

VILNIUS ARBITRATION DAY 2022
Sanctions and Other Contemporary Challenges in International Arbitration

PROGRAMME*



Organizer

16 September 2022, 9:00-17:30

Venue: The National Gallery of Art, Konstitucijos av. 22 Vilnius, Lithuania

08:30 – 09:00		REGISTRATION, WELCOME & COFFEE	
Opening 09:00 – 09:15	Opening and introductory remarks by host organisation	Vitalija BARANOVIENĖ - the Chairwoman of the Vilnius Court of Commercial Arbitration (Vilnius, LT)	
1st SESSION			
09:15 – 09:20	Sanctions' related procedural issues in commercial arbitration	Moderator Dr. Rimantas DAUJOTAS - Partner of Dispute Resolution Practice at Motieka & Audzevicius (Vilnius, LT)	
09:20 – 09:40	<ul style="list-style-type: none"> • Different procedural implications of sanctions' frameworks at various arbitral seats 	Shirin SAIF – Partner at Roschier (Stockholm, SE)	
09:40 – 10:00	<ul style="list-style-type: none"> • The effect of sanctions on arbitrability of disputes 	Dr. Mateusz IRMIŃSKI - Senior Counsel and advocate in Sołtysiński Kawecki & Szlęzak (Warsaw, PL)	
10:00 – 10:20	<ul style="list-style-type: none"> • Arbitral award enforcement matters • Discussion 	Dr. Maria FOGDESTAM AGIUS - Partner at Westerberg (Stockholm, SE)	
10:40 – 11:05		Coffee & Contact Break	
2nd SESSION			
11:05 – 11:10	National security issues in international arbitration (discussion)	Moderator Gediminas DOMINAS - Partner of Dispute Resolution Practice at Walless (Vilnius, LT)	
11:10 – 11:25	<ul style="list-style-type: none"> • What do the "Crimean Arbitrations" tell us? 	Prof. Dr. Eric DE BRABANDERE - professor of International Dispute Settlement, Leiden University School of Law (Leiden, NL), partner at De Meulemeester & De Brabandere Law Firm (Brussels, BE)	
11:25 – 11:40	<ul style="list-style-type: none"> • Sanctions, arbitration, and national security interests 	Charles CLAYPOOLE - Partner at Latham & Watkins (London, UK)	
11:40 – 11:55	<ul style="list-style-type: none"> • Application of national security exceptions under bilateral investment treaties 	Pierre-Olivier SAVOIE - International arbitration counsel, Savoie Laporte (Paris, FR)	
11:55 – 12:10	<ul style="list-style-type: none"> • Arbitration at the Time of War: A View from Kyiv • Discussion 	Sergiy GRYSKO - Head of the Queritius Kyiv office (Kyiv, UA)	
12:30 – 13:30		Lunch	

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KEYNOTE SPEECH		
13:30 – 14:00	Future of arbitration	Gary BORN - the Chair of the International Arbitration Practice Group at WilmerHale (London, UK)
3rd SESSION		
14:00 – 14:05	Theoretical and practical challenges: public international law and institutional practices	Moderator Vilija VAITKUTĖ PAVAN - Partner of Dispute Resolution Practice at Ellex Valiunas (Vilnius, LT)
14:05 – 14:25	<ul style="list-style-type: none"> • Public international law and various state interventions - important issues in investment state-investor disputes 	Robert VOLTERRA - Founder and partner at Volterra Fietta, the public international law firm (London, UK)
14:25 – 14:45	<ul style="list-style-type: none"> • Impact of sanctions on institutional arbitration • Discussion 	Natalia PETRIK - Deputy Secretary General at Arbitration Institute at the SCC Secretariat (Stockholm, SE)
15:05 – 15:30	Coffee & Contact Break	
4th SESSION		Panel sponsor: law firm PRIMUS
15:30 – 16:50	Other contemporary issues (discussion)	Moderator Paulius DOCKA - Of Counsel at PRIMUS (Vilnius, LT) Małgorzata SURDEK-JANICKA - Surdek Arbitration (Warsaw, PL) Dr. Remy GERBAY - Hughes Hubbard & Reed LLP partner (Washington, USA) José ROSELL - International Arbitrator (Paris, FR) Artem DOUDKO - Partner at Osborne Clarke (London, UK)
16:50 – 17:05	Closing remarks	Renata BERŽANSKIENĖ - GC at ORLEN Lietuva, AB (Vilnius, LT)
17:15	Glass of wine at the Gallery Restaurant	Powered by Ellex Valiunas
18:30 – 22:00	Dinner** at the Dine Restaurant, Gedimino av. 35, Vilnius	Dinner sponsor: law firm WALLESS

* The organizer reserves the right to change programme without separate notice.

** Only if participation in the dinner was chosen during registration.

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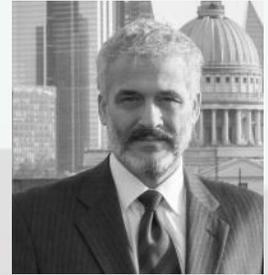


SPEAKERS

Gary Born Gary Born is Chair of the International Arbitration Practice Group at Wilmer Cutler Pickering Hale and Dorr LLP and the world's pre-eminent authority on international commercial arbitration and international litigation. He has served as counsel in over 675 arbitrations, including several of the largest arbitrations in ICC and ad hoc history, and has sat as arbitrator in more than 250 institutional and ad hoc arbitrations. Mr. Born has published a number of leading works on international arbitration, international litigation and other forms of dispute resolution. He is the author of *International Commercial Arbitration* (Third Edition, Kluwer 2020), the leading treatise in the field, which has received the American Society of International Law's Certificate of Merit for High Technical Craftsmanship and OGEMID's Book of the Year award for 2009. He is an Honorary Professor of Law at the University of St Gallen, Switzerland and Tsinghua University, Beijing, and teaches regularly at law schools in Europe, Asia and North and South America. Mr. Born is a former President of the Singapore International Arbitration Centre (SIAC) Court of Arbitration, a member of the International Advisory Board of the Hong Kong International Arbitration Centre (HKIAC), a member of the International Arbitration Committee of the Korean Commercial Arbitration Board (KCAB), a member of the Global Advisory Board of the New York International Arbitration Center (NYIAC), and a member of the Jerusalem Arbitration Center's Court of Arbitration.



Robert Volterra is Partner at Volterra Fietta and Visiting Professor of Law at University College London. Professor Volterra advises and represents governments, international organisations and private clients on a wide range of international law issues. He acts as counsel and sits as adjudicator in international disputes around the world, including commercial and investor-State arbitration. In relation to BIT arbitrations, he acts for both investors and governments in equal measures and he is regularly appointed by both investors and governments to sit as an arbitrator at ICSID, the PCA and other major international arbitration institutions. The global legal directories have ranked Professor Volterra and his practice in the top tier for more than 20 years. In 2022, Chambers and Partners stated: "Robert Volterra is probably the best public international lawyer on the planet."



Mateusz Irmiński is a Senior Counsel and advocate in Sołtysiński Kawecki & Szlęzak in Warsaw (SK&S). He was awarded in 2014 the academic degree of Doctor Iuris at the University of Warsaw, Faculty of Law and Administration where he also was a lecturer in EU law at the Faculty for two years. His doctoral thesis addressed the conflict between international law obligations of EU Member States and the EU law. He joined SK&S in 2011 and he specializes in international and domestic commercial arbitration as well as domestic commercial litigation, and he represents clients, among other matters, in disputes relating to enforcement of arbitral awards, private enforcement of competition law, combating unfair competition, bankruptcy and restructurization, and post-M&A and corporate disputes. He also has significant experience in advising clients in issues related to EU- and Polish sanctions regimes as well as in advising clients from the telecommunications, media, energy, and real estate sectors in dispute resolution strategies. In 2022 he co-authored the Polish chapter of the Chambers and Partners' "Enforcement of Judgments 2022 Global Practice Guide".



Paulius Docka is an attorney at law with more than 15 years of experience. P. Docka started his career at the Ministry of Justice of the Republic of Lithuania. He continued his professional carrier at an Ernst & Young affiliated law firm and in 2005 established a law firm, which currently bears the name PRIMUS and is one of the largest pan-Baltic law firms. He is a member of the ICC Institute of World Business Law, a Fellow of the Chartered Institute of Arbitrators, a member of the International Arbitration Institute and a member of the Russian Arbitration Association.



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José Rosell serves exclusively as an independent arbitrator. He is a member of the Barcelona Bar and Honorary Advocate of the Paris Bar. He has also been a member of the Danish Bar Association until last year. Throughout his professional career he has been dedicated to international arbitration, in his functions as a professor, counsel and arbitrator. José has acted as counsel and arbitrator in more than 180 arbitrations, both commercial and investment. He has been a professor of international law at the University of Paris V and lectures international arbitration at several universities. José Rosell has written broadly on international arbitration and has participated as a speaker and moderator in numerous conferences on international arbitration. José is a member of the ICC Arbitration and ADR Commission and is listed as an arbitrator on the panels of the leading arbitration institutions. He has actively participated in the revision and drafting of various arbitration and mediation rules. Among others, he was a member of the ICCA/Queen Mary University Working Group on Third Party Financing and the Prague Rules Working Group.



Maria Fogdestam Agius is Partner at Westerberg (Stockholm). Maria focuses on international dispute settlement. In particular, Maria advises and represents States and private entities in matters pertaining to public international law, treaty-based dispute settlement and international human rights. Maria has expertise on a wide range of public international law topics, including inter alia the law of treaties, the law on State responsibility, the law on State and diplomatic immunity, international investment law, the law of the sea and Business & Human Rights. Maria has experience of protecting foreign investments through international arbitration, advising individuals and companies on claims against governments and on the enforcement of awards against sovereign entities. Maria has equally assisted States defending against claims before international courts and tribunals and safeguarding sovereign and diplomatic immunities before national courts. Maria has represented corporate as well as sovereign clients in international arbitration and litigation and has appeared as an advocate before the International Court of Justice in The Hague.



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.



Gediminas Dominas is WALLESS International Arbitration and Litigation practice partner. His education and qualifications: in 1993 studied at the University of Groningen (the Netherlands), Faculty of Laws, International Economic Law, in 1989-1994 – the Vilnius University (Lithuania), Faculty of Law, Master of Law, in 1992-1994 – the Vilnius University (Lithuania), Institute of International Relations and Political Science, M.Sc., in 1995 – the Swiss Institute of Comparative Law (Switzerland) and in 1996-1997 – the Queen Mary and Westfield College, University of London (the UK), LL.M. in Banking and Finance Law. Gediminas Dominas has broad experience in advising international clients on Lithuanian law matters. He has been engaged in many significant cross-border transactions carried out in Lithuania from the early 1990s, including privatization, mergers and acquisitions, real estate projects, Eurobond and GDR issues, debt and equity financing, project finance, private equity, IPO, etc. Gediminas Dominas frequently acts as arbitrator/co-arbitrator or counsel in domestic and international disputes. Gediminas Dominas is a member of: the International Bar Association, the Swedish Arbitration Association, the Austrian Arbitration Association, the Arbitration Commission at the ICC Lithuania, the Vilnius Court of Commercial Arbitration.



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Małgorzata Surdek-Janicka is

Vice-President of the International Court of Arbitration of the International Chamber of Commerce (previously served for three years as an ICC Court member). Małgorzata has 25 years' experience in the dispute resolution field. She regularly acts as counsel and arbitrator in infrastructure and construction, post-M&A and commercial disputes in the energy, mining, technology, and manufacturing sectors. She also defends insurance claims (product liability, professional negligence, D&O). Małgorzata is a member of the ICC Commission on Arbitration and ADR, the Arbitration Commission at ICC Poland, the Arbitration Commission of the Polish Bar Council, and the Arbitral Women. She is also a fellow of the Chartered Institute of Arbitrators. Małgorzata has been recognized by Chambers and Legal 500 as a most-in-demand arbitrator and in the dispute resolution (Hall of Fame) and insurance categories (Leading Individual). According to Chambers, clients are impressed with "the way she leads the case and her team, as well as the way she formulates her argumentation". They admire the fact that "she focused on the right things and devised a strong strategy for the hearings", praise her as "perfect in negotiations", and commend her "business-oriented attitude". According to Legal 500, clients and peers consider her "one of the best international arbitration specialists in Poland, highly competent and professional when conducting proceedings", "a class-act" with "breadth of experience and her own style".



Shirin Saif is a Stockholm-

based Partner at Roschier and a member of the Dispute Resolution practice. She focuses on commercial arbitration and litigation, especially disputes relating to Russia and the CIS countries. She has acted as counsel in construction and infrastructure, IT, oil and gas, post-M&A, and various other commercial disputes before numerous judicial and arbitral bodies. In addition, she has acted as counsel in a number of investment treaty arbitrations. She also acts as an arbitrator and administrative secretary. In addition to her Swedish LL.M. degree, Shirin holds an LL.M. degree from UCLA. Shirin Saif works in English, Swedish and Farsi and is currently a member of the Executive Committee of the Swedish Arbitration Association.



Artem Doudko is a leading presence

in CIS-related arbitration. A quick thinker and great legal mind, who will always go the extra mile to achieve the best results for his clients. Legal 500 UK 2022 Artem Doudko FCI Arb, a solicitor-advocate, is a Partner and Head of Russia & CIS Disputes in the London Disputes and Risk Practice at Osborne Clarke LLP. Artem focuses on international arbitration and litigation involving Russian and/or CIS issues as well as advising Russian-speaking clients. Artem has a strong reputation and profile in his field and has been recognised as a Global Leader in the Who's Who Legal: Arbitration 2020 directory. Artem is identified as a Next Generation Partner and described as a "sharp-minded litigator" and as "very experienced in Russia and CIS-related arbitrations" in Legal500 UK 2020. Artem is a member of the LCIA Court and a member of the ICC Commission on Arbitration and ADR



Eric De Brabandere holds

the Chair in International Dispute Settlement at Leiden University Law School, and is a founding partner of De Meulemeester & De Brabandere Law Firm (DMDB Law) based in Brussels. He is specialised in international arbitration and international investment law. At Leiden Law School, Eric De Brabandere is Director of the Grotius Centre for International Legal Studies, and of the Master of Advanced Studies in International Dispute Settlement and Arbitration which he founded in 2017. Eric De Brabandere practices in international law and investment arbitration as partner with DMDB Law. He has been appointed as presiding arbitrator, sole arbitrator, and co-arbitrator in international commercial arbitrations, regularly acts as expert in international proceedings, has acted as counsel in investment treaty arbitrations under the ICSID Convention and the UNCITRAL Arbitration Rules, and regularly advises investors and States on international arbitration, investment law, and international dispute settlement.



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Pierre-Olivier Savoie

Based in Paris, Pierre-Olivier is a founding partner of Savoie Laporte, a firm specializing in arbitration and international dispute with offices in Paris, Montreal and Toronto. Pierre-Olivier acts as lead counsel in international arbitrations, including investment treaty disputes, where he represents both States and investors. Pierre-Olivier is on Canada's roster for trade disputes under the USMCA and frequently sits as arbitrator. Pierre-Olivier also acts in proceedings concerning enforcement and execution of arbitral awards (and domestic and foreign judgments) before French courts. Before founding Savoie Laporte, Pierre-Olivier worked at White & Case in New York, Freshfields in Paris and for the government of Canada's Trade Law Bureau in Ottawa. After law school, Pierre-Olivier clerked for Judge Tomka at the ICJ as well as at the Supreme Court of Canada. At the government of Canada's Trade Law Bureau, in addition to defending NAFTA investor-state claims, Pierre-Olivier negotiated about 15 investment treaties for Canada, including participating in the negotiations of the investment chapter of the CETA.



Charles Claypoole

is partner at leading law firm Latham & Watkins and is based in London. Charles is a leading arbitration practitioner, advises governments and investors on public international law, with a particular focus on investment treaty arbitration. Mr. Claypoole advises clients on a full spectrum of public international law, international trade, and dispute resolution issues. In particular, he has an in-depth knowledge of international trade sanctions and export control laws. Mr. Claypoole has represented clients before the International Court of Justice, the Iran-United States Claims Tribunal, ICSID, ICC, LCIA, and UNCITRAL arbitral tribunals. Mr. Claypoole regularly publishes and speaks about international law, arbitration, as well as trade and finance sanctions. He has lectured on international boundary law at King's College London since 2003.



Sergiy Gryshko

is the Head of the Queritius Kyiv office. He has over 18 years' experience acting for clients at all stages of litigation, international arbitration and enforcement. Sergiy has handled arbitrations under a variety of international institutional and ad hoc arbitration rules, including ICACU, LCIA, LMAA, SCC, ICC, UNCITRAL and ICSID. He is a listed arbitrator of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry (ICAC). Mr Gryshko has been nominated by Ukraine to the roster of arbitrators formed to resolve trade disputes between the EU and Ukraine constituted pursuant to Chapter 14(1) Title IV of the EU-Ukraine Association Agreement. The European Commission has included Sergiy in the List of Candidates Suitable for Appointment as Chairpersons for Arbitrations. He is a Deputy Chair of the Board of the Ukrainian Bar Association Committee on Procedural Law, serves as a member of the Ukrainian Parliament Working Group on Procedural Law Reform and of the President's Judiciary Reform Council. Sergiy is a member of the Arbitration Committee established according to the Law "On Financial Restructuring". When in the Ministry of Justice, he used to be an official member of the Ukrainian Government Negotiating Team, in developing and negotiating some of the core international treaties and agreements for the Government.



Natalia Petrik

is SCC Deputy Secretary General, responsible for business development since 2022, SCC legal counsel in 2005-2022. Secretary at the SCC Mediation Institute (2006 – 2007), secretary at the Swedish Arbitration Association for Young Lawyers at the SCC Institute (2006 – 2007). Previously, Natalia worked as arbitration/litigation associate with major Swedish law firms. Natalia holds double degree in Swedish and Russian law as well as master degree summa cum laude in linguistics.



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Remy Gerbay is a partner in Hughes Hubbard & Reed (HHR)'s Arbitration group. Remy has experience with ICC, LCIA, AAA/ICDR, UNCITRAL, Swiss Chambers, DIAC, KIAC, and ICSID arbitration. Remy is bilingual in English and French, and is civil-law and common-law trained. Prior to joining HHR, Remy practiced with leading litigation law firms in the U.S. and U.K. A former Deputy Registrar of the LCIA and Registrar of DIFC-LCIA, Remy has been appointed as arbitrator in over 20 international cases. Remy also holds a permanent academic appointment at the University of London (Queen Mary), where he is the co-director of an LL.M. program in arbitration. Remy is a Co-Chair of the American Society of International Law's Dispute Resolution Interest Group, and a member of the editorial boards of the ICC Bulletin and the Journal of International Arbitration. He is a member of the International Court of AFSA, a leading African arbitration institution.



Rimantas Daujotas

is disputes partner at Motieka & Audzevicius PLP in Vilnius. Rimantas has extensive experience in international arbitration disputes, in particular, ones arising under bilateral and multilateral investment treaties and high-value commercial agreements. Rimantas serves as a consultant or representative to company claimants and respondents as well as government claimants and respondents. Rimantas also works on high profile international litigations in the Baltics and Scandinavian region as well as the Court of Justice of the European Union, the ECHR and is advising companies on trade, construction, energy, investment, regulatory and transactional matters. Rimantas also sits as arbitrator or expert in international disputes.



Renata Beržanskienė is a Director of Legal Department at ORLEN Lietuva, AB (www.orlenlietuva.lt). Before joining this position Renata was a partner at SORAINEN law firm (1999-2018). From 1999 Renata is very active in arbitration. During her 30 years of practice Renata has been involved in many cases and represented clients in courts at all instances as well as in arbitrations, and has participated as an arbitrator in more than 60 arbitration cases handled by the Vilnius Court of Commercial Arbitration. She has been a member of the National Group of Lithuania at the Permanent Court of Arbitration in Hague (2011–2017). In 2007 Renata was elected as a member of the Commission on Arbitration and Mediation of the Lithuanian Business Confederation and became the chairwoman of this commission (2016-2020). From 2006 until now she is a panelist at the Czech Arbitration Court for .eu domain name disputes. Renata is listed as a court mediator. From 2008 to November 2014, she was the head of the Lithuanian delegation to the Council of Bars & Law Societies of Europe (CCBE) and led the International Relations Committee at the Lithuanian Bar Association. From 2018 until now Renata is a member of the ICC International Court of Arbitration.



Vitalija Baranovienė is

the Chairwoman (President) of the Vilnius Court of Commercial Arbitration (VCCA) since 2021. She has been secretary general and legal counsel at the VCCA since its establishment in 2003. Vitalija has also been secretary general at the predecessor of the VCCA - Arbitration Court at the Association International Chamber of Commerce Lithuania (2002-2003). She has been the member of the Arbitration and Mediation Commission at the ICC Lithuania (now Lithuanian Business Confederation) (2002 – 2020). Vitalija has an extensive experience of the administration of the arbitration proceedings and the scrutinizing of arbitral awards (more than 400). Vitalija is proficient in Russian and English, while her native language is Lithuanian.



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