



Matthieu de Boissésou

Present Position: Arbitrator

Nationality: French

Languages: fluent French, English and Portuguese and good understanding of Spanish

Practice Area : Litigation & Arbitration

Littleton Chambers, London (Door Tenancy)

Member of Arbitration Chambers, London, Singapore, New York

Littleton Chambers
3 King's Bench Walk North
Temple, London EC4Y 7HR
United Kingdom
Tel: +44 20 7797 8600
Contact person: Mrs Sharon Cameron

Arbitration Chambers
Lamb Building 3rd, Floor South
Temple
London EC4YAS

Avenida Atlântica, 3186, 11^o floor
Copacabana
22.070-000
Rio de Janeiro, RJ
Brazil
Tel: + 55 21 3546 2372

Website: www.boissesonarbitration.com

E-mails: mdb@boissesonarbitration.com and mdb@boisseson.net

E-mail of Secretariat: secretariat@boissesonarbitration.com

Matthieu de Boissésou has been a partner of Linklaters from 2013 to April 2016, as the Co-Head of International Arbitration Worldwide.

He has been a partner of Darrois Villey Maillot Brochier (Paris) from 1995 to 2013, and a partner of Gide Loyrette Nouel (Paris) from 1986 to 1995.

Visiting Professor (Chargé de Cours, Master of International Business Law) at Paris Nanterre University from 1997 to 2003, and at University Saint Quentin at Yvelines Versailles from 2008 to 2016.

Matthieu de Boissésou specializes in International Commercial Arbitration and International Litigation. He has advised as a counsel until 2016 French and international companies in the fields of oil and gas, mining, construction, joint-ventures, government and defence contracts, distribution, telecom and high technologies, advertising, mergers & acquisitions and investments. Since 2016 he has been acting essentially as an arbitrator.

Experience:

Matthieu de Boissésou has acted as counsel in numerous domestic and international arbitrations (around 300) and as arbitrator (around 65), either as sole arbitrator, as chairman of the arbitral tribunal or as co-arbitrator in ICC, LCIA, PCA, ICSID (two cases) or *ad hoc* arbitration cases, in the fields of acquisitions, joint ventures, construction, telecommunications, oil and gas, mining projects, among others.

Below is a selection of cases as counsel between 2006 and 2016:

Counsel in various construction related matters (tunnels, subways, turn-key projects, factories etc.).

Counsel in various arbitration cases in the field of Defence Industry (artillery weapons, aircrafts, war ships, helicopters etc.).

Counsel in oil and gas matters, for example for a subsidiary of one of world's leading oil and gas companies, in connection with an *ad hoc* arbitration (amount in dispute 21 billion US Dollars) in Stockholm under UNCITRAL rules brought by Russian Public and Private entities.

Counsel in a NIA (Netherlands Arbitration Institute) case in Amsterdam to a European car-making Group versus a Sweden Group about the sale of an industrial branch.

Counsel in various cases about M&A matters (restructuring of companies, Reps and warranties, mergers, consequences of a takeover).

Counsel for a French Major Distribution Group in its high-profile dispute with its Brazilian partner, one of the main operators of retail distribution in Brazil, relative to that partner's efforts to orchestrate a merger of the jointly detained Brazilian company and the Brazilian assets of the French client' main competitor.

Co-counsel for a major French Group in the food industry in a series of arbitration proceedings before the Stockholm Chamber of Commerce in a highly publicized dispute with its Chinese joint venture partner.

Counsel in various cases involving States or State-owned companies, especially from the Middle East.

Below is a selection of cases as Arbitrator since 2016:

Arbitrator in several ICC cases in the field of Defence Industry.

Chairman of the tribunal in a major and highly publicized CAM arbitration case between the State of Brazil and shareholders of Petrobras.

Arbitrator (Chairman or Co-arbitrator) in several cases (ICC, LCIA) in the field of energy, for instance chairman in a major oil dispute involving a State-owned oil group of companies and various private entities (*ad hoc*).

Arbitrator (Chairman or Co-arbitrator) in International Construction cases for example: turn-key project in Turkey between Chinese and Turkish entities, construction of industrial units in Brazil and Middle East, involving various Owners and Contractors.

Arbitrator or Chairman in ICC or other institutions cases involving acquisitions of companies.

Chairman in two PCA cases about oil exploration and production agreements and investments in Airport facilities in Africa.

Arbitrator (Co-arbitrator) in an ICSID case.

Chairman of an ICC tribunal in a case between a State of Middle East and investors.

Co-arbitrator of an ICC case in Hong Kong involving various industrial arrangements between Indonesian and Chinese companies.

Chairman of two ICC cases in the field of energy and constructions taking place in Romania.

Education:

University of Law Paris II, Sorbonne University Paris IV, Paris (Ph.D. (*Agrégation*) in literature), Diploma of the Institute of Public Science, Master of International Business Law and Private Law.

Career to Date:

2013 to 1st May 2016: Partner, Linklaters Paris

1996 - 2013: Partner, Darrois, Villey Maillot Brochier

1986 - 1995: Partner, Gide Loyrette Nouel

Memberships:

Fellow Member of the ICC Institute of International Business Law and Practice; former member of the Executive Committee of the “*Comité Français de l’Arbitrage*”; honorary member of the Executive Committee of the Centre for Public Resources (C.P.R. New York, USA); representative of the French ICC Committee in the Working Group for the ICC Arbitration Rules Revision (1997); member of the French Arbitration Association, the Swiss Arbitration Association, the LCIA and other arbitration centres or associations. Member of

the “Formula One Contract Recognition Board” (Geneva), permanent Arbitration Board in matter of Formula One Contracts, Member of the list of Arbitrators of the Centre for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada (São Paulo), Member of the list of Arbitrators of the Conciliation, Mediation and Arbitration Chamber of the Federation and Centre of Industries of the State of Sao Paulo (CIESP/FIESP) (Sao Paulo). Member of the list of arbitrators of the Câmara de Arbitragem e Mediação Empresarial (CAMARB), of the Brazilian Mediation and Arbitration Centre (CBMA) and of the Câmara de Arbitragem do Mercado (CAM-B3).

Publications:

- *Le droit français de l'arbitrage*, 3rd éd., LGDJ, Paris March 2023 1006 p., with Clément Fouchard and Jessica Madesclair

Many articles on International Arbitration such as:

- “*Comparative Introduction to the System of Producing Evidences in Common Law Countries of Roman Law Tradition*”; in *Revue de l'arbitrage*, 1990 - No. 4, pp. 892 – 900, year 1990.
- “*La constitution du Tribunal arbitral dans l'arbitrage institutionnel*”, in *Revue de l'arbitrage*, No. 2, pp. 337-352, year 1990.
- “*Effets d'une convention d'arbitrage à l'intérieur d'un groupe de sociétés*”, in *Bulletin Joly Sociétés*, 1st December 1990 No. 12, p. 999 ;
- Note on the decision of the Paris Court of Appeal (*Cour d'Appel de Paris (1re Ch. suppl.)*), in *Revue de l'arbitrage*, No. 4, pp. 880-891, year 1990.
- “*Réflexions sur l'espace et le temps dans l'arbitrage international*”, in *Études offertes à Pierre Bellet*, Litec 1991.
- “*L'arbitrage et la fraude*” (regarding the decision *Fougerolle*, rendered by the French *Cour de cassation* on May 25, 1992), in *Revue de l'arbitrage*, No. 1, pp. 3-12, 1993.
- “*The New 1998 ICC Rules of Arbitration, Proceedings of the ICC Conference Presenting the Rules, Comments*”, in *International Court of Arbitration*, No. 586, Special supplement, Annex: Rules of Arbitration of the International Chamber of Commerce, pp. 76-77, 1st November 1997.
- “*The Arbitration Act 1996 and the new ICC Arbitration Rules 1998: A comparative Approach*”, in *International Arbitration Law Review Vol I.*, Issue 2, February 1998.
- “*Recent Developments in Arbitration in Civil Law Countries*”, (co-signed with Professor Thomas Clay), in *International Arbitration Law Review Vol I*, pp. 150-156 (4, 1998), May 1998.
- “*Enforcement in Action: Harmonization Versus Unification*” in Albert Jan van den Berg (ed), *Improving the Efficiency of Arbitration and Awards: 40 Years of Application of the New York Convention*, ICCA Congress Series, 1998, Paris Volume 9, in *Kluwer Law International*, pp. 593 – 600, 1999.
- “*Thoughts on the future of Alternative Dispute Resolution (ADR) in Europe: a critical approach*”, in *Arbitration International*, Volume 15, No. 4, 1st December 1999.

- “*L’arbitrabilité subjective en matière de droit des sociétés*” (co-signed with Pierre Duprey), in *Gazette du Palais*. pp. 352-353, 18 and 19 December, 2002 and pp 354 to 355, 20 and 21 December, 2002.
- “*Provisional measures prior to arbitration*”, International Commercial Arbitration & Energy Disputes – A global Perspective, 29-31 May, 2003, Calgary (unpublished).
- “*Anti-Suit Injunctions Issued by National Courts at the Seat of the Arbitration or Elsewhere*”, Gaillard Emmanuel (ed.) / JurisNet, Complex arbitration - ICC International Court of Arbitration Bulletin, Special Supplement, 2003.
- “*La jonction de parties à l’instance arbitrale : deux décisions opposées*”, Complex arbitration - ICC International Court of Arbitration Bulletin, Special Supplement, pp. 21-25, 2003.
- “*L’idée de mouvement dans l’arbitrage*”, in *De Lege Ferenda - Réflexions sur le droit désirable en l’honneur du Professeur Alain Hirsch* 67 (A. Hériter Lachat and L. Hirsch eds., Slatkine, 2004).
- “*L’arbitre international et le problème de la qualification*”, in *Liber Amicorum Claude Reymond - Autour de l’arbitrage* (Litec, 2004), pp. 29-42.
- “*Anti-Suit Injunctions Issued by National Courts At the Seat of the Arbitration or Elsewhere*”, IAI 2005, or “*As anti-suit injunction e o princípio da competência-competência*”, em *Revista de Arbitragem e Mediação* (Brazil) No. 7, October-December, 2005.
- “*Evidentiary Privileges in International Arbitration*”, in Albert Jan van den Berg (ed), *International Arbitration 2006: Back to Basics?*, ICCA Congress Series, 2006 Montreal, Volume 13, pp. 705-716, Kluwer Law International, 2007.
- “*Les conséquences de l’annulation d’une sentence arbitrale dans l’Etat de la juridiction du siège de l’arbitrage*”, Conference at Salvador de Bahia (Brazil), 30th October to 1st November 2006 (unpublished).
- “*Morgan Stanley v. LVMH: Equity research freedom upheld*”, Guide to the World’s Leading Litigation Lawyers, December 2006.
- Article “*Préjudice Économique*” in *Journal des Sociétés*, No. 44, June 2007.
- “*New tensions between Arbitrators and Parties in the Conduct of the Arbitral Procedure*”, in *International Law Review* Vol. 10, Issue 6, December 2007.
- Note on the decisions of the French *Cour de Cassation Société PT Putrabali Adyamulia vs. Société Rena Holding and Société PT Putrabali Adyamulia vs. Société Rena Holding*, both rendered on 29 June 2007, in *Petites Affiches*, 25 September 2007.
- “*Arbitrability limited by the exclusive competence of the State: The example of the Anti-trust Law*”, São Paulo, VIII CBAR Congress, 23 September 2008 (unpublished).
- Note on the decision of the Paris Court of Appeal (*Cour d’Appel de Paris (1re Ch.) Société Empresa de Telecomunicaciones de Cuba SA vs. SA Telefonica Antillana and SNC Banco Nacional de Comercio Exterior Antillana*), rendered on 16 November 2006, in *Revue de l’Arbitrage*, No. 1, 2008.
- “*Arbitrage et Droit de la Concurrence*”, in *Liber Amicorum Bernardo Cremades*, pp. 243 to 250, La Ley, Madrid, 2010.

- “Desenho da estratégia processual destinada à preparação do Requerimento de Arbitragem: Multiplicidade de partes e contratos, incorporação de terceiros, procedimentos paralelos, consolidação de casos, objeções jurisdicionais”, and “Arbitragens complexas, Multiplicidade de partes e contratos, incorporação de terceiros, procedimentos paralelos, consolidação de casos, objeções jurisdicionais”, Seminário PIDA Avançado, CCI São-Paulo, 13th June 2011.
- “Arbitragem nos contratos de construção envolvendo a Administração Pública”, Conferência São-Paulo FIDIC, 16/17th June 2011.
- “Le contrôle judiciaire sur le respect du droit européen de la concurrence par l’arbitre”, *Arbitrage et Droit de l’Union Européenne*, Colloquium organized by the French Arbitration Committee, 4th November 2011, (unpublished).
- “La nouvelle convention d’arbitrage”, “Le nouveau droit français de l’arbitrage”, under the direction of Professor Thomas Clay, Lextenso Editions, November 2011.
- “A nova Lei francesa de Arbitragem 2011”, with Mr. José Emílio Nunes Pinto, in *Revista de Arbitragem* (Brazil), 2012.
- Article “Soft Law in arbitration”, in *Les Cahiers de l’Arbitrage*, September 2014.
- Note on the decisions of the Paris Court of Appeal (*Cour d’Appel de Paris (1re Ch.)*) *Société Coralsa Corporation Alimentaria S.A. vs. Société Ingelco* (RG n° 12/16039 e 13/17333) and *Société Coralsa Corporation Alimentaria S.A. vs. Société Ingelco* (RG n° 12/16039 e 13/17333), both rendered on 20 January 2015, in *Brazilian Arbitration Review*, Kluwer, volume 12, pp. 177-187.
- “Joint-venture Internationale et arbitrage”, in *Mélanges en l’honneur du Professeur Pierre Mayer*, LGDJ, Lextenso éditions, October 2015.
- “A homologação de sentença arbitral estrangeira anulada no país de origem : o caso EDF Internacional (SEC 5.872/EX) e a jurisprudência francesa” (Recognition of foreign arbitral awards set aside in the seat : the EDF International case (SEC 5.872/EX) and the French case law), in *Revista de Arbitragem e Mediação* (Brazil), No. 50, July-September, pp. 599-604, 2016.
- “Le conseil dans l’arbitrage – O papel do advogado na arbitragem”, in *Revista de Arbitragem e Mediação* (Brazil), No. 52, January-March, pp. 271-282, 2017.
- “Post -scriptum critique sur les principes de l’instance arbitrale en droit français”, *Revue de l’arbitrage* (Mars 2019).
- CBAr, *Revista Brasileira de Arbitragem*, “Arbitration, oil and gas: a reciprocal construction”, Volume XVII, Number 67, September 2020.
- “Tensões entre árbitros e partes na condução do procedimento arbitral.” In: GUANDALINI, Bruno; ELIAS, Carlos Eduardo Stefen (coord.). *A função de árbitro no Brasil*. São Paulo: Almedina, 2022.
- “O contrato de árbitro (o exemplo do direito francês)”. In: COELHO, Fábio Ulhoa; TEPEDINO, Gustavo; LEMES, Selma Ferreira (coord.). *A evolução do Direito no século XXI. Seus princípios e valores (ESG, Liberdade, Regulação, Igualdade e Segurança Jurídica). Homenagem ao Professor Arnoldo Wald*. São Paulo: Editora IASP, 2022.
- “L’évolution de la question morale dans l’arbitrage”, *Cahiers de l’arbitrage*, 2023 .

Conferences (examples)

- International Commercial Arbitration & Energy Disputes – A global Perspective, “*Provisional measures prior to arbitration*”, 29-31 May, 2003, Calgary; Speaker.
- Conference in Salvador (Bahia), “*Les conséquences de l’annulation d’une sentence arbitrale dans l’Etat de la juridiction du siège de l’arbitrage*”, Brazil, 30 October to 1st november, 2006; Speaker.
- VIII CBAR Congress, “*Arbitrability limited by the exclusive competence of the State: The example of the Anti-Trust Law*”, São Paulo, 23 September 2008; Speaker.
- “*Due process and the specific example of allegations of fraud or corruption, notably in the context of investment treaty arbitration*”, February 2009; Paris; Speaker.
- ICC PIDA Advanced Seminar, “*Desenho da estratégia processual destinada à preparação do Requerimento de Arbitragem: Multiplicidade de partes e contratos, incorporação de terceiros, procedimentos paralelos, consolidação de casos, objeções jurisdicionais, and Arbitragens complexas, Multiplicidade de partes e contratos, incorporação de terceiros, procedimentos paralelos, consolidação de casos, objeções jurisdicionais*”, São Paulo, 13 June 2011; Speaker.
- Conference in Le Mans University, “*L’ordre juridique arbitral sans loi*”, December, 2011 ; Speaker.
- ICC Institute Masterclass for Arbitrators, São Paulo, 15 to 17 May 2014; Speaker.
- Annual Colloquium *Paris Place d’Arbitrage* : “*L’obligation de loyauté dans l’arbitrage*”, 30 June 2014 ; Speaker.
- VIII Seminar on Arbitration and Mediation, São Paulo, 13 August 2014; Speaker.
- Conference “*Miradas Cruzadas franco-españolas de arbitraje*” (French-Spanish crossed visions in arbitration), dedicated to arbitral awards in Madrid; Commentator.
- MACI Conference “*Arbitrage vu par les medias. Faut-il être plus transparent ?*” (Arbitration seen by the medias: is there need for more transparency?), 24 June 2015; Speaker.
- Conference of the Arbitration Center of the Portuguese Chamber of Commerce and Industry, “*Luzes sobre a escuridão: como pensam os árbitros? O estado da arte*” (Lights on the shadow: how do arbitrators think? The state of art), Lisbon, 2-3 July 2015; Speaker.
- VIII Seminar on Arbitration and Mediation, “*A obrigação de lealdade na arbitragem*” (the obligation of loyalty in arbitration) and “*A imunidade do árbitro*” (the arbitrator immunity), São Paulo, 13 August 2015; Speaker.
- Rio de Janeiro International Arbitration Conference, “*Soft Law and Evidence*”, Brazil, 10 May 2016; Speaker.
- ICC Conference on Arbitration and States, 15 June 2016: São Paulo, Speaker.
- Association Française d’Arbitrage : “*Le conseil dans l’arbitrage*”, Paris, 20 September 2016; Speaker.
- Arbitration Breakfast, Littleton Chambers, The Counsel in arbitration, London, 17 May 2017; Speaker.

- CBAr and CAM CIESP/FIESP Conference, "*A instrução Probatória Multicultural*" (Multicultural approach of Proof in Arbitration), São Paulo, 24 May 2017; Speaker.
- Teerã Arbitration Center, "*Desenvolvimento da Arbitragem Regional: desafios e requisitos*"; Teerã (Irã), Conference July 5, 2017; Speaker.
- 1st Seminar on Mediation & Business Arbitration of the National Confederation of Commerce of Goods, Service and Tourism - CNC, "Controversial issues in business arbitration"; Rio de Janeiro, September 14, 2017; Speaker.
- ICC, Miami Conference, November 2017; "The back office of the arbitrator"; Speaker.
- Comité Français de l'Arbitrage, June 2018 ; "Post-Scriptum Critique sur les Principes de l'instance arbitrale en Droit Français"; Speaker.
- Report on Assessment of damages in International Arbitration, Club of Arbitrators of Milano, 2019.
- VI CAM-CCBC Arbitration Congress, "Arbitration, cybersecurity and data protection", São Paulo, 21 October 2019; Speaker.
- 2nd Edition of the Sciences Po Mayer Brown Arbitration Lecture, lecture of Prof. Pierre Mayer on the topic "Must Justice be a goal for the arbitrator?", Paris, 18 May 2020; Debater.
- "Independence and impartiality", Herbert Smith Arbitration conference, Paris Arbitration Week, September 2021; Speaker.
- 5th Edition of the "*Encontro de Arbitralistas Lusófonos*", "*Res judicata no direito francês*", Paris Arbitration Week, 30 March 2022; Speaker.
- "L'évolution de la question morale dans l'arbitrage", Association française d'Arbitrage, Paris, September 2022.