



**QUESTIONNAIRE
for Candidates for Inclusion into the List of Arbitrators
of the Ukrainian Arbitration Association**

1. Name¹

David Smith

2. Gender

Male Female

3. Year of birth

1978

4. Current Professional Position(s) (including academic) (please add lines as necessary)

Years	Place of Employment	Department/Practice area	Position
2010-present	Trust law firm	Arbitration	Partner
2015-present	Edinburg Law University	Private international law	Professor
2019-present	Queen Mary University of London	Investment treaty arbitration	Associate lecturer

5. Past Professional Positions (please add lines as necessary)

Years	Place of Employment	Department/Practice area	Position
2000-2010	Big law firm	Arbitration	Associate
2013-2015	Queen Mary University of London	International commercial arbitration	Associate lecturer

6. Nationality(ies)

Ukrainian, Polish

7. Residence

London

8. Education (please add lines as necessary)

Years of study	Name of university	Specialisation / faculty	Grade
2008-2009	Chartered Institute of Arbitrators	International Arbitration	Diploma in international arbitration
2002-2004	Edinburg Law University	International law	PhD

¹ Fields marked black will be publishable on the web site of the Ukrainian Arbitration Association and in the printed materials of the Ukrainian Arbitration Association if you choose so in the field No. 28 below.

Years of study	Name of university	Specialisation / faculty	Grade
1999-2000	Edinburg Law University	International law	LLM
1994-1999	Kyiv National University	International law	Master of Private International Law

9. Bar admission (please add lines as necessary)

Year	Country
2002	Ukraine
2005	UK

10. Legal Background

- Civil law
- Common law
- European law
- International law
- Islamic law
- Other

11. Professional affiliation/membership (please mention all professional organisations of which you are a member or with which you are otherwise affiliated, which information may be relevant for the potential assessment of your candidacy during selection or nomination as an arbitrator. Please also specify your role in those organisations)

Ukrainian Arbitration Association, Member of the Board
ICC International Court of Arbitration, alternate court member (Poland)
International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry, member of the Presidium
Chartered Institute of Arbitrators, Fellow
ICC YAF, member
LCIA YIAG, member
Ukrainian Bar Association, member of the board of International Law committee
Ukrainian-Polish Journal of International Arbitration, Editorial Board Member
American Chamber of Commerce in Ukraine, Co-chair of the Energy Committee

12. Languages (please copy and paste additional lines as necessary)

Language	Level of proficiency
English	<input type="checkbox"/> Native <input checked="" type="checkbox"/> Sufficient to conduct proceedings and draft an award <input type="checkbox"/> Able to read the case materials
Russian	<input checked="" type="checkbox"/> Native <input type="checkbox"/> Sufficient to conduct proceedings and draft an award <input type="checkbox"/> Able to read the case materials
Polish	<input checked="" type="checkbox"/> Native <input type="checkbox"/> Sufficient to conduct proceedings and draft an award

Language	Level of proficiency
	<input type="checkbox"/> Able to read the case materials
French	<input type="checkbox"/> Native <input type="checkbox"/> Sufficient to conduct proceedings and draft an award <input checked="" type="checkbox"/> Able to read the case materials
Ukrainian	<input checked="" type="checkbox"/> Native <input type="checkbox"/> Sufficient to conduct proceedings and draft an award <input type="checkbox"/> Able to read the case materials
	<input type="checkbox"/> Native <input type="checkbox"/> Sufficient to conduct proceedings and draft an award <input type="checkbox"/> Able to read the case materials

13. Fields of specialisation

- Agriculture
- Banking & Financial services
- Commodities
- Construction
- Energy
- International Trade
- Investment Arbitration
- IP
- IT
- M&A and Corporate Disputes
- Maritime
- Military & Defence
- Real estate
- Sport
- Transport & Infrastructure

14. Number of cases as an arbitrator (please specify the number of arbitral proceedings in which you acted as a sole arbitrator, presiding arbitrator or co-arbitrator)

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15. Arbitration Rules in cases where you acted as an arbitrator (please list the arbitration rules in cases where you acted as a sole arbitrator, presiding arbitrator or co-arbitrator)

ICSID, ICC, SCC

16. Details of experience as Arbitrator for the past 5+ years (please provide the details of cases where you acted as an arbitrator for the past 5 years. If you wish, you can also provide the details of earlier cases. Copy and paste additional lines as necessary)

Rules	Years	Case number (if any)	International / domestic	Industry	Language(s) of arbitration	Role	Brief description of subject matter
ICSID	2015-2018	ICSID Case No. ARB/20/2	International	Energy	English	Co-arbitrator	<i>Hope Services LLC v. Republic of Cameroon.</i> The dispute arose from termination of the Power Purchase Agreements put in place during the privatization of the electricity sector. The claims were brought under the France-Cameroon BIT.
ICC	2017-2019	12626/MHM	International	Transportation & Infrastructure	English	Sole	The dispute arose out of construction of a road in an Eastern European country.
			Выберите элемент.	Выберите элемент.		Выберите элемент.	

17. Number of cases as counsel (please specify the number of arbitral proceedings in which you acted as a lead counsel, local counsel or in other capacity as a counsel on record to the party)

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18. Arbitration Rules in cases where you acted as a counsel (please list the arbitration rules in cases where you acted as a lead counsel, local counsel or in other capacity as a counsel on record to the party)

ICSID, SCC, ICAC at UCCI, ICC, Domestic Arbitration Court at UCCI

19. Details of experience as a counsel on record to the party for the past 5+ years (please provide the details of cases where you acted as a lead counsel, local counsel or in other capacity as a counsel on record to the party for the past 5 years. If you wish, you can also provide the details of earlier cases. Copy and paste additional lines as necessary)

Rules	Years	Case number (if any)	International / domestic	Industry	Language(s) of arbitration	Role	Brief description of subject matter
ICSID	2010-2015	ICSID Case No. ARB/19/9	International	Real estate	English	Lead counsel	Artem Skubenko and others v. Republic of North Macedonia. The dispute arose out of the Government's termination in March 2018 of the Claimants' concession for the exploitation of copper, gold and silver at the Kazandol deposit in southern Macedonia, allegedly related to environmental concerns.
SCC	2016-2019	V2016/333	International	Construction	English	Lead counsel	Dispute arose out of the alleged breaches and delays by the Contractor during construction of the

Rules	Years	Case number (if any)	International / domestic	Industry	Language(s) of arbitration	Role	Brief description of subject matter
							shopping mall in Kharkiv, Ukraine
ICAC at UCCI	2016-2018	535/2016	International	International Trade	Ukrainian	Lead counsel	Dispute arose out of the sales of goods contract between the Ukrainian buyer and Czech seller and related to the claims that the delivered goods were unfit for the particular purpose under the CISG
Domestic Arbitration court at UCCI	2017	112342	Domestic	Banking & Financial Services	Ukrainian	Lead counsel	The dispute arose out of the failure by the industrial company to repay the loan to the Ukrainian Bank because of the hostilities in the Eastern Ukraine
ICC	2019-present	24242/SM	International	Energy	English	Local counsel	The dispute arose out of the electric energy sale and purchase agreement and relates to recovery of damages allegedly caused by breach of such agreement

20. Number of cases in other capacity (please specify the number of arbitral proceedings in which you participated as an expert, tribunal secretary or in other capacity)

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21. Arbitration Rules in cases where you participated in other capacity (please list the arbitration rules in cases in which you participated as an expert, tribunal secretary or in other capacity)

UNCITRAL, ICC

22. Details of experience of participation in arbitral proceedings in other capacity (please provide the details of cases in which you participated as an expert, tribunal secretary or in other capacity. Copy and paste additional lines as necessary)

Rules	Years	Case number (if any)	International / domestic	Industry	Language(s) of arbitration	Role	Brief description of subject matter
UNCITRAL	2008-2011	NA	International	M&A and Corporate Disputes	Polish	Tribunal secretary	Post M&A price adjustment dispute
ICC	2012-2013	56565/KRT	International	Energy	Russian	Expert	Ukrainian law expert regarding licensing in the sphere of gas trading
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			Выберите элемент.	Выберите элемент.		Выберите элемент.	

23. Connections with Ukraine

I have a good command of Ukrainian language

I am qualified in Ukrainian law

I am otherwise familiar with Ukrainian law

I have been involved (as arbitrator, counsel or secretary to the tribunal) in at least three (3) arbitrations involving Ukrainian party and/or where Ukrainian law was applicable law and/or seated in Ukraine and/or relating to Ukrainian business

I have resided in Ukraine

In my legal practice I have had at least three (3) projects related to Ukraine (please provide anonymised description in the field below)

24. Contact details

Postal address:	13 Carboy Street, London
Email:	David.Smith@law.com
Tel/Fax:	+44.654.33.23
Link(s) to public profile:	Law.com/davidsmith

25. Declaration on disciplinary and other proceedings

Have you been ever expelled from or disciplined/ reprimanded by a regulatory or professional body?

Yes No

If your answer is 'Yes', please give more detail below

Have any disciplinary proceedings been commenced against you that remain pending?

Yes No

If your answer is 'Yes', please give more detail below

Are there any outstanding judgements against you?

Yes No

If your answer is 'Yes', please give more detail below

Have you been convicted of any offence in any court (other than a motoring offence not resulting in disqualification)?

Yes No

If your answer is 'Yes', please give more detail below

Have any criminal proceedings been commenced against you that remain pending?

Yes No

26. Publications (optional) (if you wish please enclose to this questionnaire the list of you publications or link to such list in the field below)

27. Personal data

<input checked="" type="checkbox"/>	<p>In accordance with the Law of Ukraine “On Personal Data Protection” № 2297-VI of 01.06.2010 p. (the “Law”) I give to the Non-Governmental Organisation “Ukrainian Arbitration Association” (the “Association”) an unambiguous and voluntary consent for processing of my personal data in the Database “List of Arbitrators of the Non-Governmental Organisation “Ukrainian Arbitration Association” (the “Database”) with the following purpose:</p> <ul style="list-style-type: none">• assessing eligibility for listing into the database of arbitrators;• listing, collection, storage and update in the database of arbitrators;• applying when selecting or appointing arbitrators for particular cases;• for any further purposes consistent with the UAA Charter. <p>According to the purposes of processing the Database shall include all personal data specified in this questionnaire.</p> <p>Processing of the Personal Data shall be carried out in accordance with the Civil Code of Ukraine, the Commercial Code of Ukraine and other legal acts that regulate issues of activity of the Association, as well as the Charter, Procedure for listing into the database of arbitrators and other internal documents of the Association, including in accordance with those directly regulating processing and protection of personal data.</p> <p>The controller of the Database is the Association.</p> <p>The Database is actually located at the address: Lane Muzeyny 10, 7th floor, Kyiv, 01001, Ukraine.</p> <p>Under the Law Processing of the Personal Data shall mean any operation or set of operations performed wholly or partly in the automated information system and / or in card files of personal data related to the collection, registration, accumulation, storage, adaptation, change, update, use and disposal of data about me as candidate or potential arbitrator included into the list of the Association.</p> <p>The Association shall undertake to protect the Personal Data and to use technical and organisational measures for its protection.</p> <p>Processing of the Personal Data shall be carried out only by officials of the Association, who provided written commitments about non-disclosure of the Personal Data, which became available in connection with the performance of their official duties.</p> <p>According to Article 14 of the Law the Association has right to disclose the Personal Data without notifying me about it in the following cases: 1) if the disclosure of the personal data is directly foreseen by the legislation of Ukraine, and only in the interests of national security, economic welfare and human rights; 2) receipt of a request from the state and local authorities, acting within the powers granted by the laws of Ukraine. In all other cases, access to the Personal Data can be provided to third parties only with my written consent.</p> <p>The applicant has the right to request access to, and the correction of, his or her personal data as retained by the Association. Applicants wishing to access or make corrections to their data should submit written requests to the Association.</p> <p>This consent for the processing of my Personal Data in the Database is given for an unlimited period of time and such personal data may be retained by the Association as long as it deems necessary or useful.</p> <p>I confirm that I received notice about inclusion of my Personal Data into the Database and that I was notified in writing about my rights as a data subject of the Personal Data, defined by the Law, about the purposes for processing of my Personal Data, about the controller of the Database, as well as about its location. Additionally, by this signature I confirm my will not to receive in future any notices about disclosure of my Personal Data to third parties, their alteration or destruction.</p>
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28. Publication of Information

Would you be willing to have your personal details listed above (paragraphs 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 20, 21) published on UAA’s website and printed materials?

Yes No

- 29.** I declare that the information given in support of this application is accurate and complete. I understand that any misrepresentation will disqualify my application and may lead to expulsion from the UAA List of Arbitrators, should I be listed.
- 30.** I understand that my data will become a part of UAA’s files and may be used for all purposes deemed necessary or useful by UAA.
- 31.** Any information on this form may be made available by UAA to third parties for the purposes of arbitrator selection.

Please sign below to confirm your agreement to the disclosure of the information contained in the application and your confirmation of its accuracy.

32. Date

18/02/2020

33. Signature

David Smith