



# Maarten Draye

*Attorney-at-Law | Advocaat | Avocat*

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## About

Maarten Draye specializes in complex litigation and arbitration.

A member of the Brussels Bar, Maarten advises and represents clients in a wide range of fields and industries before arbitral tribunals and state courts, including in arbitration-related litigation. He further acts as arbitrator and has experience as secretary to arbitral tribunals.

Maarten has been involved in over 60 arbitration proceedings under a variety of arbitration rules (ICC, LCIA, UNCITRAL, ICSID, SCC, SWISS, CEPANI, CRCICA and OHADA) as well as *ad hoc*.

Peers and clients refer to him as "a well-established counsel in international arbitration and an 'outstanding young arbitrator'" (GAR, 25/5/2017), highlighting his "broad experience on both sides of the bench, as counsel, sole arbitrator and as secretary sitting with the greats of his firm" (WWL 2017)

## Nationality

Belgian

## Languages

Dutch (native)  
English (fluent)  
French (fluent)  
German (good)

## Bar Admissions

Brussels (2007)

## Professional Experience

**HANOTIAU & VAN DEN BERG, Brussels (Belgium)**  
Counsel (May 2017 – present)  
Senior Associate (Jun 2013 – April 2017)  
Associate (Jun 2007– May 2013)

**BRUSSELS BAR SCHOOL, Brussels (Belgium)**  
Lecturer in Arbitration (2017 – present)

**ICHEC BRUSSELS MANAGEMENT SCHOOL, Brussels (Belgium)**  
Lecturer in International Commercial Law and Dispute Resolution (2014 - 2015)

**WILMER, CUTLER, PICKERING, HALE & DORR, London (U.K.)**  
Intern in the London Arbitration department (Jan-Apr 2007)

## Education

**LL.M. in International Business Law | Queen Mary University of London**  
London (U.K.) (2005 - 2006)

Courses: International Comparative Commercial Arbitration; International Trade Law; International Trade and Investment Dispute Settlement; European Union Competition Law

Honours: Member of Willem C. Vis Commercial Arbitration Moot (Vienna, 2006) – 1st prize overall, honourable mention for both claimant and respondent memoranda

**Master in Management Economics | KU Leuven**  
Leuven (Belgium) (2004-2005)

Specialization in International & Financial Economics

**Master of Laws (Lic. Jur.) | KU Leuven**  
Leuven (Belgium) (1999-2004)

Specialization in International Business & Commercial Law

## Memberships

ICC Commission on Arbitration and ADR – Member representing Belgium (since 2013)

Alumni & Friends of the School of International Arbitration (AFSIA) – Chairman (since 2010)

CEPANI – Member (since 2014)

LCIA – Member (since 2017)

CEPANI40 – Member of Steering Committee (since 2011)

CEPANI Newsletter Editorial Board – Newsletter co-editor (since 2016)

Young ICCA – Media Co-Chair (2011 – 2014)

ICC YAF; LCIA YIAG; DIS40; NAI Jong Oranje; Young ICCA – Member

## Honors & Awards

Nominee - [Who's Who Legal, Future Leaders Arbitration 2017](#)

"The two name partners of Hanotiau & van den Berg are internationally renowned in this sector, and their colleagues in this edition share their reputation for quality. [...] Maarten Draye 'has done a lot of good work' and has 'broad experience on both sides of the bench, as counsel, sole arbitrator and as secretary sitting with the greats of his firm'."

Nominee - [Who's Who Legal, Future Leaders Arbitration 2018](#)

## Books

**"Arbitration in Belgium - A Practitioner's Guide"**

Co-editor Niuscha BASSIRI  
Kluwer Law International, The Hague, 2016, 688 p.

[www.wolterskluwer.com](http://www.wolterskluwer.com)

## Publications

"Brussels Court Holds Arbitration Agreement in FIFA Statutes Invalid: Final Call or Half-Time Whistle for CAS Arbitration in Sports Disputes?", [Kluwer Arbitration Blog](#), 20 October 2018 (co-author Benjamin JESURAN)

Country Guide on "Belgium" (2018) in P. HOLLANDER & S. MARTINEZ (eds.), IBA (*International Bar Association*) Arbitration Committee Arbitration Country Guide, available online at [www.ibanet.org](http://www.ibanet.org) (co-author Pascal HOLLANDER)

"The Arbitral Secretary: Unnecessary Nuisance or Unsung Hero – A Practitioner's View" in W. VAN BAREN & D. DE MEULEMEESTER (eds.), *Arbitral Secretaries – Reports from the Joint NAI-CEPANI Colloquium held on October 5, 2017*, 2018, Wolters Kluwer, pp. 81-99 (co-author Emily HAY)

"A reason is a reason and a time limit a time limit. Or is it?" – The arbitral tribunal's duty to provide reasons and abide by applicable time limits to render its award – Reflections on Court of First Instance of Brussels (Fr.) 23 February 2017, *b-Arbitra* 2017/1, pp. 127-147

"How did it get so late so soon?" – The arbitral tribunal's duty to timely render an award" – Reflections on Court of First Instance of Antwerp 24 June 2014, *b-Arbitra* 2015/2, pp. 285-308

"Who won it anyway? – the relevance of a discrepancy between amounts claimed and awarded in the allocation of arbitration costs - Commentary on the Interim Final Award in Cepani Arbitration no. 22068", in X., *Collection of CEPANI arbitral awards – Procedural aspects*, Brussels, Bruylant, 2015, pp. 52-64

"Good things might come to those who wait, but not to those who wait too late - issues surrounding the late submission of new evidence – Commentary on the Second Interim Final Award in Cepani Arbitration no. 22068", in X., *Collection of CEPANI arbitral awards – Procedural aspects*, Brussels, Bruylant, 2015, pp. 33-51

"Expect the Unexpected – Avoiding Possible Pitfalls in National Arbitration Laws" in C. MÜLLER A. RIGOZZI and S. BESSON (eds.), *New Developments in International Commercial Arbitration 2014*, Zurich, Schulthess, 2014, pp. 1-41 (co-author Olivier CAPRASSE)

Chapter "Brussels" in Michael OSTROVE, CLAUDIA T. SOLOMON and B. SHIFFMAN (eds.), *Choice of Venue in International Arbitration*, Oxford, Oxford University Press, 2014, pp. 15-44 (co-author Pascal HOLLANDER)

Book Review "Stavros Brekoulakis – Third Parties in International Commercial Arbitration", *b-Arbitra*, 2013/1, at p. 190

Chapter "Belgium" (2013) in D. CAMPBELL (ed.), *Remedies for International Sellers of Goods* (2nd edition), New York, Juris Publishing, 2010 (looseleaf), 40 p.

Country Guide on "Belgium" (2012) in L. SCHANER & D. ARIAS (eds.), IBA (*International Bar Association*) Arbitration Committee Arbitration Country Guide, previously available online at [www.ibanet.org](http://www.ibanet.org) (co-author Pascal HOLLANDER)

"Belgium: Brussels Bar Lifts the Traditional Prohibition on Preparatory Contacts Between Attorneys and Witnesses in Arbitration", *Juriste International* 2012/2, at p. 49 (co-author, Pascal HOLLANDER)

"Belgium: Brussels Bar Lifts the Traditional Prohibition on Preparatory Contacts Between Attorneys and Witnesses in Arbitration", in *29 ASA Bulletin* 2011/2, at p. 496 (co-author, Pascal HOLLANDER)

"Brussels Bar lifts the traditional prohibition on preparatory contacts between attorneys and witnesses", in *Arbitration News - Newsletter of the International Bar Association Legal Practice Division*, Vol. 16 No. 1 (March 2011), at p. 80 (co-author, Pascal HOLLANDER)

Note on *United Parcel Service of America Incorporated v Canada*, Decision Relating to Canada's Claim of Cabinet Privilege, IIC 267 (2004), Oxford University Press, [www.investmentclaims.com](http://www.investmentclaims.com) (2009)

Note on *United Parcel Service of America Incorporated v Canada*, Decision Relating to Document Production and Interrogatories, IIC 266 (2004), 21st June 2004, Oxford University Press, [www.investmentclaims.com](http://www.investmentclaims.com) (2009)

Note on *United Parcel Service of America Incorporated v Canada*, Decision on the Filing of a Statement of Defence, IIC 264 (2001), 17th October 2001, Oxford University Press, [www.investmentclaims.com](http://www.investmentclaims.com) (2009)

Note on *Pope & Talbot Incorporated v Canada*, Award on the Merits of Phase 2, IIC193 (2001), 10 April 2001, Oxford University Press, [www.investmentclaims.com](http://www.investmentclaims.com) (2009)

Note on *Pope & Talbot Incorporated v Canada*, Interim Award, IIC192 (2000), 26 June 2000, Oxford University Press, [www.investmentclaims.com](http://www.investmentclaims.com) (2008)

Note on *Pope & Talbot Incorporated v Canada*, Award on Damages, IIC195 (2002), 31 May 2002, Oxford University Press, [www.investmentclaims.com](http://www.investmentclaims.com) (2008)

Note on *Pope & Talbot Incorporated v Canada*, Award on Costs, IIC196 (2002), 26 November 2002, Oxford University Press, [www.investmentclaims.com](http://www.investmentclaims.com) (2008);

Note on *Pope & Talbot Inc v Canada*, Rules Concerning the Investor's Motion to Change the Place of Arbitration, IIC194 (2002), 2002, Oxford University Press, [www.investmentclaims.com](http://www.investmentclaims.com) (2008);

## Speaking Engagements

Note on Methanex Corporation v United States, Final Award on Jurisdiction and Merits, IIC167 (2005), 3 August 2005, Oxford University Press, [www.investmentclaims.com](http://www.investmentclaims.com) (2008)

Note on Methanex Corporation v United States, Partial Award, IIC166 (2002), 07 August 2002, Oxford University Press, [www.investmentclaims.com](http://www.investmentclaims.com) (2008)

Note on Methanex Corporation v United States, Decision on Amici Curiae, IIC165 (2001), 15 January 2001, Oxford University Press, [www.investmentclaims.com](http://www.investmentclaims.com) (2008)

"Eureko v. Poland - Brussels Court of Appeal Upholds Dismissal of Poland's Challenge to Former ICJ President", in YIAG (*Young International Arbitration Group of the London Court of International Arbitration*) E-Letter December 2008, available online at [www.lcia.org](http://www.lcia.org)

Moderator, School of International Arbitration Alumni Conference 2018 on "*Containing the Beast - Can new forms of arbitration and the implementation of new technology keep arbitration costs under control and lead to more efficient dispute resolution?*", London, 15 June 2018

Speaker, 6<sup>th</sup> World Litigation Forum London on *The future of international arbitration: what changes are on the horizon?*, London, 12 June 2018

Speaker, Le Café des Arbitres on *60 Years New York Convention: Dreams Hope and Challenges*, Paris, 28 May 2018

Speaker, ASA Below 40 Fall Event on "*Prayers for relief in international arbitration*", Zürich, 17 November 2017

Speaker, Joint NAI-CEPANI Colloquium on "*Arbitral Secretaries*", Rotterdam, 5 October 2017

Moderator/Speaker, School of International Arbitration Alumni Conference 2017: "*Due Process Paranoia and Justice...Fairy tales or reality in international arbitration?*", London, 9 June 2017

Speaker, ICC YAF Conference on "*Arbitrating Intra-Corporate Disputes*", Brussels, 9 December 2016

Speaker, ICDR Y&I / Georgetown International Arbitration Society Seminar, Washington D.C., 24 October 2016

Moderator, School of International Arbitration Alumni Conference 2016: "*Regulation of International Arbitration and The Role of Specialist Knowledge*", London, 10 June 2016

Speaker, ICC YAF Conference on "*Commercial arbitration involving states, perfectly normal and normally perfect*", Amsterdam, 13 October 2015

Speaker/Moderator, Alumni and Friends of the School of International Arbitration Conference "*The Procedure of International Arbitration: How Effective are the Tools?*", London, 22 April 2015

Speaker, VIS Moot Alumni Association/Linklaters, Generations in International Arbitration Conference on “*Multi-Contract and Multi-Party Arbitration: A Big Troublemaker for Arbitration*”, Vienna, 11 April 2014

Speaker, CEPANI 40/ Vlaamse Conferentie bij de balie te Antwerpen symposium on “*Arbitrage in de praktijk*”, Antwerp, 11 March 2014

Moderator, DAV/AFSIA Conference on “*Germany as Seat of Arbitration*”, Frankfurt, 10 March 2014

Speaker, VKW Limburg/CEPANI breakfast seminar on “*Geschillenbeslechting door Arbitrage*”, Hasselt, 6 April 2011

Speaker, CEPANI 40/KULAK symposium on “*Arbitrage in de praktijk*”, Kortrijk, 8 October 2009

## Recent Experience

**Setting Aside/Enforcement** – Representing a sovereign State in setting-aside and enforcement proceedings in The Netherlands and Belgium regarding arbitral awards rendered in a PCA arbitration under the Energy Charter Treaty

**Construction** – Representing a Bulgarian-led consortium against the EU concerning the construction of a court house relating to a FIDIC Yellow Book contract under EU and Belgian law in an ICC arbitration in Brussels

**Aviation** – Representing a Belgian/French aircraft engine maintenance provider against an Indonesian airline in a dispute concerning aircraft engine maintenance in an ICC Arbitration in Paris under New York law

**Distribution** – Representing a UK kitchenware supplier against a Belgian distributor in an LCIA Arbitration in London under English law

**Post M&A** – Representing a US multinational condiments manufacturer against a group of European and African companies and individuals concerning a post M&A dispute in an ICC Arbitration in Brussels under Belgian law

**Engineering** – Representing the Belgian subsidiary of a US multinational engineering company against a group of companies concerning a soil remediation dispute before the Belgian Courts

**Insurance** – Representing a UK trade financing company against a Belgian credit insurer in an insurance dispute before the Belgian Courts

**Wholesale & Distribution** – Representing a Belgian retail wholesaler against a US food manufacturer in distribution disputes in The Netherlands and Belgium

**International Sale of Goods** – Sole Arbitrator in a dispute between a UAE seller and a French buyer under Dutch law in an ICC arbitration seated in Paris

**Agency** – Sole Arbitrator in a dispute between a Danish principal and a Belgian agent relating to the termination of an agency agreement under Belgian law in a CEPANI arbitration seated in Brussels

**Post-JV** – Sole Arbitrator in a post-JV dispute in the automotive sector between three Belgian entities under Belgian law in a CEPANI arbitration seated in Brussels