PETER J. TURNER, KC

Curriculum Vitae

Date and Place of Birth:	3 January 1962 Bishop's Stortford, England
Nationality:	British, French
Home address:	1 rue du Regard 75006 Paris Mob: +33 6 82 22 95 97
Professional address as barrister:	39 Essex Chambers 81 Chancery Lane London WC2A 1DD
Professional address as *avocat*:	CDAAP 11 boulevard Sébastopol 75001 Paris
Languages:	English (mother tongue), French, German
Personal status:	Married; father of six children aged 32, 30, 28, 17, 13 and 2

Education and professional qualifications

Christ's College, Cambridge (BA 1984; MA 1987)

Avocat à la Cour d'appel de Paris

King's Counsel (England & Wales), 2015

Barrister (England & Wales), 2024

Professional positions

Assistant solicitor, McKenna & Co, London 1987 – 1991

Manager/Associate, Freshfields, London 1991 – 1997

Partner, Freshfields, London 1997 – 1998

Partner, Freshfields/Freshfields Bruckhaus Deringer, Paris 1998 - 2024

Member, 39 Essex Chambers 2024 to present

Experience

Acting as counsel in 200-odd international commercial and investor-State arbitrations under more than 30 municipal laws, public international law, EU law and the *lex mercatoria* in at least 20 different seats (and ICSID) in three procedural languages. Acting as counsel in the English and French courts. Acting as arbitrator in several commercial cases and one investor-State case.

Teaching

Lecturer, *Institut d'Etudes Politiques* (Sciences Po), Paris

Occasional lectures at *Université Paris-X, Paris-Nanterre* and University of Cambridge (Lauterpacht Centre for International Law)

Publications

"A Guide to the LCIA Arbitration Rules", Oxford University Press, 2009 (with Reza Mohtashami).

"Treaties as Agreements to Arbitrate: Issues of Scope, Ownership and Control" *ICCA Congress Series* 13, Kluwer, 2007.

"Substantive and Procedural Rights under China's Investment Treaties", *Asian Counsel*, Vol 5 Issue 4, May 2007, p.39 (with Mark Mangan).

Chapter on investment treaty arbitration in "Managing Business Disputes in Today's China: Duelling with Dragons", Kluwer, 2007.

"Investment Treaty Arbitration: an Australian Perspective", *Journal of International Arbitration* 24(2) 103, April 2007 (with Alex Baykitch and Mark Mangan).

"The Fork in the Road Revisited", *Investment Treaty Law, Current Issues*, Volume 1, page 177, British Institute of International and Comparative Law 2006.

"Validité d'une renonciation partielle à recourir au Tribunal fédéral contre une sentence rendue dans un arbitrage en matière d'investissement," *Jusletter*, 16 January 2006 (with Pierre-Yves Gunter).

Selected recent experience

(a) Arbitration (counsel)

(i) Investor-State

An investor against a South Asian State under a BIT, UNCITRAL Rules, English language, London seat.

The Republic of Korea (South Korea) in an arbitration brought by Elliott under the Korea-United States Free Trade Agreement (KORUS), UNCITRAL Rules, English language, London seat.

Eurus Energy (Japan) against the Kingdom of Spain under the Energy Charter Treaty, ICSID Rules, English language.

(ii) Commercial

A consortium composed of a Japanese and a South Korean company in an arbitration against an Algerian company, ICC Rules, Algerian law, English and French language, seat Geneva.

A French energy company in an arbitration against State-owned Chinese companies, ICC Rules, Belgian law, English language, seta Brussels.

A French electricity company in three post-M&A arbitrations against a French nuclear-energy company, ICC Rules, French law, French language, Paris seat.

Several cases for European gas buyers against Russian, Norwegian and Algerian sellers, various seats, rules and laws, English, French and German languages.

(b) Arbitration (as arbitrator) (current)

President of LCIA arbitration no. 246174.

President of LCIA arbitration no. 246220.

(b) English court

Western Sahara Campaign UK v Secretary of State for International Trade (representing COMADER, an interested party) [2022] EWHC 3108 (Admin), Cockerill J (with J McArthur, Essex Court Chambers)

Republic of Korea v Dayyani (representing the Republic of Korea) [2019] EWHC 3580 (Comm), Butcher J (with Ricky Diwan KC, Essex Court Chambers)

(c) French court

Hisense v Shams, Paris Court of Appeal (setting-aside application); *pourvoi en cassation* before the French Supreme Court

République de Corée v Dayyani, Paris First Instance Court and Paris Court of Appeal (resisting enforcement)

39 Essex Chambers
Tel: +44 (0)20 7832 1111
Email: clerks@39essex.com

Peter Turner KC

Solicitor 1987; avocat à la Cour (France) 2016

Year of call: 2024 | Silk: 2015

Email: peter.turner@39Essex.com

"Peter Turner KC is an enormously skilled advocate. He is calm under pressure and controls the room when before the arbitration panel. He is creative, persuasive and demonstrates uniformly strong judgement." Chambers Europe (France) 2023- Arbitration (International) client, Europe

Peter Turner KC has over 30 years' experience as an advocate, primarily in arbitrations but also in court. He also sits as an arbitrator.

Peter's practice comprises investment-treaty arbitration (under the ICSID and UNCITRAL Rules and *ad hoc,* including administered by the Permanent Court of Arbitration), other matters involving issues of public international law, and complex and high-value commercial disputes, including post-M&A disputes and construction and engineering cases. His industry experience covers a wide range, from energy (including nuclear and renewable energy) to financial services and banking, from ground-handling at airports to manufacturing.

Peter takes matters under any governing law and conducts cases in English and French.

Peter taught international arbitration at Sciences Po in Paris for many years and is the co-author of *A Guide to LCIA Arbitration.*

Areas of expertise

- ADR, acting as arbitrator
- Public International Law
- Construction and Engineering

Investment-treaty arbitration

Peter's practice in investor-State dispute settlement (ISDS) comprises cases under the ICSID and UNCITAL Rules and ad hoc, including arbitrations administered by the Permanent Court of Arbitration, acting for both investors and States.

Peter argued the very first case in which the "EU defence" was raised by a respondent State in an intra-EU investment-treaty case, Eastern Sugar v Czech Republic, in which he successfully represented the investor.

He has also acted in litigation before the Commercial Court arising from arbitrations, in particular challenges to awards and their enforcement and anti-suit injunctions in support of arbitration. He also has experience of shareholder actions, unfair prejudice petitions and injunctions to prevent the calling or payment of bonds.

Cases of note:

- *A Mauritius-based investor against a South Asia State under a BIT, UNCITRAL Rules, English language, London seat.* _ - This case was brought by an investor in a company providing ground-handling services in the respondent State. The case notably involved questions of the law of treaties in public international law, in particular whether the States parties to a treaty could amend it such as to affect the rights of an investor who had already brought a claim, whether a so-called interpretation was in reality an amendment, and whether an arbitral tribunal had the jurisdiction to decide that point. There were also complex issues of the administrative law of the respondent State, as well as matters of its criminal procedure.
- *The Republic of Korea (South Korea) in an arbitration brought by Elliott under the Korea-United States Free Trade Agreement (KORUS), UNCITRAL Rules, PCA-administered, English language, London seat.* Value c USD 700m. - Elliott had been an investor in South Korean companies that merged, causing Elliott to claim that it had suffered a loss and that the merger itself had been approved only because of improper acts of the Korean Government. The case involved issues of attribution of the acts of a public body and (especially) the quantum of the claimant's loss, including conducting event studies to determine the effect of certain events on quoted share prices.
- *Eurus Energy (Japan) against the Kingdom of Spain under the Energy Charter Treaty, ICSID Rules, English language.* Value c €200m. - Eurus is an investor in wind farms in Spain. It suffered (as did many other investors in Spain's renewable-energy sector) from changes in Spain's tariff regime for renewable energy. The case involved questions of EU law as Spanish and public international law, in that Spain argued that the tribunal could not award damages as to do so would be in breach of the EU State aid regime. Spain has applied to annul the award in Eurus's favour under the ICSID Convention.
- *Nomura in an arbitration against the Czech Republic under the Netherlands-Czech Republic BIT, UNCITRAL Rules, PCA-administered, English language, London seat.* Value c USD 5 bn. - This case, the first case ever brought by a Japanese company under an investment treaty, involved the insolvency and forced sale of a bank in which Nomura's Dutch SPV, Saluka, had invested. The case was notable for the attempt by the Czech Republic to bring a counterclaim. Once the tribunal had held that it could not, it brought a parallel commercial case under the contract selling the bank to Nomura.
- *The Socialist Republic of Vietnam in an arbitration brought by an individual under the Netherland-Vietnam BIT, UNCITRAL Rules, PCA-administered, English language, London seat.* Value c USD 1.5bn. - The claimant was a former refugee from South Vietnam who had settled in the Netherlands and later invested in Vietnam. The Vietnamese courts held that the investments were illegal, imprisoned the claimant and confiscated his investments. The claimant claimed denial of justice and damages or the return of his properties.
- *Republic of Korea v Dayyani* [2019] EWHC 3580 (Comm) - Representing the Republic of Korea in an application to set an award for USD 65 million aside under s.67 Arbitration Act 1996. The award had been rendered in an arbitration brought under the Iran-Korea bilateral investment treaty.

International Commercial arbitration

Peter represents parties in arbitrations under all major sets of rules (ICC, LCIA, SIAC, HKIAC, SCC, etc) and under all governing laws. A representative sample of recent cases is set out below.

Cases of note:

- *Representing a Consortium composed of a Japanese and a South Korean company in an expert determination and arbitration against an Algerian company, ICC Rules, Algerian law, English and French language, seat Geneva.* Value c USD 500m - A dispute arising out of the contract to build the largest fertiliser plant in Africa, involving technical and construction-related issues as well as complex questions of Algerian law (the governing the contract) and Swiss law (the law of the seat), the latter including questions of the extension of the arbitration clause and the law governing the validity of an expert determination.
- *Representing a Belgian company in an arbitration against a Chinese contractor, ICC Rules, Belgian law, English language, Brussels seat.* Value c €200m. - This case involves a fixed-price turnkey EPC contract for the construction of a combined-cycle power plant in Belgium.
- *Representing a French electricity company in three post-M&A arbitrations against a French nuclear-energy company, ICC Rules, French law, French language, Paris Seat.* Value c €1.5bn. - Thee disputes arose from the acquisition by a large French electricity of a French nuclear-energy company. as the acquired company had been a supplier to the buyer, and as disputes had arisen under certain supply contracts, the parties agreed in the share-purchase agreement to refer those disputes to ICC arbitration in Paris.
- *Several cases for European gas buyers against Russian, Norwegian and Algerian sellers, seats in Stockholm, Zurich and Geneva, ICC and SCC Rules, various governing laws, various English and French languages.* Values up to several billion US dollars. - These cases arose under long-term gas-sales agreements for the supply of gas into Western Europe from Russia Norway and Algeria.
- *Representing a Luxembourg-based buyer of an American company in a post-M&A arbitration, ICC Rules, French law, English and French language, Paris seat.* Value c USD 100 m. - This dispute arose from the discovery by the buyer of the existence of patent litigation against the acquired company in the US courts, which the target company lost, being ordered to pay damages. The case involved a thorough analysis of the US patent litigation, including both expert and factual evidence about the conduct of the case, as well as issues of contractual construction and general French law.
- *Representing a Belgian chemical company in two post-M&A arbitrations arising out of the acquisition of an Italian company, ICC Rules, Italian and Belgian law, English language, seat Geneva.* Value several hundred million euros. - The first dispute arose out of the discovery by the buyer that the target had been a member of a cartel and had been fined by the European Commission. The second case involves the discovery by the buyer of severe pollution in the sites operated by the acquired company, which the seller had concealed. The cases involved highly technical environmental expert evidence and issues of the (Belgian) *lex societatis* of the buyer as well as the construction of the contract under its governing (Italian law) and the law of the seat (Swiss law).

ADR, acting as arbitrator

Peter has acted as arbitrator in a number of cases under the ICC, LCIA, and UNCITRAL Rules

Cases of note:

- *SCC Rules, Pakistani law, Stockholm seat, president.* Value USD 50m. - A post-M&A case involving issues of accounting standards and contract construction
- *ICC Rules, English law, Paris seat, co-arbitrator.* Value USD 10m. - A case arising out of a manufacturing contract in the aerospace industry.
- *LCIA Rules, English law, London seat, co-arbitrator.* Value c USD 300m. - A case arising out of an investment in the telecoms sector in Central Asia.
- *UNCITRAL Rules, international law, NAFTA, co-arbitrator.* Value c USD 75m. - An ISDS dispute under the old NAFTA brought by a US investor in Canada in the agricultural sector.
- *ICC Rules, Pakistani law, London seat, co-arbitrator.* Value c USD 100m. - A dispute involving the ownership of mining interests in Pakistan.
- *LCIA Rules, French law, London seat, sole arbitrator.* Value c USD 160m. - A dispute between a French and an Israeli company in the renewable energy sector.

Recommendations

- "Peter has very good manners and he is a good strategic thinker, I only have positive commments about him." Chambers Global (Europe-Wide) 2024 - Arbitration (International) client, Europe.
- "He is creative, persuasive and demonstrates uniformly strong judgement." Chambers Global (Europe-Wide) 2023 - Arbitration (International) client, Europe.
- "He is an enormously skilled advocate, calm under pressure, and controls the room when before the arbitration panel." Chambers Global (Europe-Wide) 2023 - Arbitration (International) client. Europe.
- "He has provided very helpful advice in terms of French enforcement and other various approaches that we are taking. Overall, he was also excellent on the preparation." Chambers Europe (France) 2023 - Arbitration (International) client, Europe
- "Peter Turner KC is an enormously skilled advocate. He is calm under pressure and controls the room when before the arbitration panel. He is creative, persuasive, and demonstrates uniformly strong judgement." Chambers Europe (France) 2023 - Arbitration (International) client, Europe.
- "He is praised by sources for his ability to grasp the most complex topics with ease." Chambers Europe (France) 023 - Arbitration (International) client, Europe.
- "Peter Turner KC is a longstanding figure in the French market and has a wealth of experience advising clients on investment and commercial cases."
- "Prominent European corporates from the construction, energy and manufacturing sectors mandate Peter Turner KC for his longstanding experience in the handling of post-M&A arbitrations under ICC rules. He also assists with ECT claims, distribution disputes and enforcement proceedings.

Rankings

- **Chambers Europe** (France) 2023 & 2024 - International Arbitration, Band 2
- **Chambers Global** (Europe-Wide) 2023 &2024 - International Arbitration, Band 3
- **Legal 500:** Hall of Fame 2024 - Dispute Resolution: International Arbitration (France)
- **Legal 500:** Mentioned for Arbitration in Private Practice Power List 2023 (France)
- **ODA Classement**: 4 Stars for Arbitration International in 2023 (France)
- **Who's Who Legal:** Recommended for Arbitration in Global Guide in 2023 & 2024 (France)
- **Who's Who Legal:** Thought Leader for Arbitration in National Guide in 2024 (France)

Memberships

Qualifications

Education

- BA(Law) Cambridge University 1984, MA 1987
- Solicitor (England & Wales) 1987
- King's Counsel 2015
- *Avocat à la Cour d'appel de Paris* 2016

Additional information

Languages

- English (mother tongue)
- French
- German

London
81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER
82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE
Maxwell Chambers,
28 Maxwell Road,
WC2A 1DD
04-03 & 04-04, Maxwell Chamber Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR
#02-9, Bangunan Sulaiman
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085