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# International Arbitration

Delivering results through expertise

September 2015

# 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.

Our experienced lawyers, including sector-specific experts, understand your business and its challenges. We focus our expertise, knowledge and commercial insight on your issues and objectives. Using this distinctive approach, we apply our expertise in dispute resolution to help you achieve the results you need.

As one of the world's leading law firms, we can provide you with effective solutions to your most complex dispute resolution challenges. For us, building strong, trusted relationships with you and making a difference to your world is our motivation and the measure of our success.

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.** With lawyers in 33 countries, CMS is truly international and bridges cultural differences. Our lawyers think and act internationally while delivering local results.
- **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.

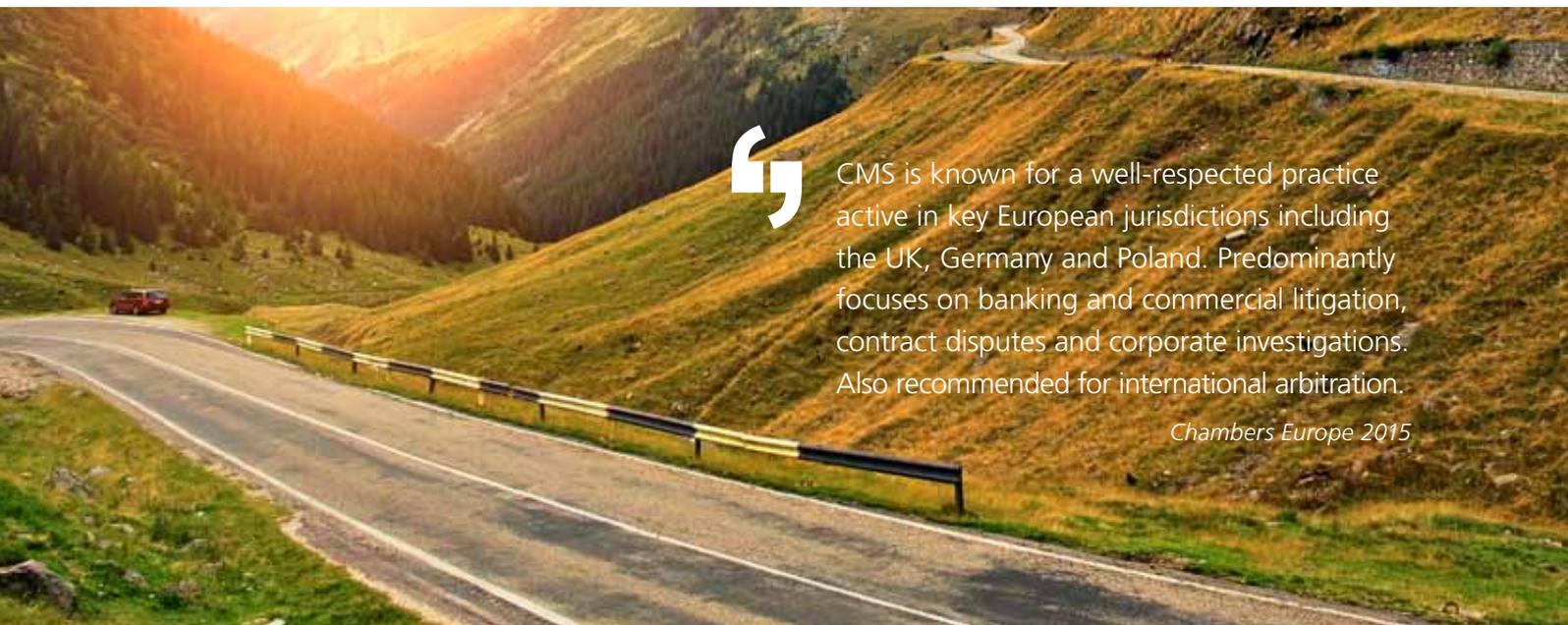


CMS is my go-to firm for arbitration and litigation cases as it is prompt in answering, very solution-oriented, sharp and provides to-the-point advice. Moreover it is procedurally savvy and highly efficient. I like that it doesn't waste our time with dozens of pages of theoretical evaluations.

*Chambers Europe 2015/Client quote*



# Planning for success



CMS is known for a well-respected practice active in key European jurisdictions including the UK, Germany and Poland. Predominantly focuses on banking and commercial litigation, contract disputes and corporate investigations. Also recommended for international arbitration.

*Chambers Europe 2015*

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 now become a preferred mechanism for resolving such cross-border disputes. There are good reasons for this:

- **International enforceability.** As a rule, it is easier for you to enforce arbitration awards internationally than state court judgments.
- **Flexible proceedings.** You can choose the arbitrators, venue and rules of procedure to suit the requirements of your dispute.
- **The right expertise.** You can select arbitrators with the knowledge and industry sector expertise you require. This can help 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. This could make arbitration a more appealing option than litigation for you.
- **Investment disputes.** Foreign investment outside the EU has increased enormously in recent years. If you are an investor, investment treaties allow you extensive protection, 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 lawyers 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 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 at your side in proceedings relating to the enforcement or setting aside of awards.

We know that for any business managing disputes can be time consuming and divert valuable resources. 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 spectrum of major business disputes and involving clients from a wide range of industries. Our recent experience includes:

Sector	Applicable Rules	Details
<b>Agribusiness</b>	ICSID	Acting as counsel to the Government of Romania in the context of a USD 200m BIT investment arbitration before ICSID relating to an investment by a Greek investor in a privatised company in the food sector.
<b>Banking &amp; Financial Services</b>	ad hoc	Acting for an international bank in relation to a claim in excess of EUR 300m against a sovereign state.
<b>Commercial</b>	ICIAC	Acting for an Australian cattle breeding company in respect of Russian injunction proceedings and arbitration proceedings before the International Commercial Arbitration Court under the Chamber of Trade and Commerce of Russia which resulted in a successful settlement for the client.
<b>Energy</b>	LCIA	Acting for a leading international provider of drilling services in a USD 100m 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.
	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.
		Representing the contractor in arbitral proceedings arising out of the turnkey construction of the first ever offshore wind farm in the Netherlands.
	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.
	Energy Treaty 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.
<b>Finance</b>	ICSID	Chairing an ICC arbitral tribunal in a USD 100m shareholder dispute between an Asian company and an off-shore investment company concerning rights to a shareholders' agreement.
		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.

Sector	Applicable Rules	Details
<b>Manufacturing</b>	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.
<b>Pharma</b>	ad hoc	Defending a large pharmaceutical company in arbitral proceedings filed by a group of pharmaceutical companies to obtain injunctive relief from the arbitral tribunal restraining the Respondent's ability to sell, import, export, manufacture, store or deliver certain generic drugs.
<b>Plant Engineering and Construction</b>	DIS	Chairing an arbitral tribunal in a USD 120m dispute regarding delay claims in the construction of a plant.
<b>Professional Services</b>	ICC	Acting for the respondent in three separate arbitral proceedings under the ICC Rules in disputes in the amount of EUR 80m, EUR 20m and EUR 60m respectively arising out of a privatisation dispute against the Bulgarian State.
<b>Renewable Energy</b>	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 with parallel injunctive proceedings before the Indian courts.
	ad hoc	Representing the Chinese shareholder in a dispute with the Dutch shareholders in a 50/50 Sino-Dutch joint venture.
	CEAC, SCC, DIS	Acting for a Chinese producer of solar panels in different CEAC and SCC arbitration proceedings in different European jurisdictions with amounts in dispute between EUR 10m and EUR 40m.
<b>Steel</b>	ICSID	Advising an investor in the first ever investment treaty claim brought against Montenegro before ICSID by Dutch investors operating in the steel sector.
<b>TMC</b>	UNCITRAL	Representing a large Austrian construction company in proceedings conducted under the UNCITRAL Rules brought against the Bosnian Ministry for Transportation.
	ad hoc	Representing a leading Norwegian telecommunications company in arbitration and litigation proceedings against a Hungarian state television network.
<b>Waste management</b>	ICSID	Acting as counsel to international investors in the context of USD 50m BIT investment arbitration before ICSID against the Government of Bulgaria arising out of the termination of a concession agreement in the waste management sector.

# CMS

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



# Facts and Figures

- 59 offices
- 53 cities
- 33 countries
- > 800 partners
- > 3,000 fee earners
- > 5,500 total staff
- Combined annual turnover: EUR 934m (2014)

○ Moscow

○ Kyiv

○ Bucharest

○ Istanbul

○ Beijing

○ Shanghai

○ Dubai

○ Muscat

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