



Charles Nairac

Partner, Paris

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Bars and Courts

Paris Bar, 2001

Education

CAPA, Paris Bar School, 1998

Diplôme d'Etudes Approfondies - Droit International Privé et Droit du Commerce International (Postgraduate Degree in International Law), University of Paris II Panthéon-Assas, 1997

Maîtrise en Droit des Affaires, University of Paris I Panthéon-Sorbonne, 1996

Bachelor of Laws (LLB), King's College London, 1996

Awards and Recognition

Band 3 for Dispute Resolution, Africa-wide (*Chambers Global 2021 - 2022*)

Band 2 for International Arbitration, France (*Chambers Europe 2018 - 2022*)

Charles Nairac is admired among market commentators for his "impressive management of large and complex cases" (*Who's Who Legal 2022*)

"Thought Leader: Arbitration" (*Who's Who Legal 2021 and 2022*)

Clients describe him as "highly dependable and a pleasure to work with", "extremely personable and the quality of his work is excellent" (*Chambers Global*)

Practice Experience

Charles Nairac concentrates on international arbitration, with a focus on the construction and energy industries. He has been involved in international commercial and investment arbitrations, under most of the major institutional rules as well as in ad hoc arbitrations, in English and in French.

He also teaches international arbitration at Sciences-Po Paris, Université de Paris I, Université de Paris II and Université de Nancy.

Charles' recent experience has included representing:

Arbitrations involving Sovereigns

- Hungary in the successful defense of the claims in *Vigotop Ltd. v. Hungary*, an ICSID arbitration arising under the Hungary-Cyprus bilateral investment treaty relating to the alleged expropriation of the concession to a "mega casino" project;
- A publicly listed Canadian mining company in annulment proceedings before the French courts of long-running ICSID arbitration (*Gold Reserve Inc. v. Venezuela*), under the Canada-Venezuela BIT, relating to one of the world's largest undeveloped gold/copper deposits;
- A German company in an arbitration against an Eastern European State, pursuant to a bilateral investment treaty, arising out of the State's treatment of the German company's investments in the host State;
- The government of Georgia in a pending arbitration brought under the UNCITRAL Arbitration Rules pursuant to the 1996 Georgia-Kazakhstan BIT and the Energy Charter Treaty relating to a dispute over the regulation of gas tariffs;
- The government of Georgia in *Gardabani Holdings B.V. and Silk Road Holdings B.V. v. Georgia*, a pending ICSID arbitration under the Netherlands-Georgia BIT relating to the regulation of electricity tariffs;
- The government of Georgia in an SCC arbitration brought by a major Russian energy company in relation to a dispute over electricity tariffs;
- The government of Georgia in *Karmer Marble Tourism Construction Industry and Commerce Limited Liability Company v. Georgia*, an ICSID arbitration arising out of alleged breaches of Georgia's treaty obligations to the claimant, in connection with the construction of a motorway and the concession of a hotel in the Autonomous Republic of Adjara;

2018)

Charles is "charismatic, skilled and persuasive and therefore very effective during negotiations." (*Chambers Global 2017*)

He is praised for his "high analytical ability, his attention to even the slightest detail, his logical reasoning and sound judgement" (*Chambers Global 2016*)

Charles is "impressive and efficient" (*Legal 500 2016*)

He has "considerable practice over construction and energy related disputes in the EMEA" (*Who's Who Legal, 2016*)

He is also noted for his "technical insight in the construction and energy industries [which] makes him an 'indispensable' adviser in this field" (*Who's Who Legal – Arbitration, 2016*)

Charles has "significant high-profile industry experience" (*Who's Who Legal – Construction, 2016*)

He is "very meticulous and very business-oriented", with "an impressive track record on complex disputes" (*Chambers Global 2015*)

"He's one of the most skillful negotiators I've worked with, [...], an excellent lawyer, very thoughtful and considers all aspects of the case in both substance and procedure" (*Chambers Global 2014*)

Languages

English

French

Citizenship

Mauritius

United Kingdom

France

- The government of Georgia in two ICSID cases (*Itera International Energy LLC and Itera Group NV v. Georgia*), arising out of alleged breaches of Georgia's treaty obligations to the claimants, suppliers of natural gas;
- The Republic of Bulgaria in *Plama Consortium Limited v. Republic of Bulgaria*, an ICSID arbitration which resulted in the successful defense of claims brought under the Energy Charter Treaty and a BIT;
- A former Soviet Republic in an UNCITRAL arbitration brought against it by an individual under that country's foreign investment statute, in connection with the alleged expropriation of such individual's assets;
- A Middle Eastern infrastructure investor in claims against an African State;
- A consortium of major Western European contractors, in an ad hoc arbitration against a Southern European State, arising out of the construction of a motorway; and
- A major petroleum company in a PSA dispute involving the Russian Federation.

Other construction and energy-related experiences

- The main contractor on one of the world's largest infrastructure projects located in Central America, in a series of proceedings before the project's Dispute Adjudication Board (DAB) and related ICC arbitrations against the employer, worth in excess of US\$2 billion;
- A consortium comprising a European supplier and North African contractor, in disputes against a State-owned energy company arising out the EPC supply of a power plant in a North African country;
- The owner of an oil & gas field in Kazakhstan who was in dispute with the supplier of commissioning, operating, and maintenance services for a gas treatment plant;
- A European construction company in an ICC arbitration regarding the construction of a hydroelectric project in Chile.
- A Spanish contractor in an ICC arbitration arising out of the EPC construction of an oil refinery;
- An American firm of consulting engineers in relation to disputes over their design and construction management of underground gas storage facility in France;

- A Western European contractor, in a dispute and mediation arising out of the construction of a specific facility within an olefin production complex in the Middle-East;
- A Western European contractor, in an ICC arbitration arising out of the construction of a stadium in Eastern Europe;
- An oil company in an equity redetermination dispute in the context of the unitization of oil blocks in an offshore oil field in Africa;
- A Middle-Eastern company in an ICC arbitration arising out of the termination of a chemical industry joint-venture in Egypt with a Western European partner;
- A Western European mining concern, in a dispute arising out of design and construction advisory services provided to a North African operator of a lead smelting plant; and
- A Japanese contractor, in various claims arising out of a contract for public works in Dubai.

Other disputes experience

- The founder and minority shareholder of a retail chain in a former Soviet Republic, in a dispute with the majority shareholders arising out of the performance of a shareholders' agreement;
- A Middle-Eastern family business in a dispute with a former partner regarding the ownership of assets in France and Africa;
- The purchaser of a French manufacturer of specialty food products, in a post-M&A arbitration against the seller, in connection with inaccurate representations and warranties; and
- A North African mining company, in a dispute arising out of a long-term supply agreement with a North American customer.

Charles also accepts nominations as arbitrator and recently served as a party-appointed arbitrator in a complex construction dispute involving a project in Central Asia.

Prior to joining White & Case in 2001, Charles worked as in-house legal adviser for a French bank in Singapore, providing legal support for the bank's corporate banking and project finance activities.

Publications

How should the impact of the COVID-19 outbreak be managed on projects under FIDIC and NEC? – 31 March 2020 (Co-author with Rebecca Shorter, Dr. Markus Burianski, Dr. Dimitar Kondev and

Yasmine El Achkar)

To What Extent Do Arbitral Tribunals Take into Account Public Policy in the Jurisdictions of Prospective Enforcement of an Award? An Analysis of ICC Awards, ICC Dispute Resolution Bulletin, Issue 1, 2016 (Co-author with Elina Aleynikova and Manu Thadikkaran)