

# Marc B. Krestin

Attorney-at-law (*Advocaat*)

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## PROFESSIONAL EXPERIENCE

### Fieldfisher, Amsterdam, The Netherlands

- Partner, Dispute Resolution

Feb 2024 – present

### Pogust Goodhead, Amsterdam, The Netherlands

- Partner, Dispute Resolution

Jan 2022 – Jan 2024

### Allen & Overy, Paris, France

- Senior Associate, International Arbitration

May 2019 – Dec 2021

### Linklaters, Amsterdam, The Netherlands | Paris, France

- Managing Associate, Dispute Resolution
- Associate, Dispute Resolution

Nov 2015 – April 2019  
Apr 2014 – Oct 2015

### Loyens & Loeff, Rotterdam, The Netherlands | Paris, France

- Associate, Corporate Litigation & International Arbitration (*Secondment*)
- Junior Associate, Corporate M&A
- Junior Associate, Corporate Litigation & International Arbitration
- Intern, Corporate Litigation & International Arbitration

Jul 2011 – Mar 2014  
Oct 2009 – Jun 2011  
Nov 2007 – Sep 2009  
Sep 2005 – Mar 2006

### Permanent Court of Arbitration, The Hague, The Netherlands

- Intern, Case Management Team

Jul – Aug 2003

## EDUCATION

### Queen Mary University of London School of Law, London, United Kingdom

- LLM in Comparative and International Dispute Resolution (*with distinction*)

2017 – 2021

### American University, Washington College of Law, Washington D.C., U.S.A.

- Summer Program in International Commercial Arbitration

May 2009

### Columbia University, New York, U.S.A. | Amsterdam, The Netherlands

- Summer Program in American Law

Jul – Aug 2007

### Erasmus University Rotterdam, Rotterdam, The Netherlands

- Master of Arts (LLM) in International, European and Comparative Law (*with honours*)
- Master of Science (M.Sc.) in Economics (*with honours*)

2001 – 2007  
2000 – 2005

### University of Vienna, Vienna, Austria

- Exchange program, Faculty of Law; Courses in International and European Law

Feb – Jun 2006

### Ecole Supérieure des Sciences Economiques et Commerciales (ESSEC), Cergy-Pontoise, France

- Exchange program, ESSEC MBA; Courses in Economics, Management and International Law

2002 – 2003

### International School of The Hague, The Hague, The Netherlands

- International Baccalaureate (*with distinction*)

2000

## TEACHING

### Advanced Program in Investment Arbitration, Paris Bar School (EFB), Paris, France

- Workshop on Written Advocacy in International Arbitration

Mar 2020 – present

### Institut des Hautes Ecoles Internationales (IHEI), Université Paris 2 Panthéon-Assas, Paris, France

- Workshop on Written Advocacy in International Arbitration

Nov 2020

### LLM in International Trade and Investment Law, University of Amsterdam, The Netherlands

- Guest Lecture on Damages in Investment Arbitration

2017 – 2019

## LEADERSHIP ROLES & PRO BONO

- Member of the ESG Arbitration Subcommittee of the International Bar Association
- Member of the Investment Arbitration Committee of the Dutch Arbitration Association
- Arbitrator at the Willem C. Vis International Commercial Arbitration Moot, Vienna, Austria
- Co-chair of the organising committee of the Dutch Arbitration Day, Amsterdam
- Co-manager of a global pro bono project for Acid Survivors Trust International (ASTI)
- Member of the Task Force on Good Governance in the UN Secretary-General Election
- Co-chair of the organising committee of the AIJA Annual Arbitration Conference, Paris

Jan 2023 – present  
Nov 2015 – present  
2010 – present  
Oct 2018  
Sep 2017 – Sep 2018  
Mar – Dec 2016  
Jun 2015

## HONOURS & AWARDS

- Who's Who Legal: Arbitration – Future Leaders 2019 – 2024
- Winner of the pleading competition of the Rotterdam Young Bar Association, The Netherlands Jun 2009

## SPEAKING ENGAGEMENTS (SELECTION)

- DAA Dutch Arbitration Day, Amsterdam, The Netherlands Jun 2024
- ICDR Y&I, Vienna, Austria Mar 2024
- RAI/CFA-40 joint event, Paris France Dec 2022
- ICDR Y&I, Athens, Greece Jul 2022
- CiArb YMG ADR World Tour Event, Europe (*virtual*) Feb 2021
- ASA Below-40 Fall Seminar, Zurich, Switzerland Oct 2020
- AIJA Annual Arbitration Conference, Zurich, Switzerland Jun 2019
- DAA Dutch Arbitration Day, Amsterdam, The Netherlands Oct 2018
- AIJA Annual Arbitration Conference, Stockholm, Sweden Jun 2017
- AIJA Annual Congress, International Arbitration Commission Working Session, Munich, Germany Aug 2016
- DIS40 Rhine/Ruhr Event, Düsseldorf, Germany Mar 2016
- AIJA Annual Arbitration Conference, Paris, France Jun 2015

## PUBLICATIONS (SELECTION)

- The 2024 NAI Arbitration Rules: Better, Faster, Greener!, *Kluwer Arbitration Blog*, Wolters Kluwer, 2024 (with D. van Leeuwen)
- International Arbitration in the Netherlands in S. Balthasar (ed.), *International Commercial Arbitration: A Handbook (Second Edition)*, Beck | Hart | Nomos, 2020 (with G. Fasfalis)
- Chapter on The Netherlands in J. H. Carter (ed.), *The International Arbitration Review*, Law Business Research Ltd, London (2015 and 2016 editions (with G. Fasfalis), 2017, 2018 and 2019 editions (with M. Noldus))
- The Judgment of the CJEU in Slovak Republic v. Achmea – A Loud Clap of Thunder on the Intra-EU BIT Sky, *Kluwer Arbitration Blog*, Wolters Kluwer, 2018 (with C. Fouchard)
- Third-Party Funding in International Arbitration: To Regulate Or Not To Regulate?, *Kluwer Arbitration Blog*, Wolters Kluwer, 2017 (with R. Mulder)
- State Immunity from Enforcement in The Netherlands: Will Creditors be Left Empty-Handed?, *Kluwer Arbitration Blog*, Wolters Kluwer, 2017 (with S. Barten)
- Yukos Awards Set Aside by The Hague District Court, *Kluwer Arbitration Blog*, Wolters Kluwer, 2016 (with G. Fasfalis)
- International Arbitration in the Netherlands in S. Balthasar (ed.), *International Commercial Arbitration: A Handbook*, Beck | Hart | Nomos, 2016 (with G. Fasfalis)
- Amsterdam: Social practices are the problem (Dutch Arbitration Day conference report), *Global Arbitration Review*, January 2015 (with G. Fasfalis)
- New Dutch Arbitration Law Adopted, *Kluwer Arbitration Blog*, Wolters Kluwer, 2014 (with D. Strik)
- Chapter on The Netherlands in N. Beale et al. (eds.), *Dispute resolution clauses in international contracts: A global guide*, Schulthess, April 2013 (with A. van der Kruk and C. de Vink)

## PROFESSIONAL MEMBERSHIPS

- Admitted to the Bars of Amsterdam and Paris (Directive 98/5/EC)
- International Bar Association, Arbitration Committee
- Association Internationale des Jeunes Avocats (AIJA), International Arbitration Commission
- Dutch Arbitration Association (DAA)
- Association for Class Action Lawyers (VVMA)

## LANGUAGES

- German (mother tongue)
- English (fluent)
- French (fluent)
- Dutch (fluent)

## REFERENCES

- Mr. N. Rubins QC (Freshfields Bruckhaus Deringer, Paris; E: [noah.rubins@freshfields.com](mailto:noah.rubins@freshfields.com), T +33 1 44 56 44 56)
- Prof. L. Mistelis, (Queen Mary University, London; E: [L.Mistelis@qmul.ac.uk](mailto:L.Mistelis@qmul.ac.uk), T: +44 20 8834 1170)
- Mr. R. Ziadé (Linklaters LLP, Paris; E: [roland.ziade@linklaters.com](mailto:roland.ziade@linklaters.com), T: +33 1 56 43 28 34)

## **SAMPLE ARBITRATION EXPERIENCE**

### **Commercial arbitrations**

- Acting as co-arbitrator (institutional appointment) in an LCIA arbitration regarding a shipping demurrage dispute under English law.
- Representing a leading engineering company in a NAI arbitration against a manufacturer of valves for industrial plants regarding the delivery of parts for an industrial power plant in the Gulf Region.
- Acting in a NAI arbitration between two major Dutch TV and telecom companies regarding a post-M&A dispute.
- Representing a world leader in designing and building of dipper dredger vessels in an ICC arbitration against a major dredging, civil and environmental contractor regarding the delivery of parts and equipment for several dredgers.
- Acting for a Dutch private-equity real-estate investor in an ICC arbitration against a French airplane manufacturer regarding the termination of a contract for the manufacture and delivery of a private aircraft.
- Acting for an engineering and construction company for the petrochemical industry in ICC arbitration between and an energy consulting company in the Gulf Region regarding the performance of an agency agreement.
- Defending a major global bank in a NAI arbitration against another global bank regarding a post-demerger dispute.
- Acting for a Norwegian offshore company in a NAI summary arbitration for against a Dutch shipbuilder.
- Advising a major global petroleum company in a NAI arbitration against a major wholesaler in natural gas and green gas in relation to a long-term gas supply agreement and the renegotiation of price formula and tariff multipliers.
- Acting for a major bank in a LCIA arbitration and related court proceedings against a South-European holding company in a dispute under an SPA.
- Representing a global retailer in a NAI arbitration against a consortium of lenders in relation to the validity and enforceability of various corporate transactions.
- Representing a global oil and gas exploration and production company in a series of multi-billion dollar ICC arbitrations arising from the onshore works at one of the world's largest LNG projects.
- Acting for an employer with respect to a dispute with its EPC contractor in the context of major infrastructure projects in Brazil, Mexico and India.
- Defending a European energy major in two parallel ICC arbitration proceedings against an oil pipeline operator concerning the use of one of Europe's oldest pipelines.
- Acting for an employer in an ICC arbitration with respect to a dispute with its EPC contractor in the context of a hydropower project in Georgia.
- Acting for A Canadian bank and a French investor in an ICC arbitration against an African company in the banking and insurance sector in relation to a corporate dispute.

### **Investment arbitrations**

- Acting for a major French petroleum company in an UNCITRAL arbitration (PCA-administered) regarding a Production Sharing Agreement with (former) Russian regions and Russian state-owned entities.
- Defending the Republic of Poland in an UNCITRAL arbitration (PCA-administered) against a Dutch investor in relation to Poland's alleged expropriation through the enactment of new road laws.
- Defending the Republic of Senegal in a US\$100m ICSID investment arbitration brought by a French cement producer in relation to Senegal's alleged expropriation.
- Advising a Luxembourg holding company in an investment dispute against Poland under the Luxembourg-Poland BIT.
- Advising a third-party funder with respect to its acquisition of an ICSID arbitration claim against Spain under the ECT.
- Acting for a European petroleum company with respect to a gas pipe dispute against a CIS state, including both contract and treaty (BIT and ECT) claims.
- Advising a petroleum company in a dispute against a CIS state under the ECT regarding restricted access to the investor's plant / facilities.
- Defending the Kingdom of Morocco in an ICSID arbitration against a Swedish investor in relation to the operation of the State's only oil refinery.
- Defending the Kingdom of Morocco in an ICSID arbitration against an Italian investor in relation to a construction project.
- Advising a European energy major in an investment treaty dispute with a European state under the ECT with respect investments in a coal-fired power plant.
- Advising a European energy company in an ICSID arbitration under the ECT against the Kingdom of Spain.