights, armed conflict

Geographical areas of focus: Europe and Africa, in particular French speaking Africa

Languages: English, French, Dutch, German, Italian, Spanish

Nicolas Angelet sits as an arbitrator in investment treaty cases and continues to appear as counsel in other fields of public international law, before domestic courts, the European Court of Justice, the International Court of Justice, etc. His practice covers most areas of public international law.

Joost Verlinden

Arcas Law

Job title: Partner

Location: Brussels

Number of years in practice: 34

Admissions: Brussels Bar

Main sectors covered: Chemicals, construction and engineering, food supply, high-tech and software, holdings and family businesses, industrial manufacturing, insurance, law firms, pharmaceuticals, professional services, publishing, railways, river transport, satellite communications, sports management, states and state-owned entities, telecommunications

Languages: Dutch, English, French, German

After having obtained his law degree from Katholieke Universiteit Leuven (1988), Joost Verlinden became an assistant at the Institute for Civil Procedure at the same university under the mentorship of Professor Paul Lemmens (the Belgian judge at the European Court of Human Rights between 2012 and 2021) and was enrolled with the Antwerp Bar. After having completed his studies in Germany (D.A.A.D., 1991), he was admitted to the Brussels Bar and worked at the law firm De Bandt, van Hecke & Lagae (which is today's Linklaters LLP in Belgium). He became partner at Linklaters LLP (Belgium) from 1998 to 2018 and headed the litigation and arbitration practice there from 2007 to 2015. He has been a partner at Arcas Law since September 2018.

Verlinden is widely recognised as a leading litigator in Belgium. He is handling both domestic and cross-border litigation and national and international arbitration.

He has more than 30 years of experience in a broad range of commercial disputes: banking disputes, construction cases, contractual disputes, corporate litigation (including post-acquisition claims and shareholders' disputes), competition litigation, insolvency disputes, liability and insurance matters, product liability, sovereign debt issues and white-collar crime.

Verlinden is the author of numerous articles on arbitration, class actions, civil procedure, corporate litigation, insolvency law and product liability. He is consistently recommended by The Legal 500 as a leading attorney for dispute resolution in Belgium. He is listed in The Legal 500 Hall of Fame for having been recommended by clients for at least seven years in a row. He has successfully completed the exam organised by the Court of Cassation Bar Association.

Verlinden has been active as counsel and arbitrator in handling and resolving disputes in national and international arbitration for over 25 years. He has a proven track record in advising and defending clients in arbitral proceedings under the rules of Cepani, the Federation of Belgian Diamond Bourses (FDBD), ICC, SCC, Uncitral, and the Belgian Court of Arbitration for Sport (BAS/CBAS).

In conversation with...

What are the most impressive arbitrations you have worked on as counsel?

One of the most impressive arbitrations I worked on was an \$800m case in which I assisted one of the world's largest pharmaceutical companies in a dispute about a change of control clause (following the takeover of Schering Plough by Merck & Co). We had a top arbitral panel under the chairmanship of Pierre Mayer. We had two subsequent mediations (CEDR and independent mediators); they were both unsuccessful, but the case was nevertheless settled a few days before the arbitral hearing. It changed my view, to some extent, on the usefulness of mediation.

What do you think are the most important qualities or skills you bring to an arbitration?

I think I can bring over 30 years of experience in a broad range of commercial disputes, including disputes that are simply dealt with in arbitrations: construction matters, M&A disputes and post-acquisition disputes, sovereign debt issues,

contractual disputes etc. I know all the players, as I have either sat with them in arbitration matters or have had them as opponents in commercial litigation matters.

What do international counsel facing a matter in the jurisdiction need to know about the local arbitration scene?

It is a small world, and one should avoid a few pitfalls. A party should not simply choose counsel or appoint an arbitrator who is only handling arbitration matters, or who is hyperspecialised in a specific sector. In my view, a combination of a broad experience in litigation matters and arbitration matters leads to the best result. Some lawyers who pretend they only handle arbitration matters may miss the feeling of what it really requires to convince an arbitrator, who mainly handles other matters. Some lawyers who only handle commercial matters and have never done arbitration matters will miss the specificities of arbitration matters, such as document production, cross examination etc.

Do you have any interesting stories relating to the arbitrations you have worked on? Is there something funny or revealing we can discuss?

It is surprising to see how important sectoral arbitration still is, for example, arbitrations in the diamond sector (FDBD) (still very relevant in Belgium, as roughly 85% of the worldwide production of rough diamonds are still passing through Antwerp), arbitration in the sports sector (BAS) and arbitration in the potato sector (RUCIP). Funny experiences? Mainly in the diamond sector: the plaintiff (I acted for the defendant, a diamond mine) appeared to be an arbitrator himself and after the hearing went to the secretariat of the FDBD where he could join the arbitrators who had just heard the case... In cases on the enforcement of foreign awards, I had quite interesting meetings with large delegations from highly indebted countries.

When you look back at your career and the knowledge you have gained, what advice would you give to those who are about to embark on a career practicing arbitration?

As a junior lawyer, you will generally not be appointed as an arbitrator by one of the parties, as most parties are looking for more senior counsel or arbitrators. It is important to be gradually involved, for example, by handling annulment or enforcement proceedings. Annulment proceedings will teach you what mistakes arbitrators should avoid. Especially in Belgium, doing a broad range of commercial disputes can bring you the necessary broad expertise you will also need in arbitration matters.

What are your views on diversity and inclusion in international arbitration today?

I see some improvement. Overall, I would hope people are simply looking at quality of counsel or arbitrator rather than at gender etc. Progress is slow, however, as arbitrators are often chosen between a group of senior litigators, and most senior litigators are still men here. When it comes to the appointment of arbitrators, some clients may also still prefer the appointment of male arbitrators, but that seems to be unjustified.

What qualities make for a successful arbitrator?

As a general rule, I believe a successful arbitrator should combine an excellent knowledge of the procedural rules with a deep knowledge of civil and commercial law and strong interpersonal skills. In a few sectors, sector expertise is a plus, although I believe the importance of sector expertise is generally overstated.

What are your goals for practice in the next five years?

To be recognised as one of the top ten arbitrators on the Belgian market. ■



François Kremer Arendt

Job title: Partner

Location: Luxembourg

Number of years in practice: 34

Number of years as an arbitrator: One

Main sectors covered: Civil, commercial, corporate and finance litigation

Geographical areas of focus: Luxembourg, European civil countries, USA

Languages: English, French, German

François Kremer is a partner in the litigation and dispute resolution practice of Arendt & Medernach, where he specialises in international litigation, with particular interest in the fields of asset tracing, white collar crime and corporate disputes.

Kremer is outgoing chairman of the Luxembourg Bar until 2022, having served as chairman and vice-chairman.

Clara Mara-Marhuenda Arendt

Job title: Partner

Location: Luxembourg

Number of years in practice: 19

Main sectors covered: Civil, commercial, corporate and finance, litigation, arbitration and insolvency matters

Geographical areas of focus: Luxembourg, European civil countries and USA

Languages: English, French

Clara Mara-Marhuenda has acted as counsel in an international arbitration under the rules of the Luxembourg Chamber of Commerce seated in Luxembourg arising out of a shareholder agreement (Luxembourg Law). She has also acted as counsel in an ad hoc domestic arbitration seated in Luxembourg arising out of a share purchase agreement (Luxembourg Law), and in an ad hoc domestic arbitration seated in Luxembourg in relation to a real estate guarantee dispute (Luxembourg Law).



Laure-Hélène Gaicio-Fievez Bonn Steichen & Partners

Job title: Partner

Location: Luxembourg

Number of years in practice: 15

Admissions: Luxembourg (2011)

Main sectors covered: Construction, engineering, contract law, corporate law, finance, banking, forensic, fraud investigation, investment dispute, joint ventures, consortia, shareholder, agreements mergers and acquisitions, metals, mining, oil, gas, power energy, real estate

Languages: English and French

Laure-Hélène Gaicio-Fievez is a partner at Bonn Steichen & Partners (BSP), where she has extensive experience in all forms of international and domestic dispute resolution with a particular focus on commercial, corporate, financial, find and real estate matters.

She assists her clients through the entire process, from pre-litigation to the enforcement of the decision obtained. She is also a member of the IFG (International Fraud Group).



Nicolas Thieltgen
Brucher, Thieltgen & Partners

Job title: Founder and Managing Partner

Location: Luxembourg

Number of years in practice: 21

Number of years as an arbitrator: One

Main sectors covered: Banking and finance, real estate, shareholders disputes

Geographical areas of focus: Benelux

Languages: English, French

Nicolas Thieltgen is a founding and managing partner at Brucher, Thieltgen & Partners, where he specialises in complex domestic and international litigation. He is also the leader of the shareholders' disputes, and banking and finance litigation task forces of the firm.

He is honorary secretary general and former vice president of the banking, finance and capital markets commission of the International Association for Young Lawyers (AIJA), and one of the current chairs of the AIJA human rights committee. He also regularly speaks at conferences and seminars, and has a number of publications.



Fabio Trevisan
BSP

Job title: Partner

Location: Luxembourg

Number of years in practice: 30+

Admissions: Luxembourg, New York

Main sectors covered: Agency/distribution/franchising, construction disputes, contract law, corporate law, finance and banking disputes, forensic/fraud investigation, information technology disputes, investment dispute arbitration and enforcement of awards, joint ventures, shareholder agreements, M&A disputes, real estate, telecommunication

Languages: English, French, Italian

Fabio Trevisan is a partner at BSP, where he is head of the dispute resolution practice. His practice focuses on a wide spectrum of complex commercial, corporate, and financial litigation and arbitration.

Trevisan has played a role in numerous high-profile cases, with over three decades of experience in managing and conducting arbitration and litigation for his clients in almost all sectors. He also has extensive experience for applications of enforcing and obtaining freezing injunctions in international arbitration, enforcements of ICSID awards, and more generally in the recovery of assets.

Emma Van Campenhoudt
CEPANI

Job title: Secretary General

Location: Brussels

Number of years in practice: 20

Admissions: Brussels Bar

Main sectors covered: Arbitration, mediation

Geographical areas of focus: Belgium, Europe

Languages: English, French, Dutch, Spanish

Emma Van Campenhoudt holds a law degree from the Catholic University of Louvain (UCL) and is the secretary general of CEPANI, the most important arbitration centre in Belgium. In this capacity, she leads the CEPANI Secretariat, which manages the arbitration cases handled under the CEPANI arbitration rules and promotes arbitration and other alternative dispute resolution methods. She also represents CEPANI within the UNCITRAL working group on arbitration and conciliation. She has co-authored several texts on arbitration, in particular on the role of arbitral institutions and the CEPANI Arbitration Rules.



Albert Moro
Clifford Chance

Job title: Partner

Location: Luxembourg

Number of years in practice: 30

Number of years as an arbitrator: 15

Current number of arbitrator appointments:
Three

Admissions: Luxembourg

Main sectors covered: Shareholders' litigation, commercial law, civil law, private equity

Geographical areas of focus: Europe

Languages: French, German, English

Albert Moro heads the litigation, employment, and real estate practices at Clifford Chance's Luxembourg office. He acts for banks, insurance companies and other financial institutions, as well as for commercial and industrial companies, and public entities.

Moro is member of advisory committees in various professional bodies in Luxembourg. He is a lecturer in procedural law. Moro is also a member of the editorial board of the Bulletin d'Information sur la Jurisprudence.

Dorothee Vermeiren
Clifford Chance

Job title: Partner, head of Brussels litigation and dispute resolution

Location: Brussels

Number of years in practice: 15

Number of years as an arbitrator: Five

Current number of arbitrator appointments:
One

Main sectors covered: Corporate M&A, real estate, banking and finance

Geographical areas of focus: EU market, with an international client base

Languages: Dutch, English, French

Dorothee Vermeiren is a partner at Clifford Chance, and head of the Brussels litigation and dispute resolution practice. She also specialises in commercial arbitration, competition litigation, and compliance with anti-corruption and sanctions litigation.

Recently, she has represented the Belgian State against liability claims brought against it by the shareholders of Acro in the wake of the financial crisis.

Frank Wijckmans
Contrast

Job title: Founding partner

Location: Brussels

Number of years in practice: 36

Number of years as an arbitrator: 26

Current number of arbitrator appointments:
Three

Admissions: Brussels Bar

Main sectors covered: Competition/antitrust law, post-M&A disputes, contract matters

Geographical areas of focus: Worldwide

Languages: English, Dutch, French

Frank Wijckmans is a founding partner of Contrast. He is also a professor at the Brussels School of Competition, where he teaches 'The Law of Economics of Vertical Restraints.'

Wijckmans is an experienced negotiator, litigator, and arbitrator (ICC, CEPANI, ad hoc arbitration) and is a regular speaker at conferences.

Wijckmans also has experience as an expert witness in competition and antitrust law matters in the context of institutional arbitration.

Werner Eyskens

Crowell & Moring

Job title: Partner

Location: Brussels

Number of years in practice: 28

Number of years as an arbitrator: Ten

Current number of arbitrator appointments:
One

Admissions: Brussels Bar

Main sectors covered: Construction, post-M&A, aviation

Geographical areas of focus: Europe, Asia, Middle East

Languages: Dutch, French, English

Werner Eyskens is a partner in Crowell & Moring's international dispute resolution group, where he has wide experience in acting for major players in the international construction industry and in the aviation industry.

He has conducted numerous arbitrations under CEPANI, ICC, LCIA, ICSID, and SIAC, and regularly sits as an arbitrator. Eyskens is a Board member of CEPANI, as well as a Co-chair of the Diversity and Inclusion Committee of CEPANI.

Marc Dal

Daldewold

Job title: Partner

Location: Brussels

Number of years in practice: 26

Number of years as an arbitrator: 20

Current number of arbitrator appointments:
17 as chair, 15 as sole arbitrator

Admissions: Brussels Bar, CEPANI, Former Secretary of the Bar Association

Main sectors covered: Post-M&A, commercial contract

Geographical areas of focus: Benelux, France, Switzerland, Germany

Languages: French, English, Dutch

Marc Dal has participated, as counsel and as arbitrator (co-arbitrator, sole arbitrator or presiding arbitrator), in more than 50 arbitration proceedings, both institutional (including ICC, CEPANI) and ad hoc (governed by civil law, common law or international law). Dal is a member of the board of the Belgian Centre for Arbitration and Mediation (CEPANI). He regularly acts in complex civil and commercial disputes before the Belgian courts.

Emilio Paolo Villano

Elexi

Job title: Partner

Location: Brussels

Number of years in practice: 17

Number of years as an arbitrator: Eight

Admissions: Italy, Spain

Main sectors covered: Competition law, international commercial law, IP, data protection, cross border M&A, trade financing, construction disputes

Geographical areas of focus: EMEA, Latin America

Languages: Italian, English, French, Spanish

Emilio Paolo Villano is a partner at Elexi, where he specialises in international commercial law and distribution, corporate law, domestic and international arbitration, as a natural profession of his academic career characterised by several international experiences in the UK, France, Belgium, Spain, and Romania.

Villano is an active member of CEPANI and ASA, as well as being a founder and managing board member of the Italian Chapter of the Spanish Arbitration Club.

DE BRAUW BLACKSTONE WESTBROEK

Business message

De Brauw's international arbitration team comprises eight partners and over 40 associates who hail from over 25 countries, speak over 35 languages between them and are admitted in over 20 jurisdictions (including Australia, England & Wales, France, Germany, Italy, New York, New Zealand, Russia, Spain, South Africa, and The Netherlands).

De Brauw has a long tradition in arbitration with deep roots in the international arbitration community. Marnix Leijten was a member of the ICC court for 16 years, serving as its vice president from 2015 to 2021, and Martje Verhoeven-de Vries Lentsch is currently the Dutch member of the ICC court. Bommel van der Bend is a former member of the NAI board. Edward van Geuns is a founding member of the board of the Dutch Arbitration Association, which was launched in 2013, and Martje Verhoeven-de Vries Lentsch currently serves as an executive board member. Albert Marsman was previously also an executive board member of the Dutch Arbitration Association and is the author of a 715-page treatise on *International Arbitration in The Netherlands* (published by Kluwer in 2021). Prior to joining De Brauw, Matthias Kuscher was legal counsel to the Permanent Court of Arbitration and established the PCA's first overseas mission

in Mauritius, and was also the counsel of the United Kingdom and Commonwealth team at the ICC.

De Brauw has an exceptional record of accomplishment in energy, post-M&A, commercial and investment arbitrations. Serving Dutch and foreign multinationals, most of De Brauw's clients are not Dutch and a considerable proportion of the arbitrations handled by the firm has no link to the Netherlands (neither applicable law nor seat). Recent examples include an ICC arbitration under New York law seated in New York, an AIAC arbitration under Malaysian law seated in Kuala Lumpur, and numerous ICC, Swiss Rules, VIAC, DIS and ad hoc arbitrations under English, French, German, Austrian and Swiss law seated in London, Paris, Frankfurt, Vienna, Zurich, and Geneva. De Brauw was one of the first firms to ride the wave of gas price review arbitrations that broke in Europe and has since won and successfully defended against numerous price adjustments under various legal systems and arbitration rules valued at several tens of billions of euros. De Brauw also acted as lead counsel in M&A-related arbitrations, such as in relation to the recent acquisition of GrandVision and the relationship between JustEat Takeaway and Delivery Hero.

The firm is also active in investor-state arbitration and has played a role in some of the biggest investment treaty-related cases before the Dutch courts, most notably in the Yukos saga. In addition, De Brauw is acting as lead counsel for the Netherlands in an ICSID arbitration relating to the state's decision to phase out coal power plants to help tackle the climate crisis. They are the first investment cases the Netherlands has ever faced. The firm has also acted or is still acting as lead counsel in investment arbitrations against Argentina, Croatia, and the Slovak Republic. Dutch and foreign multinationals and foreign states such as Ecuador, Egypt and Kazakhstan also rely on De Brauw in enforcement and setting aside proceedings.

Seven of the eight partners in De Brauw's international arbitration group are based in Amsterdam. Albert Marsman is based in Singapore. The wider firm has offices in London, Brussels, Beijing, Frankfurt, and Shanghai. It is a full-service firm and a member of the "Best Friends" network of law firms that includes BonelliErede in Italy, Bredin Prat in France, Hengeler Mueller in Germany, Slaughter and May in the UK, and Uría Menéndez in Spain.



Marnix Leijten

De Brauw

Job title: Partner

Number of years in practice: 26

Number of years as an arbitrator: Ten

Bar and Court admissions: Member of the Amsterdam Bar, admitted in Dutch Courts

Main sectors covered: Energy, M&A, technology, and construction

Geographical areas of focus: Global

Languages: Dutch, English, French

Marnix Leijten has been recognised as a leading Dutch based arbitration and litigation lawyer continuously by major third-party sources since 2010. He has acted in dozens of high-stake international arbitrations and arbitration-related litigation proceedings across the globe. Acting on commercial and investor-state arbitrations, Leijten has been noted for his strategic insight as well as financial and technical acumen. Leijten was a member of the ICC Court of Arbitration between 2006 and 2015 and its vice-president between 2015 and 2021. He co-chaired the ICC Commission's task force on emergency arbitration, and frequently lectures and publishes on arbitration related topics. Leijten frequently sits as arbitrator in international and domestic disputes.

In conversation with...

Could you speak about the experience of being managing partner of such a hugely successful firm, and the experience of leading the arbitration practice? What specific responsibilities does this come with, and how could younger practitioners emulate your practice?

I returned to being a full-time arbitration practitioner in September 2022. The combination of being managing partner and also having a role in large arbitration matters as counsel or arbitrator was tough but also a very rewarding experience. Fortunately, we have a very close eight-partner group in arbitration at De Brauw, having a

combined wealth of experience in all sectors and on all continents. The role of managing partner has taught me a lot that helps me in the arbitrator and counsel role. Prudent decision making, the essence of creating inclusive teams and the importance of being a servant leader in this day and age stand out for me. The hard and technical skills required for being a successful arbitration practitioner are often emphasised, while success depends in large part on the soft skills required for working with clients and teams and tribunals in a stressful environment.

Could you speak about your background in the energy and oil and gas sector – particularly in light of the recent international volatility in this sector. How much do you expect it to have an effect on arbitral proceedings over the next few years?

The first matter I worked on when I joined De Brauw in 1996 was an energy matter, and I have constantly been involved in energy cases ever since. During much of my tenure, the privatisation and liberalisation of the electricity and gas sectors have changed the landscape, while technological developments, the energy transition and geopolitics have similarly triggered a high pace of change. Energy disputes are rarely one dimensional, very often they involve legal, financial, political, and technical issues merged into one complex problem. In this field, it is imperative to have a keen interest and ability to understand the non-legal issues as well as the purely legal ones. There is therefore never a comfort zone in these cases, which I like a lot. The energy crisis of 2022 already causes many high value disputes and will no doubt continue to do so for years to come.

What are the most impressive arbitrations you have worked on as counsel?

Since 2014 I have represented as lead counsel the former majority shareholders of Yukos on setting aside proceedings and enforcement of the US\$50bn arbitral award they obtained against the Russian Federation. This is not only the largest award ever rendered, but the case still remains fascinating for its continuing legal, political, financial, and historic complexities. The brutal Yukos expropriation in 2003 was in many ways the tragic precursor of the many flagrant violations of international law and human rights by the Russian Federation under Putin.

Another historic matter I had the honour to work on was the case of Achmea versus the Slovak Republic, a case that dramatically impacted the world of investment arbitration because of the ECJ ruling in 2018. Representing Achmea in struggles with the Slovak Republic since 2007 with good results for the client, the EU Commission's and eventually ECJ's position on the validity of arbitration clauses in intra-EU investment treaties was a shock and frankly a major disappointment for me. Justice and the rule of law in my opinion did not prevail.

What do you think are the most important qualities or skills you bring to an arbitration?

While traditionally the view is that a good lawyer in litigation or arbitration is one who is strong in speaking, I believe the importance of listening and observing well is underestimated. This goes for clients, opposing parties and tribunals. Reading the room and understanding the various actors is crucial as it allows you to finetune and adapt your strategy. I do see, not infrequently as counsel and arbitrator, that other actors simply continue to carry out the plan they set at the beginning of a matter, as they are not sufficiently sensitive to the dynamics of the case. A second point I would mention is being broad. Legal qualities are important, yet being adamant to master complex technical, financial, and political facts is at least as crucial. I am not a lawyer who leaves parts of the case to experts without understanding in detail what they say.

What do international counsel facing a matter in the jurisdiction need to know about the local arbitration scene?

The Netherlands' arbitration scene is in my view highly sophisticated, much more so than – say – 15 years ago. There are plenty of excellent counsel, arbitrators, experts and, last but not least, judges dealing with arbitration in the Netherlands. In part thanks to the presence of many multinational corporations and the Permanent Court of Arbitration, the arbitration scene is also highly international. With a long tradition of being arbitration friendly, the Netherlands has a lot to offer to arbitration.

Do you have any interesting stories relating to the arbitrations you have worked on? Is there something funny or revealing we can discuss?

For me, the best arbitrations are those where – for example during the hearing – the parties, their counsel, and the tribunal work together in a good atmosphere despite the tense discussions. Hard on content, soft on the relation. In that respect, my most embarrassing but also hilarious memory is the following. During a very hard-fought hearing with a brilliant and respectful atmosphere created by the tribunal, I had to pull an all-nighter with my team before the last day of hearings. In the morning I gave my closing presentation to the tribunal, after which I had to go back to the hotel to check-out and collect my luggage during a break. While packing, I was so stupid to lie down on the bed for what I thought would be just two minutes. Until I woke up three-and-a-half hours later. My email box had exploded, and I had missed 13 calls. The last email was from the president of the tribunal to all parties and counsel, expressing his wish that I had enjoyed my nap and kindly informing me that without my presence the hearing had been finalised to the satisfaction of all parties and the tribunal. The tribunal, opposing counsel and the client continue to remind me of this blooper until this day. Do not go near to a bed if you are tired during a hearing...

How would you describe your firm's arbitration practice in your region? What strengths does it have as a wider group of attorneys?

De Brauw's arbitration practice has grown into a large and varied international practice with around 50 lawyers from many jurisdictions. Our approach is one of smaller teams, heavy partner involvement and focusing on deep understanding of the facts as much as on the law. We combine commercial arbitration and investment arbitration, as well as a setting aside and enforcement practice. Clients believe we stand out for our team spirit, broad understanding of non-legal issues and a relentless focus on the desired result. We always ask clients: what does success look like in this matter instead of assuming that going through a bruising and costly arbitration process is their preference. The strategy should be aimed at what success is for the client. Last but not least: we enjoy our job and never underestimate the importance of having fun. ■



Bommel Van Der Bend

De Brauw

Job title: Partner

Number of years in practice: 30

Do you sit as an arbitrator? Yes, ICC, SIAC, UNCITRAL and NAI

Number of years as an arbitrator: 15

Current number of arbitrator appointments as chair and/or sole arbitrator: Ten+ (including binding advice)

Bar and Court admissions: Member of the Amsterdam Bar, admitted in Dutch Courts

Main sectors covered: Energy, construction, technology, chemicals, and infrastructure and transportation

Geographical areas of focus: Global

Languages spoken: Dutch, English, German

Bommel Van Der Bend specialises in international arbitration. His work focuses on commercial arbitration in matters related to energy, construction, post-M&A disputes and investment arbitration. Van Der Bend is member of SIAC's user council. He is a former member of De Brauw's managing committee and practice head, and a former vice-president of the NAI managing committee. Van Der Bend also regularly sits as an arbitrator.

In conversation with...

Could you speak about your impressive background in energy disputes? What advice would you give to a new arbitrator looking to work in this sector, given the international volatility today?

I have always been working on energy cases in markets that were in transition, both as counsel and arbitrator. So far, the transition was mostly fuelled by liberalisation or globalisation processes. However, I have also been working on projects that were in transition due to other disruptive events. All these projects were characterised by a high level of uncertainty on what the future would bring. The resulting complexity required me to take collaboration to the next level and to really work

together with all others involved in order to come to real understanding of the issues at hand. My advice to new arbitrators would be to always be open-minded and eager to learn. Sincere curiosity is the only way to get on top of the facts and the legal issues at stake.

Could you speak about the main differences in how arbitration proceedings are carried out between Amsterdam and Southeast Asia? What has each location taught you about international arbitration?

In my experience, differences between arbitrations are not so much determined by the location but by the individuals involved. The cultural background of people and their education and working experience largely determine their behaviour. This can have a huge influence on how an arbitration is conducted and how arguments can successfully be presented. It is all about knowing who your audience is and continuously trying to step in their shoes.

What are the most impressive arbitrations you have worked on as counsel?

I have been working on many complex gas price reviews with all arbitration partners of my firm. I vividly remember the very first gas price review that we were mandated to conduct. There we were fighting not only with the facts and the economic analyses that are always part of a gas price review, but also many fundamental questions that were unanswered at the time. What kind of arbitrators to nominate? Can a gas price review be resolved in arbitration at all? What contractual provisions can a tribunal adapt? How does one present a dispute that is too complex to get one's own head around? What role can document production play in the context of gas price reviews? The arbitration that I was involved in together with my partner Edward van Geuns on Shell's Gumuut-Kakap project in Malaysia is also amongst the instructions that I will never forget. Currently, I am excited to be working as wingman to my partner Albert Marsman on the ICSID arbitrations that have been initiated by RWE and Uniper against the Dutch State.

What do you think are the most important qualities or skills you bring to an arbitration?

I love the strategising that takes place in an arbitration, and that is key to any arbitration. I also

enjoy the collaboration with experts and more generally people with a non-legal background. It keeps on being rewarding to go the extra mile to really understand each other and to be able to speak the same language after overcoming the barriers that are common to different backgrounds.

What do international counsel facing a matter in the jurisdiction need to know about the local arbitration scene?

It is key to be open to any input you can get on local requirements and usages. Here it is also key to know that one is likely to not know.

Do you have any interesting stories relating to the arbitrations you have worked on? Is there something funny or revealing we can discuss?

An attractive side effect of international arbitration is that one ends up spending long weeks in all kinds of places around the globe. With a little effort this can bring you in exciting places of prominent cities, including nice restaurants. I recall a series of arbitrations we did in Paris where we managed to get the same delicious and very French starter every day of each arbitration. The fact that we successfully embarked on this somewhat ridiculous challenge is for me indicative of the fun that international arbitration can bring.

How would you describe your firm's arbitration practice in your region? What strengths does it have as a wider group of attorneys?

It is fair to say that our arbitration practice is characterised by some of the core values that we preserve at De Brauw: courage, curiosity, and collaboration. We have been lucky to be instructed in a wide range of cases that were unprecedented and where it was clear from the outset that we could not and should not do the usual. It is scary, but also rewarding to find the right path in these kinds of cases. I also consider it to be a huge benefit that you can only do this together, together with all members of the De Brauw team from the youngest to the oldest and together with the client. It all taught me the world and brought me a number of valuable friendships. ■



Albert Marsman

De Brauw

Job title: Partner

Location: Singapore, the Netherlands

Number of years in practice: Currently 15

Admissions: Member of the Amsterdam and New York Bar, admitted in Dutch Courts

Main sectors covered: Energy, technology, construction

Geographical areas of focus: Global

Languages: Dutch, English

Albert Marsman is the head of De Brauw's Singapore office. He has handled arbitrations under the SIAC, ICC, ICSID, UNCITRAL, NAI and JCAA Rules. His focus is the energy, mining, financial services, and technology sectors.

He was lead counsel for the Kingdom of the Netherlands in its first two investment arbitrations ever (at ICSID) with a claim value of more than €3bn. He was also lead counsel for renewable energy company Amlyn in its \$100m ICSID investment dispute against the Republic of Croatia and for financial services company NN in its \$500m ICSID investment arbitration against the Republic of Argentina in connection with an expropriation of assets.

Marsman was one of the lead partners in the historic victory in the Yukos setting-aside proceedings with a case value of US\$55bn, constituting the largest arbitral awards ever rendered. He was lead counsel for the National Bank of Kazakhstan in a dispute over the ownership of assets valued at US\$22bn, and represented the Republic of Kazakhstan in its US\$500m dispute with European investors. He further acted as lead counsel to the Kingdom of Bahrain in its dispute with two Iranian Banks with an amount of €250m at stake.

Marsman is the author of a 715-page treatise on international arbitration law published by Kluwer: *"International arbitration in the Netherlands"* (published in March 2021).

In conversation with...

Can you tell us about some of the most important cases you are currently involved with?

I am currently involved in several interesting cases. For example, I am lead counsel to an international financial services company in its ICSID arbitration arising out of the nationalisation of a pension fund manager. The sum in dispute exceeds €500m. I also have been counsel to Shell subsidiaries in five separate gas price review arbitrations with an accumulated amount in dispute of €5bn. I am also counsel to the Republic of Kazakhstan and the National Bank of Kazakhstan in their dispute with a foreign investor with an amount in dispute of US\$500m. My work included the lifting of an asset attachment in the amount of US\$22.5bn. Notably, I am also counsel to the former majority shareholders of Yukos in their dispute with the Russian Federation with an amount in dispute of US\$57bn – which is the largest arbitral award ever rendered.

I am lead counsel to a State in two ICSID arbitrations revolving around the issue of whether measures intended to curb climate change (here, a prohibition to burn coal imposed on two coal-fired power plants) are compatible with investment treaties. This is the very first arbitration of this kind and is closely watched. The sum in dispute exceeds €3bn.

Could you speak about the significance of the ICSID arbitrations?

What I believe is quite interesting about these cases is that, traditionally, several exit arbitrations, international arbitrations, revolved around the question of whether a government could terminate measures intended to combat climate change. There is of course the well-known example of all the Spanish cases where the government had given incentives to produce renewables, and that was done later, in the face of the financial crisis reversed.

It is important to note that those questions do not really deal with the issue of climate change head-on. The claim is for stability around incentive price or stability around financial compensation for the investor. What is very different about the ICSID cases is that those are the very first ones where an actual measure directly targeting climate change was enacted, and an investor is opposed to that. So, it is not so much determination of the measure. It is the enactment of the measure. The cases themselves are ultimately about the fact that coal-fired power plants are considered more controversial. We are not aware of any other case where a government took an investor challenge on the basis that that would be violating an investment treaty. These are the very first two cases of their kind.

What do you think the potential impact these cases can have in the transitioning away from fossil fuels, as well as on investment treaties?

The potential impact is no doubt huge. If these types of measures are being taken with regard to investment treaties, that could become quite problematic for many governments. And the issue here really is that governments obviously need to pay to take these types of measures. Depending on the outcome of these cases, it is possible that governments in the future choose to reconsider how they take action to curb climate change emissions. So, I do believe that these are very interesting developments.

This can be quite profound because, as an investor, can you really claim profits that are calculated on the basis that they are not considering the climate change effects on the environment? A different way of looking at this is to reverse it and to say that these companies should be happy that they could operate for such a long time, by basically making money off polluting activities, and now that there would be an end to that they have nothing to complain about. You could argue that they should be happy that they could do that activity for several years. No matter which way anyone chooses to look at it, it is a very

interesting debate, and it remains to be seen how the outcome pans out.

You are the author of the “*International arbitration in the Netherlands*,” a seminal work on international arbitration. Has this experience enriched your practice?

Absolutely. Compiling such a monumental work provided me with a kaleidoscopic view of arbitration that has proven to be very valuable in my practice as well. I believe I know most of what there is to know out there. I have read every court case of any significance, and this gives me the comfort that, if I have not seen it, it probably does not exist. Ordinarily, it might be a bit arrogant to say something like that but I say it with confidence because, in the course of my work on this book, I have spent a lot of time going through all those cases. And that has helped my practice as well, and it is always nice to see people in the market recognise that.

One of the biggest lessons that experience has affirmed for me is the importance of thinking critically. That is something we try to do in our practice as well, we do try to teach our associates not to take someone’s word just because that person has a specific status or experience. I hope this book highlights the importance of critical thinking. ■



Martje Verhoeven-de Vries Lentsch

De Brauw

Job title: Partner

Number of years in practice: Currently 14

Number of years as an arbitrator: One

Current number of arbitrator appointments as chair and/or sole arbitrator: One

Bar and Court admissions: Member of the Amsterdam Bar, admitted in Dutch Courts

Main sectors covered: Natural resources, energy, technology

Geographical areas of focus: Europe, Africa, and the US

Languages: English, Dutch, passive knowledge of German and French

Martje Verhoeven-de Vries Lentsch is widely known for her expertise in commercial arbitration and complex cross-border litigation, notably in the field of energy, where she advises clients and litigates on a wide variety of topics under a variety of legal systems and arbitration rules.

Verhoeven has over ten years of experience in the gas industry. This includes in-house experience in Shell's litigation department and acting as litigator in a US law firm. Clients value Verhoeven as an accomplished practitioner who can advise on both legal and economic issues in highly complex energy disputes. She also manages highly political and sensitive disputes and negotiations, managing numerous stakeholders and interests. For instance, Verhoeven is acting as lead counsel in matters related to the accelerated shut-in of the Groningen gas field and oil spills in Nigeria.

Verhoeven's expertise also includes disputes related to joint ventures and collaboration agreements, annulment of arbitral awards and issues related to recognition and enforcement of foreign judgments and related attachment proceedings.

Verhoeven is a member of the ICC International Court of Arbitration. In that capacity, she actively participates in the court's judicial supervision

of ICC arbitrations, including the appointment of arbitrators, decisions on challenges against arbitrators, and the scrutiny and approval of ICC arbitral awards. She is also a member of the ICC Working Group on Disclosure. In addition, Verhoeven is an executive board member of the Dutch Arbitration Association and is included in the Shanghai Arbitration Commission's (SAC) Panel of Arbitrators.

In conversation with...

You are noted for your impressive background within the oil and gas sector. In your opinion, what should arbitrators do to adapt to international volatility around energy at this time?

I believe that it is important for arbitrators – as well as practitioners for that matter – to realise that these are extraordinary times, where we are facing circumstances and challenges that are unprecedented in several ways. What was considered a given or has been (perhaps unconsciously) taken for granted may have fundamentally shifted. Now more than ever, therefore, we need to be flexible and creative in our approach to these circumstances and challenges, and consider their impact, repercussions, and potential solutions with a fresh and open mindset to allow the reality of today to be properly reflected in the decision-making process. Also, arbitrators may want to be prepared to be called upon for assistance in urgent matters that may arise as a result of these dynamics, and once approached provide guidance and a practical way forward for parties where they can.

What do you think are the most important qualities or skills you bring to an arbitration?

I strongly believe in going beyond the legal elements of a case and really grasping all different aspects of it, combining the legal, economic, and technical

elements into a comprehensive and compelling story that resonates with a tribunal. This is key also in providing a rounded and strategically sound advice that takes into account and 'works' from all these different angles.

Do you have any interesting stories relating to the arbitrations you have worked on? Is there something funny or revealing we can discuss?

Building on the previous question, it is key to know the expert reports inside out, particularly when these include complex calculations. In a hearing, using an excel sheet which set out the key calculation from the counterparty's main expert that supported a downward price adjustment, I was able to demonstrate that the whole claim turned on one single figure in the complex calculation. When I removed that one element from the calculation, live on the screen right before the eyes of the tribunal, and the calculation no longer supported the claimed adjustment, this conveyed a much more powerful message compared to just a presentation of the legal argument that supported this removal. Opposing counsel was unpleasantly surprised, as it was unaware that this could be made clear through their own expert's excel sheet.

How would you describe your firm's arbitration practice in your region? What strengths does it have as a wider group of attorneys?

De Brauw has a truly international arbitration practice, comprising of eight partners and over 40 associates who hail from over 25 countries, speak over 35 languages between them and are admitted in over 20 jurisdictions. De Brauw has deep roots in the Dutch and international arbitration community and serves Dutch and foreign multinationals with a large proportion of the arbitrations having no link to the Netherlands (neither applicable law nor seat). We have a multi-disciplinary approach and form an integrated team with the client and can combine our shared knowledge of a variety of legal systems and sectors. ■



Matthias Kuschner

De Brauw

Job title: Partner

Number of years in practice: 15

Number of years as an arbitrator: Five

Current number of arbitrator appointments as chair and/or sole arbitrator: Three (one PCA, one UNCITRAL (appointed by the PCA), and one ad hoc)

Bar and Court admissions: English

Main sectors covered: Energy, M&A, investment protection, construction, technology

Geographical areas of focus: Global

Languages: English, German, Dutch, French. (Passive command of Italian, Russian and Japanese)

Matthias Kuschner specialises in international arbitration and cross-border litigation, with a particular emphasis on complex multi-jurisdictional disputes involving private parties, States and State actors.

He regularly acts as lead counsel in high-stakes international arbitrations in the fields of energy, infrastructure, investment protection, construction, and intellectual property under the rules of the ICC, UNCITRAL, DIS, Swiss Chambers, VIAC, NAI and ICSID and under a variety of applicable laws (including English, Dutch, German, French, Austrian, Swiss, Malaysian, Spanish and Norwegian law). He also sits as an international arbitrator.

Kuschner is a seasoned advocate. He has first- or second-chaired dozens of merits hearings and has cross-examined a wide range of fact and expert witnesses, including CEOs of multinational companies, former judges of the European Court of Justice, leading economists, forensic accountants, law professors and engineers. He also frequently handles high-stakes emergency arbitrations and interim relief proceedings, and in recent years has obtained orders compelling completion of complex M&A transactions and orders protecting multi-billion-dollar mergers by enjoining major shareholders from voting at the general meeting.

Prior joining De Brauw, Kuschner was legal counsel at the Permanent Court of Arbitration in the Hague. He served as the PCA's inaugural representative in Mauritius, where he established the PCA's first office abroad and acted as tribunal secretary in arbitrations between States, State-owned entities, and private parties. Before that, Matthias was counsel to the ICC International Court of Arbitration in Paris. In that capacity, he set up and led the ICC court's team in charge of the United Kingdom and the Commonwealth, supervising hundreds of arbitrations and scrutinising over 100 arbitral awards.



Irène Léger

De Brauw

Job title: Senior associate

Number of years in practice: 11

Bar and Court admissions: Paris Bar (2010)

Main sectors covered: Commercial, insurance, energy, post-M&A, construction

Geographical areas of focus: Netherlands, France, Switzerland, Belgium, UK

Languages spoken: French (native), English (bilingual), Dutch (conversational), German (basic)

Irène Léger specialises in international arbitration (both commercial and investment) and litigation.

She acts as counsel in numerous arbitral proceedings under the ICC, ICSID, UNCITRAL, NAI and PCA rules, on a wide range of issues. She also acts in enforcement proceedings of awards and in cross-border litigation, including representing clients in French court proceedings.

Before joining De Brauw, Léger practised international arbitration and litigation at a Paris-based boutique law firm dedicated to international dispute resolution and acted as secretary of arbitral tribunals in various ICC, LCIA, ICSID and ad hoc arbitrations.

She is a member of the Arbitration Working Group of the French National Bar Council (CNB), ArbitralWomen, ICC YAF, ICDR Y&I, LCIA YIAG, Dutch Arbitration Association.

She has also lectured on international arbitration at the ESSEC Business School, at the Versailles and Nanterre Universities and at the Paris Bar School, and is a contributor to many articles on international arbitration and is a regular speaker at international arbitration conferences.

In conversation with...

What are the most impressive arbitrations you have worked on as counsel?

Acting recently as lead associate in an international arbitration between a global insurance company and a private bank regarding coverage for liability for the sale of investment products in several European countries: this was my first time leading such a big team of junior lawyers and conducting a year and a half intensive document production exercise.

Acting as secretary to tribunals constituted of some of the most world-renowned arbitrators such as Thomas Clay, Eric Teynier, Charles Poncet, or Klaus Sachs, from which I could learn an awful lot of was also a very impressive experience.

What do you think are the most important qualities or skills you bring to an arbitration?

I have a positive mindset and I like to create the best environment to achieve the end goal as a team in the least stressful way possible. I am also resilient and can overcome a few setbacks and challenging times. I like to tackle procedural issues or specific points of law and get a lot of energy out of pleading and cross-examining at hearings.

What do international counsel facing a matter in the jurisdiction need to know about the local arbitration scene?

Dutch arbitrator(s) may expect counsel to exchange pleading notes at the beginning of the hearing and to follow such notes when pleading.



Do you have any interesting stories relating to the arbitrations you have worked on? Is there something funny or revealing we can discuss?

I was reminded recently of my first arbitration in which, to prove our case, we had submitted a cake as exhibit to our statement of claim. We had a funny time at the hearing when the tribunal proposed to open and share Exhibit C-1.

How would you describe your firm's arbitration practice in your region? What strengths does it have as a wider group of attorneys?

It is truly international and coming from the Paris arbitration scene, I can say that it compares easily with the largest and most renowned arbitration practices there. ■



Eelco Meerdink
De Brauw

Job title: Partner

Number of years in practice: 22

Bar and Court admissions: Member of the Amsterdam Bar, admitted in Dutch Courts

Main sectors covered: Financial services, insurance, technology, energy, construction, pharmaceutical and manufacturing

Geographical areas of focus: Americas, Europe

Languages: English, Dutch

Acting as lead attorney in the US\$50bn Yukos case is but one of the many cases Eelco Meerdink has handled. Meerdink has represented multinational corporations in both ad hoc arbitration and institutional arbitrations administered by the world's leading arbitration institutes. He has also handled arbitration related court proceedings, including Supreme Court litigation, in particular regarding the setting aside of arbitral awards.

Recent work includes acting for a financial institution in a multijurisdictional commercial arbitration about insurance coverage for breaches of fiduciary duties, acting for a joint venture of two oil and gas companies in a commercial litigation, and acting for a pharmaceutical company in an international arbitration about the distribution of medicines in the European Union. In international litigation and arbitration Meerdink regularly works with other international law firms. From 2015-2018 Meerdink was head of the litigation and arbitration practice and member of De Brauw's management committee.



Edward Van Geuns
De Brauw

Job title: Partner

Number of years in practice: 19

Bar and Court admissions: Member of the Amsterdam Bar, admitted in Dutch Courts

Main sectors covered: Construction and energy

Geographical areas of focus: Global

Languages spoken: Dutch and English

Edward Van Geuns is the head of the disputes group of De Brauw. He often deals with post-acquisition disputes, construction disputes and disputes under long-term contracts.

Van Geuns has a global practice and has handled matters on all continents. Van Geuns was the resident partner of De Brauw's Singapore office from 2016 to 2019, where he headed De Brauw's Asian arbitration practice. Previously, in 2009 and 2010, Van Geuns was seconded to the international arbitration department of Skadden, Arps, Slate, Meagher & Flom in New York. Van Geuns continues to handle many cases related to Asia or the USA. His recent cases include acting as lead counsel in high-value disputes under New York Law, Malaysian Law, and Thai law.



Davine Roessingh

De Brauw

Job title: Partner

Number of years in practice: 11

Bar and Court admissions: Member of the Amsterdam Bar, admitted in Dutch Courts

Main sectors covered: Energy, financial markets, and institutions, ESG related matters, governance

Geographical areas of focus: Europe, USA, Asia

Languages: English, Dutch, passive knowledge of German and French

Davine Roessingh specialises in international arbitration (both commercial and investment) and complex cross-border litigation. Since starting at De Brauw in 2011, she has advised clients on commercial and corporate matters often relating to key corporate contracts and transactions, governance and ESG matters. Roessingh has conducted arbitrations under the rules of various institutions and several ad hoc proceedings. She also has notable experience in execution and enforcement proceedings, amongst others relating to attachments and injunctions and recovery of arbitral awards.

Roessingh has an extensive record of accomplishment in energy related proceedings, such as gas price reviews and follow-on litigation, including matters in which ESG aspects were at the forefront of the dispute. Moreover, she is highly experienced in arbitrating post-M&A disputes. For example, Roessingh advised a large incumbent energy corporate from Eastern Europe in arbitral proceedings under the NAI Rules after which she acted as lead counsel in follow on litigations in several jurisdictions.

Since 2018, Roessingh lectures on international arbitration law at the VU Amsterdam. Previously, Roessingh was seconded to Slaughter and May in London where she gained experience in litigating before the Construction and Technology Court on complex technical, ESG-related matters.

Marc Elvinger

Elvinger Hoss Prussen

Job title: Partner

Location: Luxembourg

Number of years in practice: 37

Number of years as an arbitrator: 20

Admissions: Luxembourg Bar

Main sectors covered: Commercial and investment funds dispute resolution, contract, administrative law, foundations, non-profit organisation, philanthropy, insolvency, restructuring

Geographical areas of focus: Europe

Languages: English, French, German, Luxembourgish

Marc Elvinger is a partner at Elvinger Hoss Prussen, with extensive experience in international arbitration as well as in commercial and civil litigation.

Elvinger has published on a wide variety of matters relating to inter alia, human rights, administrative law, banking law and construction law.

Pierre Elvinger

Elvinger Hoss Prussen

Job title: Partner

Location: Luxembourg

Number of years in practice: 31

Admissions: Luxembourg Bar

Main sectors covered: Administrative law, commercial, dispute resolution, employment and pensions law, foundation, non-profit organisations, philanthropy, real estate, property and construction

Geographical areas of focus: Europe

Languages: English, French, German and Luxembourgish

Pierre Elvinger is a partner at Elvinger Hoss Prussen, who's practice concentrates on commercial, civil and employment litigation.

In addition to litigation, he advises on company, commercial, civil, employment and immigration law.

Elvinger is a founding member and, since 2012, President of the ELSA (Employment Law Specialists Association Luxembourg), and a board member of EELA (European Employment Lawyers Association).

Fleur Potter

FCI Arb

Job title: Litigation manager

Location: Amsterdam

Number of years in practice: 11

Admissions: Dutch Bar

Main sectors covered: Chemical industry, energy sector

Geographical areas of focus: Eastern Europe, UK, US, MENA

Languages: Dutch, English

Fleur Potter specialises in domestic and international arbitration on a range of commercial disputes, including post-M&A and joint venture disputes.

Potter gained her considerable experience having worked at the international arbitration and litigation practice of Simmons & Simmons, where she focused on contract law and (international) commercial litigation before the Dutch courts and in arbitral proceedings.

Maxime Berlingin

Fieldfisher

Job title: Partner

Location: Brussels

Number of years in practice: 16

Number of years as an arbitrator: Ten

Current number of arbitrator appointments:

Two as chair, eight as sole arbitrator, five as co-arbitrator

Main sectors covered: Contract law/corporate law as including M&A and shareholders agreements, real estate and construction, sport

Geographical areas of focus: Benelux, France, UK, Ireland

Languages: French, English, Dutch

Maxime Berlingin is a partner in the dispute resolution team in Fieldfisher's Brussels office, where he specialises on litigation and arbitration in the field of contract law, corporate law and market abuse.

Berlingin's experience covers representation of international clients in all stages of arbitration, and he has experience in domestic and international commercial arbitration both as counsel and arbitrator.

Koen Van den Broek

Fieldfisher

Job title: Partner

Location: Brussels

Number of years in practice: 32

Number of years as an arbitrator: 15

Admissions: Brussels Bar

Main sectors covered: M&A, liability, distribution law, construction

Geographical areas of focus: Benelux

Languages: Dutch, French, English

Koen Van den Broek is a partner in the dispute resolution team in Fieldfisher's Brussels office.

He has over 30 years of experience in arbitration for corporate and commercial disputes both domestic and international. He has also published several books and articles on evidence in international arbitration, confidentiality in arbitration, and other arbitration-related topics.

Françoise Lefèvre

Françoise Lefèvre Arbitration

Job title: Founder

Location: Brussels

Number of years in practice: 41

Number of years as an arbitrator: 12

Admissions: Brussels Bar

Main sectors covered: Joint ventures and company law, banking, distribution, gas and electricity, investment arbitration, engineering, and construction

Languages: French, English

Françoise Lefèvre is a specialist in national and international arbitration, both ad hoc and institutional (ICC, UNICTRAL, LCIA, Cepani, NAI, among others), as counsel and as arbitrator.

She has been the worldwide litigation and arbitration head of Linklaters from 2007 to 2010, before chairing its global international arbitration practice until 2016. She has an extensive experience in construction law, contract law, corporate disputes, regulatory investigations, white collar crime and banking law.

As one of the leading arbitration experts in Belgium, Lefèvre is regularly invited to discuss her practice at universities and seminars and has many publications in this field.

Herman Verbist

Everest Attorneys

Job title: Partner

Location: Ghent

Number of years in practice: 39

Number of years as an arbitrator: 25

Current number of arbitrator appointments:

One as sole arbitrator, one as adjudicator, one as mediator

Admissions: Brussels, Ghent

Main sectors covered: Commercial law, construction law, energy law, sports law

Languages: Dutch, French, English, German

Herman Verbist is a lawyer admitted at the Ghent Bar and Brussels Bar. Since 1998, his activity focuses primarily on arbitration and alternative dispute resolution. He is registered on the list of collaborative lawyers of the Association of Flemish Bars and on the list of third-party deciders of the Brussels Bar (Dutch-speaking section) since 2020.

He obtained his master's degree in law at the University of Leuven (K.U L., 1982), and has completed additional law studies in Germany Eberhard Karls University, Tübingen, 1982-1983) and in the United Kingdom (King's College, University of London, 1986). In 2008, he obtained a doctorate in law at the University of Ghent.

He has worked as counsel at the Secretariat of the International Court of Arbitration of the International Chamber of Commerce (IC) in Paris (1988-1996). He has taught, as a visiting professor, the course on international commercial arbitration at the University of Ghent (1996-2013). He has also lectured in the field of arbitration at various other universities (University of Leuven, 1993, 1994 and 1997; Université Libre de Bruxelles - Solvay Brussels School of Economics & Management, 1999-2003; University College Dublin, 1999 and 2000; City University Hong Kong, 2014; University Paris X - Nanterre, 2015). Since 2020, he lectures the course "Case Study Investment Mediation" at the Europa-Institut of Saarland University in Germany, teaching students an alternative method for settling investor-state disputes on the basis of a practical case.

He was president of the arbitrators of the Belgian Court of Arbitration for Sport from 2016 until

2020 and was president of the training and documentation department of the Belgian Court of Arbitration for Sport until 2021.

He has acted in more than 80 national and international arbitrations as counsel, sole arbitrator, chairman of the arbitral tribunal, co-arbitrator, or expert (CEPANI, ICC, CAS, Permanent Court of Arbitration, European Court of Arbitration, Danish Institute of Arbitration, Polish Court of Arbitration, *ad hoc*) and has also acted as mediator in more than 20 national and international mediations (appointments by Belgian Courts, WIPO, Energy Community, *ad hoc*) and as adjudicator.

Verbist is a member of numerous international arbitration associations and registered as arbitrator on the list of arbitrators of several arbitration institutions worldwide, including CAS, VIAC, ICDR, HKIAC, SIAC, AIAC, KCAB. He is an accredited mediator (Belgian Federal Mediation Commission, since 2008) and is registered on the "Panel of Conciliators" of the International Centre for Settlement of Investment Disputes (ICSID), Washington DC (since 2016), upon designation by Belgium; registered on the "Panel of Transit Conciliators", International Energy Charter Treaty, Conflict Resolution Centre, Brussels, Belgium (since 2018), designated by Belgium; registered on the Energy Community Dispute Resolution Panel of Mediators, Vienna, Austria (since 2018); registered on Mediation and Conciliation Network (MCN), New Delhi, India. He is a member of the ICC Commission on Arbitration and ADR (since 1996) and member of the Board of CEPANI (since 2001).

He is co-chairman of FICA (Forum for International Conciliation and Arbitration) since 2022 and attends the sessions of Working Group II (Dispute Resolution) of UNCITRAL in New York and Vienna as a member of the FICA delegation since 2016.

He is author or co-author of more than 200 articles in numerous Belgian and foreign legal periodicals and of more than 20 books in the field of arbitration and alternative dispute resolution. He is a member of the editorial committee of several periodicals in the field of arbitration and alternative dispute resolution: "*Tijdschrift voor arbitrage*", "*Nederlands-Vlaams Tijdschrift voor Mediation en Conflict management*" and "*b-Arbitra*".

In conversation with...

What are the most impressive arbitrations you have worked on as counsel?

- An ICC arbitration case seated in New York in which we represented the interests of a Belgian company against a US company.
- An ICC arbitration case seated in Paris in which we represented the interests of a Belgian, a Croatian and a Slovakian company against a Korean, a German, and a Polish company.
- An ICC arbitration case seated in Brussels in which we represented the interest of a Belgian company against an English company.

What do you think are the most important qualities or skills you bring to an arbitration?

1. Familiarity with international business law, and the laws of different European countries;
2. Experience with ICC arbitration, having worked at the ICC Court Secretariat for more than eight years;
3. Language skills: being able to sit as arbitrators in cases in English, German, French and Dutch.

Do you have any interesting stories relating to the arbitrations you have worked on? Is there something funny or revealing we can discuss

During a hearing in an ICC arbitration in New York, the issue of client-attorney privilege came up. As a member of a Belgian team of attorneys, we raised the issue of attorney-client privilege under the rules of the Brussels Bar. The opposing US counsel and the arbitral tribunal sitting in New York did not want to take account of the attorney-client privilege applicable under the rules of the Brussels Bar.

Sitting as arbitrator in a case before the Polish Court of Arbitration in Warsaw as a member of a three-member arbitral tribunal in a case conducted in Polish language, I did not understand the language

of the arbitration but was assisted throughout the hearing by an interpreter who translated the entire hearing in English for me. The arbitral award had to be rendered in Polish language, although I did not understand the language. The deliberations between the members of the arbitral tribunal on the draft award took place in English.

When you look back at your career and the knowledge you have gained, what advice would you give to those who are about to embark on a career practicing arbitration?

It is important to have an open mind and to be aware that the international arbitration world is completely different from the domestic legal environment in which lawyers have been educated and trained. A good international training with an international arbitration specialist is of great importance.

How would you describe your firm's arbitration practice in the wider region? What strengths does it have as a wider group of attorneys?

Everest Attorneys has different fields of expertise (commercial law, construction law, intellectual property law) which are of great interest when defending the interest of parties in international arbitrations.

What are your views on diversity and inclusion in international arbitration today?

There is much more attention being given to diversity and inclusion in international arbitration than it was in the past. With the involvement of lawyers at a younger age than in the past the arbitration world has been opened up considerably.

What qualities make for a successful arbitrator?

A good case management; being proactive as arbitrator; preparing the case for the hearing and asking the appropriate questions to the parties on the dispute. ■



Françoise Lefèvre

Françoise Lefèvre Arbitration

Job title: Partner

Location: Brussels

Number of years in practice: 41

Number of years as an arbitrator: 20

Current number of arbitrator appointments:

Five

Admissions: Brussels Bar

Main sectors covered: Agency (representation), construction, engineering, consultancy services other than legal, corporate law and M&S, criminal law, distribution, franchising, energy and natural resources, finance and banking, infrastructure and utilities, joint ventures, consortia, real estate

Geographical areas of focus: Europe

Languages: French, English

Françoise Lefèvre is a specialist in national and international arbitration, both ad hoc and institutional (ICC, UNICTRAL, LCIA, Cepani, NAI, among others), as counsel and as arbitrator.

She has been the worldwide litigation and arbitration head of Linklaters from 2007 to 2010, before chairing its global international arbitration practice until 2016. She has an extensive experience in construction law, contract law, corporate disputes, regulatory investigations, white collar crime and banking law.

As one of the leading arbitration experts in Belgium, Lefèvre is regularly invited to discuss her practice at universities and seminars and has many publications in this field.

In conversation with...

What are the most impressive arbitrations you have worked on as counsel?

The first arbitration procedure I worked on lasted 14 years, was multi party, subject to Danish law and involved 55 claims, with a court designated expert. I represented in court Cytec, in the Belgian landmark decision on the extent of the control of the annulment judge on competition law issues.

I represented a Belgian bank in around 15 procedures relating to the liability of the bank in portfolio management.

What do you think are the most important qualities or skills you bring to an arbitration?

I am organised and thorough. I am an achiever, which means that I'll make sure the procedure progresses and reaches a conclusion in an effective manner. I will not leave stones unturned. I am really keen to come to a decision that will effectively resolve the dispute. I am eager to learn new sectors, new legal approaches, and new ways of working, which is why I have also become an accredited mediator recently. I am flexible and like working with people, being the parties, the co-arbitrators, the institutions.

What aspects of a potential case/arbitration are more likely to grab your attention and have you eager to be involved?

Understanding in depth the facts of the case and applying the various legal concepts to these facts.

The logical articulation of the legal defences.

The effectiveness of the decision taken.

What do international counsel facing a matter in the jurisdiction need to know about the local arbitration scene?

Belgium has implemented the UNCITRAL model law. The Belgian courts are not interventionist but support arbitration when required. There are many good arbitrators on the Brussels market, with a very international outlook on life and profession, having often studied abroad and speaking multiple languages.

What are your views on diversity and inclusion in international arbitration today?

Diversity has been one of the issues I have worked hard on over many years. I was a champion for diversity at my former firm Linklaters. We can see that the situation evolves in some aspects of diversity but there is still a long way to go. There are many obvious ways to improve the situation but also a lot of passive resistance to their implementation. ■



Niuscha Bassiri

Hanotiau & Van Den Berg

Job title: Partner

Location: Brussels

Number of years in practice: 20

Number of years as an arbitrator: 12

Current number of arbitrator appointments:

Five as chair, two as sole arbitrator

Admissions: Cologne Bar, Brussels Bar

Main sectors covered: Banking, construction, energy, finance, infrastructure, insurance, luxury, maritime equipment, mining, nuclear power plants, oil & gas, pharmaceuticals, satellites, solar power plants, telecommunications, transportation and wind parks

Geographical areas of focus: Europe, Middle East, Asia

Languages: German, English, French, Dutch, Spanish, Farsi

Niuscha Bassiri is a partner at Hanotiau & Van Den Berg, and a sought-after arbitrator and counsel. She has extensive experience in arbitrations under the rules of all major arbitral institutions (CEPANI, DIFC-LCIA, DIS, ICC, ICSID, LCIA, NAI, SCC, SAC, SIAC, UNCITRAL, VIAC).

Bassiri is a regular speaker at many leading conferences and seminars, where she discusses international arbitration; she has also published novels on such matters.

Maarten Draye

Hanotiau & van den Berg

Job title: Partner

Location: Brussels

Number of years in practice: 15

Number of years as an arbitrator: 11

Admissions: Brussels Bar

Main sectors covered: Aviation, biochemistry, BITs, construction, distributorship and agency, fair trade practices, banking and finance, intellectual property, investments, joint ventures, post-mergers and acquisitions, real estate, sales and services, telecommunications

Geographical areas of focus: Europe

Languages: Dutch, English, French, German

Maarten Draye specialises in complex litigation and arbitration. A member of the Brussels Bar, Draye advises and represents clients in a wide range of fields and industries before arbitral tribunals and state courts, including in arbitration-related litigation. He has experience as presiding, sole and co-arbitrator as well as emergency arbitrator.

Draye has been involved in over 70 arbitrations governed by various procedural and substantive laws under a variety of arbitration rules (ICC, LCIA, UNCITRAL, ICSID, SCC, Swiss CEPANI, CRCICA, Hamburg CC and OHADA) as well as *ad hoc*.

Emily Hay

Hanotiau & van den Berg

Job title: Associate

Location: Brussels

Number of years as an arbitrator: Two

Current number of arbitrator appointments:

Two, one as co-arbitrator (DIFC-LCIA), one as sole arbitrator (ICC)

Admissions: Brussels Bar (B-list), admitted in the Supreme Court of NSW

Main sectors covered: Technology and data protection, nuclear energy, hydropower, fuel cell technology, oil and gas, banking, aggregates, construction, medical devices, IP, real estate, services, military equipment, consumer appliances, fast food, and aviation

Geographical areas of focus: Europe (Belgium, Netherlands, France), UK, UAE, Asia (India, Singapore, Korea) and Australia

Languages: English, Spanish, French

Emily Hay currently splits her time between Brussels and Singapore. She is a member of KCAB International Panel of International Arbitrators (2021), HKIAC List of Arbitrators (2021), and the Thailand Arbitration Centre (THAC) Panel of Arbitrators (2022).

Hay acts as arbitrator in international commercial and investment treaty arbitrations, but ad hoc and under various institutional rules (ICC, LCIA, SCC, ICSID, SIAC, UNCITRAL, CEPANI, DIAC, DIFC-LCIA).



Iuliana Iancu

Hanotiau & van den Berg

Job title: Partner

Location: Brussels

Number of years in practice: 13

Number of years as an arbitrator: Two

Admissions: Admitted to the Bucharest Bar (2009). Registered with the Brussels Bar (2012)

Main sectors covered: Banking, telecommunications, distribution, energy, infrastructure, information technology, construction, mining, luxury and pharmaceuticals, insurance

Geographical areas of focus: Europe and United States

Languages: English, French and Romanian

Iuliana Iancu is a partner at Hanotiau & van den Berg, where she acts as an arbitrator, counsel, and tribunal secretary.

Her experience includes several dozen high-stakes, high-value, and complex international commercial and investment arbitrations, both ad hoc and under a variety of arbitration rules, including, but not limited to, ICC, CEPANI, ICSID, UNCITRAL, and NAI. Some of her recent work includes acting as sole arbitrator in a dispute concerning a cultural event in an Eastern European State.

Iancu is also a lecturer at the University of Bucharest's International Arbitration, where she teaches international commercial arbitration.

Pascal Hollander

Hanotiau & van den Berg

Job title: Partner

Location: Brussels

Number of years in practice: 37

Number of years as an arbitrator: 21

Current number of arbitrator appointments: Eight

Admissions: Brussels Bar

Main sectors covered: Construction and engineering, commercial distribution, M&A, IP, insurance

Geographical areas of focus: Europe, USA, Africa

Languages: English, French, Dutch

Pascal Hollander is a partner at Hanotiau & Van den Berg.

He has participated in several international and domestic arbitration proceedings under the rules of the ICC, LCIA, and CEPANI.

Yves Herinckx

Herinckx

Job title: Independent arbitrator

Location: Brussels

Number of years in practice: 38

Number of years as an arbitrator: Ten

Current number of arbitrator appointments:
Five

Admissions: Brussels, England & Wales

Main sectors covered: Post-M&A, finance and insurance matters, commercial contracts, antitrust and regulated industries

Geographical areas of focus: Belgium, EU, England

Languages: French, English, Dutch

Yves Herinckx acts as an arbitrator and sits as a deputy judge at the Brussels Court of Appeal. He focuses on the adjudication of business disputes. As an arbitrator, he has acted both in institutional and ad hoc arbitrations, as chairman, sole arbitrator, co-arbitrator, and mock arbitrator. He has also sat as a judge in annulment proceedings.

The types of cases he handles mainly relate to finance and insurance matters, M&A and corporate disputes, commercial contract cases, as well as antitrust and regulated industries.

He was a co-mediator in the negotiations that led to the largest securities class settlement ever in Europe, between the former Fortis shareholders and Ageas, and is now chairman of the board of the Dutch foundation that supervises the settlement's implementation.

His independent arbitration firm, Herinckx, was set up in 2012. Prior to that he was a partner at Clifford Chance, where he led the banking and finance practice of the Brussels office, and was vice-chair of the European Single Resolution Board's Appeal Panel until March 2018. He has worked in Tokyo and in London.

In conversation with...

The first part of my career was not at all in arbitration. Until ten years ago, I was mostly a transactional lawyer with a focus on banking and finance matters. But curiously, when I look back, I see significant connections with the arbitration world

from the very beginning. It started on my first day as an avocat in 1984, at the oath-taking ceremony before the Court in Brussels. The tradition is that new lawyers are presented to the court by their future mentor. My prospective mentor was not available, and he asked one of his partners to stand in for him. This happened to be the late André Faurès – I learned later that he was one of the leading arbitrators of his time. Trainee lawyers in Belgium are expected to do pro bono work – it is called pro deo here. They do that under the supervision of an experienced lawyer, appointed by the Bar to guide a group of about 15 trainees. By sheer luck, I was allocated to a group that was led by Bernard Hanotiau. So, I definitely had the best possible fairies to lean over my professional cradle... Some years later I attended my first arbitration hearing, I had a very minor role in the case – but the case was *Coppée-Lavalin v Ken-Ren*, which went up to the House of Lords on a question of security for costs, with Johnny Veeder in the chair and, as lead counsel, John Beechey on one side and Jan Paulsson on the other. No need to tell you that I was impressed! So, I guess, now that I have switched to an arbitration practice, the magnet had always been there. It just took me 30 years to respond.

Belgium is not a tricky jurisdiction for foreign arbitration practitioners. The local arbitration law is based on the Model Law and contains no real surprise. The rules and practices of the main domestic institution, the CEPANI, are not terribly different from those of the ICC. The courts understand how arbitration works; they do not produce disruptive judgments. There is, for instance, a recent judgment of the Brussels Court of First Instance that dismissed an annulment claim against an award that had allegedly been written by the Tribunal Secretary. The court said that if the arbitrators themselves do their job, if they look at the arguments and the evidence, and if they make up their own mind about the decision, and if the parties had agreed to the appointment of a secretary, then there is nothing wrong with the secretary drawing up a first draft of the award. This is typical of the common-sense approach that you get from the courts here. The local courts are also very open to hearing directly from foreign lawyers. I remember arguing an enforcement case before the Brussels court against Emmanuel Gaillard in person – he won...

Accuracy of the awards is a fundamental objective of the process. I think it does not get the attention it deserves. We talk a lot about cost-efficiency, speed, impartiality, diversity – all of this



is important of course, but in the first place an arbitration must end with the right decision. There is, in reality, a lot of noise in the system. I use the word “noise” in the way Nobel Prize winner Daniel Kahneman does, to refer to variability in judgments that should be identical but that turn out to be different because of some irrelevant factors. It is striking, for instance, to see how much the views of one member of a panel can influence the other two – had that member not been there, and had the panel been composed differently, the end result would have been different. I see this just as much, by the way, when I sit in the Court of Appeal as when I sit as an arbitrator. In most cases the deliberations lead to a consensus and to a unanimous decision, and because of that the arbitrators do not realise any more that one of them in reality flipped the decision. The parties, of course, never know the internal dynamics of the decision making, we just hear lawyers say that they won some cases that they should have lost and lost some that they should have won. There are techniques that help to reduce the noise, even though we will never be able to make it go away entirely. For instance, a panel should not exchange views too soon, each arbitrator should first determine his or her own analysis of the case as if he or she sat as a sole arbitrator, before starting the deliberations. This is not the most congenial way of working together, but it improves the quality of the decision. ■

Dirk Knottenbelt

Houthoff

Job title: Partner

Location: Rotterdam

Number of years in practice: 31

Number of years as an arbitrator: 14

Current number of arbitrator appointments:

Two as chair, two as co-arbitrator

Admissions: Dutch (Rotterdam), deputy judge in the court of appeal

Main sectors covered: Agency, construction, and engineering, corporate, distribution, energy and natural resources, insurance, investment, public international law, joint ventures, consortia, cooperation, maritime sale, purchases, transport

Geographical areas of focus: Global, with a specific expertise in Europe, the Americas, Russia, and Asia

Languages: Dutch, English

Dirk Knottenbelt is a partner at Houthoff, where he leads the arbitration team.

Knottenbelt has over 30 years of experience as counsel in major disputes in international arbitration and litigation. Aside from this, he is frequently consulted in strategic matters and assists in procedures to avoid arbitration.

Knottenbelt also acts as arbitrator and sits as deputy judge in the court of appeal in Hertogenbosch

Thomas Stouten

Houthoff

Job title: Partner

Location: Rotterdam

Number of years in practice: 15

Number of years as an arbitrator: Four

Admissions: Dutch Bar, Member of the International Court of Arbitration of the ICC in Paris

Main sectors covered: Agency, construction and engineering, corporate, distribution, energy and natural resources, insurance, investment and public international law, joint ventures, consortia and cooperation, sale and purchases, transport

Geographical areas of focus: Global reach with particular recent focus on Europe, the Americas and Asia

Languages: Dutch, English

Thomas Stouten is a partner at Houthoff, where he specialises in court litigation and international arbitration under the auspices of the ICC, LCIA, SIAC, DIAC, UNCITRAL, ICSID, UNUM, and NAI.

Besides specializing in international arbitration, Stouten also frequently acts in post-arbitration litigation (both in the Netherlands and on the Dutch Caribbean) such as setting aside proceedings and enforcement proceedings. Stouten has also been appointed as member of the ICC Court of International Arbitration in Paris for the Netherlands.

Prof. Dr. Jan Kleinheisterkamp

Independent arbitrator

Location: Brussels

Number of years in practice: 18

Number of years as an arbitrator: 15

Current number of arbitrator appointments:

Four

Admissions: Hamburg

Main sectors covered: Energy, construction, infrastructure projects and public procurement, aviation, finance, pharmaceuticals, agriculture

Geographical areas of focus: Worldwide, with a specific focus on Latin America

Languages: English, Spanish, Portuguese, French, German

Prof. Dr. Jan Kleinheisterkamp is an independent arbitrator based in Brussels. After 20 years in academia, Kleinheisterkamp left his position as a professor at LSE, however, he continues to teach arbitration as a visiting professor.

Kleinheisterkamp has a particular interest in energy, construction, infrastructure projects and public procurement, aviation, finance, pharmaceuticals, and agriculture arbitrations.

Robbie Tas

Intui

Job title: Partner

Location: Brussels

Number of years in practice: 27

Number of years as an arbitrator: 10

Current number of arbitrator appointments:

1 pending appointment as arbitrator

Admissions: Brussels Bar and the Leuven Bar

Main sectors covered: Company law and commercial law

Geographical areas of focus: Belgium, including international M&A deals with a Belgian angle

Languages: Dutch, English, French, German

Robbie Tas practice focuses on corporate litigation (shareholder's disputes, director's liability, post-acquisition disputes). He is a professor in the LLM on company law at the KU Leuven (Brussels campus). Tas was involved in many of the leading cases in Belgium over the last 10 years (e.g.: KBC Ancora, Optima Bank, FNG, Nyrstar, Sibelco...) and he is considered to be one of (if not the) leading experts regarding shareholder's disputes. Tas was asked by the Belgian Minister of Justice to redraft the section in the Companies Code regarding shareholder disputes.

Many of the cases he handles are conducted before the ordinary courts. However, he is also frequently involved in ADR procedures, not only in arbitration (as an arbitrator or as counsel to one of the parties), but also and even more in mediation, which he promotes heavily with my clients as a usually better alternative to the "classic" approach through legal proceedings before the courts or an arbitration panel, where parties are not in control of the final outcome.

Dominique Blommaert

Janson

Job title: Partner

Location: Brussels

Number of years in practice: 34

Number of years as an arbitrator: 12

Current number of arbitrator appointments:

Four as chair, 12 as party arbitrator

Admissions: Brussels and Ghent Bar

Main sectors covered: Corporate disputes, M&A, banking disputes, commercial disputes, banks and credits, agriculture, asset managers, pharmaceutical, industrials and manufacturing, private equity

Geographical areas of focus: Europe

Languages: Dutch, French, English

Dominique Blommaert is a partner at Janson, where he heads the banking and finance department. He specialises in credit law, including consumer law, mortgage credit and all forms of regulated credit.

He advises his clients on the legal aspects related to the creation of new banking and financial products and assists them in asset management, financial structures, and the related contractual aspects.

Vanessa Foncke

Jones Day

Job title: Partner

Location: Brussels

Number of years in practice: 18

Number of years as an arbitrator: 11

Current number of arbitrator appointments: Four

Admissions: Brussels Bar

Main sectors covered: Construction, post M&A, distribution, heavy industry, telecommunications, energy, real estate, pharmaceuticals

Geographical areas of focus: Western and Southern Europe, UK, US, Nordics

Languages: Dutch, English, French, German

Vanessa Foncke is a partner at the Brussels branch of Jones Day, where she represents Belgian and foreign clients in a broad range of contractual and commercial disputes and negotiations in all stages of court and administrative proceedings.

Foncke is a member of the board of administration and of the executive committee of CEPANI, the Belgian institution for arbitration and mediation.

Foncke has experience across a broad spectrum of industries, including construction, distribution, heavy industry, telecommunications, energy, and real estate.

Donata Grasso

Kleyr Grasso

Job title: Partner and co-founder

Location: Luxembourg

Number of years in practice: 20

Admissions: Luxembourg Bar

Main sectors covered: Dispute resolution, litigation, restructuring, insolvency

Geographical areas of focus: Luxembourg, Europe, International

Languages: English, French, German, Luxembourgish

Donata Grasso is a partner at Kleyr Grasso, and specialises in banking and finance litigation, in corporate litigation, including shareholder and partnership disputes, as well as in insolvency related disputes.

Donata is a member of the Civil Procedure Commission of the Luxembourg Bar Association and the vice-president of the Disciplinary and Administrative Council of Lawyers. She is also a member of the editorial committee of the *Revue des Procédures* (Legitech). She joined the firm in October 2013 and spent her entire career at a magic circle firm in Luxembourg.

Marc Kleyr

Kleyr Grasso

Job title: Partner and co-founder

Location: Luxembourg

Number of years in practice: 30

Admissions: Luxembourg Bar

Main sectors covered: Banking, finance, capital markets, corporate, M&A

Geographical areas of focus: Luxembourg, Europe, USA

Languages: English, French, German, Luxembourgish

Marc Kleyr is the managing partner and co-founder of KLEYR GRASSO, with a specific expertise in international insolvency cases.

Kleyr was involved in the largest and almost all of the high-profile restructuring and insolvency cases in Luxembourg, making him one of the best-known and highly regarded practitioners in Luxembourg.

Pascal Sassel

Kleyr Grasso

Job title: Partner

Location: Luxembourg

Number of years as an arbitrator: 30

Admissions: Luxembourg Bar

Main sectors covered: Corporate finance litigation, insolvency litigation

Geographical areas of focus: Luxembourg, Europe, USA

Languages: English, French, German, Luxembourgish

Pascal Sassel is a partner at Kleyr Grasso, who specialises in corporate, finance and insolvency related litigation.

In addition, Sassel has substantial experience in advising and assisting clients on cross-border insolvencies and restructurings, including distress situations. He is a member of the Luxembourg Bar, and has multiple publications on his practice.

Bruno Hardy

Liedekerke

Job title: Senior associate

Location: Brussels

Number of years in practice: Seven

Admissions: Brussels (Belgium)

Main sectors covered: Engineering, construction, energy, infrastructure, corporate, M&A

Geographical areas of focus: Middle East, Francophone, North Africa, and Europe

Languages: French, English, Spanish

Bruno Hardy represents companies and States in arbitration-related court proceedings, including enforcement and setting-aside proceedings. He is particularly active in the Middle East, Francophone and North Africa, and Europe. Has acted as counsel in ICC, UNCITRAL, SIAC, ICSID and ad hoc arbitration proceedings subject to various national laws including the laws of Qatar, Kuwait, Lebanon, Algeria, the DRC, Switzerland, England & Wales, Belgium, and the UNIDROIT Principles.

Arnaud Nuyts

Liedekerke

Job title: Partner

Location: Brussels

Number of years in practice: 29

Number of years as an arbitrator: Five

Current number of arbitrator appointments: One

Admissions: Brussels Bar

Main sectors covered: Oil & gas, engineering and construction, large infrastructure projects, food industry, corporate, M&A, international distribution, disputes involving sovereign States and state-owned entities, film industry and media clients, manufacturing

Geographical areas of focus: Global reach with particular recent focus on the Middle East, Francophone, North Africa and Europe

Languages: French, English

Arnaud Nuyts is a partner in the international arbitration and dispute resolution practice at Liedekerke.

Nuyts represents major corporations from civil law jurisdictions before US, English and Commonwealth courts, and US and English companies involved in litigation before the Belgian courts.

Has acted as counsel in ICC, UNCITRAL, SIAC, ICSID, CEPANI, Luxembourg CC and ad hoc arbitration proceedings subject to various national laws including the laws of Qatar, Kuwait, Lebanon, Algeria, India, New York, California, Switzerland, Vietnam, England & Wales, Belgium, Greece, Jordan, Abu Dhabi, Azerbaijan, and Nigeria.

Bo Ra Hoebeke

Linklaters

Job title: Counsel

Location: Amsterdam

Number of years in practice: 14

Number of years as an arbitrator: One

Current number of arbitrator appointments: One

Main sectors covered: Corporate and M&A, joint ventures and consortia, energy, natural resources and the environment, ESG and ESG-related disputes, investment law and public international law, sales and purchase agreements, pharmaceuticals, construction and engineering

Geographical areas of focus: The Netherlands, Benelux, Western and Eastern Europe, North America, Asia and South-East Asia

Languages: Dutch, English

Over the past fourteen years, Bo Ra Hoebeke has focused exclusively on commercial and investment arbitration and arbitration-related court proceedings. She has advised and represented both national and international clients, as well as states and governmental bodies, in many of the most high-profile and high-value cases in the Netherlands. Her experience in court proceedings related to arbitration especially includes setting aside proceedings regarding major investment arbitration cases, such as the various setting aside proceedings instituted by Ecuador against Chevron in relation to the high-profile US\$9bn Lago Agrio investment arbitration case. Hoebeke is a member of the Arbitration Commission (Netherlands) of the International Chamber of Commerce (ICC). She is also ITA Reporter for the Netherlands and co-founder of Young EFILA (European Federation for Investment Law and Arbitration).



Katrien Baetens
Linklaters

Job title: Managing associate

Location: Luxembourg

Number of years in practice: 12

Admissions: Belgium and Luxembourg

Main sectors covered: Telecommunications, banks and financial services, energy, utilities, insurance

Geographical areas of focus: Benelux

Languages: English, French, Dutch, German

Katrien Baetens is a managing associate in Linklaters Luxembourg's Dispute Resolution team, where she specialises in commercial litigation and arbitration and has also built-up substantial experience in advising clients on complex commercial contracts.

Baetens has been involved in the enforcement of foreign arbitral sentences in Luxembourg as well post-acquisition arbitration and investor-state disputes.



Guy Loesch
Linklaters

Job title: Partner

Location: Luxembourg

Number of years in practice: 35

Admissions: Luxembourg

Main sectors covered: Banking and financial services, energy and utilities, industrials, insurance, telecoms, media, and business services

Geographical areas of focus: Luxembourg

Languages: English, French, German, and Luxembourgish

Guy Loesch is a dispute resolution partner in the Luxembourg branch of Linklaters, where he specialises in all forms of urgent injunction relief, freezing orders and other forms of conservatory measures.

He is an active member of a number of associations and working groups in Luxembourg. He was notably involved in the 'professional obligations' committee of the Luxembourg Banking Association (ABBL) and the creation of a think-tank in favor of the development of international arbitration in Luxembourg.

Stefaan Loosveld

Linklaters

Job title: Partner

Location: Brussels

Number of years in practice: 26

Admissions: Brussels Bar, England & Wales

Main sectors covered: Dispute resolution, arbitration, white collar, contentious regulatory, restructuring, insolvency

Geographical areas of focus: EU, US, UK

Languages: Dutch, English, French, German

Stefaan Loosveld regularly acts as defence counsel for financial institutions and organisations in all types of cross-border and local litigation proceedings, including in urgent relief and summary proceedings, e.g. in the framework of fending off attachments or other blocking measures on immunized assets or affecting their core financing functions. With his dispute resolution experience, he also regularly advises institutions and organisations that are active in the financial sector on how to proactively ensure, through the proper risk mitigation, compliance and related measures, that legal, operational and financial risks are mapped, managed and reduced as much as possible.

Gerard Meijer

Linklaters

Job title: Dispute resolution partner, arbitration

Location: Amsterdam

Number of years in practice: 22

Number of years as an arbitrator: 18

Main sectors covered: Corporate law and M&A, joint ventures, consortia and cooperation agreements, investment law and public international law, energy, natural resources and the environment, intellectual property, sales and purchase agreements, pharmaceutical, construction and engineering

Geographical areas of focus: The Netherlands, Benelux, Western and Eastern Europe, North America, Asia and South-East Asia

Languages: Dutch, English, French

Gerard Meijer is widely recognised as a leading international arbitration practitioner and as one of the leading figures in the Netherlands for arbitration and arbitration-related court proceedings. He is also a professor of international arbitration at the Erasmus University in Rotterdam and president of the Netherlands Arbitration Institute (NAI). He has led various innovative initiatives in the international arbitration market, such as the Court of Arbitration for Art, PRIME Finance, the European Federation for Investment Law and Arbitration (EFILA), and, most recently, Young EFILA.

Juan Pablo Valdivia Pizarro

Linklaters

Job title: Managing Associate

Location: Amsterdam

Number of years in practice: 6

Main sectors covered: Joint ventures and consortia, energy, natural resources and the environment, investment law and public international law, sales, and purchases

Geographical areas of focus: The Netherlands, Benelux, Western Europe, Latin America

Languages: Spanish, English

Juan Pablo Valdivia Pizarro is a managing associate at the Amsterdam branch of Linklaters, where he focuses on internal commercial and investment arbitration and is also a lecturer in International Commercial Arbitration at the Erasmus University in Rotterdam.



Hakim Boularbah

Loyens & Loeff

Job title: Partner

Location: Brussels

Number of years in practice: 25

Number of years as an arbitrator: 15

Current number of arbitrator appointments: One

Admissions: Brussels Bar

Main sectors covered: Technology, media, telecommunication, retail, pharmaceutical, aviation, automotive, financial and insurance sectors

Geographical areas of focus: Europe

Languages: French, English, Dutch

Hakim Boularbah has an extensive practice in arbitration-related court proceedings, especially set aside and enforcement of international arbitral awards, including investment treaty awards against sovereign states, and in obtaining interim reliefs and protective measures or resisting them. He also focuses on civil and corporate litigation (class actions, shareholders' disputes, post-acquisition claims), and asset recovery. He represents among others financial institutions, governments, multinationals, and corporations active in the technology, media, telecommunication, retail, pharmaceutical, financial, aviation, automotive and insurance sectors.



Olivier van der Haegen

Loyens & Loeff

Job title: Partner

Location: Brussels

Number of years in practice: 12

Number of years as an arbitrator: Six

Main sectors covered: Real estate, construction, energy, infrastructures, aerospace, media

Geographical areas of focus: Europe

Languages: French, English, Dutch

Olivier van der Haegen represents (international) clients in domestic and international (commercial) arbitration proceedings, either ad hoc or under different institutional rules. He regularly acts in arbitration-related court proceedings before Belgian courts (recognition, enforcement or setting aside of arbitral awards or foreign judgments, including in investment treaty cases and against Sovereigns). van der Haegen also sits as an arbitrator (Cepani and ICC). His clients include multinational enterprises, companies and investors active in the construction, real estate, energy, infrastructures, insurance and media industries.

Peter Caprasse

Loyens & Loeff

Job title: Of Counsel

Location: Brussels

Number of years in practice: 40

Number of years as an arbitrator: 25

Admissions: Brussels Bar

Main sectors covered: Post M&A disputes, shareholder disputes, general commercial arbitration

Geographical areas of focus: Europe

Languages: Dutch, English, French

Peter Callens has extensive experience in national and international corporate transactions and post-transaction dispute resolution. His focus used to be on mergers and acquisitions and private equity investments in a wide variety of economic sectors including insurance, manufacturing, healthcare, utilities and the IT business. He sits in arbitration proceedings primarily in post-M&A or shareholder disputes, and he is regularly appointed as an arbitrator in both ad hoc and institutional arbitration proceedings.

Tom Classeens

Loyens & Loeff

Job title: Partner

Location: Rotterdam

Number of years in practice: 30

Number of years as an arbitrator: Two

Current number of arbitrator appointments: One

Admissions: Rotterdam Bar

Main sectors covered: Energy, infrastructure

Geographical areas of focus: US, Asia, Netherlands

Languages: Dutch, English, German

Tom Claassens is a partner in Loyens & Loeff's litigation and risk management practice group.

He has represented clients in a broad range of disputes both in arbitrations proceedings (including ICC, UNCITRAL, SIAC, and NIA) and in proceedings before Dutch state courts as well as the courts of the Netherland Antilles. He is a part of the advisory board of the NAI and the executive board of the DAA.

Véronique Hoffeld

Loyens & Loeff

Job title: Partner

Location: Luxembourg

Number of years in practice: 27

Main sectors covered: All sectors with a focus on financial and investment management sectors

Languages: English, Luxembourgish, French, German, Dutch, Spanish, Italian

Véronique Hoffeld is a founding member of the Luxembourg Arbitration Association and a Luxembourg think tank for arbitration.

Hoffeld has experience in advising on complex, high-value multi-jurisdictional arbitration and litigation cases. She focuses on commercial disputes in arbitration cases and litigation cases.

Hoffeld combines both proven expertise and knowledge to guide her clients through complex arbitration. She has experience in proceedings under the rules of most of the preeminent domestic and international arbitration institutes such as ICC. Together with her team, Hoffeld has recently been involved in various high-profile cases related to the recognition and enforcement of ICC or investment-treaty arbitral awards.

Mathieu Laurent

Luther

Job title: Partner

Location: Luxembourg

Number of years in practice: 16

Admissions: Luxembourg Bar since 2006 and the Roll of Solicitors of England & Wales since 2008

Main sectors covered: Private equity, private wealth, real estate, banking

Geographical areas of focus: Luxembourg

Languages: English and French

Mathieu Laurent heads the Dispute Resolution practice of Luther Luxembourg's office, where he specialises in private equity transactions, real estate transactions, corporate acquisitions, and shareholder disputes.

Laurent also has extensive experience in advising on the structuring of unregulated funds, the performance of corporate due diligence, and security documents. He also frequently writes on arbitration, and has a number of pieces published.

Marijn De Ruyscher

Lydian

Job title: Counsel

Location: Brussels

Number of years in practice: 14

Number of years as an arbitrator: Eight

Main sectors covered: Commercial dispute resolution, liability law, commercial contracts, distribution law, general liability, prescription law

Languages: Dutch, English, French, German, Swedish

Marijn De Ruyscher has a broad experience in commercial dispute resolution via litigation and arbitration in different areas such as liability law, commercial contracts and distribution law. He has special experience in professional and general liability matters requiring complex technical expertise, where he defends major engineering and industrial companies. He also has special experience in complex questions relating to prescription law.

De Ruyscher acts before state tribunals and courts, but also before both ad hoc and institutional arbitration tribunals. He is a member of the Belgian arbitration institute CEPANI and is regularly appointed as arbitrator (CEPANI and ad-hoc) as well.

De Ruyscher is a co-author of a commentary on the Belgian Arbitration Act, which was published in Spring 2019.

He is an active member of several young arbitration organisations such as CEPANI40, ICCYAF, YAAP and YoungICCA, and is regularly appointed as arbitrator. Since 2017, De Ruyscher is also a member of the steering committee of CEPANI40, the young practitioner's group of the Belgian arbitration institute CEPANI.

He is also an active member of AIJA, the International Association of Young Lawyers, where he regularly speaks at conferences.

De Ruyscher has published extensively in Belgian legal journals on topics such as arbitration law, prescription law, judicial law and international private law. In 2018, he co-authored a commentary on Belgian prescription law. He is also a regular speaker on these subjects.

Jo Willems

Lydian

Job title: Partner

Location: Brussels

Number of years in practice: 17

Number of years as an arbitrator: One

Current number of arbitrator appointments: One

Admissions: Brussels Bar, Hasselt Bar

Main sectors covered: Commercial law, litigation, commercial disputes, distribution, product liability, professional indemnity

Languages: Dutch, English, French

Jo Willems has published several articles and regularly speaks at internal and external seminars. He is also the author of several articles on class action lawsuits, protection of know-how and business secrets and directors' liability.

Willems has a broad (and expanding) national and international client base covering various industry sectors (consumer products, pharmaceutical industry, metals, automotive, food and nutrition, cosmetics, banking, insurance) as well as big-ticket dispute resolution cases regarding product liability, professional liability, unfair competition and trade practices, distribution, and corporate litigation.

He specialises in commercial law and litigation and has extensive experience in commercial litigation work and acting on behalf of Belgian and international companies in strategically important disputes. He aims at preventing and resolving commercial disputes, by drafting effective agreements or enforcing those agreements by litigation. Willems assists clients in litigation as well as matters of distribution, product liability and professional indemnity.

Michel Molitor

MOLITOR

Job title: Managing Partner

Location: Luxembourg

Number of years in practice: 36

Admissions: Luxembourg

Main sectors covered: Banking & Finance, Insurance, and Commercial Dispute Resolution

Geographical areas of focus: Luxembourg, France, Belgium, United Kingdom, Switzerland, Austria, Germany and the United States of America

Languages: English, French, German and Luxembourgish

Michel Molitor is the managing partner of MOLITOR, where he is particularly known for his technical competences in Luxembourg financial law and is particularly active in banking and finance.

Molitor's widely recognised and domestic and international accomplishments in litigation are reflected in the work he has carried out in arbitral matters over the years.

Armel Waisse

MOLITOR

Job title: Partner

Location: Luxembourg

Number of years in practice: 11

Number of years as an arbitrator: One

Current number of arbitrator appointments: One

Admissions: Luxembourg and France

Main sectors covered: Banking and finance, corporate, and commercial dispute resolution

Geographical areas of focus: Luxembourg, France, Belgium, United Kingdom, United States

Languages: English and French

Armel Waisse regularly acts as an independent expert in Luxembourg law in the context of foreign court and arbitration proceedings. She is a member and treasurer of the Luxembourg Arbitration Association, took part in the Think Tank on arbitration, and is a member of the CEPANI, the Belgian centre for arbitration and mediation. Waisse is also a lecturer at the University of Luxembourg and at the Luxembourg Bar School and has multiple publications on detailing arbitral proceedings.

Antoine Laniez

NautaDutilh

Job title: Partner

Location: Luxembourg

Number of years in practice: 16

Admissions: Luxembourg Bar, French Bar, solicitor of the senior courts of England & Wales

Main sectors covered: General commercial disputes, corporate disputes, and insolvency

Geographical areas of focus: Benelux, France, Germany, Spain, UK

Languages: French, English and Spanish

Antoine Laniez is a partner at NautaDutilh, and head of the Luxembourg litigation and arbitration practice.

He represents a wide range of institutional clients in complex arbitration and litigations, in the areas of commercial, corporate and insolvency law.

Laniez has an impressive record of accomplishment in cross-border recognition and enforcement proceedings, in particular cases involving sovereign states.

Recently, he has represented two Moldovan investors in proceedings to enforce a more than US\$500m arbitral award against a Central Asian country, resulting in a multimillion-euro asset freeze.

Mirjam van de Hel

NautaDutilh

Job title: Partner

Location: Amsterdam

Number of years in practice: 21

Number of years as an arbitrator: Two

Current number of arbitrator appointments: Three as chair, one as sole arbitrator

Main sectors covered: Investment treaties, general commercial and corporate, energy, oil and gas, construction

Geographical areas of focus: Europe, US

Languages: Dutch, English

Mirjam van de Hel is a partner at the Amsterdam branch of NautaDutilh, where she co-heads the international arbitration team.

She has extensive experience acting as counsel in commercial and investment treaty arbitrations under a variety of arbitration rules. She also acts regularly in complex court proceedings concerning the enforcement and setting aside of arbitral awards, specifically relating to disputes involving bilateral and multilateral investment treaties.

Olivier Caprasse

Olivier Caprasse Law Firm

Job title: Founding Partner

Location: Brussels

Number of years in practice: 27

Number of years as an arbitrator: 20

Current number of arbitrator appointments: Four as chair, six as co-arbitrator

Main sectors covered: Commercial contracts, SPA, M&A, construction, insurance, sales, energy

Geographical areas of focus: Applied focus on Belgium, Sweden, Switzerland, the Netherlands, USA

Languages: English, French, Dutch

Olivier Caprasse is a founding partner at Oliver Caprasse Law Firm, where he specialises in arbitration cases of different sectors, including construction, insurance, commercial contracts, investment arbitration, energy and IT.

He has been a member of the ICC Court since 2016, and has been one of the experts for Belgium in the UNCITRAL working group II on arbitration and conciliation. He has further served as expert to the Minister of Justice before the Belgian Parliament in the 2013 reform of Belgian arbitration law.

Martin Doe

Permanent Court of Arbitration (PCA)

Job title: Senior legal counsel

Location: The Hague

Number of years in practice: 14

Admissions: Barreau du Québec, New York State Bar

Main sectors covered: Public international law, investor-state arbitration, transnational commercial law, energy, finance and banking, infrastructure, life sciences, oil & gas, technology

Geographical areas of focus: Global, with a particular expertise in Latin America

Languages: English, Spanish, French, Portuguese

Martin Doe serves as senior legal counsel at the Permanent Court of Arbitration (PCA) in The Hague, where he works closely with arbitral tribunals constituted under the auspices of the PCA. Doe specialises in matters involving Latin America and the Iberian Peninsula or where Spanish or Portuguese is a language of the arbitration.

Dirk Pulkowski

Permanent court of Arbitration (PCA)

Job title: Senior legal counsel

Location: The Hague

Number of years in practice: 15

Admissions: Germany

Main sectors covered: Public international law, international investment law, European Union law

Geographical areas of focus: Germany, Benelux region, European Union

Languages: German, English, French

As senior legal counsel at the Permanent Court of Arbitration (PCA) in The Hague, Dirk Pulkowski has acted as institutional secretary in many of the PCA's arbitrations under investment treaties and publicprivate contracts. He also has broad experience as registrar in arbitrations between States under public international law, having led case teams in high-profile proceedings concerning boundaries, the law of the sea, the environment, and natural resources. Dirk has represented the PCA at various intergovernmental fora, including the United Nations, the OECD, the conference of the States parties to UNCLOS, the European Union, and the Energy Charter.

Andrea Lapunzina Veronelli

Permanent Court of Arbitration (PCA) Mauritius

Job title: Legal counsel

Location: Mauritius

Number of years in practice: Eight

Admissions: Paris

Main sectors covered: Investment, commercial, energy, mining, construction, telecommunication

Geographical areas of focus: Africa (in particular, the OHADA region), Indian Ocean

Languages: French, English and Spanish

Andrea Lapunzina Veronelli is legal counsel and representative of the Permanent Court of Arbitration (PCA) in Mauritius, assisting with the implementation of the Mauritius International Arbitration Act and with the promotion of Mauritius as a venue for international arbitration and PCA services throughout the African region.

As legal counsel, Veronelli acts as registrar and administrative secretary in arbitration and other forms of dispute resolution proceedings. She also assists the PCA secretary-general with appointing authority matters, including challenges, under the UNCITRAL arbitration rules and other procedural rules.

Prior to joining the PCA, Veronelli worked as a practicing lawyer for nearly five years at an international law firm in Paris, France, participating in the representation of states and companies in arbitration procedures under the aegis of the ICC, PCA and ICSID, as well as in domestic French law procedures related to arbitral awards and international private law matters.

Andrea is a graduate of Université Paris-I Panthéon Sorbonne and Université de Versailles Saint-Quentin-en-Yvelines, where she obtained a post-graduate degree in international arbitration. She qualified in 2017 to practice at the Paris Bar.

Benoît Allemeersch Quinz

Job title: Founding partner

Location: Brussels

Number of years in practice: 23

Number of years as an arbitrator: Ten

Admissions: Brussels Bar

Main sectors covered: Corporate and commercial disputes, banking and finance, pharmaceuticals, insurance

Geographical areas of focus: Benelux

Languages: Dutch, French, English

Benoît Allemeersch is a founding partner at QUINZ, where he represents clients before civil and criminal courts in Belgium, as well as in national and international arbitration.

He combines his law practice with an academic career, as a professor at the Catholic University of Leuven, where he teaches civil procedural law and evidence law.

Allemeersch is also a board member of CEPANI, Belgium's leading arbitration member, and is widely published in various subjects relating to national and EU procedural law.

Dr Niek Peters Simmons & Simmons

Job title: Partner

Location: Amsterdam

Number of years in practice: 17

Number of years as an arbitrator: Seven

Current number of arbitrator appointments: Three

Main sectors covered: TMT, energy, construction, engineering, financial institutions

Geographical areas of focus: Europe, Caribbean, Middle East

Languages: Dutch, English

Dr Niek Peters is a partner at Simmons & Simmons, where he heads the commercial litigation and arbitration practice in the Netherlands. His practice covers the full range of commercial litigation and international arbitration, both commercial and investment.

He has acted as counsel in numerous arbitrations, including under UNCITRAL, ICC, NAI, LCIA, CEPANI and other arbitration rules. Due to his extensive experience, Peters is often appointed as arbitrator in national and international arbitrations, both institutional and *ad hoc*, in which he has acted as chair, sole arbitrator and co-arbitrator.

Rafaël Jafferali Simont Braun

Job title: Partner

Location: Brussels

Number of years in practice: 20

Number of years as an arbitrator: Three

Main sectors covered: Pharmaceuticals, media, construction

Geographical areas of focus: Belgium and the European Union, Switzerland, Democratic Republic of Congo

Languages: French, English, Dutch and German

Rafaël Jafferali is a partner at the law firm Simont Braun focusing on dispute resolution, arbitration, proceedings before the Supreme Court, contract law, tort law and private international law.

He mainly acts in important and complex judicial proceedings and arbitration cases. Jafferali also provides advice on cutting-edge legal questions in these areas. He is Professor for the Chair of Law of Obligations at the Université libre de Bruxelles (ULB) and Affiliated Senior Researcher at the KU Leuven. Jafferali is a member of the two expert groups appointed by the Belgian Minister of Justice to codify the law of obligations and specific contracts.

Stan Putter

Smallegange Lawyers

Job title: Partner

Location: Rotterdam

Number of years in practice: 15

Number of years as an arbitrator: Five

Current number of arbitrator

appointments: One as chair, one as party-appointed arbitrator

Main sectors covered: Construction and engineering, petrochemical, oil and gas, tech, financial services, offshore energy

Geographical areas of focus: EMEA, North America, Caribbean, Southeast Asia

Languages: Dutch, English

Stan Putter is a partner at Smallegange Lawyers, where his practice is primarily focused on international arbitration and proceedings before Dutch courts with international aspects.

A significant part of Putter's practice consists of mandates in the enforcement and setting aside of arbitral awards, obtaining freezing orders and injunctions in aid of foreign arbitrations. He also regularly gives speeches and lectures on international arbitration, litigation and construction, and also has a number of articles published on this topic.

Michelle Glassman Bock

Squire Patton Boggs

Job title: Partner

Location: Brussels

Number of years in practice: 19

Admissions: Brussels Bar, Washington DC

Main sectors covered: Natural gas and LNG disputes of all kinds, including price reviews, missed cargo, under-delivery, force majeure and hardship disputes, energy disputes, and commercial contract disputes

Geographical areas of focus: Continental Europe and Asia

Languages: English, German, French

Michelle Glassman Bock is a US-qualified lawyer who has practiced in Brussels, Frankfurt, and Washington, DC and handles disputes arising under both civil and common law. She is a leading natural gas/LNG disputes lawyer. She teaches arbitration at the Université Libre de Bruxelles and at the University of Vienna's Sommerhochschule.

Nicolas Résimont

Stibbe

Job title: Partner

Location: Brussels

Main sectors covered: Commercial, contractual and construction project disputes

Languages: French, English, Dutch

Nicolas Résimont is a specialist in domestic and cross-border litigation as well as in national and international arbitration, both ad hoc and institutional, as counsel and as arbitrator.

Résimont has extensive experience in commercial, contractual and construction project disputes. He frequently assists clients in litigation in the banking, corporate/M&A, and energy sectors.

Moreover, Résimont has significant expertise in crisis management and in pre-litigation issues (among other things in the context of projects performance). He regularly advises clients, such as large multinationals, governments and banks, on their most strategic and complex matters, and helps them resolve their business-critical disputes.

Jean-Pierre Fierens

Strelia

Job title: Partner

Location: Brussels

Number of years in practice: 45

Number of years as an arbitrator: 20

Current number of arbitrator appointments: 16 as chair, 12 as sole arbitrator

Admissions: Brussels

Main sectors covered: Post-M&A, retail, energy, and construction

Geographical areas of focus: Europe and United States

Languages: Dutch, French and English

Jean-Pierre Fierens is a partner at the dispute resolution practice at Strelia, where he specialises in corporate and contract law, and is one of Belgium's most renowned litigators, especially in arbitration.

Fierens acts on a range of domestic and international cases, covering sectors including banking, food, and insurance. Over the last ten years, he has been appointed numerous times as sole arbitrator, coarbitrator, or chairman of an arbitral tribunal.

Joanna Kraus-Kolber

Strelia

Job title: Partner

Location: Brussels

Number of years in practice: Ten

Number of years as an arbitrator: Three

Admissions: Brussels Bar

Main sectors covered: Post-M&A disputes, infrastructure and industrial projects, transport, logistics, international trade, heavy industry, energy, automotive and transport, retail

Geographical areas of focus: Belgium, the Netherlands, Germany, France, Poland

Languages: Dutch, French, English, German, Polish

Joanna Kolber is a partner in the Dispute Resolution division of Strelia.

Kolber has experience as counsel in commercial ad hoc or institutional arbitrations (CEPANI, NAI, ICC) and litigation spanning various industries such as construction, energy, insurance and reinsurance, and M&A.

Kolber was admitted to the Brussels Bar and has been a Belgian lawyer since 2012.

Jean-François Tossens

Tossens Goldman Gonne

Job title: Founding partner

Location: Brussels

Number of years in practice: 30

Number of years as an arbitrator: 25

Admissions: Member of the Brussels Bar, lecturer at the Catholic University of UC Louvain

Main sectors covered: Post-acquisition disputes, construction, aeronautical, distribution, commercial contracts

Geographical areas of focus: Western Europe, Africa

Languages: French, English, Dutch

Jean-François Tossens' recent experience involves being appointed chairman of the Arbitral tribunal in ICC proceedings deciding a dispute between a Moroccan company and a Qatari company about the termination of a construction contract of a holiday resort in Morocco. His experience also includes being sole arbitrator in CEPANI proceedings deciding a dispute between a Swiss company and a Hong Kong company about the manufacture and sale of infant food products for the Chinese market.

Catherine Longeval

Van Bael & Bellis

Job title: Partner

Location: Brussels

Number of years in practice: 33

Admissions: Brussels Bar

Main sectors covered: Life sciences, information technology, fast-moving consumer goods

Languages: English

Catherine Longeval is a partner at the Brussels branch of Van Bael & Bellis, who specialises in dispute resolution, both before the Belgian courts and before arbitral tribunals (mainly CEPANI).

She also has particular experience in unfair market practices, distribution law, product liability, public procurement, employment law and general commercial law. Longeval regularly lectures and writes on life sciences regulatory matters and procedural law matters, as well as lecturing and speaking about arbitration.

Rogier Schellaars

Van Doorne

Job title: Partner

Location: Amsterdam, London

Number of years in practice: 20

Number of years as an arbitrator: 11

Current number of arbitrator appointments: Two

Admissions: The Netherlands Bar

Main sectors covered: Energy, post M&A, joint-venture, investment arbitration

Geographical areas of focus: Worldwide

Languages: Dutch, English

Rogier Schellaars is a partner at Van Doorne, who has particular experience in English language mixed common law/civil law disputes.

In addition, Schellaars is a member of the ICC Court of International Arbitration. He actively contributes to the work of the NAI, the Dutch Arbitration Association and the Law Firm School. Schellaars frequently publishes on arbitration law in journals and for the International Bar Association and the Max Planck Institute.

Bas van Zelst

Van Doorne

Job title: Partner

Location: Amsterdam, London

Number of years in practice: 14

Number of years as an arbitrator: Four

Admissions: Netherlands Bar

Main sectors covered: Energy, construction, commercial, investment arbitration

Geographical areas of focus: EMEA, Africa

Languages: Dutch, English

Bas van Zelst is a partner at the Zuidas branch of Van Doorne.

He has extensive experience in conducting and advising on national and international commercial arbitration and related proceedings before the regular courts. He has been involved in advising on arbitration procedures under the ICC, NAI, LCIA, UNCITRAL and DIS arbitration rules.

He also combines his fulltime counsel practice with a position as professor of dispute resolution and arbitration at Maastricht University.

Vera van Houtte

Van Houtte Partners BV

Location: Brussels

Number of years in practice: 50

Number of years as an arbitrator: 25

Current number of arbitrator

appointments: Three

Admissions: Brussels

Main sectors covered: Construction, engineering, energy, medical

Geographical areas of focus: Europe, Middle East, Southeast Asia

Languages: Dutch, English, French German

Vera van Houtte is the founder of Van Houtte Partners BV, and has over 30 years in international arbitration, first as counsel, and later as arbitrator. She has particular experience in construction, engineering, energy, and medical disputes.

She is currently an ICSID Panel arbitration, member of the ICCA Governing Board, and of the Board of Directors of Cepani, and is one of the most in-demand arbitrators in Europe.

From the publishers of

