



VILNIUS COURT OF COMMERCIAL
ARBITRATION



VILNIUS ARBITRATION DAY 2018

60 YEARS OF THE NEW YORK CONVENTION: PRESENT AND FUTURE CHALLENGES

October 19, 2018
Artis Centrum Hotels, Totorių str. 23, Vilnius, Lithuania

Organised in cooperation with:



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Speakers and Moderators



Prof. Habil. Dr. Vytautas Nekrošius is a Lithuanian lawyer, a civil novelist, a promoter and an improver of the Civil Procedure Code, the Vilnius University Faculty of Law professor, the habilitated doctor of law (2004), expert member (from 2007) and full member (from 2011) of the Lithuanian Academy of Sciences (LMA) Humanities and Social Sciences Department. He is the Chairman of the Vilnius Court of Commercial Arbitration since 2003. Since 2002 June until 2012 September prof. Nekrošius took office of the Dean of the Vilnius University Faculty of Law. Research interests – Roman Law (Civil Law), Civil Procedure Law, Notary, Arbitration. Since 1996 he was a member of the drafting group of the new Civil Procedure Code and also participated in drafting the Law on Courts, the Bailiff Law, the Bar and the Notary Laws and their amendments. Expert of the Committee on Legal Affairs of the Republic of Lithuania regularly invited to the hearings (civil procedure, notary matters), from 1995 to 1996 consultant of the Committee on Legal Affairs of the Republic of Lithuania; from 1996 until 1998 is an adviser for the Minister of Justice in civil law and civil procedure issues. From 2015 Vytautas Nekrošius is a Head of the Department of the Private Law at the Vilnius University, since 2016 - president of the Lithuanian Lawyers Association.



Vilius Bernatonis – FCI Arb, Managing Partner and the Head of Energy industry group at one of the leading Pan-Baltic law firms TGS Baltic. The most authoritative and reputed international legal directories, like The European Legal 500, Chambers and Partners, etc., highly rank Vilius Bernatonis in energy, banking and finance, international dispute resolution, corporate, and commercial law. Vilius frequently acts as an arbitrator, also as a representative of parties in domestic and international arbitration proceedings. He is known for rendering exceptional legal services in major energy and infrastructure projects, inter alia, implementation of the EU Third Energy Package, construction of the LNG terminal by AB Klaipėdos Nafta, implementation of strategic electricity cross-border interconnections LitPol Link and NordBalt. Vilius unrivalled experience in energy arbitration. He has been involved in several arbitration disputes between the Government of Lithuania and OAO Gazprom; currently Vilius represents the Lithuanian Government, in co-counsel with law firm Shearman & Sterling (Paris office), in arbitration dispute against French companies Veolia Environment S.A., Veolia Baltics and Eastern Europe S.A.S. and their Lithuanian subsidiaries UAB Litesko, UAB Vilniaus Energija.



Loukas Mistelis is the Clive Schmitthoff Professor of transnational law and arbitration and director of the School of International Arbitration at Queen Mary University of London. He is a member of the academic committee of the Institute of Transnational Arbitration; the advisory board of EFILA; the academic committee of AIPN; and the ICSID Panel of Arbitrators. He is also president of the Court of CEDRAC.

Professor Mistelis has been a member of the Athens Bar since 1993 and frequently sits as an arbitrator.



Dr. Réka Ágnes Papp is an associate to Professor Tercier specialising in international commercial and investment arbitration. Before joining the team of Professor Tercier, she was a lecturer at the MIDS Geneva LL.M with a focus on international arbitration, private international law and European competition law. She holds a summa cum laude PhD from the University of Nancy in France and a J.D. from the University of ELTE in Budapest. She worked as a teaching assistant at the University of Nancy and did an internship at the Court of Justice of the European Union. While living in Vienna, she worked as an associate at a law firm in the field of international commercial arbitration and energy law.



Annette Magnusson is Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce (SCC) since 2010. She joined SCC from the law firm Mannheimer Swartling in Stockholm and before that Baker & McKenzie, Sweden. Ms Magnusson is the author or editor of several publications on international arbitration, including *Arbitrating for Peace* (Kluwer, 2017) and *International Arbitration in Sweden* (Kluwer, 2013). She has initiated a number of policy initiatives, including the Stockholm Treaty Lab international crowdsourcing challenge to innovate international law for climate change mitigation and adaptation.



Vladimir Khvalei is a partner in the Moscow office of Baker & McKenzie and heads the firm's CIS Dispute Resolution Practice Group. Mr. Khvalei has wide experience participating in litigation in Russia, Kazakhstan, Belarus and Ukraine, as well as in international arbitration cases in accordance with the arbitration rules of the ICAC, UNCITRAL, ICC, SCC and other arbitration institutions. Mr. Khvalei is a Vice-President of the ICC International Court of Arbitration. Mr. Khvalei is also included on the list of arbitrators of the arbitration institutions in Austria, Russia, Belarus, Kazakhstan and Dubai; he is a Chairman of the Arbitration Commission of the Russian National Committee of the ICC, a Vice-Chair of the IBA Arbitration Committee and a Member of the Board of the International Arbitration Court at the Belarusian Chamber of Commerce and Industry. He is also a member the Polish Arbitration Association, the Austrian Arbitration Association and the Member of a Board of the Ukrainian Arbitration Association. Mr. Khvalei is included on the list of tutors, examiners and assessors of the Chartered Institute of Arbitrators. Mr. Khvalei graduated with a degree in law from the Belarusian State University in Minsk in 1992.



Dr. Eglė Zemlytė is a lecturer at Private Law Department of the Law Faculty of Vilnius University. She teaches international commercial arbitration (in both Lithuanian and English) as well as law on civil procedure. Her research focuses on international arbitration, alternative dispute resolution and law on civil procedure. She is a co-author of the Commentary to the Law on Commercial Arbitration of the Republic of Lithuania and an author or co-author of various publications on arbitration and other dispute resolution methods. She has also been admitted to the bar of the Republic of Lithuania and has been practicing as the counsel in various arbitration and litigation cases for almost 15 years. She has represented Lithuanian and foreign companies in arbitration cases under various arbitration rules (SCC, ICC, LCIA, VCCA, UNCITRAL Rules) as well as in Lithuanian courts. Before joining a boutique law firm to focus on her career as an arbitrator she was an attorney-at-law at one of the biggest law firms in Lithuania. She regularly sits as arbitrator or chairs arbitrations under the rules of the Vilnius Court of Commercial Arbitration.



Corinne Montineri is a Legal Officer in the International Trade Law Division of the United Nations Office of Legal Affairs, the Secretariat of the United Nations Commission on International Trade Law (UNCITRAL). UNCITRAL is the core legal body of the United Nations in the field of international trade law. Her main field of activity relates to dispute settlement, and technical assistance to law reform in the field of arbitration and mediation, which includes advising UN Member States on draft arbitration and mediation laws, and on compatibility of existing laws with UNCITRAL standards. She has been servicing the sessions of the UNCITRAL Working Group II (Arbitration and Conciliation) since October 2003 and is the Secretary of Working Group II since January 2009.



Dr. Manuel Penades Fons is a Lecturer in International Commercial Law, The Dickson Poon School of Law, King's College London, where he researches and teaches in the field of international commercial law. Manuel's main research focuses on international arbitration, cross-border insolvency law and conflict of laws for commercial contracts. While also interested in theoretical and conceptual work, he is particularly attracted by the challenges that each of those disciplines generate when they interact with other legal fields. Examples of this are the participation of the European Commission in investment arbitration; the indirect effect of the principle of effectiveness of EU law on international arbitration; the importance of national rules and economic interests in the application of EU conflict-of-law rules; the impact of insolvency proceedings on arbitration; the use of arbitration in the context of merger control. Before joining King's College London, Manuel worked at the London School of Economics and Political Science (UK), the University of Warwick (UK) and the University of Valencia (Spain). Manuel is a qualified solicitor (England & Wales) and abogado (Spain), non-practising, and before his academic career worked in a major arbitration firm in London and clerked at the Commercial Court of Valencia. He regularly participates in arbitration proceedings (ICC, LCIA) and court litigation (High Court of England & Wales) as legal expert and consultant, and has arbitral secretary experience. He is available for arbitral appointments.



Rikard Wikström-Hermansen is one of the leading experts in dispute resolution/arbitration in Sweden. He has represented Swedish, foreign and multinational corporations before courts and arbitral tribunals under various arbitration rules such as the SCC, the ICC, the SIAC and the UNCITRAL rules. The disputes have involved many different business sectors, such as oil & gas, construction, insurance, M&A disputes, IT and pharmaceuticals. Rikard also regularly sits as arbitrator and has chaired several international arbitrations involving German, Russian, Spanish, Estonian, Norwegian and Swedish parties. He is a Stockholm-based Partner at Roschier. Before joining Roschier in 2017 he was a Partner at White & Case, Stockholm. Rikard is also a member of Stockholm Center for Commercial Law (SCCL) research panel on Arbitration and Other Dispute Resolution, the author of number of publications on arbitration as well as frequent speaker at various conferences and events dedicated to international arbitration.



Dr. Rimantas Simaitis, MCI Arb is a partner, Head of the Dispute Resolution Practice, Attorney-at-Law, Arbitrator, Mediator at COBALT Legal. Practicing in litigation, alternative dispute resolution (negotiation, arbitration, mediation), penal law and procedure, energy law, and transport law for over 17 years. Rimantas is an associate professor, senior research worker at Vilnius University Faculty of Law. Rimantas is actively engaged in mediation, civil procedure and other dispute resolution systems, legal ICT systems and software development and respective legislation development for more than 12 years.



Erik Schäfer is partner of Cohausz & Florack, a Düsseldorf boutique firm focussing mainly on all aspects of protecting and commercially exploiting technology and intellectual property. 1983 he graduated in Law from the University of Freiburg/Germany and qualified for the bar (2nd State Exam.) in 1987. His main areas of practice are arbitration, matters with a technical 'flavour' (especially IP and IT), trademarks, copyright, unfair competition, and commercial law. Since 1994 he has been acting either as counsel or arbitrator in national and international arbitration proceedings. The subject matters of the disputes included inter alia software-projects, engineering and construction, oil-exploration & development, licenses, outsourcing, purchase-, distribution-, and R&D agreements, service and marketing contracts, shareholder- and IP-purchase agreements, e-payment clearance, commercial secrets and patent vindication, agency agreements. Erik co-chaired the Task Force on IT & Arbitration and co-chaired the Task Force on Expertise Proceedings of the ICC Commission on Arbitration. He is member of the Emergency Arbitrator Task Force. He was member of the eDisclosure Task Force and chaired the Austrian German Section of the CEA. In 2015 he was appointed trustee of the DIAC until 2018. He is member of GRUR, LES, MARQUES, ASA, CEA, IBA, ICCA, CELA, and DIS. He is listed by HIAC, KLRCA, and SIAC (2015) as ip-dispute panelist. He is a trained mediator.



Jonas Kupinas is CEO of UAB "S4ID". Jonas is information system development professional with experience in development of various case management systems: arbitration, Lithuanian courts, criminal case, penal enforcement and other. He is one of the main designers and developers of electronic arbitration case management system ARBIS used at the Vilnius Court of Commercial Arbitration.



Benjamin Siino is a counsel in Shearman & Sterling's International Arbitration and Public International Law practices. His experience includes international ad hoc arbitrations, including under UNCITRAL Rules, and institutional arbitrations under the Rules of the ICC and ICSID, with a strong focus on energy, investment and general commercial arbitrations, as well as arbitrations related to Africa. Benjamin Siino also acts as counsel in litigation proceedings before French courts, with a focus on proceedings to seek the recognition and enforcement of arbitral awards and foreign judgments. He also acts as a Research Assistants' Team Leader for the New York Convention Guide Project, a joint research project by UNCITRAL, Shearman & Sterling and Columbia University, which led to the publication of the UNCITRAL Secretariat Guide on the Convention on the Recognition and Enforcement of Arbitral Awards (co-authored by Emmanuel Gaillard, head of Shearman & Sterling's International Arbitration practice) and its online platform, newyorkconvention1958.org, which notably contains over 2000 decisions from national courts throughout the world. Before joining Shearman & Sterling, Benjamin practiced as an associate in the Dispute Resolution team of a French law firm, focusing on general commercial litigation and arbitration-related matters. He also worked as an Analyst consultant for the Organisation for Economic Co-operation and Development (OECD) and for the French Ministry of Defence.



Audrius Zujus is CTO and Co-owner of BPTI (Baltic Institute of Advanced Technology), dedicated member of two NATO Science and Technology groups. Audrius is a founder of the first Artificial Intelligence meetup in Lithuania.



Vilija Vaitkutė Pavan is an attorney and Partner at Valiunas Ellex and a head of the Lithuania Dispute Resolution practice group. Vilija is actively engaged in arbitration and serves as an arbitrator and a counsel to numerous international and domestic arbitration proceedings under arbitration rules of the ICC, SCC, FCCC, CCIG, LCIA, UNCITRAL ad hoc arbitration rules and rules of the Vilnius Court of Commercial Arbitration. Chambers Global states that Vilija "is the only lawyer representing Lithuania in the International Court of Arbitration of the ICC World Council, the world's largest arbitration institution". Vilija gives lectures at international conferences and is the author of a number of articles and papers on arbitration. Fields of expertise: International & Domestic Arbitration, Litigation, Mediation & Other ADR, Reorganization, Insolvency, Liquidation, Energy & Utilities, International, EU & Domestic Trade, Aviation, Maritime & Other Transport. Since 2014 Mrs. V. Vaitkutė Pavan is a member of International Arbitration Institute in Paris (IAI), since 2011 - recommended arbitrator of the Polish Lewiatan Court of Arbitration, since 2010 to - recommended arbitrator of International Commercial Arbitration Court (ICAC), Chamber of Commerce and Industry of Russian Federation, since 1997 recommended arbitrator of the Vilnius Court of Commercial Arbitration, since 2009 - Swedish Arbitration Association, 2008 - Association Arbitral Women, since 2007 - Chairwoman of Commission on Arbitration, ICC Lithuania, since 2006 - International Court of Arbitration of ICC (member for Lithuania), ex officio member of ICC Commission on Arbitration.

PROGRAM*

October 19, 2018
(Artis Centrum Hotels, Totoriu str. 23, Vilnius, Lithuania)

9:30 **Registration of Participants**

10:00 **Opening of the Conference**

Ms Egidija Tamošiūnienė, Chairwoman of Civil Division, Court of Appeal of Lithuania

Prof. habil. dr. VYTAUTAS NEKROŠIUS, Chairman of the Vilnius Court of Commercial Arbitration

10:20 **PANEL 1: 60 Years of the New York Convention**

Moderated by **FCIArb VILIUS BERNATONIS**, Managing Partner at law firm TGS Baltic

10:25 **Prof. LOUKAS MISTELIS**, Professor at Queen Mary, University of London, Professor and Director of School of International Arbitration
Successes and Failures of the NYC in its 60 year History

10:45 **Dr. RĖKA AGNES PAPP**, Associate at the Office of Prof. Pierre Tercier, former lecturer at the MIDS Geneva LL.M in International Dispute Settlement
Issue preclusion under the New York Convention: a phenomenon undermining the objectives of the NYC or a useful tool to manage multiple enforcement proceedings?

11:05 **Ms ANNETTE MAGNUSSON**, Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce
Application of the NYC in Sweden

11:25 **Mr VLADIMIR KHVALEI**, Partner at Moscow Branch of Baker & McKenzie CIS, Limited
Application of the NYC in Russia: RAA survey

11:45 Discussion

12:00 **Lunch break**

13:20 **PANEL 2: The Future of the New York Convention**

Moderated by **Dr. EGLĖ ZEMLYTĖ**, independent arbitrator, Lecturer at Law Faculty of Vilnius University

13:25 **Ms CORINNE MONTINERI**, Legal Officer at the UNCITRAL Secretariat
The potential impact of investor States Dispute Settlement reform on the New York Convention

- 13:45 **Dr. MANUEL PENADES FONS**, Lecturer at the Dickson Poon School of Law, King's College London
Application of the NYC in the European Union: the role of the EU law in the interpretation of the NYC provisions
- 14:05 **Mr RIKARD WIKSTRÖM-HERMANSEN**, Partner at ROSCHIER, Stockholm Office
Enforcement of annulled awards: can unified approach be expected in the future?
- 14:25 Discussion
- 14:40 **Coffee break**

15:05 **PANEL 3: Challenges of use of information and communication technologies (ICT) in international arbitration**

Moderated by **Dr. RIMANTAS SIMAITIS**, Partner at Law Offices COBALT, Associate Professor at Law Faculty of Vilnius University, Arbitrator

- 15:10 **Mr ERIK SCHÄFER**, attorney-at-law, partner at COHAUSZ & FLORACK Patent- und Rechtsanwälte, chair of the Task Force on IT & Arbitration of the ICC Commission on Arbitration
Use of ICT in international arbitral proceedings – how to ensure reliable, efficient and fair process?
- 15:30 **Mr JONAS KUPINAS**, CEO at UAB "S4ID"
Challenges and benefits of use of arbitration case management systems
- 15:50 **Mr BENJAMIN SIINO**, Avocat à la Cour, Counsel at Shearman & Sterling, Paris
The New York Convention Guide and webplatform (newyorkconvention1958.org)
- 16:10 **Mr AUDRIUS ZUJUS**, CTO@BPTI / Baltic Institute of Advanced Technologies
Legal and ethical problems of application of artificial intelligence (AI) tools for arbitral proceedings
- 16:30 Discussion
- 16:45 Closing remarks: **Ms VILIJA VAITKUTĖ PAVAN**, Partner at Valiūnas Ellex, Arbitrator
- 16:55 End of conference

- 18:00 Dinner
(For participants, who registered to the dinner (upon separate fee) and speakers of the conference. Personal invitation shall be provided at registration desk)

