

Arbitrating Competition Law Issues:
A European and US Perspective
Biographies

Welcome and Introduction

Dr Philip Marsden, Director, Competition Law Forum, British Institute of International and Comparative Law

Philip is a competition lawyer with a particular interest in abuse of dominance, international competition issues and aspects of the law of the World Trade Organisation (WTO) relating to competition policy, telecommunications and dispute settlement proceedings.

He earned his DPhil from Oxford University, an LLM in European Law from Leicester University, and an LLB and BA (Hons) from the University of Toronto. He qualified as a Barrister and Solicitor at the Law Society of Upper Canada in 1991, and has been in private practice with law firms in Toronto, Tokyo and most recently with Linklaters in London. From 1994-1996, he was a case officer with the Economics and International Affairs Branch of the Canadian Competition Bureau.

Philip is a frequent media commentator and conference speaker on competition and trade issues. He is editor of the European Competition Journal (www.hartjournals.co.uk/ecj) and a Founding Director of World Trade Institute Advisors (www.wtiadvisors.com). Philip also

chairs or advises various committees and has the following affiliations:

Visiting Faculty, CUTS Institute of Regulation and Competition, India

Member, Advisory Board, Loyola Antitrust Institute

Member, Advisory Board, American Antitrust Institute

UK National Rapporteur – Competition Law: FIDE 2004 Congress

UK Representative, Business and Industry Advisory Committee, Competition Law and Policy Committee

Member, Law Society of Upper Canada

Joint Working Party on Competition and International Trade, International Chamber of Commerce, Paris

Member, Society of Legal Scholars

Rapporteur to the Federal Trust Working Group on Reform of the WTO Dispute Settlement Understanding

Advisory Board member to the Federal Trust Working Group on the WTO 'Singapore Issues'

Editor for the Consumers' International Technical Report, 'Consumers, Multilateral Competition Policy and the WTO'.

Publications

Books

Current Competition Law II (2004), Current Competition Law III (2005) and Current Competition Law IV (2005) (Marsden and Hutchings, eds), (London: BIICL)

Exclusionary Business Practices and their Effects on Competition and Development (Geneva: United Nations, 2005)

A Competition Policy for the WTO, (London: Cameron May, 2003)

Trans-Atlantic Antitrust Research Handbook (Cheltenham: Edward Elgar, forthcoming, 2006)

Journals

Editor, European Competition Journal (Oxford: Hart Publishing)

Articles/Chapters

'Editorial: The Article 82 Discussion Paper: A Missed Opportunity' [2006] 1 European Competition Journal 1 (with Simon Bishop)

'Stop Micro-managing the European economy: European judges have a unique opportunity to free dominant companies from Über-regulation', (2006) BLD 74-77

'A Review of International Perspectives on Price Discrimination: EC and UK', paper presented at ABA tele-conference, 27 February, 2006 (with P. Whelan)

"European Competition Policy: the next phase" Moving Europe Forward (London: UK Presidency, 2005) (with M. Hutchings)

"The Contribution of Bilateral Trade or Competition Agreements to Competition Law Enforcement Cooperation between the EU and Mexico; Canada and Chile; and Canada and Costa Rica" (London: CEPR, 2005) (with P. Whelan)

"The Reform of Article 82: Recommendations on Underlying Objectives" 1/1 European Competition Journal (March 2005) 179

"WTO decides first competition case – with disappointing results", Competition Law Insight (May 2004)

'United Kingdom' chapter in The Modernisation of EU Competition Law Enforcement in the EU, FIDE 2004 National reports (ed. D Cahill) (Cambridge: CUP, 2004)

"Proposals to the European Competition Network regarding the Modernisation Package", a submission of the Competition Law Forum (December 2003)

"Competition after Cancun – a personal view", Competition Law Insight (October 2003)

"Cooperation within the European Competition Network" a submission of the Competition Law Forum to the ECN authorities regarding the Modernisation package (August 2003)

"Private Actions under EC and UK Competition Law" 31/4 International Business lawyer (August 2003) 165 (with N Roth)

"Consumers and Multilateral Competition Agreements", Contributor (National Treatment) and Editor of the Consumers International Technical Report, (April 2003)

"International Enforcement of EC Competition Law" chapter in D. Goyder, EC Competition Law 4th ed, (Oxford: OUP 2003)

"Not the end but the end of the beginning: competition policy at the WTO", Competition Law Insight, (November 2002)

"Harnessing the Dragon - Insurance and China's Accession to the WTO", China Law and Practice, (January 2002) (with P Corne)

"Trade and Competition: Why anti-trust lawyers should pay more heed", European Anti-trust Review 2002, London (January 2002)

"The WTO 'Doha Development Agenda': a Declaration of Intent", Linklaters client briefing, (December 2002)

"Tune in to the International Competition Network - not the WTO - for practical advances in International Anti-trust", In Competition, Brussels (December 2001)

"US - Tax Treatment For 'Foreign Sales Corporations'", Report of the Panel, 23 July 2001, Linklaters client briefing, and Cameron May International Trade Law report (July 2001) (with C Stothers)

"Innovative Trade Rules with Anti-competitive Effects?", International Business Lawyer, London, (March 2001)

Chapter "The Divide on Verticals", Anti-trust Goes Global, Brookings Institution Press, Royal Institute of International Affairs, Washington/London (October 2000)

"Whither Competition Rules at the WTO?", In Competition, Brussels (January 2000)

"The Impropriety of WTO 'Market Access' Rules on Vertical Restraints", 21/6 World Competition 5, (December 1998)

"A WTO 'rule of reason'", 19/8 European Competition Law Review 530 (October 1998)

"Antitrust at the WTO", 13/1 Antitrust 28 (Autumn 1998)

"Dealing with International Exclusion: The Right Focus for the WTO Working Group on Trade and Competition Policy, 21/2 World Competition 91 (December 1997)

"Inducing Member State Enforcement of European Competition Law: A Competition Policy Approach to Antitrust Federalism", 18/4 European Competition Law Review 234 (June 1997)

"Merger Review in Canada, the US and Mexico", "National Treatment in the Competition Law of the NAFTA Parties", NAFTA 1504 Working Group (1994, 1995)

"Through the Looking Glass: The Competition Policy Spectrum in the Triad", Canadian Department of Foreign Affairs and International Trade (1995)

"Antitrust in Japan: A Sheep in Wolf's Clothing?", Journal of the Canadian Chamber of Commerce in Japan (1993)

Keynote Speeches - Part 1

Chair: **Tim Taylor**, Co-head, International Arbitration Group, SJ Berwin LLP

Tim Taylor is a solicitor advocate. He has specialised in complex Commercial Dispute Resolution throughout his professional career, since qualifying with Herbert Smith in 1980.

The majority of his work entails an international element and embraces litigation as well as arbitration and mediation. Tim headed SJ Berwin's Litigation Department from 1997 to 2004 when he began to spearhead the firm's International Arbitration Practice. The Department is rated by Chambers Legal Directory 2003 as one of the top two of a list of thirty leading litigation practices in the UK with forty lawyers or less.

Tim is recognised as a leader in the field of the Dispute Resolution in the Legal Business, Legal Experts Directory and the Chambers Global Directory of the Worlds Leading Lawyers. He is variously described in Chambers and the Legal 500 as "superb", "a marvellous and mercurial figure", and as having "an extraordinary mind which allows him to bring something different to any piece of litigation".

Tim has conducted numerous arbitrations (both ad hoc and institutional) including ICC, LCIA, UNCITRAL and under various commodity association rules (LCTMA, CAL, LME).

Tim was co-author of Sweet & Maxwell's European Litigation Handbook and writes and lectures in the UK and abroad on issues relating to International Dispute Resolution and the conflict of laws. His publications include, Butterworths European Litigation Handbook; "The Englishman's Word as the Foreigners Bond" Arbitration International 2002 vol 18, no. 2; "War the Mother of all Mass Torts?" The Sedona Conference Journal vol 6 Fall 2005; and "Getting money out of states - a tale of two countries" The Commercial Litigation Journal November/December 2005.

Arbitrating EC Antitrust and Merger Control Issues

Dr Marc Blessing, Bär & Karrer

Bär & Karrer

Education:

University of Zürich; Lic.iur. 1969; Dr.iuris 1973 (Ph.D); post-graduate studies, City of London Polytechnic

Bar Admission:

Zürich and Swiss Bar, 1972

Professional Experience:

Chairing of arbitration cases between private parties (or private parties and States or State-controlled parties) regarding international commerce, mergers & acquisitions, EC - and US competition law, finance, joint ventures, large construction projects, oil and gas, IP matters (licences, technology transfer, infringements).

Fields of specialisation:

Handling disputes as presiding arbitrator (in most of the cases), or party-nominated arbitrator, sometimes as mediator; assignments to represent parties as lead counsel or co-counsel; nominations to serve as legal expert on Swiss law and the law and practice of international

arbitration; the matters generally involve cases under the ICC Rules, LCIA Rules, WIPO Rules, AAA Rules, those of the Zürich Chamber of Commerce, the Vienna Centre, the German Institution, the Singapore Arbitration Centre, the UNCITRAL Rules, as well as on ad hoc basis.

Present position:

Since 1974 with the Lawfirm Bär & Karrer; Partner since 1979
Lecturer, LL.M. – and Executive M.B.L - programs of the Universities of Zürich and St. Gallen, teaching the subject of international arbitration and EU competition laws, since 1996; Lecturer in the MBA Programme of the University of St. Gallen (lecturing EU competition law)

Professional associations:

Honorary President of ASA (past President from 1991 to 1997)
Member of the ICC Commission on Arbitration, and Chair of ICC Taskforce
Court Member of the LCIA (1992-2004)
Member of the WIPO Arbitration Council (1994-2001)
Vice-President of IFCAI (1991-2001)
Member of the Chartered Institute of Arbitrators (MCI Arb)

Arbitration Experience:

Handled some 180 international arbitration cases, whereof about 50 % as presiding arbitrator and the remaining 50 % as sole arbitrator, party - nominated arbitrator or counsel representing (mostly non-Swiss-) parties; mediated several large disputes (commercial -, industrial -, antitrust – and BIT disputes)

Panels of arbitrators:

ICC, LCIA, AAA, WIPO, AAA, Vienna Centre, CIETAC - Beijing,
Korean Board, Hongkong Center, Stockholm Chamber,
Arbitration Chambers of Poland, Bulgaria, Hungary, Czech Republic, Croatia, Slovenia etc.
List of Chairmen, Zürich Chamber of Commerce, Court of Arbitration (1988-2003)
Mediator (CPR Panel)

Publications:

Introduction to International Arbitration, in: International Arbitration in Switzerland (Kluwer, 2000)
Introduction to Arbitration - Swiss and International Perspectives, 1999 (320 pages)
Arbitrating Antitrust and Merger Control Issues (Helbing & Lichtenhahn), 2003 (215 pages)
and about 65 further publications and conference reports.

Languages:

German, English, French

Professor The Right Honourable Sir DAVID EDWARD
K.C.M.G., Q.C., LL.D., D.Univ., Dr.h.c., F.R.S.E.
(Judge of the Court of Justice of the European Communities 1992-2004)

The Special Features of Arbitration in Merger Control

Professor Luca Radicati di Brozolo, Università di Milano; Studio Bonelli Erede Pappalardo

Luca G. Radicati di Brozolo was born in Birmingham in 1952; he obtained a law degree and a degree in political science; admitted in 1989 (Court of Cassation 1998). Partner with Bonelli Erede Pappalardo since 1 January 2001.

Professor of Private International Law at the faculty of Jurisprudence of the Catholic University of Milan, where he also teaches EC law and international arbitration law.

From 1978 to 1984 he was a member of the Legal Department of the Bank of International Settlements of Basle, Switzerland; subsequently, and until 2000, he was a partner and the person in charge of the department of international, EC and antitrust law with one of the most prominent Italian law firms.

He is active in the sectors of EC law, national and EC competition law and regulatory as well as in the international law and international litigation, particularly arbitration.

In the EC law and competition practice areas he has gained significant experience of amalgamations, cartels, abuse of dominant position, state aids, public works contracts (especially in the context of project finance transactions), circulation of goods and services (particularly banking and financial services), agriculture, telecommunications and energy, liberalisation, privatisation, exclusive rights and special rights.

His practice in international law includes assistance in conflict of laws and jurisdiction matters (with special focus on transactions in the banking and finance law fields) and a role as a lawyer and arbitrator in national and international arbitration.

He is the author of four books and of over seventy articles on EC law, private international law, public international law, arbitration, competition law, telecommunications law (including a manual on EU telecommunications law), banking and finance law. He is a member of the management and editorial office of various academic publications, is a regular speaker at scientific and professional congresses and has been a visiting professor and a visiting scholar at a number of foreign universities. He is also a member of several international workshops and working committees, including the Task Force of the International Chamber of Commerce Arbitrating Competition Law Issues and the Committee on International Arbitration of the International Law Association. He has been a Government representative with the Uncitral Working Group on international arbitration and is currently the Secretary of the Italian Division of the International Law Association.

The Case for Supranational Arbitration

Gordon Blanke, International Arbitration Group, SJ Berwin LLP

Gordon Blanke is a practising solicitor with SJ Berwin LLP, London, where he specialises in International Arbitration and European Competition Law. He regularly advises clients and acts as Administrative Secretary in international arbitrations - including proceedings governed by the Arbitration Rules of the International Chamber of Commerce (ICC) in Paris, the Arbitration Institute of the Stockholm Chamber of Commerce (SCC), the London Court of International Arbitration (LCIA), and the JAMS Streamlined Arbitration Rules in New York. Gordon is a member of the Chartered Institute of Arbitrators in London, the ICC Commission on Competition, the ICC Task Force for Arbitrating Competition Law Issues and the ICC UK National Committee.

Prior to joining SJ Berwin, Gordon followed the in-service training of the former Merger Task Force (MTF) of the Directorate-General of Competition of the European Commission in Brussels. He also worked as a stagiaire-référendaire with the Chambers of Advocate General Jacobs at the European Court of Justice (ECJ) as well as the Chambers of Judges Jaeger and Azizi of the European Court of First Instance (CFI) in Luxembourg. Finally, Gordon served a training period with the ICC Court of Arbitration in Paris.

The Arbitrability of Antitrust Claims in the United States
Peter E Greene, Skadden Arps, Slate, Meagher & Flom LLP

Antitrust and Trade Regulation

■ Antitrust

Peter E. Greene handles litigation and advisory antitrust matters, including class action litigation, merger and acquisition transactions, and appellate matters. For example, Mr. Greene represented The American Stock Exchange, LLC in the Stock Exchanges Options Trading class action litigation; Chase Manhattan Bank in the Lum v. Bank of America, et al. class action litigation; JP Morgan Chase in the Currency Conversion Fee Antitrust class action litigation; Prudential Securities, Inc. in the Friedman, et al. v. Salomon Smith Barney, Inc., et al. class action litigation; OEA in the Daicel Chemicals v. OEA International Chamber of Commerce arbitration; Archipelago Securities in arbitrations involving The Island ECN and Instinet; Autoliv, Inc. in the Simula, Inc. v. Autoliv, Inc. litigation; and Viacom Inc. in the MCA Inc. v. Viacom Inc. litigation and in the Morrison v. Viacom class action litigation.

At the appellate level, Mr. Greene has served as appellate counsel in, among other matters, Lum v. Bank of America, 361 F.3d 217 (3d Cir. 2004) (argued); In re Stock Exchanges Options Trading Antitrust Litigation, 317 F.2d 134 (2d Cir. 2003); Domestic Securities, Inc. v. Securities and Exchange Commission, 333 F.3d 239 (D.C. Cir. 2003) (intervenor) (argued); Simula, Inc. v. Autoliv Inc., 175 F.3d 716 (9th Cir. 1999) (argued); Morrison v. Viacom, Inc., 78 Cal. Rptr. 2d 133 (Cal. Ct. App. 1998) (argued); G.K.A. Beverage Corp. v. Honickman, 55 F.3d 762 (2d Cir. 1995) (argued); Acquire v. Canada Dry Bottling Co. of New York, 24 F.3d 401 (2d Cir. 1994) (argued); and Dr. Pepper/Seven-Up Companies, Inc. v. Federal Trade Commission, 999 F.2d 859 (D.C. Cir. 1993).

Mr. Greene also represents clients before the U.S. Department of Justice and the Federal Trade Commission, as well as international regulatory agencies. For example, he represented BankBoston in its merger with Fleet Financial Group, Inc.; Barnett Banks, Inc. in its merger with First Florida Banks, Inc. and in its merger with NationsBank; Chase Manhattan and Chemical Bank in their merger; Chase Manhattan in its merger with J.P. Morgan; J.P. Morgan Chase in its merger with Bank One Corporation; NorthFork Bancorporation in its offer for Dime Bancorp; Texas Commerce Bankshares in its acquisition of Ameritrust Texas; SunTrust in its merger with National Commerce; Schneider, S.A. of France in various merger and acquisition matters; and, Nasdaq in connection with the regulatory approval of its SuperMontage trading platform.

Education

- J.D., University of Connecticut, 1971 (cum laude; Connecticut Law Review)
- B.A., Mount St. Mary's College, 1968

Keynote Speeches - Part 2

Chair: **Stephen Kon**, Head, EU & Competition Department, SJ Berwin LLP

Stephen Kon is SJ Berwin's International Practice Partner and Head of the EU & Competition Department.

He has extensive experience in representing clients in contentious and non-contentious EU and domestic competition work, as well as general EU law. He regularly represents clients in proceedings before the Office of Fair Trading, the Competition Commission, the European Commission and the Court of First Instance ("CFI") and the European Court of Justice ("ECJ") in Luxembourg. He has represented the European Commission in a number of competition cases before the CFI and the ECJ and has acted in a number of significant merger clearance enquiries; for example, the EU clearance of the merger of Guinness with Grand Metropolitan, for which the team won the "Legal Business" Competition Team of the Year award.

Stephen has been awarded by the Law Society the right to appear in all higher courts in the UK based on his extensive experience of representing clients before courts and tribunals in contentious EU/Competition matters.

He lectured law in the school of European studies at Sussex University and University of Reading before joining SJ Berwin in 1982, and was a visiting lecturer at the University of Oxford. He is a former Chairman of the Law Society's Solicitors' European Group and sits on the Advisory Board of the European Research Institute at the University of Birmingham.

He has written and lectured extensively on various subjects relating to EU and competition law. Publications include SJ Berwin's major loose leaf publication "The Competition Law of the UK" and numerous articles in most of the leading European law reviews.

The European Commission's View on Arbitrating Competition Law Issues

Dr Johannes Lübking, Directorate-General for Competition, European Commission

Dr. Johannes LUEBKING, LL.M. (EUI), is a member of Directorate A of the European Commission's Competition Directorate-General. The unit A-2 deals with deals with merger policy and strategic support for the other units dealing with merger control in the Commission. Currently, he deals with the review of the Commission's remedies policy in the field of mergers (including the use of arbitration to enforce commitments), the review of the jurisdictional aspects under the EC Merger Regulation, and provides support to case teams in important cases. Before he joined this directorate in 2005, he has been dealing with cases in particular in the sector of information society, comprising media, software and hardware and telecommunication. He dealt with numerous phase-II merger cases and was and is still involved in the negotiation and implementation of remedies in a number of cases.

Before joining the European Commission, Mr. Luebking worked for several years as an attorney-at-law in the Frankfurt office of the law firm White & Case, mainly in Mergers & Acquisitions, corporate restructuring and competition law. He started his professional career as internal council in the legal department of Deutsche Bank.

Mr. Luebking holds a PhD degree of the University of Göttingen/Germany and an LL.M of the European University Institute in Florence/Italy in International and European Law. He graduated in law at the University of Göttingen and passed his bar exam in Berlin.

The Application by Arbitrators of Articles 81 & 82 and their Relationship to the Commission

Professor Dr Hans van Houtte, Université de Louvain

PRESENT FUNCTIONS

Professor, Chair of Conflict of Laws, International Business Law & Arbitration
Vice-President, CEPANI (Belgian Arbitration Institute).
Chairman Eritrea-Ethiopia Claims Commission (2001 - - The Hague)

Arbitrator – FCI Arb.

PAST FUNCTIONS

I.a.

Avocat since 1971

Professor, Chair of International Public Law and European Law (1980-1990)

Litigation Partner Stibbe – Brussel (1990 – 1999).

International Commissioner - Real Property Claims Commission (Bosnia), (Dayton Agreement Annex 7) (1996- 2003) .

Member of the United Nations Compensation Commission, Geneva (1998-2001).

Arbitrator and Senior Judge at the Claims Resolution Tribunal for Dormant Bank Accounts (Switzerland) (1998-2002).

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Dr. Jur., University of Leuven - magna cum laude 1969
Licence European Law, University of Leuven – magna cum laude 1970
LLM, University of Harvard - 1971
Diploma cum laude, Academy International Law of The Hague - 1977
Doctor, University of Leuven – 1978
Fellow Chartered Institute of Arbitrators – London (FCIArb.)

LANGUAGES

English, French and Dutch
German (full spoken and written comprehension)

ARBITRATION

Hans van Houtte has been selected one of the 15 most highly regarded international arbitrators worldwide by Who's Who Legal 2005.

He acted as chairman, sole arbitrator or party-appointed arbitrator in over 120 international arbitration proceedings.

Appointments as arbitrator by Belgian courts, the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), CEPANI, the Netherlands Arbitration Institute, the Polish Chamber of Foreign Trade, the Vienna Arbitration Center, the United Nations, ICSID , the European Development Fund and the Geneva Chamber of International Commerce.

Acted as counsel in numerous arbitration proceedings (ad hoc arbitration, ICC, CEPANI, LCIA, Chambre arbitrale de Paris, UNCITRAL).

The subject matters covered include i.a. state contracts, turn-key projects, construction, engineering, public works (e.g. dam , power plant, roads, subway), investment contracts, BIT's, joint ventures, share evaluations, international sales, agency and distributorship, transfer of technology, patents, cooperation agreements, software developments, shipping of goods, oil contracts , antitrust issues, mergers and acquisitions, securities trade, economic sanctions, export insurance, rescheduling of public debts, etc.

Standing mandate to arbitrate disputes in common projects of aeronautical companies.

Standing arbitrator for Agreement between Philip Morris and E.U. and European Member States.

Chairman Tribunal CSOB vs./ Slovak Republic – ICSID.

Acted as Appointing Authority in UNCITRAL arbitrations, nominated by the Permanent Court of Arbitration.

OTHER ARBITRATION ACTIVITIES

Vice President of CEPANI, the Belgian arbitration Institution

Regular lectures at the arbitration training programs and seminars of the International Centre for Dispute Resolution of the American Arbitration Association, International Chamber of Commerce, the School of International Arbitration, the International Bar Association etc.

Trustee of the Dubai International Arbitration Centre (2004 -)..

Member of the Commission on International Arbitration (International Chamber of Commerce-Paris).

Member of the London Club of Arbitrators

Member of the Milan Club of Arbitrators.

Member of working groups on arbitration in the framework of the International Bar Association, the International Chamber of Commerce, International Law Association, etc.

International Advisor of the Regional Centre for Arbitration – Kuala Lumpur

Board of Trustees Centre Euro-Arabe d'Arbitrage (1978- 1985).

Listed arbitrator of the American Arbitration Association, the Vienna Arbitration institution, WIPO, Hong Kong, etc.

Board of Editors of i.a. Tijdschrift voor Arbitrage.

Board of Advisors : Institute for Transnational Arbitration-Dallas

Northwestern Journal of International Business Law

Business Law International (IBA)

MEMBERSHIP OF PROFESSIONAL BODIES

Member Bar - since 1971;

International Law Association (ILA)

- member, Arbitration Committee

- member, Committee on International Civil Litigation

Past Secretary-General : International Law Association- Belgian branch

Vice-President, CEPANI (Belgian Arbitration Institute);

Mediator, Brussels Business Mediation Centre

Member International Arbitration Commission - International Chamber of Commerce

International Bar Association (IBA)

Past- Chairman, International Sales (Committee M);

ICC Institute for World Trade Law

- Corresponding member

Board of Directors, Société belge pour le droit international

Member Association Suisse de l'Arbitrage.

Member Osterreichische Vereinigung fur Schiedsgerichtsbarkeit

Member Arbitration Club, London

Member Arbitration Club Milan

Past Secretary-General : Société belge de Droit International

BIBLIOGRAPHY

I.a. The Law of International Trade, Second Edition, Sweet & Maxwell, 2d ed. London 2002, xlvi + 432 pages.

Over 100 articles on international trade law and contract law.

The Interaction between the Arbitrator, National Competition Authority and the European Commission

Michael Bowsher, Monckton Chambers

BA (Oxon); FCI Arb Chartered Arbitrator; CEDR Accredited Mediator
Call: 1985

Specialist Areas

Commercial Law; Competition Law; Construction & Technology Law; Environmental Law; European Community Law; Procurement; Professional Negligence; Public & Administrative Law; State Aid; Telecommunications; Utilities Regulation

Major Cases

Michael Bowsher has developed his commercial practice in a number of areas, including competition, construction, technology and other commercial litigation but most particularly in procurement.

Devilbiss Medequip Ltd. v NHS Purchasing and Supply Agency and others (July 2005) (not yet reported)

Bryen & Langley Ltd. v. Boston (Court of Appeal, July 2005) (not yet reported); reported at first instance at [2005] BLR 29

Denfleet International Ltd v NHS Purchasing and Supply Agency [2005] EuLR 526

R ((1) International Air Transport Association (2) European Low Fares Airline Association) v Department of Transport [2004] EuLR 998

Harmon CFEM Facades (UK) Ltd. v. Corporate Officer of the House of Commons (No. 2) (2000) 72 Con LR 21; (2001) 17 Con LJ 401 - The interim payment application following the main hearing referred to below; involves various issues of damages quantification and the basis upon which interim payments should be made to insolvent parties

Harmon CFEM Facades (UK) Ltd. v. Corporate Officer of the House of Commons (1999) 67 Con LR 1 - The first (and still the only) decision in the English courts in which a party has been ordered to pay damages for breach of procurement rules; acted for Claimant throughout the proceedings - also the first time ever the House of Commons has appeared as a party to High Court proceedings

FCI Arb Chartered Arbitrator; CEDR Accredited Mediator

Called to the Bar of Northern Ireland (2000)

UK Member of ICC Task Force on Public Procurement 2006

General Practice

Michael Bowsher's unique balance of experience at the Bar and at the US law firm, Cleary Gottlieb, Brussels allows him to combine his excellent forensic and tactical skills with the ability to relate and deal with continental, UK and North American clients and understand the demands of those instructing. In addition, he has also had the opportunity to work for a number of years in a leading construction/IT practice. He is well equipped to deal with complex cross-border issues particularly in the construction and IT sectors involving EU law and has widespread experience of acting in arbitrations for non-UK clients in a variety of locations.

The largest and fastest growing area of Michael's practice concerns procurement by public bodies and utilities. He has a substantial volume of advisory and contentious work and his expertise in this area is recognised by a growing body of clients, as attested by the commendations from recent legal directories.

Commercial

Michael is active in a wide range of commercial matters, in particular disputes concerning information technology and financial disputes (including bonds and guarantees) and has acted as counsel in a range of international arbitrations under ICC, LCIA and AAA rules. He has been appointed as arbitrator in a range of disputes and as a CEDR accredited mediator, he has participated in a number of commercial mediations

Competition and State Aid Law

Michael's competition practice has covered proceedings involving the EC Commission, CFI, OFT and MMC/Competition Commission. He has been particularly involved in matters

involving broadcasting, IT, textiles, chemicals, medical equipment, pharmaceuticals and motor vehicle distribution. His extensive current involvement in competition matters concerns public transport.

He is also heavily involved in telecommunications, IT, utility regulation and competition/state aid issues in the context of major IT and construction projects.

Has over 15 years experience in a wide range of competition and, in particular, state aid issues

Currently advising parties under investigation by the OFT

Recently acted as counsel in High Court litigation seeking an injunction to prevent abuse of dominant position

Participated in the mediation shortly before final hearing at which the clients obtained the relief sought

Recently acted as counsel in High Court litigation in successfully defending motor vehicle manufacturer against competition law-based claim

Acted as counsel for local authority in successfully defending challenge to redevelopment plans based on state aid and local government law arguments

Has led teams making UK merger notifications, making and responding to complaints to OFT and EC Commission and has assisted parties seeking to make or avoid the need for notification of state aid

EU / Procurement

In April 2006, Michael was appointed as the UK Member of the ICC Task Force on Public Procurement. Most of Michael's procurement practice involves either disputes that are resolved without the need for a contested hearing or the need for substantial advice regarding prospective complaints or compliance/avoidance issues. He appears frequently as counsel in procurement disputes including injunction hearings and claims for damages. Some recent cases listed under "major cases".

Junior counsel for the Claimant in the first (and still only case) in the UK courts in which damages were awarded for breach of procurement regulations (regarding Portcullis House by the House of Commons)

Recently acted as counsel for disappointed tenderer that secured fresh contracting opportunities from defendant authority following mediated settlement

Advisory work relating to a range of project finance and PFI/PPP matters and a range of competition law matters

Other EU issues, in particular Biosciences

Obtained injunction for chemical company threatened with removal of its authorisations for the marketing and sale of its pesticide products

Acted for pharmaceutical company resisting (successfully) the attempt by a competitor to obtain judicial review of its medicines authorisation

Involved in an ongoing matter concerning food regulation requiring lobbying for amendments to EU food legislation

Recently acted in reference to ECJ concerning validity of EU Regulation concerning compensation for air passengers

Construction and Technology Law

He continues to act as counsel in a broad range of construction and engineering disputes, including most recently a delay claim in the Technology and Construction Court on behalf of a piling sub-contractor.

Counsel in numerous arbitrations (both domestic and international) in construction and IT cases including most recent successes in an ICC arbitration in Geneva regarding construction of a power station and in a AAA arbitration regarding a software development project

Previously appeared as counsel in arbitrations following construction of Karachi Airport New Terminal, sections of the Singapore Mass Rapid Transit system, the European Southern Observatory in Chile, and dams, power and petrochemical projects worldwide

Appeared in many of the reported decisions regarding enforcement of adjudication decisions, including the first such decision - Macob v Morrison.

Involved in a range of other dispute resolution processes including a variety of mediations

Specialises particularly in EC procurement law in various tender disputes and competition and state aid issues arising out of construction projects, in particular in the context of complex PFI and PPP type projects

Increasingly involved in litigation and statutory claims for compensation covering land fill, contaminated land, waste management, sewers, pipes and drains.

Public Law

Michael is involved in a wide range of public law and regulatory matters including regulation of contract and tendering issues (see EU and Construction) and biosciences and food regulation (see EU) as well as in a range of other public law matters including regulation of legal aid, environmental and utilities regulation and in matters concerning the regulation of UK waste disposal contracts.

Publications and Conferences

Michael has contributed articles to various publications, in particular on procurement and competition law in the construction industry. He has been a driving force behind the organisation of the Annual EU Procurement Conferences arranged by White Paper and other similar events. Organisations regularly ask him to speak at their events. Recent speeches include the following:

“Procurement Law in the UK”, European Law Academy, Trier, June 2005

Lectured on competition litigation, procurement and state aid law at BIICL course for national judges in Brussels, March 2005

Lectured on various aspects of Singapore competition law at In House Congress 2005 and LexisNexis Competition Law conference 2005 - both in Singapore in February 2005

“Procurement: New Legislative Developments”, White Paper conference April 2005

“EU and Commonwealth procurement law: Lessons for the Hong Kong government procurement regime”, at meeting of Society of Construction Law, Hong Kong, September 2003

Recent publications include:

“Arbitration and Competition” in “Competition Litigation in the UK” ed. Ward & Smith (2005)

“Case C-448/01, EVN AG & Wienstrom GmbH v Austria - the European Court of Justice explains Transparency and finds limits to the use of procurement as a tool of environmental policy” [2004] Intl Const Law Rev

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Nationality

UK and Canadian

Competition Authorities as Amici Curiae and the Status of their Decisions in Arbitral Proceedings

Dr Renato Nazzini, Assistant Director, Legal and Policy, Office of Fair Trading;
Visiting Fellow, British Institute of International and Comparative Law

Discussion Panel

Moderator: **Carl Nisser**, Consultant, SJ Berwin LLP

Advokaten Carl Nisser is a consultant with SJ Berwin and a member of the Swedish Bar Association. He qualified as an Appellate Court Judge in Sweden in 1970. Prior to becoming a member of the Swedish Bar Association in 1993, Carl held leading international executive positions with large multinational corporations, such as Director of European Community Affairs for Volvo in Brussels, Director of Corporate Affairs at Goodyear International in Brussels, Assistant Director of Export Operations at Goodyear International in Akron, Ohio and Advisor to Goodyear in Indonesia.

Following close to 20 years in industry in Europe, the US and the Far East in executive staff and line positions and leading a large project for US AID in Thailand and Indonesia, Carl set up a branch office for Danish, Norwegian and Swedish law firms in Brussels in 1989. In 1997, he set up his own law firm in Brussels focusing on competition and securities law. He has been named as one of the leading Swedish and European competition lawyers in several publications and he has edited and written several books and articles on EU law with an emphasis on competition law. Carl has coordinated and authored several opinions for the Competition Commission at the International Chamber of Commerce and has been a visiting

professor and lectured at universities in Europe and the US He is also a member of the International Chamber of Commerce Task Force on Arbitrating Competition issues.

Using his knowledge of many languages and experience with several different cultures, Carl advises clients on international fund structures, licensing agreements and competition law. He represents clients in arbitration proceedings and pre-litigation proceedings before international fora. Carl also acts as arbitrator in various jurisdictions. He set up and managed the European Government Business Relations Council in 1976.

The Rt Hon Sir David Edward KCMG, former Judge of the European Court of Justice and the European Court of First Instance; Vice-President, British Institute of International and Comparative Law

He graduated in Classics at Oxford and in Law at Edinburgh University after national service as an officer in the Royal Navy. He was admitted to the Faculty of Advocates (the Scottish Bar) in 1962 and was appointed Queen's Counsel in 1974. He acted as Clerk and Treasurer of the Faculty from 1967 to 1977.

He represented the Faculty of Advocates as delegate to the Consultative Committee (now the Council) of the Bars and Law Societies of the European Community (CCBE) and was President of the CCBE from 1978 to 1980. In the course of his practice at the Bar, he appeared eight times in the House of Lords and four times before the European Court of Justice.

He was Salvesen Professor of European Institutions and Director of the Europa Institute at the University of Edinburgh from 1985 to 1989. During that period he served as chairman of an investment trust and as a director of a private bank and of the Harris Tweed Association. He served on three occasions as Specialist Adviser to the House of Lords Select Committee on the EC.

He was appointed a Judge of the newly-created European Court of First Instance in 1989 and as a Judge of the European Court of Justice in 1992. He retired on 7 January 2004 and now sits as a Temporary [part-time] Judge in the Inner House of the Court of Session (Scotland's court of appeal for civil, commercial and administrative cases). He is a CEDR-accredited mediator.

He is an honorary Professor of the University of Edinburgh, a Fellow of the Royal Society of Edinburgh, an honorary Fellow of University College, Oxford, and an honorary Bencher of Gray's Inn. He has been awarded honorary degrees by seven universities in Scotland, England and Germany.

He is Chairman of the Carnegie Trust for the Universities of Scotland and of the Scottish Council of Independent Schools; President of the Franco-Scottish Society; Vice-President of the British Institute for International and Comparative Law; Vice-President of the UK Association for European Law; Vice-President of the International Association of Business and Parliament and a Trustee of the Industry and Parliament Trust. He is an honorary Trustee of the European Academy of European Law in Trier and serves on committees of universities in Scotland, England and Germany.

Dr Phillip Landolt, Tavernier Tschanz

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Degrees: B.Soc.Sci. (University of Ottawa, 1989); J.D. (University of Toronto, 1992); Ph.D. (University of Cambridge, 1997); Post-Graduate Diploma in EC Competition Law (University of London, 2001).

Bar admissions: Ontario, Canada (1994); England & Wales (1998); Registered Foreign Lawyer, Geneva (2003).

Experience abroad: worked for a major international law firm in London and Brussels.

Main expertise:

arbitration, commercial litigation

Dr Christoph Liebscher, Wolf Theiss

Main Practice Areas: Arbitration, Intellectual Property, Construction, Joint Ventures and Corporate Law, Distribution (including Sales Law and Trade Finance), Drug Law.

Head of the Arbitration Group.

Born 1957 in Salzburg, Austria; admitted in Austria, since 1985 and in the Czech Republic, since 1999; partner since 1997.

Education: University of Vienna, University of Salzburg (Dr. jur. 1979); Insead, Fontainebleau (MBA 1986); research assistant, Insead, 1987; Fellow of the Chartered Institute of Arbitrators, 2000.

Professional Experience: law clerk, 1979 - 1980; associate, Schönherr Barfuß Torggler & Partner, Vienna, 1981 - 1983; associate, Grohs Goriány & Hofer, Vienna, 1983 -1984; Partner of Liebscher Hübel & Heinrich, Salzburg, 1985 - 1997; head of European co-operation, Kirch Group, Munich, 1987 - 1989; responsible for business development for two European multinational companies, 1987 - 1991 (mainly CEE);

arbitrator under ICC, LCIA, Vienna, DIS, UNCITRAL rules and others; member of several expert committees of the ICC on business law (e.g. turnkey transactions, force majeure), since 1994; member of the legal committee of the Federation of Austrian Industry; lecturer (commercial and corporate law), University of Economics and Business Administration, Vienna, 1995 - 2001; lecturer (dispute resolution), Insead, Fontainebleau, 1999 - 2000; lecturer University Linz (intellectual property and competition law), 2000-2004; member of the ICC Commission on International Arbitration, since 1998; Austrian correspondent of the International Arbitration Institute, since 1999; Member of the SECI/OSCE Expert Group on International Arbitration, since 2000; member of the expert group on the reform of the Austrian arbitration law, 2000-2004; delegate at the UNCITRAL working group on arbitration, since 2000; listed as arbitrator with the International Court of Arbitration of the Austrian Chamber of Commerce, since 2001; listed as arbitrator with the Permanent Court of Arbitration attached to the Chamber of Commerce and Industry of Slovenia, since 2001; listed as arbitrator under the Construction Arbitration Rules of the Austrian Standards Institute, since 2002; member of the International Court of Arbitration of the ICC, since 2003; president of the Austrian Arbitration Association, since 2006; member of the LESI Endowment Committee, since 2006; lecturer (international commercial arbitration) University Salzburg, since 2006; listed as arbitrator with the Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic, since 2006.

Memberships: Vienna Bar Association; Czech Bar Association; Austrian Franchise Association; Federation of Austrian Industry; International Bar Association, SBL; Austrian Association of Arbitration; International Association of Young Lawyers, AIJA; The Chartered Institute of Arbitrators; German Institution of Arbitration e.V., DIS; French Commission of Arbitration; Studienvereinigung Kartellrecht e.V.; International Arbitration Institute; Working Group of In house Lawyers of Publishing Companies; EF Law; Licensing Executives Society. Languages: fluently: German, English and French; passively: Italian, Spanish; Russian (basics).

Knowledge of foreign legal systems: Arbitration law and/or certain areas of corporate and commercial law of: Bulgaria, Croatia, Czech Republic, England, France, Germany, Hungary,

Liechtenstein, Poland, Romania, Russia, Slovak Republic, Slovenia, Switzerland, United States of America, Uzbekistan.

Arbitration matters include:

counsel for one of the largest construction groups in an ICC-arbitration against Russia in a FIDIC matter under Russian law

counsel for a European construction group in an arbitration under the Vienna Rules against its customer concerning a real estate development in Prague

counsel for a provider of telecommunication hardware in an UNCITRAL arbitration against the legal successor of a state agency of an Eastern European country (750 million Euro)

chairman of an ICC tribunal in a dispute between a Hungarian party on the one hand and American and Slovak parties on the other hand under Slovak law

party appointed arbitrator in an ad hoc arbitration between the Austrian subsidiary of a French technology group and its Austrian joint venture under Austrian law

advisor to all investors in a branch of industry with respect to upcoming ICSID - and UNCITRAL arbitration proceedings against an Eastern European government

counsel to the Austrian subsidiary of the national bank of an Eastern European state in several ICC arbitration proceedings with respect to a large industrial project

counsel to one of the leading European petrochemical groups in an ad hoc arbitration concerning an engineering dispute

counsel in an arbitration under the Vienna Rules to the former Austrian joint venture of one of the largest global providers of certain business to business services and representing this joint venture in actions to set aside the award, with respect to the enforcement as well as in parallel injunction and in other procedures before state courts

counsel to a large commodity trader in an ICC arbitration against an Austrian customer

counsel to one of the parties in an ICC arbitration with respect to a major corporate dispute in the telecom industry

sole arbitrator in an ICC arbitration concerning a commercial dispute between a Dutch/Spanish party and a Slovak party under Slovak law

sole arbitrator in an ICC arbitration concerning a distribution dispute between an Austrian/US party and an Italian party under Austrian and Italian law

chairman in an arbitration under Vienna Rules concerning a M & A dispute between an Austrian and a German party under German law

advisor in an arbitration under the Vienna Rules to a Central European privatisation agency in an M & A dispute against one of the global steel producers

jointly appointed sole arbitrator in an arbitration under the Vienna Rules concerning a commercial dispute between an Italian supplier and a Hungarian customer under Austrian law

advisor to a leading CEE financial institution in arbitration proceedings (Polish Chamber of Commerce) concerning financial instruments

co-arbitrator in an LCIA arbitration concerning a dispute arising out of the supply of telecommunication hardware between a global supplier of hardware and the operator of an international optical fibre network under English law

party appointed arbitrator in an ICC arbitration concerning a real estate and finance dispute between a Romanian and a US party under Austrian law

co-arbitrator in an arbitration under the Vienna Rules concerning the supply of production technology between a Polish customer and a German supplier

chairman (Rules of the Vienna Chamber of Commerce) in a real estate dispute under Austrian law

counsel to an European government in a trade finance dispute with one of the oldest industrial enterprises in Russia

jointly appointed chairman in an ICC arbitration between one of the leading suppliers of telecommunication and the operator of to network under Swiss law (300 million GBP)

advisor to a leading CEE financial institution in several litigations and arbitration proceedings (Hungarian Chamber of Commerce) concerning the acquisition of a market leader for certain consumer goods

counsel to one of the largest CEE construction groups in an ICC arbitration concerning a joint venture in Romania

sole arbitrator in an LCIA arbitration concerning a sales and purchase agreement under the laws of England and Liechtenstein

sole arbitrator appointed by the parties (Rules of the Vienna Chamber of Commerce) in a real estate dispute under Austrian law

counsel of a large international franchisor in a dispute with a franchisee in a Baltic state under the Vienna Rules
 jointly appointed sole arbitrator in an ICC arbitration concerning an M & A dispute under Czech law
 jointly appointed chairman in an ad hoc arbitration concerning a dispute about the marketing services for a political party
 counsel to an international oil trading company in an ICC arbitration concerning the long-term supply of crude oil
 advisor to an Austrian company in an arbitration (Rules of the Vienna Chamber of Commerce) concerning a silent partnership
 co-arbitrator in an arbitration under the Vienna Rules concerning the supply of production technology between a Romanian customer and a Austrian supplier
 jointly appointed sole arbitrator in an ICC arbitration concerning a construction dispute under German law between a Tunisian and a German company
 counsel to one of the leading soft drink producers in an arbitration concerning a Joint Venture under Austrian and Uzbek law
 institution appointed coarbitrator in a DIS arbitration between a German supplier and a Serbian customer under German law
 institution appointed coarbitrator in an LCIA arbitration concerning the delivery of telecommunication equipment under English law.
 institution appointed sole arbitrator in an arbitration involving a sale and purchase agreement between a party in Gibraltar and an English supplier under English law
 party appointed arbitrator in an arbitration under the Vienna Rules involving a sale and purchase agreement for a food processing machine between an Austrian and a Romanian party under Austrian law
 party appointed arbitrator in an arbitration under the Vienna Rules involving a sale and purchase agreement for a food processing machine between a French and a Romanian party under Austrian law
 counsel to a large Montenegrin corporation against a US corporation under Montenegrin law and lex mercatoria in an ICC arbitration concerning a sale and purchase agreement for raw materials
 counsel to one of the largest European construction groups against the Russian Ministry of Defence in an ICC arbitration
 counsel to one of the global consumer brands in an arbitration under the Vienna Rules concerning a joint venture in large Central Asian country
 counsel to a Croatian businessman in an UNCITRAL arbitration against the Czech Republic because of the violation of a bilateral investment treaty
 counsel to a subcontractor in a dispute under the Vienna Rules arising out of the reconstruction and refurbishment of a steel mill
 representation of a Croatian investor against the Czech Republic in an ad hoc protection investment arbitration
 jointly appointed chairman in an arbitration under the Vienna Rules between a Czech individual and a German company

Publications: (author or co-author): "Patents and the European Biotechnology Law" (INSEAD, 1987); "European Coproduction in Film and Televisions" (Nomos, 1989); "Franchising in Austria" (Orac, 2nd edition, 2001); "The Advertising Agency Agreement" (Orac, 1993); "Corporations in the Czech and the Slovak Republics" (Linde, 1993); "Courts and the European Integration (Austrian Ministry of Justice, 1993); "Distribution Agreements" (Orac, 1996, 2nd edition, 2000); "EEA-Almanach" (Signum, 1994); "Corporate Acquisitions" (Service Fachverlag, 1994); "Duties and Liability of Auditors" (Manz, 1997); "Austrian Legal Guide for Entrepreneurs" (Weka, 1998); "The ICC Model Occasional Intermediary Contract" (ICC, 2000); "The ICC Model International Franchising Contract" (ICC, 2000); "Licensing Agreements" (Orac, 2001); "Practitioner's Handbook of International Arbitration" (Beck's, 2002); "The Healthy Award" (Kluwer, 2003); "Handbuch der EG-Gruppenfreistellungsverordnungen" (Beck's, 2003); "Franchising - Die Königsklasse der Vertriebssysteme" (2nd ed., Luchterhand, 2003); "Arbitration in Central Europe" (nww/bwv, 2005); "Wiener Vertragshandbuch" (Manz, 2006), "Institutionelle Schiedsgerichtsbarkeit" (Carl Heymanns, 2006); "International Arbitration in Central and Eastern Europe" (forthcoming) (Juris Publishing, 2006); "The Austrian Arbitration Act 2006 (forthcoming) (Kluwer, 2006);

"Enforcement of Arbitration Agreements and International Arbitral Awards - the New York Convention 1958 in Practice(forthcoming) (Cameron May, 2006)
about 60 articles, mainly on commercial law and arbitration, in German, English, French and Russian.

William Rowley QC, Chairman, McMillan Binch Mendelsohn LLP;20 Essex Street

Professional Experience

Bill Rowley was called to the Bar of Ontario in 1970 and subsequently in other jurisdictions. Appointed Queens Counsel in 1983, he was elected Chairman of McMillan Binch Mendelsohn in 1996 where he heads the firm's competition law group, advises on corporate governance and accepts appointments as an international arbitrator. Founded in 1903, McMillan Binch Mendelsohn is one of Canada's leading law firms. He also accepts appointments through 20 Essex Street, London, which he joined as an arbitrator member in 2002. 20 Essex Street is one of England's pre-eminent, and longest established, sets of chambers practicing in the international arbitration field in both commercial and public international law.

Born in Lindfield, Sussex in 1943, and educated at Trinity College School, Carleton University (1961-1965), he received his LLB (Magna Cum Laude and Gold Medallist) from the University of Ottawa (1965-1968) where he was Editor-in-chief of the Ottawa Law Review. Prior to joining McMillan Binch Mendelsohn he served as a Law Clerk to the Supreme Court of Canada (the Hon. Mr. Justice Roland A. Ritchie) and Special Assistant to the Director (now Commissioner) of the Canadian Competition Bureau.

He has practised at the Bar for 35 years, specializing in all aspects of international commercial law, including antitrust/competition, contracts, banking, oil industry, insurance, corporate governance and arbitration law and practice. Listed as a leading expert in the antitrust, corporate governance and international arbitration fields in all European and North American expert guides, he is also a noted author and frequent speaker on international competition law and policy issues. He is co-author (with Donald I. Baker) of Rowley & Baker: International Mergers - the Antitrust Process (3rd edition, Sweet & Maxwell, 2001). He chairs the International Bar Association's Global Forum on Competition Policy, is the past chairman of the International Bar Association, Section on Business Law as well as the past chairman of the IBA Antitrust and Trade Committee. He is a non-executive member of the board of directors of the AVIVA Group Canada Ltd., and a past member of the board of governors of the International Capital Markets Group.

Toronto McMillan Binch Mendelsohn LLP Montréal J. WILLIAM ROWLEY QC PAGE 2
CHAIRMAN

Mr. Rowley is General Editor, Arbitration World, The European Lawyer, Reference Series, (2nd edition 2006) and Chairman, Editorial Board, Global Arbitration Review, Law Business Research. He is described as a "Star Performer" (Legal Business Arbitration Report 2006), one of London's "Super Arbitrators" (Global Arbitration Review, May 2006) and "one of the elite international arbitrators" who is "putting Canada front and centre in the field of international arbitration" (The New Peacekeepers, 2005). He has chaired or participated as a tribunal member or counsel in numerous international and national arbitrations. These have involved a variety of national laws and investment treaty systems including those of ICSID, NAFTA, England, many European states, Argentina, Bermuda, China, Georgia, India, Mexico, Philippines, Thailand and Canada, as well as New York, Delaware and California. In addition to multiple ICC arbitrations, he has conducted cases under other rules such as those of UNCITRAL, the LCIA, the AAA and a number of domestic regimes. Recent arbitrations have included petroleum industry joint ventures (Kuwait oil fields - US \$7B), gas pricing/repricing formulae (Canada/US), international trade mark licensing (US/UK), various investor/state disputes (ICSID & NAFTA), international telecom licensing (EU/US/ Bermuda), telecom joint ventures (Australia/ Mauritius/ India/ UK/ US), oil supply contracts (Poland/ Russia, Netherlands/ Russia and Venezuela/US) production sharing contracts and AMI's for petroleum products (Africa/Australia/Singapore/India), aerospace defense contract dispute (US/UK), power supply project (Philippines), water and sewage services investment dispute (ICSID/Argentina/France), gasoline additives investment dispute (NAFTA/Canada/US), telecom investment dispute (UK/Belize).

He is a Member of the LCIA Court. He is also a member of the National Panel of Arbitrators for Canada, ICC, Paris, Panel of Arbitrators of the International Centre for Settlement of

Investment Disputes (ICSID) (a member of the World Bank Group) and an alternate member of the Advisory Committee on Private Commercial Disputes of the North American Free Trade Agreement (NAFTA). Further panel memberships include those of ADR Chambers International, the American Arbitration Association (ICDR Panel of Neutrals), Dublin and New York; the Arbitration Foundation of South Africa, the German Institute of Arbitration, Cologne; the Kuala Lumpur Regional Centre for Arbitration, Malaysia; The International Arbitral Centre, Vienna; The Indian Council of Arbitration, New Delhi; the Australian Centre for International Commercial Arbitration, Melbourne; and Singapore International Arbitration Centres, Singapore.

He is co-founder and a director of the Global Forum on Competition Trade Policy, London and Washington DC; serves as Editor-in-Chief, Business Law International, London; as advisory board member of the Antitrust and Trade Regulation Report, Washington DC, the Competition Policy Record, Toronto, the Antitrust Report, New York, the Global Competition Review, London, The European Lawyer, London; is antitrust editor, Canadian Law Newsletter, Washington DC and is chairman, editorial advisory board of International Business Lawyer and is a Fellow of the American Bar Foundation.

He is married to the former Janet Newman. He has two children, Christopher and John. His hobbies include angling, shooting and painting.

A detailed list of his publications may be found at www.mcmbm.com.