

## FRANCISCO GONZÁLEZ DE COSSÍO

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**EDUCATION:** Attorney-at-Law admitted in Mexico (1995) and New York (2000)

- 2003 University of Chicago Law School: **Doctor** in Jurisprudence (J.S.D.) (Topic: Law and Economics/Antitrust Law)
- 1998 University of Chicago Law School: **Master** in Laws. Fulbright Scholarship. Scholarship for academic merit from UofC
- 1995 Universidad Iberoamericana: **Law Degree** (J.D.) *Summa Cum Laude*. Top 1% of the Class.

Other

- 2009 Harvard Business School: **Business degree** (OPM) with emphasis in finance.
- 2010 Universidad Panamericana: specialization on **amparo** (constitutional proceedings).
- 03-04 Instituto de Especialización de Ejecutivos: Graduate Degree in accounting, **taxation** and tax planning.
- 00-01 Instituto Tecnológico Autónomo de México (ITAM): Graduate Degree in **Taxation**.
- 2000 Hague Academy of International Law: Courses and research on **Private and Public International Law**.
- 1998 Univ. of California at Davis and Univ. of California at Berkeley: Advanced Course in Intl Trade Regulation (**WTO**).
- 96-98 Escuela Libre de Derecho: Graduate Degrees in Intl Business Transactions (1996), Arbitration (1997), Contracts (1997).

**EXPERIENCE:** Founder and Managing Partner of **GONZÁLEZ DE COSSÍO ABOGADOS, S.C.**

- 2007- Chair of the Mexican CONSTRUCTION INDUSTRY ARBITRATION CENTRE
- 94-06 **Barrera, Siqueiros y Torres Landa**, Mexico City
- 99-00 **Freshfields**, New York and Paris Offices (Foreign Attorney Program). Practice focused on arbitration and litigation before the International Court of Justice (*Qatar v. Bahrain* case)
- 2000 Court of Arbitration, **International Chamber of Commerce**, Paris (Foreign Attorney Program)
- 1994 Vinson & Elkins, L.L.P., Houston, Texas (foreign attorney program).

**ESPECIALIZATION:** The main field of specialty is **Arbitration**. Most active niche is acting as **arbitrator** (Chairman, sole arbitrator and coarbitrator). Practice as **counsel, expert** and mediator is also significant. acted as **sole arbitrator** in a dozen cases. **Chaired** over a dozen. Coarbitrator in more than 50. Albeit the fields of experience and activity include commercial, IP, sports and regulated fields, the following have become the most active and specialized: energy, construction, investment and complex arbitrations. (List attached.)

**OTHER FIELDS OF EXPERIENCE:** antitrust, corporate law, finance and transactional work.

**TEACHING:** Professor of **Arbitration, Investment Arbitration, Sports Arbitration** and **Economic Law** (including **Antitrust**), Universidad Iberoamericana (graduate and post-graduate) Escuela Libre de Derecho and ITAM. Visiting speaker in University of Miami, ITAM, and other Mexican and foreign Universities. Associate Director, George Mason University Latin American and Caribbean Law and Economics Center. Taught **Corporate/Business Law, Introduction to Law, Constitutional Law** (adjunct) and **Private Intl' Law**.

**ARBITRATION ASSOCIATIONS:** Member of the Court, London Court of International Arbitration. Chair of the Mexican CONSTRUCTION INDUSTRY ARBITRATION CENTRE. Arbitrator of the Court of Arbitration for Sport, Switzerland. Member of ICCA – International Council for Commercial Arbitration. Former Chair of the Arbitration Committee of the Mexican Bar Association and current chair of its Law and Economics Committee. Member of the Mexican Arbitration Institute, Mexican Mediation Institute. Mexico's alternate representative before UNCITRAL (arbitration working group). First VicePresident, Latin American Construction Law Association (ALDEC).

**ASSOCIATIONS:** Member (and former Treasurer) of the Mexican Bar Association. President of the Antitrust Commission and active member of the Arbitration Commission of the Mexican Chapter of the International Chamber of Commerce. NAFTA 2022 Arbitration and Dispute Resolution Committee. International Bar Association, Spanish Arbitration Club, International Law Association, Mexican Maritime Law Association, Mexican Branch of the International Maritime Committee and the Iberoamerican Institute of Maritime Law.

**PUBLICATIONS:** **Author** of seven **books** and more than 150 legal **articles** for specialized journals focusing on (commercial and investment) arbitration, private, business, corporate, economic and international law (List attached.) The **books** are *Arbitraje* (2004, 2011 – 3<sup>rd</sup> ed.), *Competencia Económica, Aspectos Jurídicos y Económicos* (2005), *Arbitraje Deportivo* (2006); *Arbitraje y la Judicatura* (2007); *El Estado de Derecho: un Enfoque Económico* (2007); *El Árbitro* (2008); *Arbitraje de Inversión*, (2009); *Law and Economics of the Mexican Competition Laws* (doctoral dissertation) (2003). CoDirector and Editor of *Revista de Derecho Privado*.

**LANGUAGES:** **Spanish:** Native; **English:** Full Domain; **French:** Working Knowledge; **German and Italian:** Basic

**INTERESTS:** History, Philosophy and Economics. Exercising, Skiing, Windsurfing.

## SALIENT CASES

This list provides examples of salient cases Dr. González de Cossío has acted as arbitrator.

### I. CHAIRMAN AND SOLE ARBITRATOR

- Sole Arbitrator in *ad hoc* construction dispute involving a centralized governmental entity.
- Sole Arbitrator in *ad hoc* dispute involving infrastructure project of domestic State and consortium of contractors.
- Sole Arbitrator in *ad hoc* natural resources dispute.
- Sole arbitrator in *ad hoc* mining dispute where time was of essence. High quantum, complex and lengthy award issued in one month.
- Sole arbitrator in *ad hoc* case involving dispute concerning consideration for shares initially conveyed at price which raised transfer pricing issues. Highly complicated Tax Law case.
- *Ad hoc* sole arbitrator in construction dispute between Central American and Mexican entities.
- ICC No. 15337/JRF: Energy dispute.
- ICDR No. 50 180 T 000 54 11: Dispute concerning joint venture in automotive industry. Issues included compliance with contractual obligations involving financial and technical matters.
- CAM 0060/2011: Dispute concerning restaurant industry with intellectual property issues.
- CAM 0021/2005: Agricultural dispute. UNIDROIT principles as applicable law.
- CAS 2008/A/1739: Dispute between athletic club and soccer player.
- CAS 2012/A/2860: Sole arbitrator in appeal dispute involving sports federation decision.
- CAS 2013/O/3134: Sole arbitrator in Sports dispute.

### II. ARBITRATOR

- CAM Arbitration No. 0039/2008: Soda industry dispute. M&A issues at core of dispute.
- CAS 2011/A/2382 & 2011/A/2383: consolidated cases in disputes between athletic club and soccer player. Issues included termination of contract, indemnification and compliance with FIFA rules and sports contract.
- CAS 2008/A/1679: dispute between athletic club and soccer player.
- CAS 2008/A/1687: dispute concerning disciplinary sanction imposed on soccer player.
- CAS 2008/A/1617: dispute concerning disciplinary sanction imposed on soccer player. Issues included validity of (severe) penalties in federation rules.
- CAS 2008/A/1503: emergency case involving football match. Award issued in three days.
- CAS 2008/A/1507: Arbitration dispute over rules of the game.
- CAS 2007/A/1242: football dispute. Issues included indemnification of football player under FIFA rules and sanctions imposed by sports federation.
- CAS 2008/A/1679 & 1681: consolidated cases involving dispute between football player and football club.
- ICDR No. 50 181 T 00415 09: tequila industry dispute. Issues included joint venture breaches and corporate disputes.

- ICDR No. 50 147 T 00191 08: contractual dispute. CISG as applicable law.
- ICDR No. 50-155-T-000467-11: dispute involving contractual dispute and issues involving US Law.
- ICC Case No. 18697/CA: energy dispute.
- ICC Case No. 18146/CA: energy dispute.
- ICC Case No. 18454/CA: energy dispute.
- ICC Case No. 18146/CA: energy dispute.
- ICC Case No. 17531/JRF: energy dispute. Arbitral and legal costs where a strong component of the case.
- ICC Case No. 17686/JRF/CA: petrochemical industry dispute.
- ICC Case No. 16653/JRF: construction dispute.
- ICC Case No. 16653/JRF: engineering and eolic energy dispute.
- ICC Case No. 15835/JRF: energy and public works dispute.
- ICC Case No. 15155/JRF: energy dispute.
- ICC Case No. 15217/JRF: energy dispute.
- ICC Case No. 15149/JRF: dispute involving underwater submarine pipelines.
- ICC Case No. 15337/JRF: construction and public works dispute.
- ICC Case No. 14522/CCO: construction dispute.
- ICC Case No. 14522/CCO: construction dispute.
- ICC Case No. 14671/CCO/JF: acquisition and M&A dispute.
- CANACO Case 171: port authority and maritime dispute. Important administrative law component.
- CANACO Case 137: contractual and security services dispute.
- ICC Case No. 18146/CA: dispute between public entity and suppliers and technicians involving sensitive public works and procurement services problem. Multiplicity of contracts and parties at issue.
- ICC Case No. 18697/CA: contractual dispute involving contractual and tax issues stemming from public works, procurement and administrative contracts. Multiple contract and multiple parties at issue.
- CANACO Case 385: dispute between public entity created by international treaty between two States and a construction company involving the public works of highway running across diverse countries.
- ICC Case No. 18454/CA: dispute between public entity and suppliers and technicians involving sensitive public works and procurement services problem. Multiplicity of contracts and parties at issue.
- Case AI-02-12 before the Arbitration Centre of El Salvador (*Centro de Mediación y Arbitraje de la Cámara de Comercio e Industria de El Salvador*): dispute between constructors and public international law entity and Central American government with respect to the construction and procurement problems flowing from highway crossing several countries.
- ICC Case No. 18952/CA: energy and contractual dispute involving multiplicity of parties from different countries, one of them a public entity.

- ICC Case No. 19867/ASM: dispute involving two construction companies and an energy procurement entity with a public utility having to do with an important infrastructure project. Salient issues included complex energy matters as well as multicontract and multiparty procedural complications.

### **III. COUNSEL**

#### **A. COMMERCIAL**

Has acted as counsel in over 70 cases. Fields of tendency have involved:

- Contractual performance
- Construction
- Energy
- Sports
- Communications and telecommunications (including radio, telephone and value added services)
- Intellectual property
- License agreements
- Petroleum
- Investment
- Financial transactions
- M&A disputes (including disputes between partners in corporations)
- Tequila industry
- Industrial facilities

#### **B. CONSTRUCTION**

Attorney of record in dozens of cases having to do with the construction industry. Issues at stake have involved the entire spectrum of construction-related fields. Areas of frequency involve FIDIC, over-costs, delays (including fortuitous events and other reasons to excuse timeliness breaches), technical differences related to contract performance, the works-regime, materials (e.g., compliance with contractually agreed guidelines), project characteristics, drilling, dredging and the legal effects of tariff-fixing formulas for inputs, consideration, maintenance and design. A common denominator in such field is the use of arbitration, expertise, mediation, conciliation and dispute boards in ingenious and malleable ways to remedy sensitive construction problems.

#### **C. INVESTMENT CASES**

- ICC 11392/KGA/CCO: Counsel of record to investors against East-European country. At issue was fair and equitable treatment and measures tantamount to expropriation. First ICC investment arbitration ever.
- ICSID ARB/11/1: Counsel of record to claimant investors against a Latin American country. At issue were expropriation (including measures tantamount thereto), fair and equitable treatment, full protection and security and umbrella clauses.
- ICSID ARB (AF) 12/4: Counsel of record to claimant investors against Latin American country. Over a billion US in dispute. Claim involves expropriation (including

regulatory, measures tantamount to expropriation), fair and equitable treatment and full protection.

- Counsel of record in annulment proceeding before ICSID ad hoc Committee.
- Has advised in several cases related to investment disputes that have settled or otherwise concluded. Matters have included all disciplines (jurisdictional and substantive) of investment arbitration.

#### **IV. MEDIATOR**

- Sole Mediator in family business dispute involving differences between partners and family members in corporate holdings and other business.
- Sole Mediator in water rights allocation dispute in arid area with scarce hydro resources.
- Sole Mediator in shareholder's dispute.
- Sole Mediator in contractual dispute which included parallel civil, corporate and criminal proceedings.
- Mediator in probate/inheritance dispute.

### **PUBLICATIONS**

#### **I. BOOKS**

1. ARBITRATION (*ARBITRAJE*), Ed. Porrúa, 3<sup>rd</sup> ed. 2011.
2. INVESTMENT ARBITRATION (*ARBITRAJE DE INVERSIÓN*), Ed. Porrúa, 2009.
3. THE ARBITRATOR (*EL ÁRBITRO*), Ed. Porrúa, 2008.
4. ARBITRATION AND THE JUDICIARY (*ARBITRAJE Y LA JUDICATURA*), Ed. Porrúa, 2007.
5. THE RULE OF LAW: AN ECONOMIC PERSPECTIVE (*EL ESTADO DE DERECHO: UN ENFOQUE ECONÓMICO*), Ed. Porrúa, 2007.
6. SPORTS ARBITRATION (*ARBITRAJE DEPORTIVO*), Ed. Porrúa, 2006.
7. ANTITRUST: LEGAL AND ECONOMIC ASPECTS (*COMPETENCIA ECONÓMICA: ASPECTOS JURÍDICOS Y ECONÓMICOS*), Ed. Porrúa, 2005.
8. Competition (*COMPETENCIA*), Ed. Porrúa, (in edition, 2014).
9. ARBITRATION AND ADR AS AN NECESSARY INGREDIENT IN INFRASTRUCTURE PROJECTS: A MANUAL FOR ENGINEERS, ARCHITECTS AND CONSTRUCTORS (*ARBITRAJE Y OTROS MASC COMO INSUMO INDISPENSABLE DE OBRAS DE INFRAESTRUCTURA: Un Manual para ingenieros, arquitectos y constructores*), Ed. Porrúa (in edition, 2014).

#### **II. ARTICLES**

Francisco González de Cossío has authored approximately 200 specialized legal articles. Topics include arbitration, antitrust, corporate, international and general law, visible at [www.gdca.com.mx/publications](http://www.gdca.com.mx/publications).