



MELANIE VAN LEEUWEN

Partner

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NATIONALITY: Dutch
LANGUAGES: English, French, German and Dutch
ADMISSION: Paris (Directive 98/5/EC) and Amsterdam(*)
OFFICE: Paris

Melanie van Leeuwen joined Derains & Gharavi as a partner in 2011.

Who's Who Legal describes Melanie as *"a Dutch superstar in Paris, who is lauded as an outstanding professional and great personality"*, noting that *"she is the best of the best"*. Chambers Europe ranks Melanie in the category of Most in Demand Arbitrators, describing her as *"a real powerhouse with a very strong presence and a sharp sound legal mind."* Legal 500 lists Melanie as *"an excellent strategist who has a profound knowledge of investment law and impresses by the outstanding quality of her written and oral pleadings."*

Since 1996, Melanie has been practising international arbitration exclusively. She has solid experience as counsel and arbitrator in both commercial and investment arbitration, conducted under all major sets of arbitration rules (ICC, LCIA, LCIA-MIAC, ICSID, SCC, ICDR, UNCITRAL, PCA, DIAC, NAI, SIAC, CEPANI and Swiss Rules) and governed by various procedural and substantive laws. She has handled over 100 arbitrations as counsel and arbitrator concerning disputes arising out of international commercial contracts, cross-border investment, joint ventures, mergers and acquisitions, construction projects and investment protection under international law. She has been particularly active in the sectors of energy, mining, media, information and communication technology, construction and engineering, real estate, aviation and infrastructural and defence projects. She also regularly represents clients in annulment, enforcement and consolidation proceedings before the Netherlands state courts.

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Melanie van Leeuwen has registered the following legal practice area in the Netherlands Bar's register of legal practice areas (rechtsgebiedenregister): arbitration.

Based on this registration, she is required to obtain ten training credits per calendar year in this registered legal practice area in accordance with the standards set by the Netherlands Bar.

Melanie has been appointed to the ICSID panel of arbitrators by the Kingdom of the Netherlands. At present, she is serving as Chair of the ICC Commission on Arbitration, as co-chair of the ICCA-IBA Joint Task Force on Data Protection in International Arbitration, and as a board member of the Swiss Arbitration Association.

EXPERIENCE AS ARBITRATOR IN INVESTMENT ARBITRATION

- President in an ICSID arbitration between two US claimants and the Republic of Armenia arising out of an alleged investment in the real estate sector (ICSID/ARB/1736).
- President in a PCA-administered UNCITRAL arbitration initiated by a Slovenian claimant and a Central-European State arising out of the purchase of the assets of a former State-owned enterprise (PCA Case No. 2019-09).
- Co-arbitrator in an SCC arbitration brought by a Dutch claimant against an Eastern European State about a dispute arising from an alleged investment in the renewable energy sector.
- Co-arbitrator in an ICSID arbitration between three claimants and the Gambia arising out of an alleged investment in the shrimp farming sector (ICSID ARB/18/10).
- Co-arbitrator in an ICC arbitration brought by a Belgian investor against an African State about an alleged investment in the gold sector.
- Member of an ICSID *ad hoc* committee hearing the annulment application of the Republic of Madagascar against an award issued in favour of two Belgian and a Luxembourg investor.
- Co-arbitrator in an UNCITRAL arbitration brought by two Spanish claimants against a Middle-Eastern State arising out of an alleged investment in the health sector.
- Co-arbitrator in a PCA-administered UNCITRAL arbitration brought by Dutch investors against an Eastern-European State concerning an investment in the gaming industry.

EXPERIENCE AS COUNSEL IN INVESTMENT ARBITRATION

- Representing a Turkish investor in an ICSID arbitration (as well as in ICSID annulment proceedings) against the Republic of Kazakhstan over a dispute arising from an investment in the oil transshipment sector.
- Representing Belgian investors in an ICSID arbitration against the Republic of Croatia over a dispute concerning an investment in the touristic real estate sector.
- Representing a poultry producer against the Republic of Kazakhstan in an UNCITRAL arbitration pursuant to that State's Foreign Investment Law.
- Representing a French investor against the Republic of Moldova in an ICSID arbitration initiated pursuant to the French/Moldovan bilateral investment treaty over a dispute in relation to an investment in the duty free industry.
- Representing the Republic of Albania in an ICSID arbitration related to an alleged investment in the gambling industry.

- Representing the Republic of Albania in an ICSID arbitration related to an alleged investment in the oil and gas industry.
- Representing the Republic of Estonia in an ICSID arbitration against a number of Finnish and German banks in relation to an investment in the fishing industry.

EXPERIENCE AS ARBITRATOR IN COMMERCIAL ARBITRATION

- Chair in two consolidated ICC arbitrations between a US industrial group and a European defense group about the development and production of products for aviation engines.
- Chair in an ICC arbitration between an international petrochemical group and an oil field service provider arising from an incident in the provision of liner hanger services on a drilling rig.
- Chair in an ICC arbitration between an instrumentality of an Eastern European State and a construction company about a road construction project.
- Chair in an ICC arbitration between an African affiliate of an oil major and a European manufacturer about the engineering, procurement, supply, construction and commissioning of catenary anchor leg mooring (CALM) buoys.
- Chair in an ICC arbitration between a Belgian manufacturer of crop protection products and a Japanese agro chemical company arising out of a share purchase agreement.
- Chair in an ICC arbitration between a sovereign State and a CIS Contractor concerning a highway construction project.
- Chair in an ICC arbitration initiated by claimants from Africa and the Channel Islands against an African state-owned mining company about a dispute concerning a joint venture in the gold mining sector.
- Chair in an ICC arbitration concerning a post-M&A dispute between a US provider of health information technology solutions and a German industrial manufacturing group.
- Chair in an ICC arbitration between a Polish real estate investor and a global construction and property development conglomerate about the acquisition of professional real estate.
- Chair in an ICC arbitration between a Luxembourg-based construction company and a Dutch tank terminal arising out of a FIDIC Yellow Book Contract for the design and construction of eight storage tanks in the port of Rotterdam.
- Chair in an ICC arbitration between a Spanish satellite operator and an international space company over a dispute arising under a satellite launch services agreement.
- Chair in an ICC arbitration between an African container terminal and an African construction company about the constructions of terminal buildings and facilities.
- Chair in an ICC arbitration between a French mining and energy group and a Namibian company about an anticipated sale/purchase of shares in a desalination plant.
- Chair in five consolidated LCIA arbitrations between a BVI-based supplier of rotary wing aviation solutions and a general aviation company providing air transportation services for the defence, oil, logistics and government sectors.

- Chair in an ICC arbitration between a Spanish provider of telecommunication services and the telecommunication authority of a Latin American State and the State itself.
- Chair in an NAI arbitration between a sovereign State and a consortium of infra structure developers concerning a railway and road construction project.
- Chair in an NAI arbitration between a Dutch energy company and a German energy group arising out of the acquisition of a company selling and supplying power and gas to businesses and consumers.
- Chair in an NAI arbitration between a private equity fund and a chemical major about a post-SPA dispute, following waste water discharges of the acquired chemical production facilities.
- Chair in an NAI arbitration between a provider of on demand internet streaming media and a cable provider.
- Chair in an NAI arbitration between a construction company and an energy company about a heat storage facility.
- Chair in an NAI arbitration about an oil and gas production sharing agreement.
- Chair in an SCC arbitration between a Dutch events company on the one hand and a Turkish museum and a Turkish exhibition organizer on the other, concerning the breach of an exhibition and service agreement in the cultural sector.
- Chair in an ICC arbitration between a services provider from the Marshall Islands on the one hand and a Greek and a Danish company on the other, concerning a shipping dispute.
- Chair in an LCIA-administered UNCITRAL arbitration about a shareholders dispute between the partners of a consortium active in the exploitation, development and production of hydrocarbons in Brazil.
- Chair in a LCIA arbitration concerning a dispute between a Swiss buyer and an Iranian seller over the sale and purchase of copper.
- Chair of an *ad hoc* tribunal in an arbitration brought by a European defense contractor against an international organization in relation to a dispute arising out of a services contract.
- Chair of an *ad hoc* tribunal in an arbitration concerning a dispute between the joint venture partners of a joint venture of consulting engineers arising out of the design, construction, installation and operation of a centralized traffic control system for the ministry of transport of a Southern African State.
- Sole arbitrator in an LCIA-MIAC arbitration between three Cayman Islands-based investment vehicles against a Mauritian respondent concerning the provision of financial and/or administrative services.
- Sole arbitrator in an LCIA-MIAC arbitration between a company from Mauritius and a group of companies from La Réunion about the supply and distribution of seafood.
- Sole arbitrator in an ICC arbitration between a French and an Algerian consortium partner concerning the design, construction and operation of a water treatment facility in Algeria.
- Sole arbitrator in an LCIA arbitration between an Anglo-Swiss multinational commodity trading and mining company and a Polish supplier about the fiscal implications of copper supplies.
- Sole Arbitrator in an LCIA arbitration arising out of a license and services agreement between an English supplier and a Saudi company concerning software applications for the automotive industry.

- Sole arbitrator in an NAI arbitration between a Dutch bio-energy provider and a Belgian wood supplier over a dispute arising out of sale purchase agreement.
- Sole arbitrator in a NAI arbitration between a Dutch satellite services provider and an Asian daily.
- Sole arbitrator in a NAI arbitration between a Dutch satellite services provider and an African broadband network operator.
- Sole arbitrator in a NAI arbitration over a dispute between a British agent and a Dutch flavors and fragrances manufacturer arising out of an agency agreement.
- Sole arbitrator in an ICC arbitration concerning a dispute between a French publishing house and a German information and communication technology provider over a joint venture, providing online patent services.
- Sole arbitrator in an ICC arbitration between an Indian supplier and a German contractor over the procurement of conductor cables for a cross-border high voltage electricity transmission line.
- Emergency arbitrator in an ICC arbitration instituted by a Korean EPC contractor against an owner of cogeneration power plants in the Middle East.
- Emergency arbitrator in a NAI arbitration instituted by a subcontractor against the main contractor concerning the construction of the European data center for the world's largest internet search engine.
- Co-arbitrator in an ICC arbitration between a Middle Eastern construction company and an international energy group about the construction of a solar energy farm.
- Co-arbitrator in an ICC arbitration between a Turkish joint venture and a Middle Eastern construction group about the construction of an airport in Africa.
- Co-arbitrator in an ICC arbitration between a French financial services provider and an Eastern European industrial group about a first demand bank guarantee.
- Co-arbitrator in an ICC arbitration between a Dutch claimant and a German respondent in a post-acquisition dispute in the food-delivery sector.
- Co-arbitrator in an ICC arbitration between two European pharmaceutical companies about the consequences of the termination of a collaboration in the field of prescription oral contraceptives.
- Co-arbitrator in an ICC arbitration between a multinational group in the rail industry and an Austrian developer of heating, ventilation and air conditioning systems arising out of a series of contracts concerning a light train project.
- Co-arbitrator in an ICC arbitration between an African State and a Chinese company concerning the design, engineering, manufacturing and delivery of agricultural machinery.
- Co-arbitrator in an ICC arbitration between a German provider of oil country tubular goods and related services and a Venezuelan company active in the petroleum, petrochemical and hydrocarbons industry concerning a dispute arising out of a series of SPAs.
- Co-arbitrator in an ICC arbitration between a multinational dredging company and a Spanish-Portuguese construction consortium about a port project in West-Africa.
- Co-arbitrator in an ICC arbitration between a French technology supplier in the food-processing industry and a Serbian sugar manufacturer arising out of the sale and purchase of ion exchange and chromatography equipment.

- Co-arbitrator in an ICC arbitration between a French energy major and an international renewable energy group about the joint development of tidal turbine technology.
- Co-arbitrator in an ICC arbitration between Lebanese, Dutch and French joint venture partners concerning the control over the joint venture and its oil storage terminal and jetty facilities in Turkey.
- Co-arbitrator in an ICC arbitration about a shareholders dispute between a Dutch and an Austrian joint venture partner, active in the Brazilian off-shore drilling industry.
- Co-arbitrator in an ICC arbitration in post-SPA dispute between a Dutch seller and an American purchaser about the tax implications following the acquisition of a meat processing and meat products business.
- Co-arbitrator in an NAI arbitration between a Dutch Owner and a Finnish Contractor arising out of an engineering procurement and construction management (EPCM) contract for a PTA production facility.
- Co-arbitrator in an NAI arbitration between a railway construction company and the national railway infrastructure authority.
- Co-arbitrator in two NAI arbitrations between a Dutch franchisor and a number of Dutch and Belgian franchisees about the exploitation of franchises in the DIY sector.
- Co-arbitrator in an NAI arbitration between an energy multinational and an EPC contractor about the design and construction of a pilot chemical plant.
- Co-arbitrator in an NAI arbitration between a sports gear multinational and its MEA distributor.
- Co-arbitrator in an NAI arbitration between a Brazilian trading company and a Dutch supplier arising out of an agency agreement for machinery and equipment for the textile industry.
- Co-arbitrator in an LCIA arbitration between claimants from the BVI and Serbia against a Luxembourg respondent arising out of the acquisition of a supermarket chain in the Balkans.
- Co-arbitrator in an LCIA arbitration between a Russian bank and a Cypriot company arising out of a Put Option Agreement.
- Co-arbitrator in three LCIA arbitrations between an Italian manufacturer and an English buyer over the sale and purchase of gas turbine sets.
- Co-arbitrator in a NAI arbitration about a post-SPA dispute between the seller and the purchaser of a dairy and cheese business.
- Co-arbitrator in an NAI arbitration between a Dutch investment company, a Swiss holding company and a Romanian estate concerning a post-SPA dispute.
- Co-arbitrator in an NAI arbitration between two Dutch companies concerning wind energy generation.
- Co-arbitrator in two consolidated Swiss Rules arbitrations over a dispute between a Swiss bank and a number of Swiss, Dutch, Cypriot and Russian Respondents active in inspection, certification and collateral management services.
- Co-arbitrator in a NAI arbitration between a distributor from the United Arab Emirates and a Netherlands based coating manufacturer regarding a dispute arising out of a distribution agreement concerning aerospace coatings in the Middle East.

- Co-arbitrator in two parallel UNCITRAL arbitrations concerning a dispute between an Asian artist and a European music producer over the production of the artist's music and the management of her business interests.
- Co-arbitrator in a UNCITRAL arbitration concerning a dispute between a British buyer and a Romanian seller over the sale and purchase of steel.
- Co-arbitrator in an *ad hoc* arbitration between two JOA parties concerning financial rights and obligations arising under the joint operation agreement.

EXPERIENCE AS COUNSEL IN COMMERCIAL ARBITRATION

- Representing the Netherland's largest commercial broadcaster in several disputes with a content provider about the supply and exploitation of successful television formats.
- Representing a CIS gas major in several arbitration-related proceedings in the Netherlands.
- Representing an international organization in an UNCITRAL arbitration against a Turkish contractor about an airport construction project in Africa.
- Representing an international organization in an UNCITRAL arbitration against an African provider of logistics and transportation services.
- Representing a Benelux real estate development group in a CEPANI arbitration against a Belgian real estate developer about the development of a number of commercial and residential real estate projects in Belgium.
- Representing an Indian company in an ICC arbitration against a Spanish sustainable energy group about a power transmission line in Brazil.
- Representing a Montenegrin company in an LCIA arbitration against an Austrian bank in a dispute concerning loan facility arrangements.
- Representing an aluminum smelter and a bauxite mining company in an UNCITRAL arbitration against a Cypriot investor in a €300 million post-privatization shareholders' dispute.
- Representing a Greek bank in an ICC arbitration over a post-acquisition dispute with a French bank.
- Representing a power plant manufacturer in an ICC dispute with a German electricity major about a €500 million natural gas combined cycle power plant project in Turkey.
- Representing a Greek construction company in an ICC arbitration against an American/Italian software house concerning a dispute arising out of a malfunction of the control system of a co-generation plant.
- Representing a major Dutch bank in a CEPINA arbitration against two Belgian banks concerning a post take-over dispute.
- Representing an Iraqi medical equipment supplier in an ICC arbitration against one of the world's leading medical equipment manufacturers over a dispute arising out of a contract for the sales of medical equipment and the provision of related services in Iraq.
- Representing a Scandinavian multinational in a SCC arbitration against a Lebanese company over a dispute concerning a consultancy agreement in relation to a petrochemical project in Saudi Arabia.

- Representing a Dutch company in an ICC arbitration against a French aviation company over the sale, purchase and construction of a private aircraft.
- Representing Europe's largest commercial broadcasting group in a NAI arbitration against a Netherlands-based media/entertainment multinational, in a post-acquisition dispute concerning the acquisition of a number of Dutch commercial television and radio stations.
- Representing a Netherlands-based engineering firm in a SIAC arbitration against a petrochemical major over the engineering of a number of heat recovery generators for a project in Singapore.
- Representing a Netherlands-based engineering firm against a French environmental group in an ICC arbitration over the construction and engineering of a desalination plant in Dubai.
- Representing a Netherlands-based engineering firm in related proceedings before the Dutch State courts against a subcontractor from Dubai.
- Representing a Netherlands-based engineering firm in a NAI arbitration against a Spanish subcontractor over the construction and engineering of parts of a power plant in Sharjah.
- Representing a French construction major in an ICC arbitration against a Mexican construction major concerning the control over a joint venture.
- Representing two aluminum majors in a series of disputes (NAI arbitrations, proceedings before the Dutch State courts and the European Court of Justice) against the Dutch incumbent electricity production and distribution companies arising out of the liberalization of the European and Dutch electricity markets.
- Representing a Dutch pension fund in an ICDR arbitration against an US-based multinational investment group concerning the investments made in one of its funds.
- Advising numerous foreign investors on the investment protection afforded by international law.
- Representing a Dutch manufacturer of poultry breeding equipment against a Libyan agent in setting aside proceedings concerning an arbitral award rendered between those parties.
- Counsel in numerous other annulment, enforcement and consolidation proceedings before the Netherlands state courts.

PROFESSIONAL EXPERIENCE

Since 2011	Partner, Derains & Gharavi
2005 – 2011	Counsel, Loyens & Loeff, Paris
2003 - 2004	Senior Associate, Freshfields Bruckhaus Deringer, Paris
1999 - 2003	Associate, Freshfields Bruckhaus Deringer, Amsterdam
1996 - 1999	Trainee lawyer, Stibbe Simont Monahan Duhot, Amsterdam

MEMBERSHIPS

- Appointed to the ICSID Panel of Arbitrators by the Kingdom of the Netherlands
- Chair of the ICC Commission on Arbitration and ADR
- Co-Chair of the ICCA-IBA Joint Task Force on Data Protection in International Arbitration
- Board Member of the Swiss Arbitration Association
- Member of the LCIA

- Member of the ICCA
- Former Vice-Chair of the IBA Arbitration Committee
- Former Board Member of Paris, the Home of International Arbitration
- Former Member of the Supervisory & Advisory Board of the Netherlands Arbitration Institute
- Former Board Member of the Dutch Arbitration Association
- Former founding Board Member of NAI Jong Oranje
- Former Co-Chair of the LCIA Young International Arbitration Group

EDUCATION

2011	ICC Advanced Training – Master Class for Arbitrators
2000	Trial Skills Course – National Institute for Trial Advocacy, New York
1996 - 1998	Professional Education Dutch Bar Association (Beroepsopleiding Nederlandse Orde van Advocaten)
1991 - 1996	Law Degree (LLM), specializations: Civil Law and International Law – Erasmus University Rotterdam

PUBLICATIONS

- “Diversity in Action”, ICC Dispute Resolution Bulletin, 2022-2 (<http://www.derainsgharavi.com/wp-content/uploads/2024/01/Diversity-in-Action.pdf>)
- “*The ICCA-IBA Roadmap to Data Protection in International Arbitration*”, in ICCA Reports no.7, 2022, edited by Kathleen Paisley and Melanie van Leeuwen (http://www.derainsgharavi.com/wp-content/uploads/2024/01/ICCA_Reports_No_7_ICCA-IBA_Joint_Task_Force_on_Data_Protection_in_International_Arbitration.pdf)
- “*Internal Disputes Between the Members of Unincorporated International Construction Joint Ventures*” in Uluslararası İnşaat Sözleşmelerinde Ortak Girişimler 2019, edited by Yeşim M. Atamer, Ece Baş Süzel and Elliott Geisinger
- “*The 2015 Revision of the Dutch Arbitration Act*” in Les Cahiers de l'Arbitrage - The Paris Journal of International Arbitration, 2015 n°1
- “*Paris Arbitration Rules – de nieuwe standaard in ad hoc arbitrage?*” in Tijdschrift voor Arbitrage 2014/52
- “*Pride and Prejudice in the Debate on Arbitrator Independence*”, in New Developments in International Commercial Arbitration 2013, Edited by Christophe Müller and Antonio Rigozzi, Faculté de Droit de l'Université de Neuchâtel (Switzerland)
- “*Het nieuwe ICC-Arbitragereglement 2012*”, in Tijdschrift voor Arbitrage 2012/1