



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 has experience as presiding, sole and co-arbitrator as well as emergency arbitrator.

Maarten has been involved in over 70 arbitrations governed by various procedural and substantive laws under a variety of arbitration rules (ICC, LCIA, UNCITRAL, ICSID, SCC, Swiss CEPANI, CRCICA, Hamburg CC and OHADA) as well as *ad hoc*.

He has been recognized by Who's Who Legal for several years and was recognized in the category "best arbitrators" for Belgium by Leaders League (2022). Clients and peers refer to him as a "brilliant advocate and arbitrator" who is "one of Belgium's best arbitration practitioners" (WWL 2022) and recommend him for "his sharp legal mind, his pragmatic approach, his responsiveness and his punchy written submissions" (GAR, 2019)

Nationality

Belgian

Languages

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

Bar Admissions

Brussels (2007)

Professional Experience

HANOTIAU & VAN DEN BERG, Brussels (Belgium)

Partner (2019 – present)

Counsel (2017 – 2019)

Senior Associate (2013 – 2017)

Associate (2007 – 2013)

b-ARBITRA – BELGIAN REVIEW OF ARBITRATION (edited by [WoltersKluwer](#))

Co-Editor in Chief (2020 – present)

BRUSSELS BAR SCHOOL, Brussels (Belgium)

Lecturer in Arbitration (2017 – 2021)

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 (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)

Honors & Awards

- **Nominee – Who's Who Legal, Global Leaders Arbitration 2022**
"One of Belgium's best arbitration practitioners" "Maarten is always well prepared to handle complex cases (in a variety of languages)" "He is very knowledgeable in international commercial arbitration and a true pleasure to work with" "Maarten is a brilliant advocate and arbitrator"
- **Nominee – Best Arbitrators Belgium 2021-22 (Leaders League)**
Recognized in the category "excellent" in Leaders League's best arbitrators for Belgium ranking
- **Nominee – Leaders League 2022 (International Arbitration | Commercial Litigation – Belgium)**
Ranked as part of both Hanotiau & van den Berg's "leading" international arbitration practice and its "highly recommended" commercial litigation practice in Leaders League's 2022 rankings for Belgium
- **Nominee – Who's Who Legal, Future Leaders Arbitration 2021**
"He has the knowledge and experience to be one of the next leaders in international arbitration" "One of the foremost young arbitration practitioners in Belgium" "At ease before Belgian courts and before tribunals worldwide" "Maarten will be a big name in the next generation of international arbitration practitioners" "He has expert knowledge of Belgian law"
- **Nominee – Who's Who Legal, Future Leaders Arbitration 2020**
"Maarten Draye is credited with 'expert understanding of Belgian law', and 'has the knowledge and experience to be one of the next leaders in international arbitration'"
- **Nominee – Best Arbitrators Belgium 2020 (Leaders League)**
Recognized in the category "rising star" in Leaders League's best arbitrators for Belgium ranking
- **Nominee – Who's Who Legal, Future Leaders Arbitration 2019**
"Maarten Draye at Hanotiau & van den Berg stands out as 'one of the go-to people in Belgium for international commercial arbitration'. He wins praise as 'a professional and true arbitration leader to watch'"
- **Nominee – Who's Who Legal, Future Leaders Arbitration 2018**
- **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'."

Books

- **"Arbitration in Belgium - A Practitioner's Guide"** (Co-editor Niuscha BASSIRI), Kluwer Law International, The Hague, 2016, 688 p. www.wolterskluwer.com

Publications

- "Abrahammetje spelen in de arbitrage? Bezint voor ge begint – Over procedurele fraude in internationale arbitrage" (on procedural fraud during the arbitration) in D. Matray & E. Van Campenhoudt (Eds.), *L'arbitrage et la fraude – Arbitrage en fraude*, WoltersKluwer, 2020, pp. 63-114 (on procedural fraud during arbitration proceedings)
- "Retour à la case départ !, ou l'autorisation du juge des saisies comme préalable obligatoire à toute saisie de biens ou avoirs de puissances étrangères, de banques centrales étrangères, et d'autorités monétaires internationales" – note sous Cass. 20 décembre 2019 (on enforcement against states), *TBH/RDC* 2020/5, pp. 634-642 (co-author Benjamin Jesuran) (on pre-enforcement requirements)
- "No Do-Overs, No Take-Backs? A Belgian Perspective on Res Judicata and Arbitration" in D. De Meulemeester, M. Berlingin, B. Kohl (eds.), *Liber Amicorum Cepani 1969 – 2019*, Wolters Kluwer 2019, pp. 111-125

- “The Three Card Trick – Reflections on Third Party Opposition in Arbitration, Arbitrability and the Belgian Arbitration Law’s Transitional Regime in light of CFI Brussels (Fr.), 12 April 2018”, b-Arbitra 2019/1, pp. 117-171
- “The Future of ISDS: Can’t See the Wood or the Trees”, [Kluwer Arbitration Blog](#), 28 February 2019 (co-author Emily Hay)
- “Caught Somewhere in Time – Time Limits for Opposing Enforcement and Seeking Annulment of Arbitral Awards before Belgian Courts”, b-Arbitra 2018/2, pp. 331–353
- “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 (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 Bette 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 (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)
- “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

Speaking Engagements

- Speaker, *Geschillenbeslechting in internationale handel via arbitrage - stand van zaken en practica*, VOKA Webinar, 16 June 2021
- Speaker, CEPANI Colloquium, *L'arbitrage et la fraude – Arbitrage en fraude*, Brussels, 26 November 2020
- Speaker, *What's the Seat got to do with it? Paris – Brussels – Geneva/Zürich*, Paris Arbitration Week, Webinar, 8 July 2020
- Speaker, CCLS 40th Anniversary School of International Arbitration *Roundtable Discussion*, Webinar, 18 June 2020
- Speaker, CEA-40 event on *jurisdiction and evidence in sports arbitration*, Brussels, 21 February 2020
- Speaker/Moderator, NAI & Young NAI - End-of-Year meeting on *Expedited Proceedings*, Amsterdam, 12 December 2019
- Speaker, 5th School of International Arbitration Alumni Conference 2019 on *"Trends in Construction and Energy Arbitration – What is next?"*, London, 14 June 2019
- Moderator, *Battle of Jurisdictions, Seats and Arbitral Institutions*, Panel on the Role of International Institutions, CEPANI40/NAI Jong Oranje/DIS40, Amsterdam, 15 February 2019
- Guest Lecturer, Queen Mary Online International Dispute Resolution Programme, Guest lecture on *"Setting the Scene - Drafting Enforceable and Efficient Arbitration Agreements"*, Webinar, 6 December 2018
- Faculty Member, *Young ICCA/CEPANI 40 Skills Training Workshop on Cross-examination in International Arbitration*, Brussels, 14 September 2018
- Speaker, 4th 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, 6th 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
- Speaker, Institut des Juristes d'Entreprise / Instituut voor Bedrijfsjuristen on *"Submitting your disputes to arbitration: a costly nightmare or the way to efficiently handle business disputes?"*, Brussels, 22 June 2017
- Moderator/Speaker, 3rd 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, 2nd 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, 1st 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"* (Arbitration in Practice), 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*” (Resolving disputes through Arbitration), Hasselt, 6 April 2011
- Speaker, CEPANI 40/KULAK symposium on “*Arbitrage in de praktijk*” (Arbitration in practice), Kortrijk, 8 October 2009

Recent Experience (selection)

Arbitrator

- **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 in the electronics sector
- **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 the biotechnology sector in a CEPANI arbitration seated in Brussels
- **Agency** – Sole Arbitrator in a dispute between a German principal and a US agent relating to the termination of the agency agreement under German law in the pharmaceutical sector in an ICC arbitration seated in Hannover
- **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
- **Post-M&A** – President of the Tribunal in a post-M&A dispute in the pharmaceutical sector between French and German companies under French and German law in a Hamburg seated arbitration under the Hamburg Chamber of Commerce Rules
- **Construction/JV** – Co-Arbitrator in a construction-related JV dispute between a German and a Belgian company in a Brussels seated CEPANI Arbitration under Belgian and US Law in the military sector
- **Emergency Arbitration** – Emergency Arbitrator under CEPANI Rules in relation to urgent measures requested by a Belgian entity and individual against the subsidiary of a US multinational in the bunkering sector
- **Post-Settlement** – Sole Arbitrator under CEPANI Rules in a post-settlement dispute between a Belgian and a Chinese party under Belgian law in the energy sector
- **Services** – Sole arbitrator under CEPANI Rules in a services dispute between two Belgian entities under Belgian law in the banking and real estate sector

Counsel (Arbitration)

- **Construction** – Representing a Bulgarian-led consortium against the EU concerning the construction of a courthouse 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
- **Sales & Services** – Counsel representing a Belgian subsidiary of a French group in a dispute against a subsidiary of a Japanese multinational in relation to a supply agreement under Belgian law in a Brussels-seated CEPANI arbitration
- **Sports/Licensing** – Representing a Belgian entity in a sports related licensing dispute under Belgian law in a Brussels-seated CEPANI arbitration.
- **Construction** – Representing a German JV against a French JV in an ICC arbitration with seat in Luxembourg under Luxembourg law.

Counsel (Litigation)

- **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
- **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 under Belgian law
- **Enforcement** – Securing an attachment for an Israeli distributor against the Belgian principal in support of an ICC Arbitration
- **Wholesale & Distribution** – Representing a Belgian retail wholesaler against a US food manufacturer in distribution disputes in the Benelux under Belgian and Dutch law before the Belgian and Dutch courts
- **Insurance** – Representing a UK trade financing company against a Belgian credit insurer in an insurance dispute before the Belgian Courts under Belgian and Danish law
- **Setting aside** – Representing and advising a Swiss party in setting aside and enforcement proceedings against a Ukrainian party before the Belgian and the Swiss Courts involving Belgian, Swiss and Ukrainian law