

States and state entities in international arbitration

This short series of presentations will focus on a trilateral legislative and practical approach from a Romanian, UK and Netherlands perspective, identifying examples of domestic legislation and of international practice where the domestic law was involved, with respect to the State and/or the state entities as parties in arbitration disputes.

The plea of non-constitutionality in the arbitration of the privatization agreements

Cristiana Stoica looks at the procedural aspect of claims (e.g. based on the non-constitutionality of legal provisions) and also to matters of arbitrability in front of the ICC, when the Romanian law was the law of the dispute.

Cristiana-Irinel Stoica Ph.D is a Romanian attorney-at-law, registered with the Bucharest Bar since 1980. She is a graduate of the University of Bucharest and, based on an intensive activity as associate professor she was admitted in 2000 by the same academic institution as doctor in law (specialization: international commercial law). Currently, she is associate professor in L.L.M. International Arbitration attached to the Faculty of Law, Bucharest University. As founding partner, she established the law firm STOICA & Asociatii in 1995, based in Bucharest, soon after the new ruling on the legal practice was adopted in post-communist Romania. The partnership of STOICA & Asociatii currently comprises a number of 11 high professionals (of a total number of more than 35 lawyers and with a total staff of 55), acting in almost all areas of business law. The law firm has constantly developed a strong international dimension of its activity to which Cristiana has significantly contributed, with her expertise as advisor to multinational companies, international financial institutions or as pleading lawyer in international disputes. She was several times quoted by European Legal 500, Chambers Global or IFLR 1000 as one of the most reputed practising lawyers in Romania. Her area of specialisation includes, mainly, corporate financing, M&A, real estate, commercial disputes and securities.

Cristiana is an arbitrator at the International Court of Arbitration attached to the Chamber of Commerce of Romania and also conducts arbitration disputes as lawyer in front of either domestic or international arbitral courts. She was interviewed and published in Romania and abroad about various aspects involving the appliance of the Romanian law or about the Romanian legislation and she was pioneering with a first Romanian work regarding international operations with stock and bonds. Cristiana is Vice-president of the Board of Directors in World Link for Law and coordinates the International Arbitration Group of the same association; she is also very active in many chambers of commerce in Romania (e.g. Romanian-American, Romanian-German, British-Romanian) and she is the author of articles and legal books, published in Romania and abroad.

Cristiana Stoica, Partner, STOICA & Asociatii, Bucharest, Romania

Tel: + 40 21 40 20 930

Email: istoica@stoica-asociatii.ro

Web: www.stoica-asociatii.ro

When is a financial product an investment under the BIT and the ICSID Convention?

Stephen Rosen deals with the distinction between investments and ordinary commercial transactions when the investments are financial products for example sovereign bonds and securities.

Stephen Rosen is a Partner with Collyer Bristow LLP Solicitors, London and Geneva, and heads the Financial Services Disputes Group whose work includes arbitration. He has wide experience in a broad range of commercial litigation including civil white collar fraud and contractual disputes and has a specialisation in dealing with claims arising out of derivatives and other financial products and is ranked in the Legal 500. Stephen has given webinars on LIBOR manipulation and also interest rate swaps and they are accessible on Collyer Bristow's web site. Many of Stephen's clients have typically been based overseas and he generally travels to two European countries a month.

Collyer Bristow is a law firm with about 85 lawyers that can trace its origins back to 1740 and serves both commercial clients and individuals from its offices in Central London and in Geneva. It has a wide international client base and its records show that it has serviced clients in more than 50 countries in each of the past few years and with recently about 30% of its fees being billed outside the UK.

Stephen Rosen, Partner, Collyer Bristow LLP Solicitors, London and Geneva, UK.

Tel: + 44 207 243 7363

Email: stephen.rosen@collyerbristow.com

Web: www.collyerbristow.com

State participation in Dutch arbitration

Peter van der Velden speaks about The Hague as a historic and current venue for international arbitration between states or against states. The handshakes of a Russian Czar and US industrialist Carnegie... and about the new Dutch Arbitration Chapter, facilitating arbitration of enterprises against states, the *Lizardi* Rule and other interesting case law some states may not be pleased with.

Peter van der Velden is a Partner/Founder of Kiveld International Lawyers and heads the Dispute Resolution Group. Peter has broad experience in acting as counsel in (inter)national arbitration and in Dutch and cross-border litigation on a variety of commercial matters. He is an author of trade, shipping, banking and arbitration related articles and speaks regularly on these topics at seminars abroad.

Kiveld International Lawyers is a young law firm that focuses on companies operating across borders. The Kiveld team are specialists and have considerable experience in the international legal and tax arenas. The strength of Kiveld is the seamless connection between these two disciplines, the so-called integrated practice. Kiveld is located in the heart of The Hague, The Netherlands and was established in October 2007.

Peter van der Velden, Partner, Kiveld International Lawyers, Den Haag, The Netherlands

Email: pv@kiveld.nl

Tel: + 31 88 254 83 53

Web: www.kiveld.nl

Cristiana Stoica, Stephen Rosen and Peter van der Velden represent law firms that are members of World Link for Law.

World Link for Law is a leading international network of independent law firms, comprising 70 law firms and over 350 partners and 700 lawyers in 47 countries worldwide (in 80 office locations). Its aim is to help businesses achieve their international commercial objectives by providing relevant legal solutions. The members offer a broad range of legal and dispute resolution services with the reassurance of an established quality code.

The World Link for Law International Arbitration Group

World Link for Law has a group of professionals in many jurisdictions with experience in international arbitration. The vast legal culture and dimension of this arbitration group represents a solid platform for the supply of specialist services towards for members' clients.

Their expertise includes, among others:

- Providing expert parte opinions in international arbitration;
- Acting as counsellors for companies in arbitral disputes;
- Advising about drafting arbitration agreements, assisting and advising in multi-party international transactions and negotiation;
- Advising and assistance in enforcement proceedings of arbitral awards and in court proceedings for cancellation of arbitral award.

The members of the international arbitration group of World Link for Law also dedicate themselves to the research of various legal aspects they face in their day to day practice in their jurisdictions in arbitration and constantly cooperate in providing collective legal advice to international clients in international arbitral disputes.



www.worldlink-law.com

Registered Office: Bahnhofstrasse 70, 8021, Zurich, Switzerland