

AIMERY DE SCHOUTHEETE

Partner

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Aimery de Schoutheete has more than 30 years of experience in Business Law at the Belgian law firm Liedekerke Wolters Waelbroeck Kirkpatrick.

He has extensive experience in drafting and negotiating commercial contracts, with particular focus on distribution agreements and trading contracts for commodities, and in handling litigation and arbitration before the Belgian courts, foreign EU jurisdictions and both national and international arbitration tribunals (ICC, CEPANI, Swiss Chambers, ad hoc procedures). In the past 12 years, he has regularly been appointed as arbitrator in proceedings before the ICC and CEPANI, whether as sole arbitrator or as chairman of the tribunal.

His focus is directed towards the commercial distribution area as well as the natural resources (upstream and downstream), petro-chemical, commodities and agribusiness industries. Aimery also has experience in the hospitality and construction sectors.

Aimery de Schoutheete is a recognised specialist in the field of distribution law, as is evidenced by his several publications in this field. For a period of 12 years (2002 -2014), he was the member of the editorial committee of the *Revue de Droit Commercial*, in charge of general commercial law (including distribution law and arbitration matters). He is currently member of the peer review committee of the *Revue de Droit Commercial*. He is also recognised as a specialist in the field of arbitration and is a member of the ICC task force on emergency arbitration. He is admitted on the ICC's and CEPANI's lists of arbitrators. He is also admitted on the arbitrators list of the OHADA Arbitration Court, IDArb and the Swiss Chamber of Arbitration (SCAI).

Aimery de Schoutheete joined Liedekerke Wolters Waelbroeck Kirkpatrick in 1986 and became Partner in 1995. He was the firm's Managing Partner from 2001 through 2010. Subsequently he headed, until the end of 2012, the Commercial Contracts & Litigation Practice Group within Liedekerke, regrouping both the "Litigation and Arbitration" and the "Commercial Contracts" teams of

the firm. He is the chair of Liedekerke's International Committee as well as head of the Liedekerke's Spanish Desk, Italy Desk and Africa Desk. He is also the Chairman of Liedekerke Africa, the firm's subsidiary established in Kinshasa, DRC.

Aimery de Schoutete holds a law degree (1983) as well as a degree in philosophy (1984) from the University of Louvain-la-Neuve (UCL).

PRACTICE AREAS

- Commercial contracts
- Mining
- Litigation and Arbitration

LANGUAGES

- French
- English
- Dutch
- Spanish

PROFESSIONAL MEMBERSHIPS

- ICC Belgian committee
- OHADA Arbitration Court
- CEPANI
- FRANCARBI
- IDArb

RECENT MATTERS

- Successfully represented an African OHADA member state in a major Swiss Chambers of International Arbitration proceedings (claim in excess of USD 150.000.000 was entirely rejected; agribusiness commodity sector and harbour sector);
- Represented, as lead counsel, an African OHADA member state in major ICC arbitration proceedings (initial claim worth in excess of USD 750.000.000; consultancy services sector);
- Represented a major African corporation in a dispute relating to the application of a shareholder agreement and preference rights (claim in excess of 60 M USD; amicable settlement reached);
- Represented a large foreign car manufacturer in a multi- jurisdiction arbitration proceedings against several European country importers after the termination of the distribution contracts of these importers. The claim was in excess of 5 M € and was rebutted;
- Represented a large corporation active in the agribusiness in ad hoc arbitration proceedings regarding failure in the anti-fire protection system of large components of a factory;
- Represented terminated commercial agents in different sectors (industrial printing sector; chemistry) in CEPANI proceedings;
- Regularly represents a major mining company in arbitration proceedings (ICC usually) in relation to commodity trading disputes or disputes relating to the application of mining joint-venture agreements (currently 2 proceedings pending in excess of 100 M USD each);
- Acted as sole arbitrator in an ICC proceedings regarding a dispute between shareholders of a Mauritius Holding Company, which itself held interests in several African subsidiaries controlling local uranium exploration licences (French, Mauritius and Namibia laws applicable) ;

- Acted as sole arbitrator in an ICC arbitration proceeding regarding the termination of a franchise agreement (Swiss law applicable);
- Acted as sole arbitrator in an ICC arbitration proceeding regarding the sale of goods by a Dutch seller to a Spanish purchaser (French law applicable);
- Acted as sole arbitrator in an ICC arbitration proceeding regarding the termination of a consultancy agreement between Italian and Russian parties (Italian law applicable);
- Acted as sole arbitrator in an ICC arbitration proceeding regarding the sale of a 40M € airplane (French law applicable);
- Acted as chair of a 3-arbitrator panel (CEPANI arbitration proceeding) in a dispute between shareholders regarding the termination of several management agreements;
- Acts as chair of a 3-arbitrator panel (ICC arbitration proceeding) in a dispute regarding ship building;

KEY PUBLICATIONS

- Soon to be published: « L'Acte uniforme relatif au droit de l'arbitrage », in 2ème édition (à paraître) de « Le droit de l'OHADA : son insertion en République Démocratique du Congo » (1ère édition parue en 2012) sous la direction scientifique de Patrick De Wolf et Ivan Verougstrate;
- Chapter on the DRC in Chambers & Partners Practice Guide 2019 on « Employment law »;
- “D.R. Congo”, in Global Legal Insights - International Arbitration, ed. Joe Tirado, 1st ed., Global Legal Group, 2015, p. 68 and seq;
- « Le livre X du nouveau Code de droit économique » – ‘Les nouveautés en matière d’information précontractuelle’ » with Olivier Vanden Berghe, Revue de Droit Commercial, 2014, p. 739 and seq.;
- « Manquement grave de l’agent et préavis : état de la question », note of comments regarding the judgment of EU Court of Justice of 8 October 2010, Revue de Droit Commercial, 2013, p. 93 and seq.;
- « Le caractère autolimité de la loi du 13 avril 1995 relative au contrat d’agence commerciale », with Paul Vandepitte, Revue de Droit Commercial, 2012, p. 241 and seq;
- « De wet van 27 juli 1961 (betreffende de éézijdige beëindiging van de voor onbepaalde tijd verleende concessies van alleenverkoop) is een autolimitatieve wet », with Paul Vandepitte, Revue de Droit Commercial, 2007, p. 164 and seq;
- « Détermination in concreto ou in abstracto de l’indemnité de rupture visée à l’article 2 de la loi du 27 juillet 1961 », Revue de Droit Commercial, 2003, p. 537 and seq;
- Manuel des contrats de distribution commerciale, with Claude Verbraeken and the collaboration of Prof. Jules Stuyck, Kluwer, 1997;
- « Le champ d’application territorial de la loi du 27 juillet 1961 sur les concessions de vente exclusive », with Paul Vandepitte, Journal des Tribunaux, 1990, p. 725 and seq;

CONFERENCES AND SEMINARS

- “Witnesses and evidentiary hearing”, IDArb training Seminar on managing arbitration, with particular reference to expedited arbitration under the Swiss Rules, Geneva, 8 November 2018;
- “Arbitration in the OHADA sphere”, as member of a panel on New Developments in Arbitration, Lex Mundi Litigation & Arbitration Conference, Limassol (Cyprus), 7 September 2018;
- « Contrats internationaux : théorie & case study » (Lecture organised by AWEX for the Walloon export businesses, Louvain la Neuve, 4 June 2018);
- “ Exclusivity clauses and non-compete clauses in commercial agency and distribution contracts”, Union Internationale des Avocats, Seminar on “International sales and distribution contracts” organized by the UIA in Poznan, 18 May 2018;
- “Conflict Minerals”, Lecture at a seminar organised by the ELG in Warsaw, 22 September 2017;
- « Code de droit économique : le baptême du feu », Liedekerke, Brussels, 24 April 2014 ;
- « L'arbitrage en République Démocratique du Congo » ; Lecture at the Lubumbashi Chamber of Commerce (October 2013) ;
- « La rédaction et les pièges dans les contrats commerciaux internationaux » ; Lecture in Lubumbashi (DRC), January 2013 ;
- « Contrats de distribution : théorie et pratique » (Lectures organised by AWEX for Belgian exporters, October 2012- February 2013) ;
- « Pitfalls in international commercial contracts » (Seminar organized by the AWEX for Walloon export businesses, February 2012).

MARKET RECOGNITION

- Aimery de Schoutheete is ranked as ‘*Leading individual*’ lawyer - Chambers Europe, 2020
- Aimery de Schoutheete is recommended in the area of Dispute Resolution. He is recognized both for his work in Belgium as for his expertise in the DRC. A client adds: “*a very seasoned and sharp lawyer who combines thorough legal knowledge and skills with a very practical approach.*” - Chambers Global, 2020
- Aimery de Schoutheete is lauded for his “very efficient” approach. He focuses on international law, representing clients in both litigation and arbitration proceedings before international and domestic courts. As co-founder of the firm's Africa desk, he has particular experience advising companies in the manufacturing and insurance sectors on Congolese law. – Chambers Global, 2019
- Aimery de Schoutheete is ranked as ‘*Leading individual*’ lawyer - Legal 500, 2018.
- Aimery de Schoutheete is described by one client as “*very proactive and able to provide very accurate advice.*” - Chambers Global 2018