



Bird & Bird & First for Disputes

Our energy disputes practice

Our dispute management practice

Business does not always run smoothly and whilst we work with our clients to avoid disputes wherever possible, sometimes they do arise. When you do find yourself in dispute, we will help you to manage the best business advantage.

The Group is skilled in all forms of dispute resolution (litigation, arbitration and ADR) and also in providing risk management and corporate governance advice. Our lawyers are experienced in running national disputes and more complex multi-jurisdictional disputes, as well as providing strategic advice on the best forum in which to seek to resolve a dispute.

You will benefit from the experience of more than 100 lawyers in 17 countries, all of whom believe in working in close partnership with their clients.



Demonstrates strength in high-value disputes in its sector specialisms of IT and telecommunications, energy and financial services. Works seamlessly alongside colleagues in other departments and jurisdictions in order to provide a full-service offering to corporate clients.

Our energy disputes group

Our energy disputes group supports over 80 lawyers across our offices in Europe, the Middle East and Asia who have an in-depth understanding of both local law and EU policy and regulation, offering local expertise in a global context in the energy sector.

Sector focus

Our international energy disputes group provides a full range of contentious corporate, commercial, intellectual property and regulatory services to businesses active in this sector. The group provides support to all businesses involved in the Energy and Utilities sector across the jurisdictions in which we operate. Our involvement is longstanding and broad-based, covering electricity generation, energy trading, electricity transmission and gas transportation, electricity and gas distribution and supply, water and sewerage, renewable energy, cleantech and climate change, and upstream oil and gas.

- **Investment brokerage firm** in relation to a fraudulent attempt to order components under the company's name for potential sanctions-busting in relation to the Iranian nuclear power programme, and subsequent investigation by secret services.
- **VAALCO Gabon (Etame) Inc:** acted for a US-based energy conglomerate led by VAALCO against claims made by one of its buyers in respect of quantities of crude oil shipped from VAALCO's oil block on the West coast of Africa.
- **RWE nPower:** large multi-party dispute arising out of damage to a power station following a back-energisation incident, The multi-party Commercial Court action involved the grid operator and contractors and sub-contractors involved in the works, creating a complex contractual matrix that included a variety of distinct dispute resolution procedures.
- **AIM-listed oil company:** high profile fraud allegations in a \$400 million claim concerning alleged breaches of general fiduciary and Companies Act duties and associated regulatory investigation.
- **Major energy company:** ICC proceedings against a gas producer in relation to the adjustment of three major gas import agreements involving the largest import volume of Russian gas into Western and Central Europe.
- ICSID arbitration under a bilateral investment treaty for \$750 million arising from leasing and provision of power generation capacity.

“They are not acting as outsiders, but help us as if they are the real owners of the problem and provide us with the best possible solution. They are concentrated on finding solutions rather than creating problems.”

Strong team at Bird & Bird LLP which is instructed in big-ticket cases by clients in the power generation industry.

Legal 500 2013

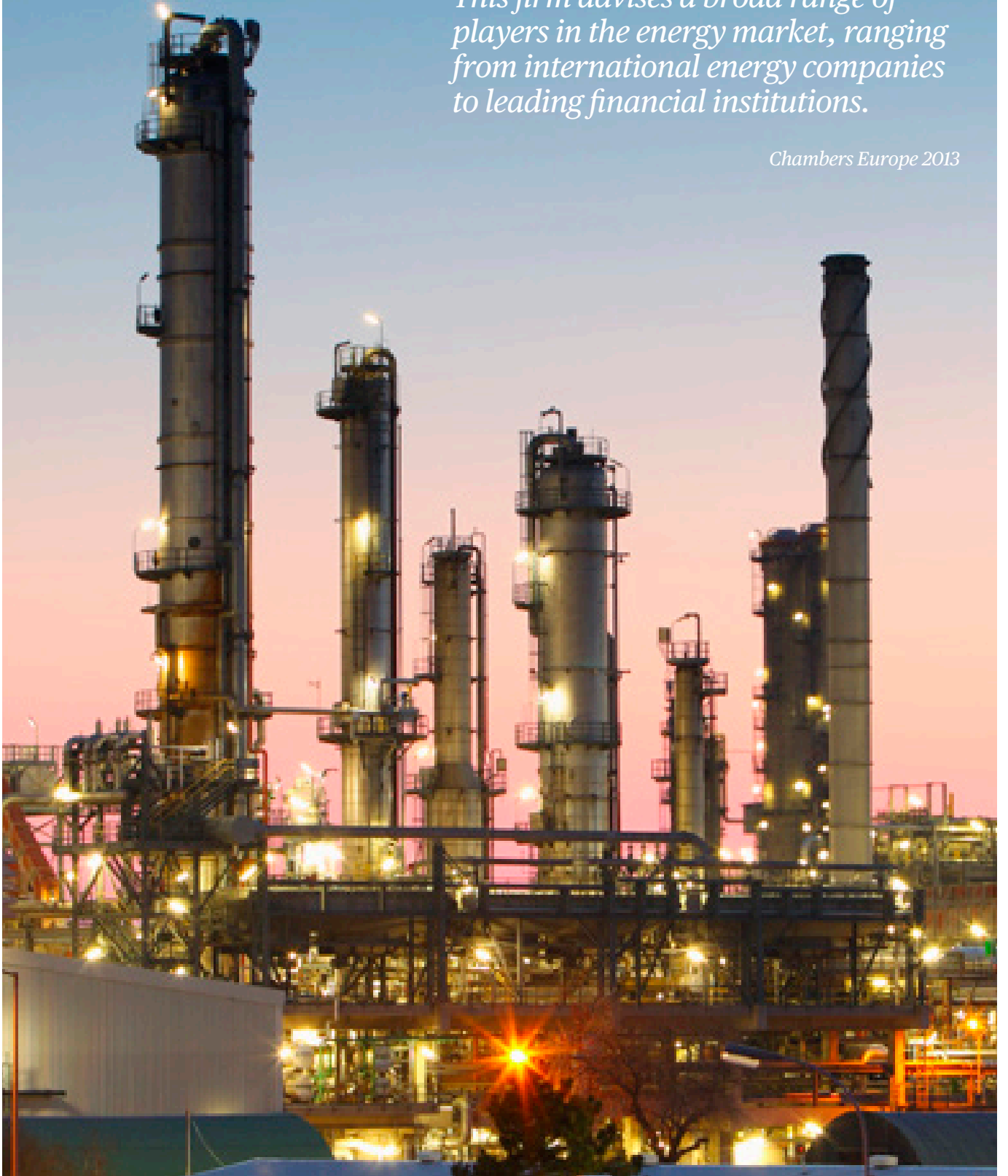
Chambers and Partners 2014 (What clients say)

“Manages massive pieces of litigation seemingly effortlessly.”

Chambers and Partners 2013

This firm advises a broad range of players in the energy market, ranging from international energy companies to leading financial institutions.

Chambers Europe 2013



Full range of clients

Our clients range from large multi-nationals to smaller domestic companies and include:

- Network operators and suppliers of gas and electricity,
- Power generators,
- Large energy users,
- Cleantech energy companies,
- Oil and gas companies,
- Waste companies,
- Local governments
- Private equity funds.

- **Government of an EU country:** on the \$7 billion de-regulation of their national gas market in light of the 3rd Energy Package and the stranglehold that a neighbouring country has over their gas, utility and oil company.
- **RWE NPower:** subrogated and non-subrogated claim in relation to turbine generator and the recovery of multi millions of insured and uninsured losses caused to a turbine generator in a multi-party recovery action.
- **Karkey Karadeniz Elektrik Uretim:** in a \$350 million insurance coverage dispute relating to the seizure of power generating vessels in Pakistan.
- **Colburn SA:** in an insurance based arbitration in Santiago, Chile, which secured the highest ever arbitral award in Chile relating to an insurance policy.
- **Asset management company:** in relation to a dispute with an AIMs listed Gold Mining company in the CIS regarding improper practices, bribery, connected contracts and failure by directors to act in the best interests of the company.

“One of the things that I most admire is their availability. Whenever needed, even at the most bizarre times, including the partners, are always available.”

Chambers and Partners 2014 (What clients say)

We offer a full range of energy dispute management services and cover disputes involving:

- Design, construction and operation of offshore production facilities
- Operation of take-or-pay gas supply agreements
- Operation of gas allocation and attribution agreements
- Design, construction and operation of power stations
- Resolution of claims arising from open cast coal mining operations
- Energy derivative disputes
- Network grid and transportation disputes
- Oil and gas exploration, drilling and concessions
- LNG, oil storage and refinery production disputes
- Coal, gas and oil trading disputes
- Energy related insurance coverage disputes

The firm's broad client base includes major players from the financial, energy and shipping sectors.

Chambers and Partners 2013

- **Colburn SA:** in a major earthquake loss and insurance claim amounting to \$150 million concerning the Santa Maria Coal PowerStation:
- **CEO of a large mining company:** acting on behalf of CEO for fraud allegations involving claims against the other directors of abuse of fiduciary position, fraud on the company, Bribery Act issues and the awarding of contracts contrary to the interests of the company.
- **A leading oilfield services company:** disputes relating to North Sea oil production.
- **Construction company:** a building plant for an Italian oil refinery in relation to a dispute under its performance bonds.
- **Refinery:** contract advice and subsequent construction dispute relating to a series of industrial structures, chimneys and pressure vessels.



International reach

Where disputes have an international element, we are able to rely upon a highly integrated international team, providing our clients with an extensive cross-border dispute resolution capability. With offices across Europe, the Middle East and Asia, we are well placed to offer our clients local expertise within a global context.

- **Large India based construction and engineering group:** multi-million pound dispute regarding construction of an LDPE plant in the UK.
- **Italian engineering company:** litigation against GDF regarding the building of a LNG terminal in France.
- **Far east EPC contractor:** dispute regarding valuation and prolongation issues arising from the construction of a liquefied natural gas plant in Saudi Arabia.
- **Dutch engineering company:** claims arising from the construction of hydrogen plant.
- **Process facility, Nigeria:** acting as Adjudicator in two disputes between a plant owner and a contractor arising from an erection contract and a design, manufacturer, supply and consultancy agreement.
- **Consultants:** in relation to a contractual dispute with an energy company concerning an agreement to provide consulting services on a project to establish and operate a 600MW thermal power plant.
- **Privately-Owned European/ American company:** in a \$4 million LCIA arbitration in relation to the provision of ancillary drilling equipment for the exploitation of gas field reserves in West Africa (Senegal and Cameroon).
- Acting in LCIA arbitrations regarding gas extraction in Sub-Saharan Africa, plus other disputes in Cote d'Ivoire and Mauritania.

This dispute resolution group has developed a formidable reputation... interviewees praise the team as being “very thorough and knowledgeable” and highly “user friendly”.

Chambers and Partners 2013

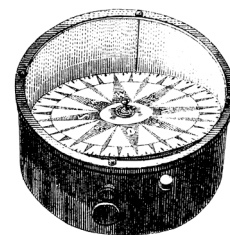
“Dispute Resolution department uses its global network to its advantage on multi-jurisdictional deals. Clients see real value in this, as they do in the team’s expertise and communication with the client”.

Chambers Global 2011

Energy related insurance dispute work

Our energy disputes team has a wealth of experience of insurance law, delivering a comprehensive service to our energy clients in all primary fields of insurance and reinsurance. Our lawyers have extensive experience having acted for major insurers, reinsurers and captives, both nationally and internationally. Our team is renowned for acting in often highly complex areas of insurance law, ranging from product liability, casualty and property losses, public liability, war risk and D&O.

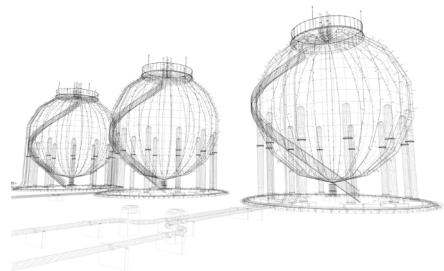
- Claims in the UK for an integrated power generator (£100 million transformer-related B1 losses and £20m generator-rotor losses) insured with an off-shore captive and reinsured into the London market
- Coverage dispute (settled) for losses of \$135 million relating to 225MW generating capacity in Iraq
- Coverage dispute (on-going) for very substantial losses relating to 230MW capacity in Pakistan
- **Leading Integrated UK Energy Company:** advising in pursuing a recovery of £22 million of insured and uninsured losses caused to a turbine generator in a multi-party recovery action
- **Leading Integrated UK Energy Company:** advising on a £15 million claim concerning coverage in light of reinsurers' repudiation of a separate claim for business interruption made by our client and its captive insurer.



Arbitration expertise

Bird & Bird's International Arbitration Group has grown substantially over many years and is a cross-border, integrated, multi-disciplinary team with an in-depth knowledge of arbitration as a dispute resolution mechanism and a comprehensive understanding of key industry sectors. The group has a truly international feel, operating throughout all of the major financial cities in the world and because of this, the team has extensive experience of representing clients in arbitrations, including under the rules of the world's leading arbitral institutions (ICC, LCIA, AAA/ICDR, CIETAC, UNCITRAL, ICSID, WIPO) and under a variety of systems of law. In treaty arbitrations, we have represented clients pursuing treaty claims against a major European governments brought under the provisions of the Energy Charter Treaty. We have put this expertise to good use in helping resolve many complex disputes in the energy sector.

- **European company** in a \$100 million UNCITRAL arbitration arising out of a series of oil-field exploration agreements.
- **Dutch and Luxembourg claimants** in a €17 million SCC investment arbitration brought under the Energy Charter Treaty.
- **Turkish power generation company:** an international trade dispute with the Government of Pakistan involving an arbitration under the International Centre for Settlement of Investment Disputes pursuant to the Bilateral Investment Treaty between Pakistan and Turkey.
- **Chilean power generator:** successful arbitration in Chile arising out of claim for business interruption under a policy of insurance.
- **UK-based power generator company:** multi-party ad hoc arbitration in relation to damage caused to an oil-fired power station.
- **Major water utility:** arbitral proceedings against the principal contractor of a failed tunnel project.
- **State-owned gas and power corporation:** acted in multi-party arbitration proceedings with consultants and engineers.
- **Listed engineering company in Singapore:** advised and acted for in connection with their disputes and arbitration with their joint venture partner in connection with the setting up and operating of their own power plant in India.
- **UK-based power generation company:** claims arising out of damage to a steam turbine rotor train and failure of transformers.



Bird & Bird LLP (international arbitration group) has 'a deep bench of sector-focused practitioners'

Legal 500 2013



Our energy disputes group

“Commercial, quick to identify the issues and get to the heart of the matter.”

Chambers and Partners 2014

The dispute resolution team at this firm is praised by sources for the quality of its litigation work, and has been receiving instructions in a wide range of cross-border matters.

Chambers and Partners 2013

Bird & Bird is an obvious choice for high-calibre commercial and banking disputes.

Chambers Global 2013

This dispute resolution group has developed a formidable reputation in these core areas.

Chambers Europe 2013

“Determined but pragmatic”

Chambers and Partners 2013

Manages massive pieces of litigation seemingly effortlessly.

Chambers and Partners 2013

Continues to impress, advising on cross-border disputes and arbitrations, and major white-collar crime and securities investigations.

Legal 500 EMEA 2012



‘Outstanding’ team ... Bird & Bird is ‘commercially minded and gives concise advice’, and is exceptionally good at ‘anticipating changes in the legal environment’

Legal 500 EMEA 20121

“This firm remains a solid presence, having forged strong reputations in High Court litigation and international arbitration”.

Chambers and Partners 2011

Clients are full of praise for our sector based dispute resolution practice, noting that the “smart, attentive and service orientated” lawyers have “specific industry knowledge in addition to the legal skills required”.

Chambers and Partners, 2012



Getting to know us

Bird & Bird is a truly international firm, organised around our clients. We connect our passion and practical insight with our clients' vision, to achieve real commercial advantage.

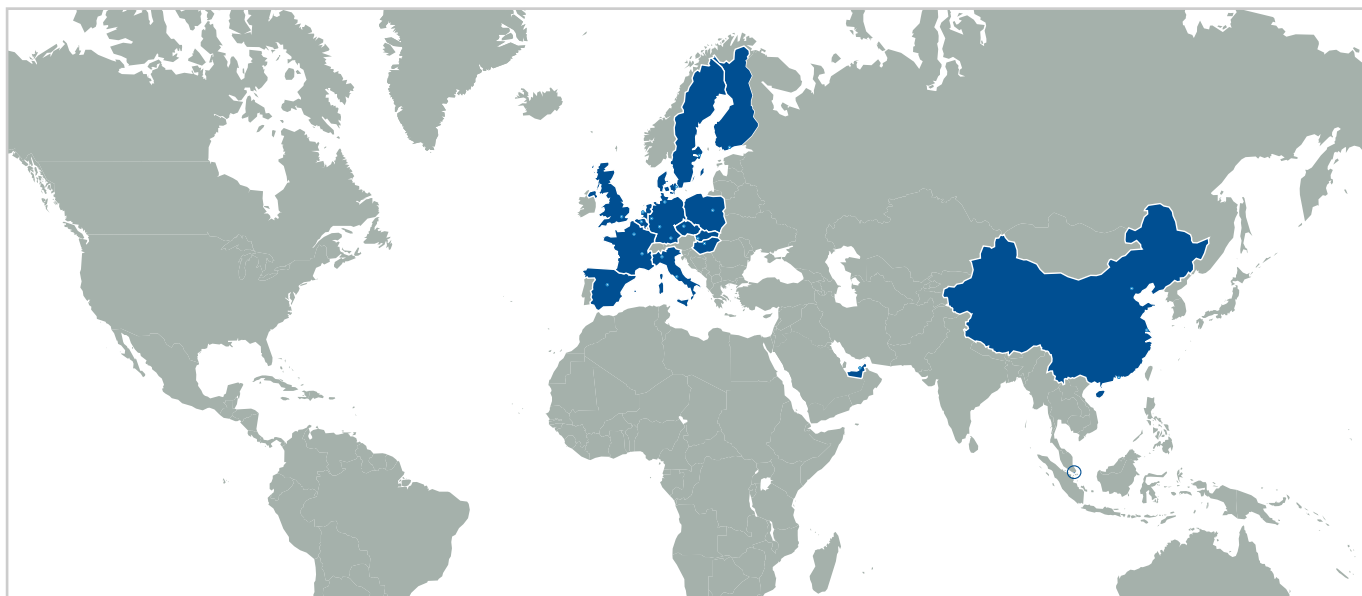
With more than 1,000 lawyers and legal practitioners in 25 offices worldwide, we specialise in combining leading expertise across a full range of legal services, including advice on commercial, corporate, EU and competition, intellectual property, dispute resolution, employment, finance and real estate matters.

Our clients build their businesses on technology and intangible assets, and operate in regulated markets. The key to our success is our sector focus. We have developed deep industry understanding of these sectors, including aviation & aerospace, communications, electronics, energy & utilities, financial services, information technology, life sciences, media and sports. Our deep industry knowledge gives us:

- Expertise in the law and regulatory framework relating to each sector
- A practical, commercial approach to navigating the sector, supported by advisors who have worked for decades in these specific industries

Most of our work is cross-border and multi-jurisdictional. We excel at managing complex projects across multiple regions with a seamless one-firm approach.

We have offices in key business centres across Europe, the Middle East and Asia, including in Abu Dhabi, Beijing, Bratislava, Brussels, Budapest, Copenhagen, Düsseldorf, Frankfurt, The Hague, Hamburg, Helsinki, Hong Kong, London, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, Shanghai, Singapore, Skanderborg, Stockholm and Warsaw. We also have a dedicated group focusing on India and close ties with firms in other key jurisdictions in Europe, the Middle East, Asia, Latin America and the United States. We offer local expertise within an international context.



twobirds.com

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Bird & Bird is an international legal practice comprising Bird & Bird LLP and its affiliated and associated businesses. Bird & Bird LLP is a limited liability partnership, registered in England and Wales with registered number OC340318 and is authorised and regulated by the Solicitors Regulation Authority. Its registered office and principal place of business is at 15 Fetter Lane, London EC4A 1JP. A list of members of Bird & Bird LLP and of any non-members who are designated as partners, and of their respective professional qualifications, is open to inspection at that address.