

## Eliseo CASTINEIRA

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### **EXPERIENCE**

**01/10 – TODAY    CASTINEIRA LAW**  
**Arbitrator and counsel (Paris and Berlin)**

#### **Arbitration, Litigation and Alternative Dispute Resolution**

- *Arbitration*

Sole arbitrator, co-arbitrator, president of the arbitral tribunal and emergency arbitrator in numerous domestic and international institutional and ad hoc (including UNCITRAL) proceedings. Institutional proceedings include: AFA (Association Française d'Arbitrage), CAIP (Chambre Arbitrale Internationale de Paris), CAM (Corte de Arbitraje de Madrid), CCB (Centro de Arbitraje y Conciliación de la Cámara de Comercio de Bogotá), CCJA (Cour Commune de Justice et d'Arbitrage de l'OHADA), CMAP (Centre de Médiation et d'Arbitrage de Paris), DIS (Deutsche Institution für Schiedsgerichtsbarkeit e.V.), GMAA (German Maritime Arbitration Association), ICC (International Chamber of Commerce), SCC (Stockholm Chamber of Commerce).

Counsel in international institutional (ICC) and ad hoc (including UNCITRAL) proceedings.

The cases have involved private entities, states and state-controlled entities in M&A, joint venture, construction (including FIDIC) and engineering (including Orgalime), distribution, energy and natural resources, automotive and pharmaceutical disputes, among others.

The cases have involved international conventions (e.g., CISG) and the substantive laws of the following jurisdictions: Algeria, Belgium, Brazil, California, Cameroon, Chile, Colombia, Democratic Republic of the Congo, Ecuador, Egypt, England, France, Germany, Hungary, India, Israel, Italy, Ivory Coast, Libya, Macao, Mauritania, Mexico, Morocco, Netherlands, Poland, Portugal, Romania, Spain, Switzerland, Tunisia and United Arab Emirates.

<https://castineiralaw.com/#track-record>

- *Mediation*

Counsel in various ad hoc and institutional (ICC) mediations. Mediator in an ad hoc international mediation.

- *Litigation*

Counsel in state court arbitration-related proceedings (interim measures, challenge and enforcement of awards).

- *Consultant for various organisations in international dispute resolution*

Consultant in international arbitration for the Council of Europe (advice to governments on arbitration practice and reform).

Consultant with the ICC International Centre for Expertise for ICANN (Internet Corporation for Assigned Names and Numbers) in Expert Determination proceedings under the New gTLD ('generic Top-Level Domain Names') Dispute Resolution Procedure/ICC Expertise Rules.

Contributes to the work of several arbitral institutions to revise their rules of arbitration or expertise and elaborate the French or Spanish version of such rules.

12/02 – 01/10

**ICC INTERNATIONAL COURT OF ARBITRATION  
Counsel (Paris)**

**International Arbitration**

Led the group in charge of cases in Europe, Africa and the Middle East. Case management of approximately 1,000 arbitral proceedings and scrutiny of approximately 500 awards.

The cases involved private entities, states and state-controlled entities, all types of procedural configurations, numerous jurisdictions and types of legal systems (civil law, common law and sharia'a law) as well as all kinds of contracts in many economic sectors (e.g., construction and engineering, energy, telecommunications, finance, transportation, pharmaceuticals).

Close working relationship with many arbitrators and arbitration practitioners (party's counsel, in-house counsel, ICC Court members) worldwide.

Advised the ICC Court's Secretary General on various matters (e.g., the creation of sports arbitration rules).

03/01 – 12/02

**FRESHFIELDS BRUCKHAUS DERINGER  
Senior associate (Paris)**

**Corporate/M&A**

Negotiated and drafted acquisition agreements (asset and share deals) and shareholder agreements, mostly in private equity/LBOs in various industries (e.g., automotive, banking, real estate, manufacturing, consumer goods). Participated in acquisitions of shareholdings in listed companies.

**International Litigation**

Participated in cross-border state court litigation proceedings and negotiated settlements.

03/96 – 03/01

**ANDERSEN LEGAL  
1996-1998: Junior; 1998-2000: Senior; 2000-2001: Manager (Paris)**

**Corporate/M&A**

Negotiated and drafted acquisition agreements in various industries (e.g., e-commerce, healthcare, automotive, sports, manufacturing, distribution). Coordinated corporate work for French clients investing abroad. Dealt with group reorganisations (mergers, split-ups, spin-offs) and bankruptcies.

**International Contracts**

Negotiated and drafted international contracts, including BOT agreements in construction and energy, cooperation and joint venture agreements (e.g., with a government in the context of the privatisation of an international telecommunications

and satellite organisation) and distribution and supply contracts (e.g., implementing transfer pricing policies through contract drafting and coordinating tax and legal advice and dealing with clients' representatives in 20 countries).

#### **International Arbitration and Litigation**

Participated in several international commercial arbitral proceedings (subject to ICC Rules of Arbitration or ad hoc): drafted briefs, coordinated attachment orders in foreign countries, participated in the enforcement of awards and in defences against challenges of awards. Participated in domestic and cross-border state court litigation proceedings. Provided advice on conflicts of laws. Negotiated and drafted settlements.

#### **Secondments**

##### February – April 2000 (Brussels, Belgium)

Seconded to one of the firm's major U.S. clients at its European headquarters: coordinated the implementation of a spin-off and a commissionaire structure in a dozen European countries, which involved maintaining a continuous relationship with the client's managers and counsel in Europe and in the U.S.A.

##### May – August 2000 (Glasgow, U.K.)

Seconded to Dundas & Wilson, Scotland's premier law firm, in the M&A department: assisted in cross-border transactions and developed relations with Andersen Legal.

### **EDUCATION**

1995

#### **NEW YORK UNIVERSITY SCHOOL OF LAW**

LL.M. focused on international arbitration, corporations and antitrust.

1994

#### **UNIVERSITY OF PARIS X**

*Diplôme d'Études Juridiques Appliquées en Droit Anglo-Américain* (Master in Anglo-American legal studies).

*Maîtrise en Droit des Affaires* (Master in business law).

1990

#### **LYCÉE PASTEUR, NEUILLY-SUR-SEINE**

*Lettres Supérieures* (liberal arts), focused on French literature, philosophy, history, geography and Latin.

### **LANGUAGES**

French, Spanish: native languages (French citizen).

English: native-level fluency.

Portuguese: very good proficiency.

German: good proficiency in speaking, reading and understanding, intermediate proficiency in writing.

### **PROFESSIONAL MEMBERSHIPS AND PANELS OF ARBITRATORS**

Asian International Arbitration Centre (AIAC) (Kuala Lumpur, Malaysia).

Association Française d'Arbitrage (AFA) (Paris, France): member of the Board of Directors and of the Arbitration Committee (five-member committee in charge of supervising proceedings under the AFA Arbitration Rules and, *inter alia*, of appointing arbitrators and scrutinising awards rendered pursuant to the Rules).

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Athens Mediation & Arbitration Organisation (EODID) (Athens, Greece).

Belgian Centre for Mediation and Arbitration (CEPANI) (Brussels, Belgium).

Cámara Nacional de Comercio de la Ciudad de México (CANACO) (Mexico City, Mexico).

Centro de Arbitraje de la Industria de la Construcción (CAIC) (Mexico City, Mexico).

Centro de Arbitraje y Conciliación de la Cámara de Comercio de Bogotá (CAC) (Bogota, Colombia).

Centro de Conciliación y Arbitraje de Panamá (CeCAP) (Panama City, Panama).

Chambre Franco-Allemande de Commerce et d'Industrie (Paris, France).

Chartered Institute of Arbitrators (London, U.K.).

Club Español e Iberoamericano del Arbitraje (Madrid, Spain).

Comisión de Resolución de Conflictos de la Cámara de Industria de Guatemala (CRECIG) (Guatemala City, Guatemala).

Corte de Arbitraje de Madrid (Madrid, Spain).

Cour Commune de Justice et d'Arbitrage of the Organisation pour l'Harmonisation en Afrique du Droit des Affaires (OHADA) (Abidjan, Ivory Coast).

Hong Kong International Arbitration Centre (Hong Kong, China).

International Chamber of Commerce (Paris, France): ICC Commission on Arbitration and ADR, ICC France, ICC Latin American Arbitration Group.

International Institute for Conflict Prevention and Resolution (CPR) (New York City, N.Y., U.S.A.).

Japan Commercial Arbitration Association (Tokyo, Japan).

Korean Commercial Arbitration Board (Seoul, South Korea).

Lewiatan Court of Arbitration (Warsaw, Poland).

London Court of International Arbitration (London, U.K.): LCIA European Users' Council.

Ordre des Avocats du Barreau de Paris (Paris, France).

Tribunal permanent d'arbitrage de la Chambre de commerce et d'industrie franco-russe (Moscow, Russia)

Vienna International Arbitral Centre (Vienna, Austria).

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**RECOGNITION**

Acknowledged as one of the top 35 arbitrators in “France – Best Arbitrators” by *Décideurs Stratégie Finance Droit / Leaders League, Intelligence Report & Directory Series – Litigation and International Arbitration* (since 2014).

Acknowledged as one of the top 20 arbitrators in matters involving Africa by *Décideurs Stratégie Finance Droit* (since 2018).

Acknowledged as a “National Leader - Arbitration” by *Who’s Who Legal: France* (since 2016).

Acknowledged as one of “Arbitration Future Leaders – Partners” in *Who’s Who Legal: Arbitration* (2017-2018).

Acknowledged as a “Global Leader – Arbitration” by *Who’s Who Legal and Global Arbitration Review* (since 2019).

Acknowledged as a “Thought Leader – Arbitration” by *Who’s Who Legal and Global Arbitration Review* (since 2021).

Acknowledged as a “Thought Leader – France – Arbitration” by *Who’s Who Legal* (since 2022).

Acknowledged as one of the 25 most in-demand arbitrators in “International Arbitration: Arbitrators – France” by *Chambers and Partners* (since 2022).

Recommended in “Arbitration and Mediation” in *The Best Lawyers in France* (since 2022).

Recommended in *Euromoney’s* “Commercial Arbitration Expert Guide” (since 2019).

Recommended as arbitrator by *The Roster of International Arbitrators*, published by the Parker School of Foreign and Comparative Law of Columbia University Law School, edited by Professors Hans Smit, Thomas E. Carbonneau and Loukas Mistelis (since 2014).

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**PUBLICATIONS, ACADEMIC/TRAINING EXPERIENCE, SPEAKING ENGAGEMENTS IN ARBITRATION****Publications**

“Arbitration and ADR vs. Litigation” in *Alternative Dispute Resolution in Asia-Solutions for Business, Asia Law & Practice*, 2005, pp. 13-17.

“The Language of the Arbitration: Reflections on the Selection of Arbitrators and Procedural Efficiency” in *ICC International Court of Arbitration Bulletin*, Vol. 17/No. 1, 2006, pp. 33-42 (co-author; published in French and English).

“The Role of the ICC International Court of Arbitration in Determining the Parties to an ICC Arbitration” in *Croatian Arbitration Yearbook*, Vol. 13, 2006, pp. 223-228.

“L’expérience transnationale de la CCI au regard des systèmes de droits procéduraux” in *Paris Place de Droit*, 2006, pp. 199-210.

“Colloque de Francarbi sur l’éthique dans l’arbitrage – Compte rendu” in *Revue de l’arbitrage*, Vol. 1, 2012, pp. 225-232.

“The Emergency Arbitrator in the 2012 ICC Rules of Arbitration” in *The Paris Journal of International Arbitration*, Vol. 1, 2012, pp. 65-98.

“*Quién tiene competencia para otorgar medidas cautelares en un arbitraje internacional: Situación actual y aspectos del futuro*” in *Arbitraje internacional: Pasado, presente y futuro, Libro Homenaje a Bernardo Cremades e Yves Derains*, Vol. II, *Instituto Peruano de Arbitraje*, 2013, pp. 817-843.

“International Contracts in the Engineering Industry – ICC Arbitration under the Orgalime Conditions” in *ICC Dispute Resolution Bulletin*, 2018, Issue 3, pp. 63-90 (co-author).

“After Vattenfall. A Science-Based Proposal to Account for Climate Change and Biodiversity in Energy Arbitrations” in *ASA Bulletin*, 2021, Volume 39, Issue 2, pp. 286-305 (co-author).

### **Academic/Training Experience**

#### **Academic Experience**

Lecturer in international arbitration at various universities (lectures in French, English and Spanish; between 10 and 20 hours of classes for each of these universities every academic year): University of Paris II-Assas, France (2003-2009, 2012), University of Versailles, Saint-Quentin, France (2006-2008), Queen’s University, Ontario, Canada (2006-2010), University of Monterrey, Monterrey, Mexico (2011).

Lectured for other universities, including University of Fribourg, Switzerland (2004-2008), University of Paris I, France (2005), University of Paris XIII, France (2006), Hamline University, Saint Paul, Minnesota, U.S.A. (2006).

Coached the team of the University of Versailles for the *Concours d’arbitrage de Paris* organised by Sciences Po and Clifford Chance (2007).

Coached various teams for the Annual Willem C. Vis International Commercial Arbitration Moot (2003-2008) and arbitrator at the Moot (2010-2011).

Edited articles on international arbitration for *Thēmis-Revista de Derecho* (2020).

#### **Training Experience**

Conducted trainings in international arbitration for judges (e.g., the *Conseil d’Etat* of the Syrian Arab Republic (2005)) and companies (e.g., Peugeot (2007)).

“The ICC Rules for a Pre-Arbitral Referee Procedure,” training for the ICC Court Secretariat, 5 March 2010.

Webinar on various aspects of international arbitration (case management, interim measures, evidence and enforcement/challenge of awards) for the *École internationale des modes alternatifs de règlement des litiges (EIMA)* of the *Ecole de Formation du Barreau of Paris (Paris Bar School)*, 22-27 April 2020.

### **Speaking Engagements**

“The Reform of Dispute Resolution Mechanisms in Kazakhstan” organised by the American Chamber of Commerce in Kazakhstan, panellist, Almaty, Kazakhstan, 5 October 2004.

“12<sup>th</sup> Croatian Arbitration Days” organised by the Croatian Chamber of Economy in Zagreb, spoke on “The Issues Arising Before the International Court of Arbitration of

the International Chamber of Commerce with Respect to an Arbitration Agreement,” Zagreb, Croatia, 2-3 December 2004.

“ICC Arbitration” organised by the Franco-German Chamber of Commerce, panellist, Paris, France, 17 January 2005.

“Colloquium for Young Arbitrators” organised by the ICC, panellist, Paris, France, 24 January 2005.

“International Advanced Arbitration Practice Workshop” organised by the ICC, panellist, Paris, France, 21-22 February 2005.

“Fourth International Conference of Law and Economics: *Paris Place de Droit*” organised by the *Ordre des Avocats du Barreau de Paris*, under the High Patronage of the President of the French Republic, Mr Jacques Chirac, panellist, Paris, France, 15-17 November 2005.

“*Etats généraux des Services internationaux du monde juridique et judiciaire*” organised by the *Ordre des Avocats du Barreau de Paris*, the *Conseil National des Barreaux* and the *Fondation pour le Droit Continental*, panellist, Paris, France, 16 January 2006.

“International Advanced Arbitration Practice Workshop” organised by the ICC, panellist, Paris, France, 13-14 November 2006.

“Second Arbitration Assembly in Islamic & International Perspectives” organised by the Saudi International Chamber of Commerce, panellist, Alkhobar, Kingdom of Saudi Arabia, 23 November 2006.

“*Etats généraux des Services internationaux du monde juridique et judiciaire*” organised by the *Ordre des Avocats du Barreau de Paris*, the *Conseil National des Barreaux* and the *Fondation pour le Droit Continental*, panellist, Paris, France, 23 February 2007.

“Fourth Annual International Arbitration Seminar: How to Handle Oil and Gas Industry Cases” organised by the Washington College of Law of American University, panellist, Washington D.C., U.S.A., 9-12 October 2007.

“*Arbitraje de construcción: algunas cuestiones de interés*” organised by the Club Español de Arbitraje, spoke on “*La experiencia de la CCI en cuestiones de multiplicidad de partes y contratos en arbitrajes de construcción*,” Madrid, Spain, 11 December 2007.

“*Arbitrage international : la question de l’exécution des sentences*” organised by the European American Chamber of Commerce and Proskauer Rose LLP, panellist, Paris, France, 23 January 2008.

“International Arbitration Conference” organised by Dewey & LeBoeuf and Musat & Asociatii, spoke on “ICC and the Resolution of Disputes Arising from Infrastructure and Construction Projects,” Bucharest, Romania, 19 March 2008.

“The 10<sup>th</sup> Anniversary of the ICC Rules of Arbitration” organised by the ICC, panellist on the debate concerning the revision of the provisions of the ICC Rules of Arbitration on the arbitral tribunal, Paris, France, 23 April 2008.

“Roundtable on States and State-Controlled Entities as Claimants in International Investment Arbitration” organised by Columbia University, lead discussant for the second part of the debate, New York City, N.Y., U.S.A., 19 March 2010.

“The Commencement of Arbitration Proceedings; Does It Matter?” organised by the Chartered Institute of Arbitrators, co-panellist on the sub-panel on “The View of the Claimant,” Paris, France, 9 April 2011.

“1<sup>st</sup> Regional ICC YAF MENA Symposium” organised by the ICC, spoke on “The Tribunal’s Perspective and Describing the Tools Available to an Arbitral Tribunal to Contribute to the Improvement of Time and Costs in International Arbitration,” Dubai, U.A.E., 27 January 2013.

*“L’arbitre d’urgence a-t-il trouvé preneur ou le juge des référés a-t-il encore de belles années devant lui ?”* organised by Wake up (with) Arbitration, panellist, Paris, France, 20 November 2013.

Presentation on “Fashion and Conformism in International Arbitration: Some Problems With Conventional Wisdom” at the Permanent Court of Arbitration, The Hague, Netherlands, 14 January 2015.

“ICC’s New Policies on Transparency and Efficiency” organised by the ICC and Orrick, spoke on “The Publication of Information on Arbitrators,” Paris, France, 10 March 2016.

“Arbitration Days in Armenia” organised by the Council of Europe, panellist, Yerevan, Armenia, 14-15 October 2016.

“Reforming Arbitration Institutions in Ukraine” organised by the Council of Europe, panellist and moderator, Kiev, Ukraine, 23 January 2017.

*“Parité dans l’arbitrage (Préjugés – Diversité – Egalité : où en sommes-nous?)”* organised by the Barreau de Paris, Paris Arbitration – Home of International Arbitration and Arbitral Women, panellist, Paris, France, 27 April 2017.

*“Diversité dans l’arbitrage – par où commence le changement ?”* organised by the Barreau de Paris, Paris Arbitration – Home of International Arbitration, Arbitral Women, the ICC, the AFA, the CMAP and Wake up (with) Arbitration, panellist, Paris, France, 12 April 2018.

“Supporting Effective Domestic Remedies and Facilitating the Execution of European Court of Human Rights judgments,” study visit to the ICC International Court of Arbitration (ICC) and the French Association for Arbitration (AFA), organised by the Council of Europe and Eliseo Castineira, panellist and moderator, Paris, France, 25-26 February 2019.

“The Revision of Final Awards: When, If Ever, Is It Acceptable?” at the 17<sup>th</sup> ICC Miami Conference on International Arbitration, panellist, Miami, U.S.A., 12 November 2019.

*“Buenas prácticas, ¿qué esperamos de las instituciones y de los árbitros?”* at the 11th Miradas Cruzadas Franco-Españolas/Regards Croisés franco-espagnols, organised by the Club Español del Arbitraje and the Comité français de l’arbitrage, moderator, Paris, France, 28 February 2020.

“Cultural Differences in International Arbitration” organised by the Asian International Arbitration Center (AIAC), panellist, Kuala Lumpur, Malaysia, 6 May 2020.

*“Arbitraje durante y después del Covid-19: nuevas oportunidades para jóvenes abogados y árbitros”* organised by the Club Español del Arbitraje, panellist, 24 September 2020.



“Energy and Climate Change – Part I: An Engineer’s Account of Science’s Lessons on Physical Reality and ‘Green’ Growth – An evening with Jean-Marc Jancovici” organised by Eliseo Castineira at the Paris Arbitration Week, moderator, 21 September 2021.

“Energy and Climate Change – Part II: How to Account for Science in International Arbitration and International Law” organised by Eliseo Castineira at the Paris Arbitration Week, moderator and panellist, 22 September 2021.

“Unbalance Between the Parties – How Do Neutrals Need to Act in Proceedings” organised by FTI Consulting at the Paris Arbitration Week, panellist, 24 September 2021.

“Trends in Climate Arbitration and Litigation in European Countries” organised by Gessel for Climate at the ICC Make Climate Action Everyone's Business Forum, keynote speaker and panellist, 8 November 2021.

“Compliance: Corruption and Climate Change – How Do Legal Systems Adapt?” organised by Jones Day at the Paris Arbitration Week, panellist on investor-State arbitration and climate change, 29 March 2022.

“Heating up: the Role of Climate Change in post M&A Arbitration” organised by Fieldfisher at the Paris Arbitration Week, panellist, 30 March 2022.

“Energy and Climate Change: Arbitration and Investment Law under Fire?” organised by Eliseo Castineira at the Paris Arbitration Week, moderator and panellist, 31 March 2022.

“The European Commission’s Proposal for a Directive on Corporate Sustainability Due Diligence: an Ever-Expanding Horizon for Disputes?” organised by Eliseo Castineira at the Paris Arbitration Week, moderator, 1 April 2022.

“Climate Change Disputes and the Oil and Gas Industry in Africa” organised by ICC YAAF, panellist, Douala, Cameroon, 22 April 2022.

“*L’Afrique du Nord au diapason des exigences de l’arbitrage international*” organised by ICC and IFRIQYA at *Les Journées maghrébines de l’arbitrage*, keynote speaker on “*Les défis environnementaux et l’arbitrage*”, Tunis, Tunisia, 16 December 2022.

“*Inversiones Extranjeras: ¿cuáles son los límites a la intervención del Estado para hacer frente a situaciones imprevistas?*” organised by the Comité français de l’arbitrage - CFA and the Club Español del Arbitraje at the *XIV edición de las Miradas Cruzadas Franco-Españolas*, moderator and panellist, Madrid, Spain, 16 February 2023.

“Valuation of ESG Claims in International Arbitration” organised by the Tel Aviv Arbitration Week, panellist, Tel Aviv, Israel, 27 February 2023.