

## **NIUSCHA BASSIRI**

RECHTSANWÄLTIN

HANOTIAU & VAN DEN BERG

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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 institutions 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, 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 and the use of social media networks, as well as arbitration and data protection rights. She is the co-editor and an author of the best-selling English-language commentary on Belgian arbitration law, "Arbitration in Belgium," and a co-author of the commentary on 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 a member of the Austrian Arbitration Association, the 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), the London Court of International Arbitration (LCIA), the Scottish Arbitration Centre 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 world's 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”. In 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 advice 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-labor 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 UAE 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 US 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 a major Ukrainian and Turkmen oil & gas companies under Swiss law in Switzerland, conducted in English and Russian

### **SPEAKING ENGAGEMENTS**

Cambridge Arbitration Day, ICC YAF, *Young Practitioners: How to Raise Your Profile in the Arbitration Network? With a Special Emphasis on Social Media Networks*, Cambridge, 15 March 2019

Frankfurt Investment Law Workshop, Investment Arbitration and Digitalization, *Data Protection and Arbitration*, Frankfurt a. M., 8 March 2019

International Arbitration for Business: Energy and Infrastructure Sectors Uncovered, *Experiences in Arbitration in the Construction and Infrastructure Sector*, Bucharest, 21 February 2019

6<sup>th</sup> 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

60 Years BIICL, 50 Years Brussels Regime, 60 Years New York Convention, *The New York Convention Turns 60*, London, 29 November 2018

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

2<sup>nd</sup> 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 Dont's 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**

*“The (Non)Relevance of the Arbitrator’s Nationality”*, Liber Amicorum, 50<sup>th</sup> Anniversary of CEPANI (forthcoming, together with T. Vijra)

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 H. 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