

NIUSCHA BASSIRI

RECHTSANWÄLTIN

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PROFESSIONAL EXPERIENCE

Niuscha Bassiri is a partner at Hanotiau & van den Berg in Brussels.

She has a solid track-record as counsel and arbitrator in numerous international arbitrations under all major arbitral institution and UNCITRAL rules, governed by various procedural and substantive laws, relating to diverse legal issues (e.g., investment, distributorship, joint ventures, licensing, patent, post-M&A, sales of goods, shareholdings) and sectors (e.g., banking, construction, energy, finance, HoReCa, insurance, luxury, mining, nuclear power plants, oil & gas, pharmaceuticals, renewable energy, satellites, telecommunication, transportation).

She also acts as counsel in setting-aside and enforcement matters under the New York Convention regime.

A frequent public speaker on arbitration-related matters, Niuscha Bassiri has been lecturing for a decade at the ICHEC Business and Management School in Brussels on *International Commercial Law and Dispute Resolution*.

Niuscha Bassiri regularly publishes on novel matters concerning international arbitration, such as arbitrators and their online identity, as well as arbitration and data protection rights. She is the co-editor and author of the best-selling English-language commentary on the Belgian arbitration law "Arbitration in Belgium" and a co-author of the commentary of the ICC Rules and DIS Rules on Arbitration in German.

She is Vice-President of the Belgian Chapter of Club Español de Arbitraje and a member of the International Board of the Finnish Arbitration Institution, the Editorial Board of the Journal of International Arbitration, the IBA Investment Arbitration Sub-Committee, IBA Rules and Guidelines Sub-Committee, ICC Commission on Arbitration, ICC Task Force on Emergency Arbitrator Proceedings, the ICC Institute of World Business Law, the ICCA-IBA Task Force on Arbitration and Data Protection, and the SIAC Users Council. She is member of the Austrian Arbitration Association, Belgian Centre for Arbitration and Mediation (CEPANI), the inaugural panel of arbitrators of the British Virgin Islands International Arbitration Centre, the German Institution of Arbitration (DIS), International Bar Association (IBA), the International Council for

Commercial Arbitration (ICCA), London Court of International Arbitration (LCIA) and the Singapore International Arbitration Centre (SIAC) Panel of Arbitrators.

Since 2015, Niuscha Bassiri is praised in Who's Who Legal – Arbitration. She was ranked in 2017 as one of the worldwide top 20 Who's Who Legal's Future Leaders—Arbitration and described by peers and clients in Who's Who Legal Arbitration 2016 as an “extremely sharp arbitrator and counsel”, and in 2017 as “a personable, responsive and innovative arbitration specialist” who is praised for her “clever and sophisticated advocacy”. Since Who's Who Legal—Arbitration 2018, Niuscha Bassiri is acknowledged as a Thought Leader. She is mentioned as “the best in Belgium” and is “‘strongly recommended’ for her impressive work on commercial and investment arbitrations as both counsel and arbitrator”. The highly ranked acknowledgment continued in 2019, Niuscha Bassiri being recognized for her exceptional practice, and praised by peers as an “excellent arbitrator with a great client manner”.

Niuscha Bassiri attended the Universities of Cologne and Barcelona. She is admitted to the Cologne Bar and is a member of the Brussels Bar. Niuscha Bassiri holds German and Iranian nationalities. She is a native German and Farsi speaker, who is fluent in English, has a working knowledge in French and Spanish and good understanding in Dutch.

HANOTIAU & VAN DEN BERG, BRUSSELS

Partner from January 2012 to present; Associate from April 2006 to December 2011

ICHEC BUSINESS AND MANAGEMENT SCHOOL, BRUSSELS

Lecturer from January 2009 to present in *International Commercial Law and Dispute Resolution*

ROBERT KNUTSON, LONDON

Associate from October 2003 to March 2006

WILMER CUTLER PICKERING HALE AND DOOR, LONDON

Associate from September 2002 to September 2003; Intern from January 2002 to May 2002

RECENT REPRESENTATIVE MATTERS AS COUNSEL

- Representing a sovereign State in setting-aside and enforcement proceedings in The Netherlands and Belgium, respectively, regarding awards rendered in The Netherlands under the ECT.
- Representing British and a German app developers in launching their respective apps in Europe, giving advise on data protection.

- 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, conducted in English.
- Representing a major Dutch bank against a major Swiss bank concerning a post-M&A dispute under Dutch law in an ICC arbitration in France, conducted in English.
- Representing a Belgian pharmaceutical distributor against a major German pharmaceutical company concerning distribution of medical products in Israel under German law, conducted in English and German.
- Representing an Iranian pharmaceutical distributor against a major German pharmaceutical company concerning distribution of medical products in Iran under German law, conducted in English and German.
- Representing a major Dutch bank against two Belgian banks concerning a post take-over dispute under Belgian and Dutch law in a CEPANI arbitration in Belgium, conducted in English.
- Representing a major multi-national oil & gas company against two major German oil & gas companies concerning price review under German law in an ICC arbitration in Germany, conducted in English.
- Representing a German construction company against an Egyptian company concerning the construction of a steel mill under English law (FIDIC) in an ICC arbitration in England, conducted in English.
- Representing a German construction company against an Italian company concerning a guarantee under English law in an LCIA arbitration in England, conducted in English.
- Representing an NGO against a company concerning a domain name dispute under New York law in an NAF arbitration in New York, conducted in English.
- Representing a major German telecommunications company against a major French telecommunications company under Polish law in a series of Vienna Arbitration Rules arbitrations in Austria, conducted in English.
- Representing a group of NAZI-labour camp survivors in public international law disputes against major German corporations and the Federal Republic of Germany, conducted in English and German.

RECENT REPRESENTATIVE MATTERS AS ARBITRATOR

- Sole Arbitrator in an LCIA arbitration between a U.A.E. and English service provider in the entertainment business under the laws of England and Wales in London, conducted in English.
- Sole Arbitrator under the VIAC Rules between former European shareholders concerning a wind park in Romania in Vienna, conducted in German.
- Chair in an ICC arbitration between an international construction consortium and a State-owned entity concerning the construction of rail roads in Romania under Romanian law in Bucharest, conducted in English.
- Co-arbitrator in an LCIA arbitration between a Singaporean oil merchant and an Albanian buyer under the laws of England and Wales in London, conducted in English.
- Chair in an NAI arbitration between Dutch manufacturers and a French distributor concerning the distribution of diesel engines, under Dutch law in Amsterdam, conducted in English.
- Emergency Arbitrator in an ICC emergency arbitrator proceeding between a Hungarian pharmaceutical company and an Irish distributor concerning the distribution of contraceptives under Dutch law in Amsterdam, conducted in English.
- Co-arbitrator in an ICC arbitration between a Libyan distributor and a major French multi-national concerning a distributorship agreement in the health sector under French law in Paris, conducted in English.
- Sole Arbitrator in an UNCITRAL arbitration between a U.S. entity and a supranational international organization, conducted in English.
- Sole Arbitrator in an LCIA arbitration between an Irish entity and a Russian party concerning a loan agreement under English law in England, conducted in English.
- Sole Arbitrator in an ICC arbitration between an international consortium of contractors and a Romanian State-owned entity concerning the construction of motorways in Romania under the FIDIC Yellow Book regime under Romanian law in Bucharest, conducted in English.
- Chair in a DIS arbitration between two German companies concerning a post-M&A dispute under German law in Germany, conducted in German.

- Sole Arbitrator in an ICC arbitration between a Greek shareholder and a Belgian and Greek company under Greek law in Belgium, conducted in English.
- Chair in a DIS arbitration between a Swiss consultancy firm and a major German nuclear energy company under German law in Germany, conducted in German.
- Sole arbitrator in an ICC arbitration between a transportation company from Bosnia Herzegovina and an Austrian transportation company under Austrian law, conducted in German.
- Sole arbitrator in an LCIA arbitration between a BVI consultancy firm and a Greek IT company under English law in England, conducted in English.
- Co-arbitrator in an ICC arbitration between a major Iranian petrochemical company and major Ukrainian and Turkmen oil & gas companies under Swiss law in Switzerland, conducted in English and Russian.

SPEAKING ENGAGEMENTS

International Arbitration for Business: Energy and Infrastructure Sectors Uncovered, *Experiences in arbitration in the construction and infrastructure sector*, Bucharest, 21 February 2019.

6th ITA-IEL-ICC Joint Conference on International Energy Arbitration, *Trendlines in Energy Disputes – What is Next?*, Houston, 25 January 2019.

ECT Modernization Conference, *The Umbrella Clause and the Right to Regulate*, Brussels, 17 January 2019.

Sanctions and Arbitration, ICC Belgium, Brussels, 7 September 2018.

2nd ICC European Conference on International Arbitration, *Tomorrowland: AI, smart contracts, blockchain and the end of arbitration as we know it?*, Paris, 9 April 2018.

CEA Belgian Chapter, Third Annual Conference, “The present and near future of new technologies in arbitration”, Brussels, 23 February 2018.

SCAI Innovation Conference “Arbitrating the Future”, *Dealing with Quantum Submissions on Future Damage*, Zurich, 1 February 2018.

ECT Investment Arbitration Masterclass, *PCA investment arbitration practice and procedure*, Brussels, 6 November 2017.

Enforceability of South-Korean Awards in Belgium, *Joint CEPANI-KCAB Event*, Brussels, 25 October 2017.

ICC YAF/ICDR Y&I/Young ICSID Joint Conference, *2016's Hot Topics: Change is in the air*, Keynote Speaker, Paris, 8 December 2016.

IADC International Corporate Counsel Conference, *Impact on Data Evolution on Discovery Before Arbitral Tribunals in Light of the IBA Guidelines on Party Representation*, Brussels, 13 October 2016.

ICSID-CRCICA Joint Conference – Key Issues in International Investment Arbitration, *Treaty Interpretation and the Role of States*, Cairo, 28 September 2016.

Helsinki International Arbitration Day, *Digitalization and Cybersecurity – New Challenges to International Arbitration?* Helsinki, 26 May 2016.

Georgetown International Arbitration Month, *The Role of Arbitral Secretaries*, Georgetown, 23 February 2016.

Club Español de Arbitraje, *EU Law and Investment Arbitration – Some paradigmatic cases other than Micula*, Brussels, 19 February 2016.

IBA Vienna, *Sanctions and Arbitration*, Vienna, 6 October 2015.

ICCA, Young ICCA, ICDR Y & I, ICC YAF Joint Conference, *Conduct of International Arbitration: The Arbitrator's Perspective*, Paphos, 18 September 2015.

ICC YAF Annual Conference, *How to become an effective administrative secretary*, workshop lead tutor, London, 27 June 2015.

DIS Frühjahrsveranstaltung, *Anwaltliche Überzeugungskraft - Eine Frage der Rechtskultur?*, Dresden, 7 May 2015.

CEPANI 40 Luncheon Debate, *Arbitral Secretaries - The exposed ghost writer*, Brussels, 27 February 2015.

AIA Brussels Arbitration School, *Training on the arbitration proceedings*, Brussels, 9 February 2015.

FAI, *The International Board of the Finnish Arbitration Institute*, Helsinki Arbitration Day, Helsinki, 5 June 2014.

AFSIA/DAV, *Germany as Seat of Arbitration - Is Germany meeting the Expectations of Foreign Parties?* Frankfurt, March 2014.

ICC YAF, YAC, *Confidentiality and Drafting Arbitration Clauses*, Helsinki, September 2013.

IBA 5th Biennial Construction Projects Conference, *Drafting the Contract, Drafting Dispute Escalation/Resolution Provisions*, Brussels, September 2013.

Hanotiau & van den Berg Luncheon, *The New Belgian Arbitration Law – Arbitrator Appointment, Challenge and Replacement*, Brussels, September 2013.

IBA Annual Conference, *The Do's and Don'ts of Trial Work*, Dublin, October 2012.

ICCA 2012 Congress, *The Use of Arbitral Secretaries*, Singapore, June 2012.

Roschier Arbitration Forum, *Disclosure – Less is More*, Stockholm, May 2012.

DIS Latvia, *Construction Disputes*, Riga, May 2012.

Young ICCA, *Document Disclosure in International Arbitration*, Stockholm, March 2012.

Young ICCA, *Document Disclosure in International Arbitration*, Prague, October 2011.

Young ICCA, *How to avoid double accounting in parallel contract and treaty claims - Damages in Investment Arbitration*, Buenos Aires, September 2011.

ASA below 40, *Torpedoes and anti-torpedo torpedoes – using and avoiding parallel court proceedings*, Zurich, November 2009.

Deutscher Juristinnen Bund, *General Overview on International Arbitration*, Brussels, November 2009.

PUBLICATIONS

Chapter on “Efficiency” (co-author), in the “*International Bar Association Investment Arbitration Subcommittee’s Report on Consistency, Efficiency and Transparency*”, 2018.

“*Arbitrators and their online identity*”, Christian Aschauer and Maud Piers (eds.), *Arbitration in the Digital Age - The Brave New World of Arbitration*, Cambridge University Press, 2018.

“Arbitral Institutions in a New Light”, Book Review of *The Functions of Arbitral Institutions*, by Rémy Gerbay, ICC Dispute Resolution Bulletin (2017, Issue 1, p. 103).

“Arbitration in Belgium – A Practitioner’s Guide”, Niuscha Bassiri and Maarten Draye (eds.), Kluwer International Law, 2015.

“Young ICCA Guide on Arbitral Secretaries”, The ICCA Reports No. 1, April 2014.

“Back to Basics – The First PCA Award of 14 October 1902”, ICCA Newsletter, p. 11, December 2013.

“ICC-SchO, DIS-SchO, Praxiskommentar zu den Schiedsgerichtsordnungen”, Verlag Dr. Otto Schmidt, Köln 2013, Commentaries to Articles 6, 28 and 29 (Article 29 together with Heiko Haller) of the ICC Rules and Article 30 of the DIS Rules (second edition forthcoming).

“Arbitral Secretaries”, International Arbitration – The Coming of a New Age? ICCA Congress Series No. 17, p. 327, Kluwer Law International 2013 (with C. Partasides, U. Gantenberg, L. Bruton and A. Riccio).

“Armand de Mestral & Céline Lévesque (eds), Improving International Investment Agreements”, Book Review, Global Trade and Customs Journal, Volume 8 (2013), Issue 9, pp. 306-310.

“The Practice of Arbitration, Essays in Honour of Hans van Houtte”, Book Review, Les Cahiers de l’Arbitrage, Vol. 2, 2013, p. 541.

EDUCATION

HIGHER REGIONAL COURT OF COLOGNE

Legal Training and Second Legal State Examination June 2000 to July 2002

UNIVERSITY OF BARCELONA

Erasmus Scholarship September 1996 to July 1997

UNIVERSITY OF COLOGNE

September 1993 to January 2000

First Legal State Examination January 2000