

## DANIEL LEVY

Partner at Enyo Law LLP

### GENERAL PROFILE

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Daniel Levy is an international litigation and arbitration lawyer, arbitrator and expert, focused on cross-border commercial disputes, international investment disputes, as well as related litigation. He represents clients across various sectors, including energy, infrastructure, O&G, insurance, shipping, banking, corporate, M&A, in both individual and class actions worldwide. He is partner and head of the Latin America, Portugal and Spain practice at Enyo Law LLP, London-based international dispute resolution specialist firm. He has more than 10 years of experience acting as counsel, arbitrator and expert witness in domestic and international arbitration conducted under the main institutional arbitration rules (ICC, LCIA, SCC, ICDR, *ad hoc* UNCITRAL as other domestic chambers in the UK, Brazil and France). His practice focuses in cases involving Latin America, Spain, Portugal, France, Switzerland and Portuguese-speaking African countries. Before joining Enyo Law LLP, Dr Levy worked for more than 10 years in São Paulo-based international law firm FCDG Advogados. He is special counsel of the Brazilian Confederation of Industries for their international trade policies.

In 2020, 2021 and 2022, he was appointed by Who's Who as one of the world leaders in the field of arbitration in London.

He holds a *Ph.D. summa cum laude* from Université Panthéon-Assas (Paris II), with the monograph *Les abus de l'arbitrage commercial international*, having been awarded the University of Paris Prize for best thesis in 2013 and selected as a finalist of the ICC Institute of World Business Law. He is a member of the Queen Mary University School of International Arbitration Advisory Council. He has been professor of international arbitration, civil law, corporate law and contracts at Fundação Getúlio Vargas (São Paulo – Brazil) for more than 10 years, visiting professor at Queen Mary University of London School of Law, Northwestern Pritzker School of Law (Chicago – USA) and Universidad de Monterrey (Mexico), where he teaches regularly Investment Law and ISDS, and international commercial arbitration.

Dr Levy is author or contributing author of *The ICSID Convention, Regulations and Rules: a Practical Commentary* (Ed. Julien Fouret, Rémy Gerbay and Gloria Alvarez, New York, to be published), the *Handbook on Brazilian Civil Liability* (São Paulo, 2014), *Brazilian Arbitration Act: a commentary* (São Paulo, 2019), *Handbook of Arbitration in Brazil* (São Paulo, 2019), *Brazilian Arbitration Act: Case Law Commentary (The Hague, to be published)*, *Investment Protection in Brazil* (NYC, 2014), *Les abus de l'arbitrage commercial international* (Paris, 2014), as well as numerous publications in leading journals and reviews. He is member of the Editorial Board of the CIArb *International Journal of Arbitration, Mediation and Dispute Management* (UK), of ICC Commission on International Arbitration and ADR and was formerly a member of the ICCA Editorial Committee under the direction of Albert Jan van den Berg and co-head of the Brazil-Canada Chamber of Commerce Arbitration Court (CAM-CCBC) Task Force to Draft its Emergency Arbitrator Rules, together with M. Yves Derains.

Daniel Levy is a member of the Queen Mary University of London School of International Arbitration Advisory Council and a consultant to the England & Wales Law Commission on the Reform of the English Arbitration Act.

He holds a *LL.M.* degree in Civil Law from the University of São Paulo and an *LL.B.* from the Rio de Janeiro University. He is qualified in São Paulo, Brazil.

**Address:**  
1 Tudor Street  
EC4Y 0AH  
London - UK

**Direct Line:** +44 (0) 20 3837 1698  
**Fax:** +44 (0) 20 3837 1720  
**E-mail:** [daniel.levy@enyolaw.com](mailto:daniel.levy@enyolaw.com)

1982, Paris – France - Nationalities: Swiss and Brazilian

# ***CURRICULUM VITAE***

**Dr DANIEL LEVY**

## **RECENT ARBITRATION AND LITIGATION WORK (NON-EXHAUSTIVE – LAST YEAR)**

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### ➤ **As Arbitrator**

- Co-Arbitrator in a USD 70MM ICC Spanish-Chinese disputes with London seat over an insurance retrocession agreement relating to the construction of a power grid project in Latin America.
- Co-Arbitrator in a USD 48MM *ad hoc* international dispute concerning an oil and gas distribution and shipping agreement between a Latin American major oil company and an English-based company over oil tankers;
- Co-Arbitrator in an ICC case involving a solar plant project in Brazil for USD 28MM
- Co-Arbitrator in an ICC M&A dispute around the incorporation of a local Latin American technology company by an American counterpart and a Luxembourg fund.
- Co-Arbitrator in a USD 25MM construction case of an energy power line in the North of Brazil under the Brazilian-Canada Chamber of Commerce Court of Arbitration and Mediation Rules
- Co-Arbitrator in a USD 12MM *ad hoc* international dispute concerning a charter party and O&G contract between a Latin American major oil company and an English-based company;

### ➤ **As Counsel or Expert (only representative last 18 months)**

- Representation of a Brazilian multinational applying for freezing orders against a debtor with offshore assets for USD 12MM
- Representation of a French multinational in English proceedings relating to the termination of a intermediation agreement for compliance violations.
- Representation of a Portuguese technology company against its worldwide distributor in a USD 56mm LCIA arbitration in London.
- Representation of an Angolan company in a USD 233MM dispute over a JOA and PSA, its breach and exit rights, involving an oil field in Africa.
- Representation of a Brazilian recycled wood company in its dispute with a British client;
- Representation of a Brazilian solar power company in its USD 180mm dispute against a European Sovereign Fund.
- Representation of one of Europe's largest bank against an African Government over a USD 2 billion loan agreement
- Representation of a Latin American petrochemical multinational in relation to issues arising out of the liability of affiliates worldwide and strategy planning
- Representation of a Brazilian chemical company against in its investigation and possible disputes with clients over issues in its production line.
- Representation of a Portuguese biotech company in a USD 54MM reps and warranties M&A discussion with a British buyer
- Representation of an Italian company in reps and warranties discussions relating to a M&A applying English law.
- Representation of a sub-Saharan African bank in its discussion over a USD 160MM loan to a Swiss bank over different civil and arbitral proceedings.
- Representation of a French multinational in the enforcement of a USD 150MM arbitral award rendered in Geneva before the UK Courts.
- Representation of two African national bank against one a Swiss bank over a USD 150MM loan agreement for the construction of maritime facilities.
- Representation of one of Europe's largest media group in a discussion over a supply agreement with a Japanese company
- Representation of a Brazilian HNWI against a Central-America company relating to an offshore director's liability discussion before the UK Supreme Court

- Representation of a European company against a Brazilian bank in a EUR 200MM ICC dispute
- Representation of a Brazilian livestock company in a USD 25MM *ad hoc* shipping dispute under LMAA rules
- Representation of a Brazilian company in the challenge of a LCIA award for R\$ 124MM
- Representation of a Brazilian Infrastructure Company in a USD 300 MM investment case against a Central American Government
- Representation of a Luxembourg-based investment fund in recovering a EUR 189MM bond against a European bank
- Representation of a Belgium IT company in a ICC arbitration in a post-M&A dispute based in Brussels
- Representation of a Swiss rail technology multinational company in the acquisition of a Brazilian train company in a USD 200 MM operation;
- Representation of the Chinese biggest energy producer company in a pre-litigation procedure involving one of its Brazilian M&As – USD 54 MM;
- Representation of an American multinational manufacturing house electronics in a tax procedure before Brazil’s Superior Court of Justice in a USD 125MM litigation;
- Representation of Israel’s biggest construction company in a pre-litigation procedure concerning the acquisition of a mall – USD 230 MM

## EMPLOYMENT HISTORY

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From Jan 2017	<b>Partner – Enyo Law LLP – International disputes specialist firm (London – UK)</b>
From May 2007 to August 2017	<b>Of Counsel at Ferro, Castro Neves, Daltro &amp; Gomide Advogados (FCDG Advogados) - dispute resolution specialist firm (São Paulo – Brazil)</b>
From April 2014	<b>Special Counsel for the Brazilian National Industry Confederation (CNI) for all international trade matters</b>
From January 2013	<b>Associated Professor of Law at Fundação Getúlio Vargas – São Paulo – Brazil: Corporate Contract LLM, International Contract Post-Graduate Degree, Investment Law at the Law School Global League</b>
From August 2016	<b>Coordinator and Professor of Law at the Advanced Arbitration Course of the São Paulo State Lawyers Association (AASP)</b>

## EDUCATION

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Mars 2013	<b>PhD <i>summa cum laude</i> Private Law and International Arbitration. Université Panthéon-Assas (Paris II) – France.</b>
	<b>Jury:</b> Professor George Bermann, Professor Thomas Clay, Professor Bernard Audit, Professor Lauro Gama Jr., Professor João Bosco Lee, Professor Christian Larroumet
	<i>University of Paris Thesis Prize 2015.</i>

June 2011

**L.L.M – Civil Law and Civil Liability. University of São Paulo School of Law - Approved with distinction.**

December 2007

**L.L.B. – Pontifical Catholic University of Rio de Janeiro**

**OF NOTE: ACADEMIC BACKGROUND, MEMBERSHIPS AND ADMISSIONS**

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- Member of Queen Mary University of London **School of International Arbitration Advisory Council.**
- Consultant for the England & Wales Law Commission on the reform of the 1996 English Arbitration Act
- **Who's Who Arbitration 2020, 2021 and 2022:** appointed as world leader in arbitration in the UK.
- Member of the **Editorial Board of *The Journal of the Chartered Institute of Arbitrators – UK***
- Member of the **ICCA Editorial Committee**, under the presidency of Albert Jan van den Berg
- **Co-Head of the Brazil-Canada Chamber of Commerce Arbitration Court (CAM-CCBC) Task Force to Draft its Emergency Arbitrator Rules (together with M. Yves Derains)**
- **2014 – 2018 : General Editor of the *Brazilian Review of Arbitration* (*Revista Brasileira de Arbitragem*), a joint publication of Kluwer Law International and the Brazilian Arbitration Committee (<http://www.kluwerlawonline.com/toc.php?pubcode=RBA>)**
- **2017: Visiting Scholar:** Queen Mary University of London (UK)
- **Visiting Professor** at Northwestern Pritzker School of Law for July 2016 LLM Course (Chicago, US)
- **Visiting Professor** at the Universidad de Monterrey (México)
- **Visiting Professor** of the Rio de Janeiro Court of Appeal School of Judges for Arbitration Course
- **Memberships:** International Arbitration Institute (Paris), Brazilian Arbitration Committee, Asociación Latinoamericana de Arbitraje, Association suisse de l'arbitrage, Comité français de l'arbitrage, Young International Arbitration Group (YIAG/LCIA), Young Arbitrators Forum (YAF/ICC), ICCA.
- **Admissions:** São Paulo State Bar – Brazil.

**SELECTED PUBLICATIONS AND CONFERENCES**

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○ **Books**

- LEVY, Daniel; ABBUD, André; ALVES, Rafael. *The Brazilian Arbitration Act: a case law guide*. Kluwer Law International, 2020;
- LEVY, Daniel; SETOGUTI, Guilherme. *Curso Avançado de Arbitragem*. 2nd edition. RT/Thompson Reuters, 2021;
- LEVY, Daniel; SETOGUTI, Guilherme. *Curso Avançado de Arbitragem*. RT/Thompson Reuters, 2018;

- LEVY, Daniel. *Les abus de l'arbitrage commercial international*. Paris: L'Harmattan, 2015, 681p – Université Panthéon-Assas Prize (<https://www.lgdj.fr/les-abus-de-l-arbitrage-commercial-international-9782343062808.html>)
- LEVY, Daniel; BORJA, Ana; PUCCI, Adriana. *Investment Protection in Brazil*. The Hague: Kluwer Law International, 2013, 290p. (<https://irus.wolterskluwer.com/store/products/investment-protection-brazil-prod-9041149619/hardcover-item-1-9041149619>)
- LEVY, Daniel. *Handbook on Brazilian Civil Liability*. São Paulo: Atlas, 2014, 288p. (<http://www.grupogen.com.br/responsabilidade-civil-26415>)

○ **Papers and Book Contributions (non-exhaustive)**

- The validation principle in English Case Law under a Comparative Study Perspective. To be published 2021 by *Arbitraje. Revista de arbitraje comercial y de inversiones*.
- Review of the book *International Arbitration in Portugal* for the Portuguese Review of International Arbitration. To be published 2021.
- Case law note [2019] EWHC 1277 (Comm) - Case No: CL-2018-000574. *Revista Brasileira de Arbitragem*. 2020
- Contributing author of FOURET, Julien; GERBAY, Rémy; ALVAREZ, Gloria. *The ICSID Convention, Regulations and Rules*. NY: Edward Elgar Publishing, 2020.
- “Is there a place for emergency arbitrators?”, in VAN DEN BERG, Albert Jan. ICCA Congress Book Series 2018, p. 180-202;
- “As interações entre Poder Judiciário e arbitragem”, in LEVY, Daniel; SETOGUTI, Guilherme. *Curso Avançado de Arbitragem*. RT/Thompson Reuters, 2018;
- “La récente réforme du droit Brésilien de l'arbitrage à l'aune de l'expérience Française”. *Cahiers de l'arbitrage*, 2016 ;
- “Non-Contracting States of the ICSID Convention”, in BALTAG, Crina (Ed.). *ICSID Convention after 50 years. Unsettled issues*. New York: Kluwer Law International, 2017;
- “De 1939 a 2016 – A Arbitragem e o Código de Processo Civil”. *Revista Brasileira de Arbitragem*, v. 50, abr./jun. 2016;
- “O Brasil e o reconhecimento de sentenças arbitrais anuladas: uma análise a partir da SEC 5.782 do STJ”. *Revista de Arbitragem e Mediação*, v. 49, 2016.
- “Les garanties dites négatives: à la poursuite d'un inconnu”, in LARROUMET, Christian. *Étude comparée des garanties mobilières*. Paris: Editions Panthéon-Assas, 2016;
- “Os presságios da reforma arbitral brasileira: as 10 metas para os seus 20 anos”, in BENEDUZI, Renato; MELO, Leonardo (coord.). *A Reforma da Arbitragem*. Rio de Janeiro: GEN, 2016;
- “Non-Contracting States of the ICSID Convention”, in BALTAG, Crina. *ICSID Convention after 50 years. Unsettled issues*. New York: Kluwer Law International, to be published 2016;
- “Protection of Direct Foreign Investment: Public Policy exception impact on foreign direct investments: “Court (non) enforcement of arbitration decisions based on Public Policy exception”. Available at <http://ssrn.com/abstract=2461481>;
- Section 1 “Encouraging uptake” of the e-book *Promoting Further Mediation*, International Bar Association Publishing, IBA Mediation Committee, 2015, p. 1 *et seq.*;
- “A arbitragem e o albatroz”. *Revista Brasileira de arbitragem*, v. 45, jan. / mar. 2015. Kluwer Law International, no prelo.
- “As medidas liminares no Mercado de capitais”. *Revista de Direito Mercantil, Industrial, Econômico e Financeiro*, v. 164/1665, p. 85-100;

- “Acionista Controlador – Abuso do Poder de Controle – Diminuição do Valor das Ações – Exercício de *Call* pelo Controlador – Alegação da Própria Torpeza – Incorporação de Contingências”, in YARSHELL, Flávio Luiz; SETOGUTI, Guilherme. *Processo societário*, v. 2. São Paulo: Quartier Latin, 2015, no prelo;
- “Os presságios da reforma arbitral brasileira: as 10 metas para os seus 20 anos”, in MELO, Leonardo Campos; BENEDUZI, Renato (coords.). *A reforma da arbitragem no Brasil*. Rio de Janeiro: Forense, 2015, prelo.
- “Notas sobre a formação de contrato na Convenção de Viena sobre Compra e Venda de Mercadorias”, in VENOSA, Silvio de Salvo; GAGLIARDI, Rafael; TERASHIMA, Eduardo. *A Convenção de Viena sobre Contratos de Compra e Venda Internacional de Mercadorias : desafios e perspectivas*. São Paulo: Atlas, 2015;
- “Anotações sobre a arbitragem em matéria de propriedade intelectual”. *Revista Brasileira de Arbitragem*. Edição Especial, setembro 2014, p. 207-228;
- “ICSID or Latin America: is it possible to balance?”, in LEVY, Daniel; BORJA, Ana; PUCCI, Adriana (Coord.). *Investment Protection in Brazil*. The Hague: Kluwer Law International, 2013, prelo;
- *Compte Rendu de l’oeuvre Les principes fondamentaux de l’arbitrage* para os *Cahiers de l’arbitrage*, 2014-2, abr./jun. 2014;
- “De *Yukos* a *Maximor*: em busca do pragmatismo no processo de reconhecimento da sentença arbitral anulada”. *Revista Brasileira de Arbitragem*, v. 37, jul. 2013, prelo.
- Resenha da obra “*Les principes fondamentaux de l’arbitrage*”, de para a *Revista Brasileira de Arbitrage*, v. 37, jul. 2013, prelo.
- “A revisão contratual como condição para a incógnita da sociedade de risco”. In ANCONA LOPEZ Teresa, LEMOS Patrícia Faga Iglecias; RODRIGUES JUNIOR Otavio Luiz (Coords.). *Sociedade De Risco e Direito Direito Privado: Desafios normativos, consumeristas e ambientais*. Atlas, no prelo;
- “O incidente de resolução de demandas repetitivas no Anteprojeto do Novo Código de Processo Civil: exame à luz da *Group Litigation Order* britânica”. In *Revista de Processo*, v. 196, 2011, pp. 165-206;
- “Uma visão cultural dos *punitive damages*”. In *Revista de Direito Privado*, n. 45, pp. 165-214;
- “Aspectos Polêmicos da Arbitragem no Mercado de Capitais”. In *Revista do Comitê Brasileiro de Arbitragem*, n. 27, jul./set. 2010;
- “O Estamento Burocrático Brasileiro à luz da Filosofia de Miguel Reale”. In *Raízes Jurídicas*, v. 6, n. 2, jul./dez. 2010, pp. 55-67;
- “Dano moral contra o estado em virtude da demora na prestação jurisdicional”. In *Dano Moral: temas atuais*. Caxias do Sul: Plenum, 2010, pp. 247-283;
- “O Abuso do Sistema Arbitral Internacional”. In *Tributação, Comércio e Solução de Controvérsia no Contexto Internacional*. São Paulo: Quartier Latin, 2011.
- ICCA 2010 official report. *Arbitration Advocacy in Changing Times*. ICCA Congress Series n. 15. The Netherlands: Kluwer Law International, 2011.
- “Dano de Processo Lento”. In *Revista Trimestral de Direito Civil*, v. 36, jul./dez. de 2009;
- “A ‘culpa’ no artigo 944, parágrafo único, do Código Civil”. In *Direito, Estado e Sociedade* (Revista do Departamento de Direito da PUC-Rio), n. 28, jul./dez. 2006;
- Tradução: “O estatuto jurídico do embrião e do feto (na França)”, Catherine Puiglier. In *Revista Trimestral de Direito Civil*, n. 26, abr./jun. 2006.
- “Brasil: uma apropriação da História”. *Caderno PET-Jur* nº 4/2006.

### ➤ Speaking Engagements

- Speaker of the XII Latin American International Arbitration Conference in Montevideo – June 2022
- Moderator of the **Supply Chain Litigation** webinar hosted by Enyo Law, FTI and Fierville Ziadé – May 2022

- Speaker of the **Study Group of Arbitration** about the importance of the seat – April 2022
- Speaker of the **Paris Lusophone Group at the Paris Arbitration Week** – April 2022.
- Speaker of the **Arbitration Channel** Lecture about adverse inference in international arbitration – September 2020.
- Speaker of the **Arbitration Channel** debate about lawyers’ turnover during the pandemic – August 2021.
- Speaker of the **Brazilian Arbitration Week organised by Lex-Anglo Brasil** in London – June 2021
- Lecturer at the **Curso de Arbitragem Internacional Lusófona** – Mar. 2021
- Speaker at the **Fundação Estudar on Careers in Arbitration** – Nov. 2020
- Speaker at the **Brick Court – Enyo Law Webinar** – Oct. 2020
- Speaker at the **Delos SPAW Conference** – Oct. 2020
- Speaker at the **NYU-FGV International Conference on Transparency in Intl Arb** – Sept 2020
- Speaker at the **CBMA** conference of July 2020
- Speaker at the **Milan Arbitration Day** – November 2019
- Speaker at the **Young Arbitration Review Conference in Lisbon** – November 2019
- Speaker at the **New York University Brazilian Arbitration Day** – September 2019
- **Keynote Closing Speaker** at the XV Conference of International Arbitration of Rio de Janeiro – May 2019
- Guest **Speaker** at the Lisbon ICC YAF conference on “Due Process Paranoia” – Jan. 2019
- **Queen Mary School of International Arbitration Co-Curricular Course** – Transparency in International Arbitration – Nov 2018
- **Jornadas Internacional de Arbitragem de Coimbra** – Oct. 2018
- **Abreu Advogados Arbitration Day** – Lisbon – Sept. 2018
- **Paris-Brazil Arbitration Forum** – SciencesPo – Paris – Sept. 2018
- ICC UK Annual Conference – London – Sept. 2018
- Speaker at the **2018 World Litigation Forum London** – Dispute Resolution and Brexit – 13.06.18
- Speaker at the Columbia Law School Event **Twilight issues in international arbitration** São Paulo – October 2018;
- Lecturer of the **Bedfordshire University Investment Arbitration LLM** – Investment Arbitration and Latin America – May 2018;
- Lecturer of the **Queen Mary University of London LLM Course** – Evidence in International Arbitration – February 2018
- Speaker at the **Queen Mary University of London Brazilian Arbitration Days** – London – April 2017 – “The new Brazilian Investment Law of 2016 and the Arbitration Use”;
- Speaker at the **American Chamber Young Arbitration Group Conference** – São Paulo – March 2017 - “Emergency Arbitrators”;
- Speaker at the **Brazil-Canada Chamber of Commerce Arbitration Court (CAM-CCBC)** Panamerican Conference – São Paulo – October 2016 – “Social Media and Arbitrators”;
- Speaker at the **VIII International Comparative Law Congress** – Monterrey (Mexico) – November 2016 - “*Debt transmissions under a Comparative Perspective*”;
- Speaker at the **ICC Brazilian Arbitration Day** – São Paulo – August 2016 – “A New Perspective on Arbitrators Conflict of Interests”;
- Speaker at the **ICCA Conference** – Mauritius – 2016 on the topic “Is there a place for emergency arbitrators?”;
- Speaker at the **YICCA Conference** – São Paulo – October 2015 – “How to choose your arbitrator?”;

- Speaker of the Brazilian Investment Conference by the Foreign Ministry – Brasília – December 2015 - “Shell Companies and Investment Protection”;
- Speaker at the VII International Comparative Law Congress – São Paulo – November 2015 - “Good Faith in International Arbitration under a Comparative Perspective”;
- Moderator of the panel on arbitration in Brazilian Securities and Exchange Commission – São Paulo. October 2015;
- “The Brazilian Position on International Mediation” – conference at the International Bar Association Congress – Vienna – October 2015;
- “Guerrilla Tactics in Arbitration”. ICC-YAF Convention. May 2015, Rio de Janeiro, Brazil;
- “The Guarantees in France and Latin America”. Conference to be held at the Andrés-Bello Conference – Santiago, September 2014;
- “Arbitration and Intellectual Property”. Conference to be held in the CONAR Conference – November 2014;
- Interview on the annulment of arbitration awards for the Brazilian Arbitration Committee Video Series on Arbitration – May 2014.
- “The future of investment arbitration”. Investment Arbitration Group. São Paulo. Brazil. 07.05.14;
- “Abuses of international arbitration”. Conference at the Pontifical University of Rio de Janeiro – February 2014;
- “Parallel Proceedings in Arbitration”. Conference for the 12<sup>th</sup> Brazillian Arbitration Committee International Congress – São Paulo – September 2013 – panel with Luca Radicati di Brozolo and Edna Sussman;
- “From Phoenix to Sabas Fake”. Investment Arbitration Group of the Brazilian Arbitration Committee – Demarest Law Firm– 09.05.13
- “The end of civil liability”– Conference at the Pontifical University of Rio de Janeiro– April 2012;
- “The division of civil liability”. Conference at the Master in Law of the University of São Paulo – April 2012;
- Interview to the Justice Broadcast Television, State Chanel linked to Brazilian Supreme Court – October 2011;
- “Compensation, punitive and preventive damages”. Conference at the Master in Law of the University of São Paulo – May 2011;
- “Arbitration in Brazil”. Conference at the City University of Hong Kong – April 2011;
- Participation as arbitrator of the *Vis East Moot East* and *Vis Moot* Vienna;

➤ **Languages**

French, Portuguese, English (fluent). Italian and Spanish (advanced).

June 2022