

谢小松

高级联席合伙人

办公机构 深圳

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工作语言 中文、英文

教育背景 EDUCATION

瑞典斯德哥尔摩大学 法学硕士（国际仲裁LLM）

Stockholm University (Sweden), LL.M.(International Arbitration)

中国政法大学 民商法学硕士

China Universiy of Political Science and Law, LL.M.(Civil & Commercial Law)

执业经历 *PROFESSIONAL EXPERIENCE*

谢小松律师主要执业领域为商事争议解决、涉外与国际仲裁、国际贸易与能源工程、金融与投融资、出口管制与合规等，工作语言为中文和英文。谢律师在商事争议解决领域有着丰富的实务经验，代表境内外客户办理了多宗重大复杂的商事案件，包括各级人民法院审理的商事诉讼案件、国内主要仲裁机构（中国国际经济贸易仲裁委员会、深圳国际仲裁院、上海国际仲裁中心、北京仲裁委员会等）受理的商事仲裁案件以及境外仲裁机构（包括国际商会仲裁院、香港国际仲裁中心以及新加坡国际仲裁中心等）管理的国际仲裁案件，案件类型主要包括私募股权纠纷（含对赌纠纷）、基金合同纠纷、国际贸易纠纷、中外合资纠纷、能源基建纠纷等。谢律师还为企业提供（跨境）投资并购等非诉讼法律服务以及包括企业合规在内的常年法律顾问服务。

谢律师现为北京市律师协会涉外律师人才库成员、国际商事仲裁理事会青年组织（Young ICCA）成员、香港国际仲裁中心HK45组织成员、新加坡国际仲裁中心青年组织（YSIAC）成员。

Mr. Xie mainly practices in cross-border dispute resolution, international trade, private equity/venture capital, real estate & construction. His working languages are Chinese and English.Mr. Xie has extensive experience in the shpere of commercial dispute resolution, especially in cross-border dispute resolution and international arbitration, and has handled many major and complex commercial cases on behalf of domestic and foreign clients, which include commercial litigation cases heard by people's courts at all levels in China, commercial arbitration cases administered by major domestic arbitration institutions (CIETAC, SCIA, BAC, SHIAC,etc.) and by international arbitration institutions (ICC,

HKIAC, SIAC,etc.) . Mr. Xie also provides transactional legal services for enterprises, including (cross-border) investment, mergers and acquisitions, as well as such perennial legal counsel services as corporate compliance.

代表案例 ***REPRESENTATIVE CASES***

- **涉外与国际仲裁案件**

代表内地某大型央企与香港某公司焦煤买卖合同纠纷仲裁案，案件由新加坡国际仲裁中心（SIAC）审理，仲裁地在新加坡，仲裁语言为英文，争议金额约3300万美元，案件取得实质性胜诉。
代表国内某大型央企处理与印度某公司处理国际大宗设备买卖合同纠纷仲裁案，案件由国际商会仲裁院（ICC）审理，仲裁地在新加坡，仲裁语言为英文，争议金额为500万美元，仲裁庭最终裁决我方全部胜诉。
代表中国某通讯巨头处理与韩国某公司之间的国际海底光电缆工程合同仲裁案，案件由国际商会仲裁院（ICC）管理，争议金额为2000余万美元，仲裁语言为英文，仲裁地为香港，适用香港法律，仲裁庭最终采纳我方的答辩理由，驳回对方大部分主张和请求，并裁决对方承担因本案而发生的大部分法律费用等。
代表国内某大型央企处理与沙特阿拉伯某公司国际大宗设备买卖合同纠纷仲裁案，案件由国际商会仲裁院（ICC）审理，争议金额约为1200万美元，仲裁地在巴黎，仲裁语言为英文，仲裁庭最终裁决我方全部胜诉。
代表被申请人广东知名企业处理与申请人马来西亚最大的汽车公司、英国顶尖的跑车制造商的系列中外合资合同纠纷案，案情疑难复杂，争议金额200余亿元，涉及适用香港国际仲裁中心（HKIAC）仲裁规则的一宗香港仲裁案以及适用UNCITRAL Rules的一宗临时仲裁案，最终均取得实质性胜诉。
代表大陆某大型船舶企业处理与台湾某大型风电设备企业海上风电设备建造合同纠纷仲裁案，案件由香港国际仲裁中心（HKIAC）管理，仲裁地在香港，争议金额为4000万美元，最终实现庭后和解。
代表中国某国有企业处理与瑞士某公司之间的国际投资合同仲裁案，案件由瑞士国际仲裁院管理，争议金额2200万瑞士法郎，仲裁语言为英文，适用瑞士法律，仲裁庭最终裁决我方胜诉并由对方承担我方大部分法律费用。
代表宁波某合伙企业处理与上海某公司等股权投资回购合同纠纷仲裁案，案件由香港国际仲裁中心（HKIAC）管理，仲裁地在香港，仲裁语言为英文，争议金额人民币5300余万元，案件顺利推进并已成功获得内地法院财产保全裁定。
代表某玻利维亚中资企业处理处理与国内某大型石油勘探设备企业海外能源工程项目合同纠纷，案件由北京市第四中级人民法院审理，争议金额约8,000万人民币，目前案件正在办理中。
代表英属维京群岛（BVI）某公司与国内某大型央企居间合同纠纷仲裁案，案件由中国国际经济贸易仲裁委员会（CIETAC）审理，仲裁地在北京，争议金额约为2200万美元，仲裁庭最终裁决我方全部胜诉。
代表国内某公司处理与阿联酋某公司国际货物买卖合同纠纷仲裁案，案件由深圳国际仲裁院（SCIA）审理，仲裁地在深圳，仲裁语言为英文，争议金额约为900万美元，仲裁庭最终裁决我方全部胜诉。
代表国内某公司处理与阿联酋某公司国际货物买卖合同纠纷仲裁案，案件由上海国际仲裁中心（SHIAC）审理，仲裁地在上海，争议金额约为840万美元，仲裁庭最终裁决我方全部胜诉。

- **投融资与金融资管案件**

代表深圳某有限合伙型私募股权投资基金处理与深圳某资产管理公司及其实际控制人股权回购纠纷仲裁案，案件由深圳国际仲裁院审理，争议金额约人民币6.4亿元，仲裁庭最终裁决我方胜诉

代表广州某有限合伙型私募股权投资基金处理与深圳某投资管理有限公司合伙份额回购纠纷仲裁案，案件由深圳国际仲裁院审理，争议金额约人民币1.7亿元，仲裁庭最终裁决我方胜诉
代表北京某知名私募基金处理与北京某科技公司创始股东股权回购对赌纠纷仲裁案，案件由中国国际经济贸易仲裁委员会审理，争议金额超过人民币8000万元，仲裁庭最终裁决我方胜诉
代表某有限合伙型私募股权投资基金处理与苏州某公司实际控制人股权回购对赌纠纷仲裁案，案件由深圳国际仲裁院审理，争议金额约人民币5000万元，仲裁庭最终裁决我方胜诉
代表深圳市某投资公司处理与深圳市某科技公司及其实际控制人股权回购对赌纠纷仲裁案，案件由深圳国际仲裁院审理，争议金额超过人民币3600万元，仲裁庭最终裁决我方胜诉
代表某有限合伙型私募股权投资基金处理与南京某公司实际控制人股权回购对赌纠纷仲裁案，案件由深圳国际仲裁院审理，争议金额约人民币2800万元，仲裁庭最终裁决我方胜诉
代表深圳某有限合伙型私募基金处理与福建某公司实际控制人业绩补偿对赌纠纷仲裁案，案件由深圳国际仲裁院审理，争议金额约人民币2600万元，仲裁庭最终裁决我方胜诉
代表深圳某知名私募基金处理与管某某投资者适当性纠纷仲裁案，案件由深圳国际仲裁院审理，争议金额约人民币3200万元，最终裁决我方胜诉
代表北京某知名公募基金处理与王某某投资者适当性纠纷仲裁案，案件由中国国际经济贸易仲裁委员会审理，争议金额约人民币2000万元，开庭审理后和解结案
代表深圳某私募证券投资基金处理与兰某某投资者适当性纠纷仲裁案，案件由深圳国际仲裁院审理，争议金额约人民币1800万元，开庭审理后和解结案

- **房地产与建设工程案件**

代表四川某建筑企业与北京某知名酒店建设工程施工合同纠纷案，本案二审由最高人民法院审理，争议金额约人民币2亿元，最终判决我方胜诉
代表四川某建筑企业与辽宁某企业建设工程施工合同纠纷案，本案二审由辽宁省高级人民法院审理，争议金额约人民币1.2亿元，最终判决我方胜诉
代表深圳某建筑企业与深圳某知名地产商建设工程施工合同纠纷仲裁案，案件由深圳国际仲裁院仲裁，争议金额约人民币6000万元，最终裁决我方胜诉
代表深圳某建筑企业与广州某知名书店建设工程施工合同纠纷仲裁案，案件由深圳国际仲裁院仲裁，争议金额约人民币约3500万元，最终裁决我方胜诉
代表北京某品牌连锁店与北京某建筑企业建设工程施工合同纠纷仲裁案，案件由北京仲裁委员会仲裁，争议金额约人民币1600万元，最终裁决我方胜诉
代表北京朝来天陆商业投资管理有限公司与特力生活家（上海）商业有限公司北京分公司、特力生活家（上海）商业有限公司租赁合同纠纷案，案件由北京市第三中级人民法院审理，争议金额约1300万元，最终判决我方胜诉

- **非诉及常年法律顾问：**

为深圳市粤长远国际贸易有限公司提供常年法律服务
为北京华联（SKP）百货有限公司提供常年法律服务

为广东大鹏液化天然气有限公司提供常年法律服务
为创维集团科技园管理有限公司提供常年法律服务
为广州纳兰德弘芯投资管理有限公司提供常年法律服务
为深圳宝鹰建设集团有限公司提供常年法律服务
为深圳和鲜食品科技有限公司提供常年法律服务
为蓝鲸家族资本管理（深圳）有限公司提供常年法律服务
为深圳市赛盈地脉技术有限公司提供常年法律服务

- *Represented a company in Hong Kong in an arbitration case against a large domestic central enterprise pertaining to a dispute over an agency agreement. The case was administered by China International Economic and Trade Arbitration Commission (CIETAC), the amount in dispute was nearly US$300 million, and the tribunal finally ruled in favor of our client.*
- *Represented a toy manufacturing company in UK in a litigation case against a Beijing-based company pertaining to a dispute over a license agreement. The case was heard by the Beijing No.2 Intermediate People's Court, the amount in dispute was nearly US$6 million, and finally settled in favor of our client.*
- *Represented a large domestic state-owned enterprise in an arbitration case against a Saudi Arabian company pertaining to a dispute over a contract for international sales of equipment. The case was administered by ICC in English and seated in Paris, the amount in dispute of which was US$3 million, and the tribunal finally ruled in favor of our client.*
- *Represented a Bolivian company in a litigation case against a Chinese state-owned enterprise pertaining to an agreement for the energy infrastructure. The case was heard by the Beijing No.2 Intermediate People's Court, the amount in dispute was nearly RMB 80 million, and the court ruled in favor of our client.*
- *Represented a renowned Cantonese company in an arbitration case against an automobile company in Malasia pertaining to a joint venture agreement. The case was administered by ICC, the amount in dispute was nearly US$ 20 million, and the tribunal ruled in favor of our client.*
- *Represented a renowned hi-tech company in China in an arbitration case against a Korean company pertaining to a contract for the submarine optical cable. The case was administered by Hong Kong International Arbitration Centre (HKIAC) in Hong Kong, the amount in dispute was nearly US$ 2 billion, and the tribunal ruled in favor of our client.*
- *Represented a major shipbuilding company in Mainland China in an arbitration case against a major wind power equipment company in Taiwan pertaining to a dispute over a contract for the construction of offshore wind power equipment. The case was administered by Hong Kong International Arbitration Centre (HKIAC) in Hong Kong, the amount in dispute of which was US$40 million, and was eventually settled before the evidentiary hearing.*
- *Represented a state-owned enterprise in Beijing in an arbitration case against a logistics company in Shanghai pertaining to a share repurchasing agreement. The case was administered by Hong Kong International Arbitration Centre (HKIAC) in Hong Kong, the amount in dispute was nearly RMB 56 million, and it is still in process.*
- *Represented a Chinese state-owned enterprise in an arbitration case against a Swiss company pertaining to an*

agreement for international investment. The case was administered by Swiss Arbitration Centre (SAC), the amount in dispute was nearly CHF$22 million, and the tribunal ruled in favor of our client.

- *Represented a limited partnership private equity fund in Ningbo in an arbitration case against a company in Hong Kong pertaining to a dispute over share repurchase. The case was administered by Shanghai International Arbitration Center, the amount in dispute of which was about RMB22 million, and the tribunal finally ruled in favor of our client.*
- *Represented a listed company in Shenzhen in an arbitration case against a company in the United Arab Emirates pertaining to a dispute over an international contract for the sales of goods. The case was administered by Shenzhen Court of International Arbitration, the amount in dispute of which was about RMB12 million, and the tribunal finally ruled in favor of our client.*

社会职务 ***PROFESSIONAL AFFILIATIONS***

- 北京市律师协会涉外律师人才库成员
- 国际商事仲裁理事会青年组织（Young ICCA）成员
- 香港国际仲裁中心HK45组织成员
- 新加坡国际仲裁中心青年组织（YSIAC）成员
- 深圳市前海国际商事调解中心调解员

- *Member of the Talent Pool of Foreign Lawyers of Beijing Bar Association*
- *Member of Young ICCA of the International Commercial Arbitration Council*
- *Member of HK45 of the Hong Kong International Arbitration Centre*
- *Member of YSIAC of the Singapore International Arbitration Centre.*