

# Boaz Moselle

Boaz Moselle is an Executive Vice President at Compass Lexecon based in London. He is an economist who has worked in academia, consulting and government. Dr. Moselle's areas of expertise include:

- Oil and gas: economic analysis relating to the price of gas and LNG in long term contracts, valuation of gas supply businesses, and the estimation of damages from the breach of supply contracts; valuation of oil and gas assets.
- Other energy sources: valuation of conventional, nuclear and renewable power generation assets; estimation of damages in relation to alleged breaches of obligations under bilateral and multilateral investment treaties, and/ or alleged breaches of contractual obligations.
- Regulated infrastructure: economic analysis of appropriate pricing and related issues for regulated infrastructure including natural gas and electric power transmission and distribution, airports, telecommunications networks, etc.
- Competition and anti-trust issues in the energy industry: economic analysis of mergers and of alleged breaches of competition law (abuse of dominance, anti-competitive agreements) including in relation to electricity generation, oil and gas (up, mid and downstream), and power and gas retail markets.

He has provided expert witness testimony in approximately 50 international arbitrations, in the context of both commercial and investment treaty disputes. Who's Who Legal 2017 notes that "Boaz Moselle draws praise for his 'exceptional genius' and prowess in gas-pricing disputes", and that "one client describes him as 'the best expert I have ever seen under cross-examination, and possibly the brightest I have seen in my whole career.'". Dr. Moselle began his career as an assistant professor at Northwestern University, where he taught courses in quantitative methods and in game theory. He holds a Ph.D. in Economics from Harvard University, and an M.A. and Ph.D. in Mathematics from the Universities of Cambridge and London. He was previously a Managing Director of the UK energy regulator Ofgem. He teaches in the Brussels School of Competition on competition and regulation, and as a guest lecturer at Queen Mary University of London School of Law on issues related to damages and disputes in the energy industry. He has published articles in leading economics journals, and is co-author of a textbook on statistics; co-author and co-editor of a book on the economics of renewable generation. He is also co-author of book chapters on the role of the expert in gas price reviews (in *Gas Price Arbitrations: A Practical Handbook*); on the definition of investment in economics (in *Jurisdiction in Investment Treaty Arbitration*); and on the use of statistical techniques for estimating damages (in *The Guide to Damages in International Arbitration*).

## DAY 1

09:00

10:00

## Registration & Morning coffee

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10:00

## Opening & Welcome

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10:10

Beata Gessel-Kalinowska vel Kalisz, Conference Chair, GESSEL, Poland

Cezary Wiśniewski, ICC Poland, Linklaters, Poland

10:10

## ICC Court Welcome Address

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10:20

Alexander G. Fessas, ICC International Court of Arbitration, France

10:20

## Session I: Hot topics in M&A arbitration

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11:40

- Impact of impecunious party on arbitration agreement
- Post M&A ESG disputes - sources; is the arbitration a fitting forum?
- Interim relief around M&A: emergency arbitrators limiting state courts?
- W&I Insurance: procedural challenges in arbitration dealing with 'insurance towers'
- Share Transfer Agreement + Shareholders' Agreement + Accession Agreement – How does Cour d'appel de Paris interpret the parties' agreement to arbitrate in the case of multiple arbitration clauses.

### Moderator:

Alicja Zielińska-Eisen, YAAF, Queritius, Poland/Germany

### Panellists:

Christian Borris, Borris Hennecke Kneisel, Germany

Joanna Kisielińska-Garncarek, GESSEL, Poland

Joanna Kolber, Strelia, Belgium

Dr. Ioana Knoll-Tudor, Addleshaw Goddard, France

Annet van Hooft, van Hooft, France

11:40

## Coffe break

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12:10

12:10

## Howden M&A Case study

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12:30

Drew Naylor, Howden, United Kingdom

Edward Copeman, Howden, United Kingdom

12:30

## **Session II: Dialogue between counsel on legal nature of M&A award**

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13:40

- Price adjustment made by the tribunal
- Is the award declaratory or constitutive and what are its practical effects?
- Interests computation

**Moderator:**

Mary Mitsi, Queen Mary University of London, United Kingdom/Greece

13:40

## **Dentons M&A Case study**

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14:00

Michał Jochemczak, Dentons, Poland

14:00

## **Lunch**

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15:00

15:00

## **Keynote speech: The paradigm of arbitration - yesterday, today and tomorrow - Yves Derains in conversation with Beata Gessel**

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15:40

Yves Derains, Derains & Gharavi, France

15:40

## **Session III: Voice of reason or hired gun? The independence and impartiality of party-appointed experts in M&A disputes**

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16:50

- The difference between party-appointed and tribunal-appointed experts
- The role of geography
- The role of soft laws
- Expectations of the parties and the tribunal

**Moderator:**

Mark Kantor, , USA

**Panellists:**

Folashade Alli SAN, Folashade Alli and Associates, Nigeria

Luminita Popa, Suciu Popa, Romania

Alexander Demuth, , Germany

Renato Nazzini, King's Collage London, United Kingdom/Italy

16:50

## Treats & Meads

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19:30

## Gala Dinner

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Venue - Look Up! Skyliner building, 67 Prosta Street (upon separate registration)

## DAY 2

09:00

## Morning coffee

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10:00

10:00

## Opening & Welcome

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10:05

Beata Gessel-Kalinowska vel Kalisz, Conference Chair, GESSEL, Poland

10:05

## Special Guest

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10:35

**Special Guest's address: The Permanent Court of Arbitration: 125 years of Peace through Justice**

Marcin Czepelak, Permanent Court of Arbitration, Netherlands

10:35

## Presentation: M&A Arbitration in Wartime under the SCC Rules

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10:55

Jake Lowther, SCC Arbitration Institute, Sweden

10:55

## Clifford Chance Case Study

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11:15

Adelina Prokop, Clifford Chance, Poland

Moritz Keller, Clifford Chance, Germany

11:15

12:45

## **Session: M&A Arbitration in Wartime - Breaking up is never easy**

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- M&A disputes risks when exiting high-risk jurisdictions
- Case studies from jurisdictions in the Middle East, Eastern Europe and Africa

### **Moderator:**

Bartosz Krużewski, Clifford Chance, Poland

### **Panellists:**

Timur Bondaryev, Arzinger, Ukraine

Joshua Kelly, Freshfields Bruckhaus Deringer, United Kingdom

Steven Finizio, Wilmer Hale, United Kingdom/USA

Jacob Enoch, M. Firon&Co. Advocates, Israel

Judith Mulholland, Baker McKenzie, UK

12:45

12:50

## **Closing of the conference**

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Beata Gessel-Kalinowska vel Kalisz, Conference Chair, GESSEL, Poland

**...and yes, bubbles and strawberries!!**

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