

4 STONE BUILDINGS

Charles Marquand, FCI Arb
Arbitration Profile



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Nationality: British (resident in France)

Languages: English (mother tongue), French (fluent), German & Italian (Conversational)

OVERVIEW

Charles Marquand is a leading arbitrator with over twenty years of dispute resolution expertise in both civil and common law jurisdictions.

Charles has conducted cases as an Arbitrator throughout the UK, CIS, Asia, USA, and Europe, under some of the key international and domestic arbitral institutional rules. He has been appointed by parties jointly and arbitral institutions, including the ICC, the LME, the MMTA, Chartered Institute of Arbitrators and the National Association of Securities Dealers.

He is a specialist in commercial dispute resolution in both the private and public sectors. His expertise lies in financial services, company law and commercial law, with disputes relating amongst other matters to competition, civil law, foreign direct investment (FDI) and cross-border provision of services, both domestically and overseas.

Charles is a Fellow of the Chartered Institute of Arbitrators and a Chartered Arbitrator. He has been admitted as a panel member to several leading arbitral organisations, including the ICC, the LCIA, the Singapore International Arbitration Centre (SIAC), the Dubai International Arbitration Centre (DIAC), Mumbai Centre for International Arbitration, the BVI International Arbitration Centre (BVI AC), P.R.I.M.E Finance (Permanent Court of Arbitration, Hague) and the Stockholm Chamber of Commerce (SCC).

He has been recognised in Legal 500 and Chambers & Partners for his dispute resolution proficiency and peers have praised him for being “commercial in his approach.”

He is also a trained mediator and assists parties with settling their disputes.

SECTOR EXPERTISE

- Commercial Dispute Resolution
- Financial Services
- Commodities (Particularly metals)

COMMERCIAL DISPUTE RESOLUTION

Charles has long-standing experience in dispute resolution. He has been arbitrating and mediating commercial disputes for over 20 years. The disputes have usually involved parties from different jurisdictions and have raised issues of foreign law. The disputes have concerned a variety of subjects such as -

- commodities
- financial investments
- financial regulation
- professional services
- securities offerings

Charles has particular experience of arbitrating disputes concerning metal and metal alloys between miners, smelters, shippers, traders and end-users. The contracts have concerned metals such as -

- aluminium
- antimony
- copper
- molybdenum
- nickel
- niobium
- tantalum

FINANCIAL SERVICES

Charles is recognised as a leader in this field. Now in private practice, he was previously a legal adviser at HM Treasury where he provided legal input to policy, drafted legislation and assisted in the negotiation of EU directives. He has also advised foreign governments on financial services reform.

He is also one of the few professionals to be approved as a P.R.I.M.E Finance dispute resolution expert.

Charles has acted in a wide range of financial services cases over many years involving all kinds of parties operating in the financial services industry and financial markets in different jurisdictions (international, domestic, off-shore etc.), such as institutions (e.g. banks, insurance companies, brokers and traders), family offices and advisers, banks (including central banks), institutional and private investors, regulated and unregulated funds, hedge funds, private equity funds, fund managers, promoters, payment services providers, electronic money issuers, crowd-funding platforms, crypto-currency issuers and crypto-exchanges.

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The cases have concerned numerous different varieties of financial products and investments, such as-

- Collective investments (e.g. interests in collective investment schemes, alternative investment funds, UCITS/SICAVs, unit trusts, , private equity funds)
- Commercial loans
- Consumer credit
- Crypto-currencies / Crypto-Assets/Blockchain
- Deposits
- Depositary receipts and certificates of deposit (CDRs)
- Derivative contracts (e.g. swaps/contracts for a difference, financial and commodity futures/forward contracts, financial and commodity options)
- Electronic money
- Emission allowances
- Financial Conduct Authority (FCA)
- Insurance contracts (general and long-term, unit-linked and investment insurance)
- Mortgages and home purchase plans
- Payment Services
- Prudential Regulation Authority (PRA)
- Securities (e.g. shares/stocks, corporate bonds, government bonds, debt instruments)

Charles has also advised foreign governments and governmental bodies on legal and regulatory reform, including the following:

- Advising the State Securities Commission of Vietnam and the State Bank of Vietnam on the regulatory and legal implications of Vietnamese accession to the World Trade Organisation (WTO).
- Advising the Ministry of Justice of Uzbekistan on legal reforms to facilitate inward investment and drafting legislation for an investment ombudsman for direct foreign investors.
- Advising the National Commission on Securities Markets of the Kyrgyz Republic on the regulation of investment funds and drafting legislation for investment funds.

EXPERIENCE

As Arbitrator, cases include

- Sitting as a member of a panel on an LME arbitration seated in London concerning a dispute between a German entity and a Chinese entity over a metals dealing contract worth approximately US\$6 million. The arbitration raised issues of English and Chinese law, including contract law, company law and the law of agency.

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- Sitting as a member of a panel on an LME arbitration seated in London concerning a dispute between a BVI entity and a Ukrainian entity over the sale of a Ukrainian smelter and metals contracts worth approximately US\$5 million. The arbitration raised issues of English and Ukrainian law, including contract law, company law, breach of directors' duties, and civil fraud.
- Sitting as a member of a panel on an LME arbitration seated in London concerning a dispute between a US entity and a Serbian entity arising under metals contracts worth approximately US\$5 million. The arbitration raised issues of English and Ukrainian law, including contract law, company law, breach of directors' duties, and civil fraud.
- Sitting as a member of a panel on an LME arbitration seated in London concerning a Swiss entity and a Mongolian entity arising under contracts for delivery of metals worth approximately US\$30 million.
- Sitting as a member of a panel on an LME arbitration seated in London concerning a Hong Kong entity and a Mongolian entity over metals contracts worth approximately US\$100 million. The arbitration raised issues of issues English and Mongolian law, including contract law and company law.
- Sitting as a sole arbitrator on an MMTA arbitration seated in London concerning a dispute between a British entity and a Chinese entity over contracts for the delivery of specialist metals worth approximately US\$1 million.
- Sitting as sole arbitrator on an MMTA arbitration seated in London concerning a dispute between an Estonian entity and a US entity over contracts for the delivery of specialist metal. The arbitration raised issues of the interpretation and application of INCOTERMS, certificates of quality and allegations of fraud.
- Sitting as a sole arbitrator on an MMTA arbitration seated in London concerning a dispute between a British entity and a Russian entity over contracts for the delivery of a specialist metal. The arbitration raised issues of frustration and force majeure amongst others.
- Sitting as a sole arbitrator on an MMTA arbitration seated in London concerning a dispute between a German entity and a US entity over contracts for the delivery of a specialist metal. The arbitration raised preliminary issues of the jurisdiction of the arbitral tribunal and res judicata, complex issues of contract law and the calculation of damages.
- Sitting as a member of a panel on an ICC arbitration seated in Paris concerning a dispute between a US hotel chain and a French hotel chain over hotel management contracts worth approximately US\$5 million.
- Sitting as a member of a panel on a DIAC arbitration seated in Dubai concerning a dispute between a US credit card provider and a Russian services provider.

EXPERIENCE

As Mediator, cases include

- Acting as sole mediator in a dispute between a Leichtenstein Wealth/Family Office Manager and a UK financial institution concerning a share and bond offering.
- Acting as joint mediator in a dispute between a major utility company and property development company concerning utility supplies.
- Acting as sole mediator in a dispute between a professional services company (audit/accountancy) and a company concerning the supply of services.

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- Acting as sole mediator in a dispute concerning an offer of shares in a computer/software company between offeror and offeree.
- Acting as sole mediator in a dispute concerning shipment of a specialist metal between a Swedish supplier and a US buyer/user

ACADEMIC & PROFESSIONAL ASSOCIATIONS

Academic

- University of London (Kings), 1992 - Diploma in EC law, 1996 - Diploma in EC Competition Law
- Inns of Court School of Law, 1986-1987 - Called to the Bar of England & Wales, Inner Temple
- University of London (City), 1985-1986 - Postgraduate Diploma in Law, 1990 - MA in Law
- University of Oxford (Magdalen College), 1982-1985 - BA Hons (Philosophy, Politics, Economics), 1990 - MA

Bar Admissions

- Bar of England & Wales
- Bar of Northern Ireland
- Barreau de Paris (France)

Professional

- Chartered Arbitrator (CArb)
- Trained Mediator
- Barrister – 4 Stone Buildings, Lincolns Inn, London, WC2A 3XT
- Avocat à la Cour – 172 Boulevard Haussmann, 75008 Paris
- Professeur – Pantheon-Assas University (ISIT), Paris
- Visiting Fellow – University College, Freiburg University

PROFESSIONAL MEMBERSHIPS AND RECOGNITIONS

Memberships

- Chartered Institute of Arbitrators (FCIArb)
- Association des Juristes franco-britanniques (AJFB/FBLS) – Executive Committee member
- Avocats Ensembles (ACE) – International Committee member
- Commercial Bar Association
- Chancery Bar Association

Professional Associations

- Arbitration Foundation of Southern Africa (AFSA)
- Belgian Arbitration and Mediation Centre (CEPANI)
- BVI International Arbitration Centre (BVI IAC)
- Dubai International Arbitration Centre (DIAC)
- Energy Disputes Arbitration Center (EDAC)

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- Hong Kong International Arbitration Centre (HKIAC)
- International Chamber of Commerce (ICC)
- Lebanese Arbitration and Mediation Center (LAMC)
- London Court of International Arbitration (LCIA)
- London Metal Exchange (LME)
- Minor Metals Trade Association (MMTA)
- Mumbai Centre for International Arbitration (MCIA)
- Netherlands Arbitration Institute (NAI)
- P.R.I.M.E Finance (PCA)
- Stockholm Chamber of Commerce (SCC)
- Vienna International Arbitration Centre (VIAC)

PUBLICATIONS, ARTICLES & THOUGHT LEADERSHIP

- “Investor Protection & Market Abuse” in Tolley’s Company Law (2003, 2009, 2013)
- “Insolvency in financial markets” in Butterworths Practical Insolvency (2002)
- “Corporations” and “Money” in Halsbury’s Laws, 4th edition (1998, 1999)
- “Private and Public Companies” in Oxford University Press’ Annotated Companies Acts (2013)
- “Appeals from regulatory tribunals” in Civil Appeals, pub. Sweet & Maxwell (2013)
- “Some thoughts on Kout Food – applicable law of the arbitration agreement” (2022)
- Contributor to Practical Law
- Columnist/commentator for Asian Age (Indian newspaper) on European matters

DIRECTORIES & CLIENT QUOTES

“... excellent grasp of the whole spectrum of financial services regulation, coupled with invaluable insight into how it all works in practice... friendly and approachable” – **Legal 500 2022-23**

“Very commercial in his approach” – **Legal 500 2021-22**

“He has excellent experience, and is very knowledgeable” – **Chambers & Partners 2022**

“He’s very practical, available and user-friendly. He has a broad, very good understanding of a wide range of issues” – **Chambers & Partners**

“Responsive and able, he takes a clear practical approach that is well-suited to clients’ commercial needs.” – **Chambers & Partners**