

EMILY HAY

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Nationalities: Australian, Belgian

PROFESSIONAL EXPERIENCE

Hanotiau & van den Berg, Brussels, Belgium

Counsel: March 2020 – present

Associate/Senior Associate: March 2014 – February 2020

- Arbitrator, counsel, tribunal secretary and assistant to tribunal in international commercial and investment treaty arbitrations, both ad hoc and under various institutional rules (ICC, LCIA, SCC, ICSID, SIAC, UNCITRAL, CEPANI, DIAC, DIFC-LCIA).
- Court litigation related to the set-aside and enforcement of arbitral awards.
- Matters covering a range of sectors, including nuclear energy, hydropower, fuel cell technology, oil and gas, banking, aggregates, construction, medical devices, IP, real estate, sale of goods, services, military equipment, consumer appliances, fast food, and aviation, and agreements including, *inter alia*, investment treaties, shareholder agreements, joint venture agreements, licence agreements, fundraising agreements, note subscription agreements and public procurement contracts.
- Advising on European privacy and data protection law, including GDPR compliance and the drafting of privacy policies and terms of use for mobile apps.
- Representative matters include:
 - o Sole Arbitrator in an ICC arbitration under a fundraising agreement governed by Singapore law, seated in Singapore.
 - o Co-arbitrator in a DIFC-LCIA arbitration under a shareholders' agreement governed by English law, seated in Dubai.
 - o Counsel for respondent in an ICC arbitration in the banking sector regarding a share purchase agreement governed by Dutch law, seated in Paris.
 - o Advising on GDPR compliance and drafting the privacy policy and terms of use for a mobile application for the exercise of individual consumer rights, launched across Europe and worldwide post-GDPR.
 - o Advising on GDPR compliance and drafting the privacy policies and terms of use for a series of mobile applications in the fashion, events, information and sporting fields, launched in Europe, the Middle East, and the United States (pre- and post-GDPR).

Lorenz International Lawyers, Brussels, Belgium

Trainee Lawyer/Associate: April 2012 – March 2014

- Advising on privacy and data protection law, with a focus on new technology such as cloud computing, medical devices, and social media in the workplace.
- Advising on issues of public international law, including sovereignty and jurisdiction, immunities of international organisations, and international courts and tribunals.

Africa Middle East Refugee Assistance, Cairo, Egypt

Refugee Status Determination Team: September 2008 – August 2010

- Team leader, providing legal aid to refugees and asylum seekers for recognition under the Refugee Convention.

ADMISSION / REGISTRATIONS

- Admitted in the Supreme Court of New South Wales (2013)
- Registered at the Brussels Bar (B-list) (2013)
- Fellow of the Chartered Institute of Arbitrators (FCIArb) (2022)
- Australian Centre for International Commercial Arbitration (ACICA) Fellow (2022)
- Hong Kong International Arbitration Centre (HKIAC) List of Arbitrators (2021)
- SIAC Reserve Panel of Arbitrators (2022)
- Thailand Arbitration Centre (THAC) Panel of Arbitrators (2022)
- Korean KCAB INTERNATIONAL Panel of International Arbitrators (2021)

ENDORSEMENTS

- Who's Who Legal Global Elite Thought Leader: Arbitration – Under 45 – Non-Partners 2024
- Who's Who Legal Future Leader: Arbitration – Non Partners 2021-2024 (among the EMEA Non-Partners most highly regarded individuals in 2023 and 2024)
- Legal 500 Private Practice Arbitration Powerlist 2022: Benelux Region
- Expert Guides: Rising Stars 2022: Commercial Arbitration

PROFESSIONAL ACTIVITIES

- Member, ICC Commission on Arbitration and ADR; ICC Australia Arbitration Committee Steering Committee; ICC Commission Taskforce on Addressing Issues of Corruption in International Arbitration
- Member, IBA Arbitration Committee ESG Subcommittee
- Member, CEPANI Data Protection Taskforce
- Member, Business at the OECD (BIAC) Anti-Corruption Committee
- Founding Member, ARBinBRIEF, a practical video guide on arbitration issues
- Founding Administrator, MetaverseLegal, dedicated to legal implications of the metaverse
- Rapporteur to the ICCA Judiciary Committee, 2020 – 2023; Consultant on Second Edition of Judges' Guide 2023 – present

- Rapporteur to the ICCA-IBA Joint Task Force on Data Protection in International Arbitration Proceedings 2019-2022
- Young ICCA Mentoring Programme Co-Director, 2020-2022; Buddy 2018-2019

SELECTED PUBLICATIONS

- ‘Under My Umbrella: Seeking Shelter Under an ESG Clause’ (2023) 16(2) *Contemporary Asia Arbitration Journal* 215
- ‘Supply Chain Disputes and ESG Contractual Clauses’ in L. Achouk-Spivak, R. Barrett *et al*, *ESG and International Arbitration: Beyond the Acronyms – Reports from the CEPANI Colloquium held on 17 November 2023* (Kluwer, 2023), with Lisa Bingham
- ‘Demystifying the Metaverse’, *ACICA Review* (December 2022)
- ‘ESG Clauses and Dispute Risks’, *Kluwer Arbitration Blog* (11 December 2022)
- ‘Something Borrowed, Something Blue: The Best of Both Worlds in Metaverse-related Disputes’ (2022) 15(2) *Contemporary Asia Arbitration Journal* 205, with Elizabeth Chan
- ‘Data Protection and International Arbitration: Never the Twain Shall Meet?’ in P. Ortolani *et al* (eds), *International Arbitration and Technology* (Kluwer, 2022)
- ‘Issues of Arbitrability in Telecoms Arbitration’ in W. Pydiamah (ed), *Global Arbitration Review: The Guide to Telecoms Arbitrations* (Law Business Research, 2022)
- ‘Consumer Protection’ in J. R. Mata Dona and N. Lavranos (eds), *International Arbitration and EU Law* (Edward Elgar, 2021), with Niuscha Bassiri
- ‘The Invisible Arm of GDPR in International Treaty Arbitration: Can’t We Make It Go Away?’, *Kluwer Arbitration Blog* (29 August 2019)
- ‘The CETA Opinion of the CJEU: Right of Access to an Independent Tribunal’, *Viewpoint* (The UK Law Societies’ Joint Brussels Office, May 2019)
- ‘The Future of ISDS: Can’t See the Wood or the Trees’, *Kluwer Arbitration Blog* (28 February 2019), with Maarten Draye
- ‘Winds of Change? Confidentiality and Transparency in International Commercial Arbitration’ in C. González-Bueno (ed), *40 under 40: International Arbitration* (Dykinson, S.L., 2018)
- ‘Arbitral Secretaries: Unnecessary Nuisance or Unsung Hero – A Practitioner’s View’ in *Arbitral Secretaries: Reports from the joint NAI-CEPANI colloquium held on October 5, 2017* (Wolters Kluwer, 2018), with Maarten Draye
- *Diplomatic Law in Belgium* (Maklu Publishers, 2014), with Prof Frédéric Dopagne and Bertold Theeuwes
- ‘International(ized) Constitutions and Peacebuilding’ (2014) 27 *Leiden Journal of International Law* 141
- Australia section of ‘Privacy, E-Commerce, and Data Security’ (2013) 47 *The International Lawyer* 99 (International Legal Developments Year in Review: 2012, ABA Section of International Law)
- Contributions in *The Privacy Advisor* (International Association for Privacy Professionals) with Jan Dhont regarding BCRs for Processors (June 2013); EU Data Protection Reforms (December 2012, May 2012); Social Media (October 2012); Australian privacy law reform (July 2012)
- ‘Refugee Status in Australia and the Cessation Provisions: QAAH of 2004 v MIMIA’ (2006) 31 *Alternative Law Journal* 147, with Dr Susan Kneebone

TEACHING

- Visiting Assistant Professor, School of Law, National Yang Ming Chiao Tung University, Hsinchu, Taiwan (2023 Short Course: ‘Trends in International Dispute Resolution: Tech, ESG and Energy Disputes’)

SELECTED SPEAKING ENGAGEMENTS

- ‘International Arbitration: an AI Endeavour’, ICCA Hong Kong (May 2024)
- ‘Tribunal Secretary Module’, Delos Written Advocacy and Writing Awards (online, November 2023)
- ‘Supply Chain Disputes and Contractual Clauses’, CEPANI Colloquium on ESG and International Commercial Arbitration: Beyond the Acronyms (hybrid, 17 November 2023)
- ‘Unleashing the Arbitration Disrupters: the Metaverse, Digitalisation and Decentralisation for a New Era of Justice’, ArbitralWomen, Australian Arbitration Week (hybrid, 10 October 2023)
- ‘Active Case Management’, Conversations with ICC Australia (online, 28 June 2023)
- ‘A role and place for lawyers: Is the legal market prepared for this new dispute resolution constellation?’, ArbMetaBlock 2023: The future is now! Blockchain, Metaverse, Web3 and (what it really means for) arbitration (Ghent, 26 May 2023)
- ‘Blockchain dispute resolution’ in ‘Will I Lose My Job to a Robot?’, Young ICCA (online, 29 March 2023)
- ‘Metaverse Dispute Resolution Colloquium’, Digital Law Centre (University of Geneva), Geneva Center for International Dispute Settlement (CIDS) and MetaverseLegal (online, 24 March 2023)
- ‘ESG Clauses: Ripe for Disputes’, Institute of Technology Law, School of Law, National Yang Ming Chiao Tung University (Hsinchu, Taiwan, 26 December 2022)
- SIAC Academy, ‘Tribunal Secretaries in International Arbitration’ (online, 19 October 2022)
- Under My Umbrella: Seeking Shelter Under an ESG Clause’, Taipei International Conference on Arbitration and Mediation (Taipei, 5 October 2022)
- ‘Young Mute-Off Thursdays, ‘Enforcement Issues under the NY Convention in relation to Metaverse-related Disputes’ (online, 29 September 2022)
- ‘Dispute Resolution in the Metaverse’, Paris Arbitration Week (VR online, 30 March 2022)
- ‘Renewable Energy and ESG’, MNLU Mumbai Centre for Arbitration and Research, Global Energy Arbitration Conference (online, 4 December 2021)
- ‘Winning Strategy for Asian Parties and In-house Counsel with Civil Law Background’, ICC YAF and CI Arb Taiwan Chapter, Taiwan Arbitration Week (Taipei, 26 October 2021)
- ‘Get Your Act Together: Everything You Need to Know About Data Protection in International Arbitration’, Paris Arbitration Week (online, July 2020)
- ‘Alternative Dispute Resolution and Matters of Global Importance: Security of Critical Infrastructure in the Digital Age’, CI Arb Dispute Appointment Service Convention (London, November 2019)
- ‘Efficiency and Transparency in International Investment Arbitration’, Le Café Des Arbitres, Queen Mary University School of International Arbitration (Paris, May 2019)
- ‘CJEU Opinion Concerning the CETA Investment Court System’, UK Law Societies’ Legal Breakfast Series (Brussels, May 2019)
- ‘Investment Arbitration and EU Law’, CEPANI40 Seminar (Brussels, May 2019)

- 'Inside the Arbitrator's Mind: What Costs are Awarded and How are they Allocated?', ASA Below 40 Seminar (Zurich, November 2018)
- ICC Institute Training for Tribunal Secretaries (Singapore, June 2017)

EDUCATION

Leiden University, Leiden, the Netherlands

Master of Laws in Advanced Studies in Public International Law (cum laude) 2011 – 2012

- Ranked first in promotion

Macquarie University, Sydney, Australia

Bachelor of Arts and Bachelor of Laws (First Class Honours) 2002 – 2008

- Ranked first in promotion in Law
- Exchange year at the University of Copenhagen

LANGUAGES

- English (mother tongue), French (intermediate working proficiency), Spanish (intermediate working proficiency)