



Maria Kostytska

Partner

Paris

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Maria is head of the arbitration practice of the firm's Paris office. She serves as arbitrator and acts as lead counsel in investor-state and commercial arbitration and litigation across a variety of industrial sectors, including oil and gas, renewable energy, utilities, infrastructure, banking, aviation and manufacturing.

Maria Kostytska is an international arbitrator and litigator who is multi-lingual in English, French, Ukrainian, Russian, and Spanish. She is admitted to the bars of New York, District of Columbia, Paris, England and Wales (barrister). Maria acts as lead counsel in investor-state, state-to-state and commercial arbitrations under the ICSID, UNCITRAL, ICC, LCIA and SCC Rules. Maria also serves as a presiding, sole and co-arbitrator. Her arbitration and litigation experience spans a variety of industrial sectors, including oil and gas, renewable energy, utilities, infrastructure, banking, aviation and manufacturing.

Maria is a Court Member of the ICC International Court of Arbitration in Paris. She is also a member of the Panel of Arbitrators of the Singapore International Arbitration Centre (SIAC). She has previously served on the Council of the Georgian International Arbitration Centre (GIAC) in Tbilisi.

Maria is a lecturer at the Versailles University, Masters in Arbitration and International Commerce (MACI), where she lectures on investment arbitration.

Key Matters

Experience as arbitrator:

- Currently serving as a co-arbitrator in a London-seated LCIA arbitration in the aviation sector.
- Acted as a co-arbitrator in a Geneva-seated, Swiss law-governed ICC arbitration arising out of a solar energy project in Kazakhstan and involving Kazakh and French state entities.
- Acted as a co-arbitrator in a complex London-seated LCIA arbitration relating to an alleged takeover of the largest Russian ceramic tile business.
- Acted as a co-arbitrator in a London-seated LCIA arbitration relating to a division of assets, with Russian and Cyprus applicable law.
- Served as president in an ICAC (MKAC) arbitration arising out of a professional services agreement for transfer of special-purpose equipment from the United States to Ukraine.
- Served as a co-arbitrator in an ICAC (MKAC) arbitration concerning supply of pharmaceutical products by a Ukrainian supplier to a Brazilian state-owned buyer.
- Served as a co-arbitrator in an ICAC (MKAC) arbitration between a major Russian chemical company and a Ukrainian State-owned chemical company regarding transit of chemicals across Ukraine.
- Served as a sole arbitrator in a Stockholm-seated ICC arbitration relating to an offshore gas exploration project in Turkmenistan.
- Served as a sole arbitrator in two parallel London-seated, English law-governed LCIA arbitrations arising out of credit agreements between Russian, Cyprus and BVI parties.
- Acted as a sole arbitrator in a London-seated, English law-governed LCIA arbitration regarding sale of snow melting equipment involving UK and U.S. parties.
- Served as a co-arbitrator in a London-seated LCIA arbitration relating to a credit agreement in the agricultural sector, with Cyprus and Ukrainian applicable law.
- Served as co-arbitrator in a London-seated LCIA arbitration involving Cyprus and Russian parties arising out of a charter of a marine vessel.
- Served as a sole arbitrator in an *ad hoc* UNCITRAL arbitration between American and French professional services providers, with a seat in Paris and French applicable law.
- Sat as a co-arbitrator in an *ad hoc* UNCITRAL sale of goods arbitration between a Hong Kong IT equipment manufacturer and a Ukrainian IT equipment distributor, with a seat in Stockholm and Hong Kong applicable law.

Representative experience as counsel:

UNCITRAL

- Acting as lead counsel in the first renewable energy arbitration lodged against Ukraine under the Energy Charter Treaty (ECT) for alleged modification of the green-tariff incentives regime.

- Acting as lead counsel for Ukraine in a state-to-state/investment arbitration lodged by a territorial unit of a State and its state organ, and involving allegations of a takeover of the largest oil refinery in Ukraine.
- Acting as cross-jurisdictional counsel for Ukraine in judicial proceedings for annulment, recognition and enforcement of an investment arbitral award rendered in favor of a Russian state-owned oil company before French, U.S. and English courts of all levels.
- Acting as lead counsel in a state-to-state/investment dispute raising the issue of whether a State or a territorial unit of a State can claim “investor” status under a BIT.
- Represented a Swiss investor against an Eastern European State in an investment treaty arbitration arising out of the 2008 financial crisis.
- Represented Ecuador in an arbitration brought by Chevron involving allegations of denial of justice and breaches of a BIT.
- Represented Ecuador in an investment treaty arbitration involving allegations of undue delay and manifestly erroneous decisions by Ecuadorian courts in seven commercial cases.
- Represented a multinational tobacco company in an investment treaty arbitration against an Asian State.

ICSID

- Representing investors against an Eastern European State in an investment treaty arbitration in the renewable energy sector arising out of a change of the incentives regime.
- Represented a French provider of meal vouchers against Hungary in an ICSID arbitration arising out of an alleged expropriation of a business due to the change of the tax regime.
- Successfully defended Jordan in two parallel ICSID and ICC arbitrations brought by a railway company and its Kuwaiti shareholders. This US\$1 billion win was recognized in June 2013 as one of the “Top 10 Biggest Defense Wins” in the *American Lawyer’s Arbitration Scorecard*.
- Obtained a victory at the jurisdictional stage for Ecuador and its State-owned company PetroEcuador in an ICSID arbitration brought by an American energy company involving an imposition of a windfall tax on oil profits and collection proceedings.
- Successfully represented Ecuador and its State-owned company PetroEcuador in an ICSID arbitration brought by a Spanish energy company involving an imposition of a windfall tax on oil profits and collection proceedings.
- Represented a French national in an ICSID annulment proceeding against Peru. The underlying ICSID arbitration arose out of intervention into and liquidation of a bank.
- Represented a French utility company in an ICSID arbitration arising out of a concession to provide waste collection and treatment services to a municipality of an Arab State.
- Represented an American energy company in an enforcement proceeding of a favorable ICSID award against Argentina in the United States, France, and Spain.

ICC

- Successfully represented an American glass manufacturer in an ICC arbitration arising out of an acquisition agreement with a Belgian glass manufacturer.
- Represented an Eastern European energy company in an investment treaty arbitration against an Eastern European State involving tariff fixing.
- Represented a Russian subsidiary of a French automobile manufacturer in an ICC arbitration against a Russian transporter arising out of a breach of a transportation contract.
- Successfully represented a French transmission grid provider against an Italian electricity supplier in an ICC arbitration arising out of a breach of access rules.

- Advised a Spanish fruit producer in connection with a dispute with its Tunisian joint venture partner.
- Represented Tunisian companies against a multinational corporation in an ICC arbitration arising out of a wrongful termination of a commercial representation agreement.
- Represented a British online content provider against its Spanish distributor in an ICC arbitration under English law with a seat in Paris.

Litigation/investigation experience:

- Acting as lead counsel in four parallel annulment, recognition and enforcement proceedings in France, the United States, the UK, and Russia following the entry of a multi-million UNCITRAL award in favor of an Eastern European energy company against Eastern European State.
- Represented an Eastern European State in European Court of Justice proceedings involving imposition of EU sanctions on a former head of state.
- Successfully obtained recognition in the United States of an ICSID award rendered in favor of an Eastern European State.
- Handled enforcement of an ICC award rendered in favor of an Iraqi construction company and against an Indian engineering and manufacturing company.
- Advised clients on the U.S. and EU sanctions relating to the Crimea and Eastern Ukraine.
- Successfully defended Eastern European companies in a complex antitrust action before U.S. district and appellate courts.
- Represented foreign and domestic companies in internal investigations under the Foreign Corrupt Practices Act (FCPA).
- Worked on maritime investigations relating to compliance with the Marine Pollution Convention (MARPOL).

Recognitions

Maria is recognized in *Who's Who Legal: Arbitration 2022* and *2023* as a "Future Leader" (Partners). Maria has been ranked in the *The Legal 500 US* in recent years. For three consecutive years in 2014, 2015, and 2016, her Paris team won a Bronze award of *Palmares des Avocats*, scoring third among 100 leading law firms, based on a multi-factor client-only rating system. Maria is recognized in the 2021 and 2023 editions of *Lawdragon 500's* "Leading Global Litigators".

Activities

Maria is a member of the following professional associations:

- ICC Commission on Arbitration and ADR
 - ICC France
 - ICC Ukraine
 - ICC USCIB
 - *Comité Français de l'Arbitrage*
 - *Association Française de l'Arbitrage*
 - ABA International Law Section
 - NYSBA International Law Section
 - IBA, Litigation and International Arbitration Committees
 - Ukrainian Bar Association (UBA), International Law and Energy Committees
 - Ukrainian Arbitration Association (UAA), Board Member
 - *Club Español de Arbitraje, Capítulo Francés y MUJERES*
 - Arbitral Women
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Credentials

EDUCATION

Maria received her I.B. from Red Cross Nordic United World College in 1997, B.A. from Smith College in 2001, and her J.D. from Catholic University in 2005.

ADMISSIONS

- District of Columbia
- Paris, France
- New York
- England & Wales – Barrister

LANGUAGES

- French
- Spanish
- Russian
- Ukrainian