

VIAC – Questionnaire for Arbitrators

1. **Name:** Irina Paliashvili

2. **Citizenship:** Ukraine

3. **Contact information:**

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4. **Current position:** Managing Partner, RULG-Ukrainian Legal Group

5. **Education:**

George Washington University, National Law Center, Washington, D.C.
International and Comparative Law, LL.M. 1993.

Kiev State University School of International Law, Kiev, Ukraine.
Candidate in Science (equivalent to Ph.D.), International Private Law, 1987.

Kiev State University School of International Law, Kiev, Ukraine
Graduate law degree with Highest Honors, 1983.

6. **Practiced experience in arbitration**

How many arbitrations have you participated in (domestic/international)? Under which Rules? N/A
How often have you acted as Chairman? N/A
How often have you acted as Sole Arbitrator? N/A
How often have you acted as Co-Arbitrator? N/A

How often have you acted as Counsel? Five times

How often have you acted in a different function (e.g. Administrative Secretary)? Served as a MEMBER OF THE CHAMBER OF INDEPENDENT EXPERTS (OMBUDSMEN) ON THE ISSUES OF FOREIGN INVESTMENT UNDER THE PRESIDENT OF UKRAINE, 1997-2000. Served approximately 20 times as independent expert on the matters of Ukrainian and Russian law in high-profile international arbitrations, and in the US, UK, Cypriot, Swedish and Dutch courts proceedings.

7. **Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):** as per section V of the below attached Summary Experience

8. **Membership in arbitral institutions / functions in arbitral institutions/organizations:** as per section II of the below attached Summary Experience

9. Languages

Mother tongue: Russian, Ukrainian, Georgian

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): English, Ukrainian and Russian

10. In which legal system have you trained? USSR, Ukraine, USA

11. What is your main jurisdiction of practice? Ukraine

12. In which jurisdictions are you admitted to the bar? Ukraine (Advocate) and District of Columbia (Special Legal Consultant)

13. Special expertise or specializations (please list a maximum of three): Company/Corporate/M&A; Energy; Antitrust/Unfair competition; Commercial disp. / transactions; Intellectual Property (IP).

14. Date of birth: 1 March 1961

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I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

7 June 2021

SUMMARY EXPERIENCE

I. REPRESENTING CLIENTS

- Over 30 years of experience in the areas of commercial dispute resolution, in 1987-1992 as General Counsel (International) for two major Kyiv-based companies, and after that, while in private practice, representing international corporate clients in commercial disputes. Most of these disputes were resolved through amicable settlement, but some of them were litigated or arbitrated, in particular at ICC and at the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry.
- Serving as local counsel in arbitrations and litigations involving various matters of Ukrainian law, including local counsel assistance in a case at the US District Court Southern District of New York involving transfer of ownership rights of shares in a Ukrainian joint stock company.
- Included in the Legal 500 Arbitration Powerlist 2020: CIS and Caucasus.
<https://indd.adobe.com/view/21c76302-3fab-45c5-81ee-f73019e2b7a1>

II. MEMBERSHIP IN COMMERCIAL DISPUTE RESOLUTION INSTITUTIONS

- Member of the Energy Community Dispute and Negotiation Centre Panel of Mediators
<https://www.energy-community.org/aboutus/disputeresolution/mediators.html>
- Member in the List of Practitioners in International Arbitration: the International Arbitral Centre of the Austrian Federal Economic Chamber (VIAC) <http://www.viac.eu/en/>
- Member of the Panel of Arbitrators: Georgian International Arbitration Centre (GIAC)
<http://giac.ge/>
- Member of the Panel of Arbitrators: Kazakhstani International Arbitrage (KIA) in Almaty
<http://arbitrage.kz/en>
- Member of the Panel of Arbitrators: Lewiatan Court of Arbitration in Warsaw
<http://www.sadarbitrazowy.org.pl/en/index.html>
- Member of the Panel of Arbitrators: Caspian Arbitration Society in Geneva
<https://www.caspian-arbitration.com/>
- Member of the Panel of Arbitrators: Riga International Commercial Arbitration Court (RICAC)
<http://www.ricac.org/en/>
- Member of the ICC Ukraine and ICC Commission on Arbitration and ADR; 2014 -2017
- Correspondent and Translator on arbitration and litigation cases in Ukraine: the Volume 2007 of the Yearbook Commercial Arbitration, published by ICCA Publications International Bureau, Permanent Court of Arbitration; 2007

- Member of the Board of Reporters of the Institute for Transnational Arbitration of The Center for American and International Law (ITA) as Reporter for Ukraine. The purpose of the ITA Board of Reporters is to collect and report current information on significant cases, laws and other developments in the field of arbitration for publication at <http://www.cailaw.org/Institute-for-Transnational-Arbitration/publications/ITA-Arbitration-Report/index.html>; 2004-2007
- In June 2004, as soon as Ukrainian law permitted domestic arbitration to be conducted, worked with the European Business Association (EBA) in Kiev on establishing a domestic court of arbitration ("Treteyski Sud") under the EBA's auspices and co-authored Regulations on the Court of Arbitration of the European Business Association. Irina reviewed the legal basis for this method of alternative dispute resolution in an article she co-authored on "New Prospects for Alternative Dispute Resolution in Ukraine", which is available at http://www.rulg.com/documents/Alternative_Dispute_Resolution.pdf
- *MEMBER OF THE CHAMBER OF INDEPENDENT EXPERTS (OMBUDSMEN) ON THE ISSUES OF FOREIGN INVESTMENT UNDER THE PRESIDENT OF UKRAINE, 1997-2000.* Served for the entire duration of the mandate of the Chamber of Independent Experts as an Independent Expert (ombudsman) appointed by the President of Ukraine to mediate disputes between foreign investors and the government authorities of Ukraine. Irina Published an article analyzing the activities of the Chamber of Independent Experts available at HTTP://WWW.RULG.COM/DOCUMENTS/CHAMBER_OF_OMBUDSMAN.HTM
- *ADVISOR TO THE UKRAINIAN CHAMBER OF COMMERCE AND INDUSTRY, KIEV, 1992.*
 - ◆ Participated in drafting Ukrainian Law on International Commercial Arbitration. Prepared the Introductory Memorandum on this law to the Ukrainian Parliament (Supreme Rada).
 - ◆ Prepared the draft of the Rules of International Commercial Arbitration of the Ukrainian Chamber of Commerce and Industry.

III. COMMERCIAL MEDIATION

Irina is a mediator trained and certified by the CPR Institute for Dispute Resolution in New York, where she serves as a member of its International Panel of Distinguished Neutrals. She also serves as a member of the Vienna-based Energy Community Dispute and Negotiation Centre Panel of Mediators.

Also, in 2003-2007 served as a member of the INTA Panel of Neutrals and member of the INTA Alternative Dispute Resolution (ADR) Committee Mediation Seminar Taskforce. In this capacity organized three INTA interactive seminars "Mediation as an Alternative Method for Commercial Dispute Resolution" held in 2005-2007 in Kiev, Moscow and Baku.

In 1997-2000 served as an Independent Expert (ombudsman) appointed by the President of Ukraine to mediate disputes between foreign investors and the government authorities at the Chamber of Independent Experts under the President of Ukraine.

IV. INDEPENDENT EXPERT WITNESS EXPERIENCE

Irina has extensive experience in providing independent expert reports and testimony on the matters of Ukrainian law in international arbitration and in the US, UK, the Netherlands, Cypriot and Swedish courts proceedings. She has experience with all formats of oral testimony: direct examination, cross examination, expert conferences, court depositions and court testimonies. Select examples of her assignments are listed below:

- In 2020 – 2021 serves as an independent expert witness on Ukrainian law in an insurance case pending at the US District Court Central District of California.
- In 2018-2021 serves as an independent expert on behalf of DTEK Krymenergo on various matters of Ukrainian law, including the matters of constitutional law, investment law, corporate law and privatization in the investment treaty *ad hoc* arbitration brought by DTEK Krymenergo against the Russian Federation, administered by Permanent Court of Arbitration (PCA) in The Hague.
- In 2018-2021 serves as an independent expert on behalf of Public Joint-Stock Company Commercial Bank “PrivatBank” on various matters of Ukrainian law, in a case brought by “PrivatBank” against two entities of PRICEWATERHOUSECOOPERS at the District Court of Nicosia, Cyprus.
- In 2016-2021 serves as an independent expert, providing two expert reports and an oral testimony, on behalf of NJSC Naftogaz of Ukraine et al. on various matters of Ukrainian law, including Constitutional law and natural resources law, in the investment treaty *ad hoc* arbitration brought by NJSC Naftogaz of Ukraine and its subsidiaries against the Russian Federation, administered by Permanent Court of Arbitration (PCA) in The Hague <https://pca-cpa.org/en/cases/151/> , as well as subsequent litigation the Netherlands courts. In 2019 the Tribunal found in favor of NJSC Naftogaz and its subsidiaries, concluding that the Russian Federation is liable for the unlawful seizure of their assets in Crimea <http://www.naftogaz.com/www/3/nakweben.nsf/0/90E8ACADAC9BA783C22583B0005C7E88?OpenDocument&year=2019&month=03&nt=News&>. The case has entered its quantum phase to determine the amount of compensation (NJSC Naftogaz estimates the value of the expropriated assets at over \$5 billion). In 2020 provides the expert report on behalf of NJSC Naftogaz of Ukraine et al. on various matters of Ukrainian law to the The Hague Court of Appeal.
- In 2016-2021 serves as an independent expert on behalf of PJSC Tatneft on various matters of Ukrainian law, providing multiple expert reports and an oral testimony, in a case brought by PJSC Tatneft against several Cypriot companies at the High Court of Justice Queen’s Bench Division Commercial Court in London.
- In 2017-2020 served as an independent expert on behalf of the State of Ukraine, providing three expert reports and an oral testimony on various matters of Ukrainian law, including the matters of constitutional law, corporate law, anticorruption regime and legal regime for gas distribution in Ukraine, in the Energy Charter Treaty investment arbitration brought by Littop Enterprises Limited, Bridgemont Enterprises Limited and Bordo Management Limited against the State of Ukraine under the Rules of Arbitration of the Arbitration Institute of the Stockholm Chamber of Commerce.

- In 2017 provided an independent expert witness report on behalf of Naukovo Virobnyche Pidpriyemstvo Altergeotechnologies on various aspects of the judicial system in Ukraine, including commercial procedure legislation, in a case brought by Naukovo Virobnyche Pidpriyemstvo Altergeotechnologies against ArcelorMittal Kryvyi Rih and others at the High Court of Justice Queen's Bench Division Commercial Court in London
- In 2014 - 2015 acted as a key expert witness, providing two independent expert reports and an oral testimony (in the format of experts conference followed by cross-examination), on behalf of French company Elf Neftegaz/Total on the matters of oil and gas law and production sharing agreements (PSA) in the Russian Federation in the arbitration under the Rules of Arbitration Institute of the Stockholm Chamber of Commerce in the case brought by Interneft, Region of Saratov, Region of Volgograd v. Elf Neftegaz. In 2017 the arbitral award was issued in favour of Total, and the summary of the case was published on 7 November 2017 in the Global Arbitration Review entitled "Total defeats US\$22 billion claim" <http://globalarbitrationreview.com/article/1149351/total-defeats-ususd22-billion-claim>
- In 2013 submitted expert Declaration in Support of Solux Corporation's Opposition to Synbias Pharma's Motion for Summary Judgment to the US District Court Southern District of California and provided videotaped deposition on the matters of intellectual property rights under Ukrainian law in a case involving manufacturing methods and patents in the pharmaceutical industry.
- In 2011 –2012 provided two independent expert reports and oral testimony, including cross-examination, on behalf of NJSC Naftogaz of Ukraine on the matters of natural gas export under legislation of Ukraine at the quantum phase of the arbitration under the Rules of Arbitration Institute of the Stockholm Chamber of Commerce in a case brought by an Italian company ITALIA UKRAINA GAS Spa against NJSC Naftogaz of Ukraine.
- In 2011-2012 provided independent expert reports and oral testimony, including cross-examination, to the Svea Court of Appeals in Stockholm on behalf of NJSC Naftogaz of Ukraine on the matters of natural gas export and public order under legislation of Ukraine in relation to the arbitration under the Rules of Arbitration Institute of the Stockholm Chamber of Commerce between the NJSC Naftogaz of Ukraine (claimant) and ITALIA UKRAINA GAS Spa (respondent).
- In 2009-2010 provided two independent expert reports on behalf of Vanco Prykerchenska Ltd. on Ukraine's oil and gas legislation and specifically PSA legislation, in the arbitration under the Rules of Arbitration Institute of the Stockholm Chamber of Commerce in a case brought by Vanco Prykerchenska Ltd. against the State of Ukraine. The arbitration case was settled.
- In 2009 provided expert reports on the matters of Ukraine's antitrust laws to the High Court of Justice Queen's Bench Division Commercial Court in London in a case filed by Sir Michael David Bishop and the BBW Partnership Limited against Deutsche Lufthansa Aktiengesellschaft and British Midland PLC. The case was settled.

- In 2007 provided an expert declaration to the US District Court District of Massachusetts in a case related to a US company’s civil liability for personal injury occurred in Ukraine. The declaration related to different areas of Ukrainian law, including Ukraine’s civil code, corporate law, judicial proceedings and company law.
- In 2007 provided an expert declaration to the US District Court Southern District of New York in a case related to a contractual and bankruptcy dispute in Ukraine. The declaration related to different areas of Ukrainian law, including Ukraine’s contract law, civil code and commercial code, company law, bankruptcy proceedings, enforcement of court decisions, dispute settlement and commercial procedure code.
- In 2005 provided an expert statement to the High Court of Justice Queen’s Bench Division Commercial Court in London in a case that involved several claimants and defendants regarding the damages arising from economic torts. The statement related to different areas of Ukrainian law, including Ukraine’s constitutional law, rule of law, company law, contract law, civil code and commercial code, unfair competition, civil and commercial law, civil liability, remedies and damages, economic torts and commercial procedure code.
- In 1999 provided a complex witness statement to the High Court of Justice Queen’s Bench Division Commercial Court in London on a major litigation over the ownership rights of the Ukrainian media conglomerate. The statement related to different areas of Ukrainian law, including Ukraine’s court system, issues of jurisdiction, enforcement of domestic and foreign court decisions, rule of law, contract law, company law, media law and intellectual property rights, civil and commercial law and civil liability and damages.

V. SELECTED CONFERENCES AND PUBLICATIONS ON DISPUTE RESOLUTION

- Lecture by Irina Paliashvili: “The virtual unreality of dispute resolution”; 3rd Dispute Resolution Forum, Energy Community Secretariat’s Dispute Resolution and Negotiation Centre (Vienna), 5 March 2021. https://www.energy-community.org/events/2021/03/DRF_WEB3.html
- Article: “Virtual Unreality of Dispute Resolution”; *Yurydychna Gazeta/ Юридична газета (Legal Newspaper)*, 22 December 2020 <https://yur-gazeta.com/publications/practice/mizhnarodniy-arbitrazh-ta-adr/virtualna-nerealnist-virishennya-sporiv.html>
- Moderator: session “Through the Lens of Transparency in International Arbitration” at the Vienna Arbitration Days 2020 World Café; Vienna, 22 February 2020. The conferences’ Program is available at <https://www.viennaarbitrationdays.at/program>
- Speaker: Caspian Week held during the World Economic Forum in Davos <https://caspianweek.com/> at the session “Dispute Resolution and Cooperation in the Greater Caspian Region” <https://caspianweek.com/documents/cwagenda.2020-01-24-0938.pdf> held on 23 January 2020 in Davos, Switzerland.

- Speaker: second Energy Community Dispute Resolution Forum at the Panel on “Dispute Resolution in Eastern Europe – between Commerce and Politics”, presentation on “The Energy Dimension of Russia’s Occupation of Crimea”. The Forum was organized by Energy Community and held on 19 September 2019 in Vienna. The Program is available at [file:///C:/Users/Irina/Downloads/2019%20DR%20Forum%20Programme%20180919%20\(1\).pdf](file:///C:/Users/Irina/Downloads/2019%20DR%20Forum%20Programme%20180919%20(1).pdf)
- Co-Chair of the Organizing Committee of the Eastern European Dispute Resolution Forum (EEDRF).
- Speaker: Atlantic Council conference: "Kremlin Aggression in Ukraine: Seeking Restitution for Private Property Seized and Destroyed" at the Panel 2 “Seeking Compensation in the Courts”. The conference was organized by the Atlantic Council and held on 20 March 2018 in Washington D.C. The Program is available at <http://rulg.com/documents/Agenda.pdf>
- Arbitrator: 5th ICC Investment Pre-Moot Paris; Paris, 23 February 2018.
- Moderator: the session on Repositioning Expert Witnesses in International Arbitration at the Vienna Arbitration Days 2017 World Café; Vienna, 25 February 2017. The conferences' Program is available at http://www.viennaarbitrationdays.at/VAD_2017_Programm_A4_2017-01-17.pdf
- Speaker: Conference on International Dispute Resolution in Sweden at the Panel on “The four cornerstones of evidence: Documents, factual & expert witnesses, on-sight inspection.” The conference was organized by The Arbitration Institute of the Stockholm Chamber of Commerce (SCC) and held on 3-4 November 2014 in Stockholm. The conferences' Program is available at <http://www.sccinstitute.com/filearchive/4/47620/International%20Dispute%20Resolution%20Sweden%20Program.pdf> The video of the conference is at <https://vimeo.com/123118239>
- Member of the Organizing Committee and Panel Chair: "[Kyiv Arbitration Days 2013: Think Big!](http://uba.ua/eng/events/1092/) <http://uba.ua/eng/events/1092/>; organized by Ukrainian Bar Association on 14-15 November 2013 in Kyiv. At this conference Irina chaired one of the key panels “The Expert in International Arbitration: Role on the Chessboard?”, which a leading Ukrainian professional publication, *Jurliga*, highlighted as a main conference topic and made a special [report](#) on it. The conference was widely covered in the media: *Law and Business*; *Yurydychna Praktyka* №47 (830) of 19 November 2013; Irina gave several interviews to Ukrainian publications, including to *Jurliga* (video available at <https://www.youtube.com/watch?v=ZXfJG8Kedpk#t=293> (minute 2.50) and to *Yurydychna Praktyka* №48 (831) of 26 November 2013.
- Member of the Organizing Committee, speaker and moderator at the ABA Annual Conferences on the Resolution of CIS-Related Business Related Disputes (2009 - 2012)
- Organized and led the team of RULG attorneys preparing the Comprehensive Guide to Dispute Resolution 2008 – Ukraine, published in the 2008 edition of *Getting the Deal Through, Dispute Resolution, Section on Ukraine* by Global Arbitration Review, The International Journal of Public and Private Arbitration http://www.rulg.com/documents/Getting_Deal_Through_Dispute_Resol_2008_Ukraine.pdf

- Organized the INTA interactive seminar "Mediation as an Alternative Method for Commercial Dispute Resolution" held on November 29, 2005, in Kyiv. The seminar received extensive coverage from several legal and IP publications in Ukraine: the March 1st issue of the INTA Bulletin, Vol. 61, No. 5, the December 2005 issue of the journal *Intelektualna Vlasnist* and in the December 2005 issue (Vol. 3, No. 12) of *The Ukrainian Journal of Business Law*. These articles and the seminar's agenda are available for download in [Ukrainian](#) and [English](#) at http://www.rulg.com/commercial_dispute.asp
- Co-organized and spoke at the INTA seminars "Mediation as an Alternative Method for Commercial Dispute Resolution in the Area of Intellectual Property" in Moscow on 18 April 2006 and in Baku on 22 June 2007. The agendas of the seminars are available for download in Russian and English at http://www.rulg.com/commercial_dispute.asp