

Your World First

C/M/S/

Law . Tax

International Arbitration

Delivering results through experience

October 2013

Securing your interests – Delivering results

Having CMS on your side brings genuine competitive advantages. Whatever the nature of your dispute, wherever you need us in Europe and beyond, we will help you resolve it.

In dispute resolution – as in all areas where we provide legal advice – we deliver results by taking a distinctive approach to applying our expertise on your behalf. We put client understanding and commitment ahead of everything else. Our priority is always to deliver on ‘Your World First’, which is how we describe our commitment to focusing our expertise, knowledge and commercial insight on your issues and objectives.

Strong relationships with clients who expect the best have earned us our place among the world’s leading law firms. For CMS people, connecting with and making a difference to your world is our mission, our motivation, and the measure of our success.

That’s why clients trust us with their most complex dispute resolution challenges. Having CMS on your side means:

Quality and depth of resources. With more than 300 dispute resolution specialists to choose from, your CMS team has the expertise and capacity to handle the most complex disputes.

Global reach with local insight. CMS is truly international and bridges cultural differences. Our dispute resolution lawyers bring their international experience combined with a profound local insight.

Proven high-stakes advisers. We handle disputes worth billions of Euros on a daily basis. Clients trust us with their most sensitive, difficult and business-critical cases.

Renowned top-tier expertise. CMS has earned a reputation for excellence among clients, peers and legal industry directories.



CMS receives no end of praise for its keen attention to client service, entrepreneurial spirit and sharp legal expertise. The lawyers are well versed in the full range of arbitration regulations, including ICC, LCIA, Swiss Rules, DIS and SCC, and are pioneers in alternative conflict resolution methods including mediation, adjudication and conciliation.

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Planning for success



The team is well prepared, innovative and always reliable.

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Disputes happen. Whatever business you are in, resolving disputes is a fact of life. Knowing you have experienced and proactive advisers on your side is the first step towards a successful resolution.

International disputes present specific challenges, and getting advice early in the process is vital. Arbitration has become a preferred mechanism for resolving cross-border disputes. There are good reasons for this:

- **International enforceability.** As a rule, arbitration awards are easier to enforce internationally than state court judgments.
- **Flexible proceedings.** Parties can choose the arbitrators, venue and rules of procedure to suit the requirements of the dispute.
- **The right expertise.** Parties can select arbitrators with the required knowledge and industry sector expertise. This can help to speed up proceedings and, ultimately, encourages acceptance of awards by the losing party.
- **Confidentiality.** Unlike litigation, arbitration can be private. This means that confidential details such as amounts claimed and awarded are much better protected. For many companies this makes arbitration a more appealing option than litigation.
- **Investment disputes.** Foreign investment outside the EU has increased enormously in recent years. Investment treaties allow extensive protection to investors, enforced by arbitration through the International Centre for the Settlement of Investment Disputes (ICSID) or on an ad-hoc basis.

Your CMS arbitration team puts international and local knowledge to work for you. Our lawyers are used to working with different national legal systems, and we know the system from both sides – many of our team are regularly appointed as arbitrators.

If your dispute involves interdisciplinary issues, the CMS international network is a key advantage. Our arbitration specialists operate as a true team, offering you prompt cross-border legal advice and representation from a single point of contact.

Your needs drive our advice and service at every phase of the arbitral process - from advising on dispute resolution clauses, initiating proceedings and selecting arbitrators, through to conducting the proceedings until an award is rendered. We will also be on your side in proceedings relating to the enforcement or setting aside of awards.

We know that managing disputes can be time consuming and divert valuable resources for any business. We work with you to establish the most efficient ways of resolving disputes in line with your commercial objectives. Delivering real value through top quality advice, along with innovative project management, we focus on your success.

Our experience

CMS handles hundreds of cases across the world covering the full range of major business disputes and involving clients from a wide range of industries. Here is a sample of our recent experience.

Sector	Applicable Rules	Details
Energy	UNCITRAL	Acting in three very high-value (circa USD 3.5 billion, USD 1.25 billion and USD 750 million) international price review arbitrations under UNCITRAL rules between a national gas utility company and a major international LNG seller in relation to high-volume long-term LNG supply agreements.
Energy	LCIA	Acting for a leading international provider of drilling services in a USD 100 million LCIA arbitration in relation to the early termination by a state-owned oil company of a drilling contract for one of the most modern high-performance drilling rigs.
Energy	ad hoc	Acting for a client in a dispute over the single largest oil sale transaction in the world. The value of the transaction is in the region of USD 0.25 trillion over 20 years, and the amounts in dispute over the life of the contract amounted to about USD 16.9 billion.
Energy	ICC	Advising a Russian electricity trading and holding company that operates one of the largest power stations in southeast Europe in an ICC arbitration brought by three Moldovan electricity distributors.
Renewable energy	Swiss Rules	Advising an international joint venture for the construction of three wind farms in Italy in arbitration proceedings under the Swiss Rules.
Renewable energy	Swiss Rules	Acting as counsel to a respondent in international arbitration proceedings under Swiss Rules between an Indian and a German party relating to a license and know-how agreement in the renewable energy sector.
Renewable energy	CEAC SCC DIS	Acting for a Chinese producer of solar panels in different arbitration proceedings in different European jurisdictions with amounts in dispute between EUR 10 million and EUR 40 million.
Automotive, Banking & Financial Services	Swiss Rules	Acting in an international multi-party arbitration involving German, Chinese and Japanese parties under Swiss Rules relating to investments in the automotive sector.
Banking & Financial Services	ad hoc	Acting for an international bank in relation to a claim in excess of EUR 300 million against a sovereign state.
Manufacturing	DIS	Advising a leading German manufacturer of trucks and buses in DIS arbitration proceedings related to the termination of a distribution agreement for alleged serious breach of contract.

Manufacturing	ICC	Acting for the respondent in three separate arbitral proceedings under the ICC Rules in disputes in the amount of EUR 80 million, EUR 20 million and EUR 60 million respectively arising out of a privatisation dispute against the Bulgarian State.
Manufacturing (Chemicals)	CIETAC	Acting for a Chinese chemicals manufacturer in a CIETAC arbitration against a chemicals producer owned by Finnish investors in relation to payments of claims and damages.
Manufacturing (Textiles)	CIETAC	Acting for a Chinese construction company in a CIETAC arbitration against a major engineered textile manufacturer owned by US investors in relation to a dispute on a factory construction project.
Manufacturing	ICC	Chairing an ICC arbitral tribunal in a USD 100 million shareholder dispute between an Asian company and an off-shore investment company concerning rights to a shareholders' agreement.
Real estate and construction	DIS	Chairing an arbitral tribunal in a USD 120 million dispute regarding delay claims in the construction of a plant.
Intellectual property	ICC	Chairing an arbitral tribunal in a USD 110 million dispute between a US pharmaceutical company and a licensor regarding royalty payments.
Investment Arbitration	ICSID	Advising an investor in the first ever investment treaty claim brought against Montenegro before ICSID by Dutch investors operating in the steel sector.
Investment Arbitration	Energy Charter	Advising an investor group in relation to a USD multi-billion investment arbitration claim against the Ukrainian Government arising out of a gas production sharing agreement. Potential treaty claims available to investors included those under the Energy Charter Treaty and several bilateral investment treaties.
Investment Arbitration	UNCITRAL	Advising a major Russian oil company on Ukrainian law issues in relation to a UNCITRAL investment arbitration against Ukraine under the Russia-Ukraine Bilateral Investment Treaty.
Investment Arbitration	ICSID	Advising the Government of Ukraine in an ICSID arbitration brought by WNISEF, a US Government investment fund, for an alleged denial of justice by the Ukrainian courts.
Investment Arbitration	ICSID	Acting as counsel to the Government of Romania in the context of a circa USD 200 million BIT investment arbitration before ICSID relating to an investment by a Greek investor in a privatised company in the food sector.
Investment Arbitration	ICSID	Acting as counsel to international investors in the context of a circa USD 50 million BIT investment arbitration before ICSID against the Government of Bulgaria arising out of the termination of a concession agreement in the waste management sector.
Investment Arbitration	UNCITRAL	Chairing an arbitral tribunal in an UNCITRAL investment dispute between Vivendi and Poland.

CMS

For more information on dispute resolution and on our services related to dispute resolution, please contact: arbitration@cmslegal.com



Facts and Figures

- 56 offices
- 50 cities
- > 750 partners
- > 2,800 fee earners
- > 5,000 total staff
- Combined annual turnover: EUR 838 million (2012)
- 31 countries

• Moscow

• Kyiv

• Bucharest

• Istanbul

• Beijing

• Shanghai

• Dubai

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