



Petr Polášek

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Bars and Courts

New York State Bar, 2005

District of Columbia Bar, 2010

US Supreme Court, 2011

Education

Mgr, Charles University, Faculty of Law, 2001

LLM, George Washington University Law School, 2003

Languages

Czech

English

Slovak

Practice Experience

Petr Polášek is a partner with the international arbitration group of the global law firm White & Case LLP, based in Washington, DC. Mr. Polášek focuses on investment treaty arbitration, international commercial arbitration and public international law. He has particular experience in disputes relating to Central and Eastern Europe and Latin America. He has been involved in matters relating to a range of industries, including mining, electricity distribution, photovoltaic (solar) power, telecommunications, oil & gas, chemicals, banking, waste management, airport construction, duty-free services and government bonds.

Representative matters include:

- *Gold Reserve Inc. v. Bolivarian Republic of Venezuela* (ICSID Case No. ARB(AF)/09/1), representing the claimant, a Canadian mining company, in a pending US\$2 billion arbitration under the Canada-Venezuela bilateral investment treaty relating to one of the world's largest undeveloped gold-copper deposits containing mineral reserves in excess of 10 million ounces of gold and 1.3 billion pounds of copper;
- *Československá obchodní banka, a. s. v. Slovak Republic* (ICSID Case No. ARB/97/4), an arbitration in which our client, a leading Czech bank, was awarded US\$877 million, including costs, in connection with the Slovak Republic's failure to honor its undertakings relating to the bank's privatization;
- *TECO Guatemala Holdings, LLC v. Republic of Guatemala* (ICSID Case No. ARB/10/23), an arbitration under the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) in which our client, an investor in a Guatemalan electricity distribution company, was awarded in excess of US\$30 million (including costs and interest) in connection with Guatemala's failure to follow its tariff-setting procedures;
- Representing a State in an arbitration before the ICC International Court of Arbitration in which our client was awarded approximately €100 million, including almost the entire amount claimed and costs and interest, in connection with the breach of a privatization agreement by a private party;
- *Plama Consortium Limited v. Republic of Bulgaria* (ICSID Case No. ARB/03/24), an arbitration under the Energy Charter Treaty and a bilateral investment treaty concerning an oil refinery in which our client, Bulgaria, defeated all claims (in excess of US\$300 million), parallel jurisdiction under the bilateral investment treaty, a request for urgent provisional measures and a request for the revision of the

award and was awarded a substantial portion of its costs;

- *EDF (Services) Limited v. Romania* (ICSID Case No. ARB/05/13), a US\$132 million case under a bilateral investment treaty concerning duty free services in which all claims against our client, Romania, were dismissed and the claimant ordered to cover Romania's costs;
- *EVN AG v. Republic of Bulgaria* (ICSID Case No. ARB/13/17), representing Bulgaria in a pending arbitration involving claims under the Energy Charter Treaty and a bilateral investment treaty in connection with the Bulgarian electricity distribution sector;
- *Novera AD, Novera Properties B.V. and Novera Properties N.V. v. Republic of Bulgaria* (ICSID Case No. ARB/12/16), representing Bulgaria in a pending arbitration involving claims under a bilateral investment treaty relating to waste management services in the city of Sofia;
- *Accession Eastern Europe Capital AB and Mezzanine Management Sweden AB v. Republic of Bulgaria* (ICSID Case No. ARB/11/3), representing Bulgaria in an arbitration under a bilateral investment treaty arising out of the same factual circumstances as the *Novera v. Bulgaria* ICSID arbitration; the claimants abandoned their claims and the case was discontinued without any finding of liability on the part of our client;
- *S&T Oil Equipment & Machinery Ltd. v. Romania* (ICSID Case No. ARB/07/13), an €140 million arbitration under a bilateral investment treaty concerning an ammonia plant in which the claimant abandoned its case against our client, Romania, following the completion of the written phase of the arbitration, and the case was discontinued without any finding of liability on the part of our client;
- *Trans-Global Petroleum, Inc. v. Hashemite Kingdom of Jordan* (ICSID Case No. ARB/07/25), a US\$1 billion arbitration under a bilateral investment treaty in which all claims against our client, Jordan, were released in their entirety in a favorable consent award;
- *PSEG Global et al. v. Republic of Turkey* (ICSID Case No. ARB/02/5), an arbitration under a bilateral investment treaty involving an energy project in which our client, PSEG, was awarded approximately US\$20 million, including costs;
- *Corporación Quiport S.A. and others v. Republic of Ecuador* (ICSID Case No. ARB/09/23), an arbitration involving an airport development project, settled on terms favorable to our clients, investors in the project, shortly after the clients initiated the ICSID arbitration;

- *Aguaytia Energy, LLC v. Republic of Peru* (ICSID Case No. ARB/06/13), a US\$150 million energy dispute in which all claims against our client, Peru, were dismissed;
- *Abaclat v. Argentine Republic* (formerly *Giovanna A. Beccara et al. v. Argentine Republic*) (ICSID Case No. ARB/07/5), a pending arbitration under the Italy-Argentina bilateral investment treaty involving claims by our clients, tens of thousands of Italian bondholders, arising out of Argentina's default on its sovereign bonds;
- *Convia Callao S.A. and CCI - Compañía de Concesiones de Infraestructura S.A. v. Republic of Peru* (ICSID Case No. ARB/10/2), a case involving a highway construction project in which the claims against our client, Peru, were dismissed;
- Advising a State on issues arising under an *ad hoc* international treaty and several investment treaties in connection with a complex cross-border pipeline project; and
- A number of assessments for investors of their potential claims under investment treaties, including for example as regards a mining company's stalled mining project in a European country, the reduction of electricity tariffs by a European country impacting foreign investors in the country's photovoltaic (solar) power sector and various measures adopted by Bolivia impacting foreign investment.

Mr. Polášek also advises investors on how to structure their investments abroad so that they are protected by investment treaties. As an example, Mr. Polášek participated in devising an investment structure for a large Brazilian company that would bring its upcoming investment in another Latin American country under the protection of investment treaties by routing the investment through subsidiaries incorporated in appropriate jurisdictions.

Prior to joining the Washington, DC office in 2003, Mr. Polášek worked with the Firm's Prague office where he handled various dispute resolution matters such as a complex arbitration before the Czech Arbitration Court relating to an oil exploration joint venture and cross-border litigation relating to bank guarantees.

Publications

"Enforcement against States: Investment Arbitration and WTO Litigation," in *WTO Litigation, Investment Arbitration, and Commercial Arbitration* (Kluwer 2013) (co-authored with Sylvia T. Tordova)

Termination of Bolivia-United States Bilateral Investment Treaty, in *Latin Arbitration Law* (www.LatinArbitrationLaw.com) (Oct. 31, 2012) (with Ryan Mellske)

"China's Investment Treaties and the Most-Favored-Nation Clause" in *Investment Treaty Arbitration and International Law*, Vol. 4 (Juris 2011)

"Investment Arbitration under the Energy Charter Treaty: The Novel Case of *Plama Consortium Limited v. Republic of Bulgaria*" in *Energy Dispute Resolution: Investment Protection, Transit and the Energy Charter Treaty* (Juris 2011) (co-authored with Jonathan C. Hamilton and Sylvia T. Tordova)

"Unlawful or Bad Faith Conduct as a Bar to Claims in Investment Arbitration" in *A Liber Amicorum: Thomas Wälde* (Cameron May 2009) (co-authored with Abby Cohen Smutny)

"*Plama Consortium Limited v. Republic of Bulgaria* – the Best and Most Surprising Award of 2008," www.KluwerArbitrationBlog.com, Feb. 11, 2009 (co-authored with Jonathan C. Hamilton)

Analytical headnotes for InvestmentClaims.com, an online research tool for international investment law and arbitration operated by Oxford University Press

Speaking Engagements

"China BITs and MFN – Will the *Renta 4* Award and New Jurisprudence Expand the Application of China BITs?," Fourth Annual Investment Treaty Arbitration Conference, Washington, DC, April 30, 2010

"Pathways to Employment in International Law," ABA International series sponsored by the American Bar Association Section of International Law, American University Washington College of Law, Inter-American Development Bank, and American Society of International Law, Washington, DC, February 27, 2007

Professional Associations

American Society of International Law
American Bar Association, Section of International Law
British Institute of International and Comparative Law
District of Columbia Bar Association, International Law Section
ICC Young Arbitrators Forum
International Bar Association, Arbitration Committee
New York State Bar Association, International Law and Practice Section

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