

## Biography

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### Philippe Pinsolle

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#### Practice

Philippe Pinsolle is a partner in Shearman & Sterling's International Arbitration Group. He has acted as Counsel in more than 120 international arbitrations, with a particular focus on investor-State arbitrations and commercial disputes involving industries such as oil & gas, energy, construction and defense. He also regularly acts as chairman, sole arbitrator and party appointed arbitrator in *ad hoc* and institutional international arbitrations.

Philippe Pinsolle is admitted in Paris and in England as a Barrister. He joined Shearman & Sterling in 1991 and became a partner in 2001. He has been praised as an "*oil and gas specialist*" in the latest edition of Chambers Global. Clients described him as an "*outstanding strategist*" with a "*great tactical sense*."

#### Experience as Counsel

*Recent or pending arbitrations in which Philippe Pinsolle has appeared as Counsel include the representation of:*

- The majority shareholders in former Yukos Oil Company as Claimants in a series of three arbitrations against the Russian Federation in relation to the expropriation of their investment in the company. The claims are brought under the Energy Charter Treaty, a multilateral convention governing trade and investment in the energy sector, and compensation is being sought for an amount in excess of USD 100 billion. This matter is the largest investment arbitration ever. The arbitrations are conducted in accordance with the UNCITRAL Arbitration Rules and are administered by the Permanent Court of Arbitration (PCA) in The Hague. In an Interim Award of November 30, 2009, the Arbitral Tribunal decided that it has jurisdiction over the dispute and that the claims are admissible.
- Sonatrach in a UNCITRAL arbitration in Geneva against Repsol and Gas Natural. The dispute arose from delays in the completion of an integrated project including the development of existing gas fields, the construction of a liquefaction gas plant and upstream facilities, and the commercialization of the liquefied gas. The applicable law was Algerian law and the proceedings were conducted in French. The Arbitral Tribunal held that the termination of the agreement by Sonatrach was lawful and justified, and that Sonatrach was entitled to keep all of the equipment, installations and works completed (valued at USD 580 million) before the termination of the agreement. The Tribunal also dismissed the Respondents' USD 3.1 billion counterclaim in its entirety.
- Mercuria Energy Group Ltd., a Cypriot energy company, as Claimant in an arbitration against the Republic of Poland. The dispute arose out of the Polish Authorities' conduct in relation to an alleged failure to keep and to establish mandatory reserves of refined products. The claims are

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brought under the Energy Charter Treaty and the arbitration is conducted under the auspices of the Arbitration Institute of the Stockholm Chamber of Commerce. The amount at stake is in excess of USD 700 million. In an Award on Jurisdiction of December 17, 2009, the Tribunal dismissed the entirety of the Respondent's objections and decided that it has jurisdiction over the dispute.

- A leading North African energy company in two pending UNCITRAL arbitrations in Geneva against one of the world's largest petroleum and gas operators. The disputes arise from contracts concerning a petroleum field in North Africa. French is the language of the arbitrations. More than USD 2.3 billion is at stake.
- A European power producer as Claimant in an UNCITRAL arbitration against a East European State. The dispute arises from the termination of the Power Purchase Agreements put in place during the privatization of the electricity sector. The claims are brought under the Energy Charter Treaty. Hundreds of millions of US dollars are at stake.
- A Middle Eastern company as Respondent in an ICC arbitration in Paris initiated by a European bank. The dispute arises from the termination of a facility agreement granted by the Claimant for the construction and management of a high standard hospital in the Middle East. French law applies and the languages of the proceedings are English and French. The amount at stake is in excess of USD 110 million.

#### Experience as Arbitrator

Chairman, Sole arbitrator or co-arbitrator in international arbitration proceedings under the aegis of the ICC, LCIA, ICSID, AAA, the Stockholm Chamber of Commerce, the Geneva Chamber of Commerce and Industry and the French Arbitration Association.

#### Selected Professional Affiliations and Business Activities

President, UIA (Union Internationale des Avocats) Commission on International Arbitration (2005–07)

Member, Editorial Board, International Arbitration section, *International Business Law Journal / Revue du Droit des Affaires Internationales*

Lecturer on international arbitration, University of Aix-Marseille III, Institut de Droit des Affaires and University of Versailles – Saint-Quentin

Member, Comité Français de l'Arbitrage (CFA)

Member, Swiss Arbitration Association (ASA)

Member, London Court of International Arbitration (LCIA)

Member, International Arbitration Institute (IAI)

Co-Founder, Young Arbitration Practitioners (YAP)

#### Education

ESSEC (Ecole Supérieure des Sciences Economiques et Commerciales), M.B.A., 1989

University of Panthéon-Assas (Paris II), *Maîtrise* in Private Law (J.D. equivalent), 1991

University of Oxford, Hertford College, M.Jur., 1995

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#### Selected Publications

Philippe Pinsolle has authored numerous articles on international arbitration, in French and in English. He also regularly appears as speaker, particularly on issues of investment arbitration. His publications include:

- Co-editor, *TOWARDS A UNIFORM INTERNATIONAL ARBITRATION LAW?*, IAI SERIES ON INTERNATIONAL ARBITRATION NO. 3 (Juris Publishing, 2005)
- *The Proposed Reform of Regulation 44/2001: A Poison Pill for Arbitration in the European Union*, 12(4) INTERNATIONAL ARBITRATION LAW REVIEW 62 (2009)
- *Recent Significant French Judicial Decisions Involving International Arbitration*, in CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION – THE FORDHAM PAPERS 2008, at 109 (A.W. Rovine ed., Martinus Nijhoff, 2009)
- *The Status of Vacated Awards in France: The Cour de Cassation Decision in Putrabali*, 24(2) ARBITRATION INTERNATIONAL 277 (2008)
- *The dispute resolution provisions of the Energy Charter Treaty*, 10(3) INTERNATIONAL ARBITRATION LAW REVIEW 82 (2007)
- *'Manifest' Excess of Power and Jurisdictional Review of ICSID Awards*, in I INVESTMENT TREATY LAW 51 (F. Ortino, A. Sheppard and H. Warner eds., BIICL publication, 2006)
- *Damages in Investment Arbitration—Are the Standards different from Commercial Arbitration?—The Need for Consistency*, 6(1) JOURNAL OF WORLD INVESTMENT 45 (2005)
- *Jurisdictional review of ICSID Awards*, 5 JOURNAL OF WORLD INVESTMENT 613 (August 2004)
- *The ICC Pre-Arbitral Referee; First Practical Experiences*, 20(1) ARBITRATION INTERNATIONAL 13 (2004) (with E. Gaillard)
- *Private Enforcement of European Community Competition Rules by Arbitrators*, 7(1) INTERNATIONAL ARBITRATION LAW REVIEW 14 (2004)
- *Advocacy in International Commercial Arbitration in France*, in THE ART OF ADVOCACY IN INTERNATIONAL ARBITRATION 133 (R.D. Bishop ed., 2004) (with E. Gaillard)
- *Court Appointed Arbitrator: French Courts Expand Jurisdiction to Avoid Denial of Justice*, 17(6) INTERNATIONAL ARBITRATION REPORT 35 (June 2002)

For a full list of publications, see <http://www.iaiparis.com>.

#### Bar Admissions

Paris; England & Wales (Barrister – Gray's Inn)

#### Languages

French, English, Spanish

#### Nationality

French

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#### Selected Recent Accolades and Rankings

*Chambers Global 2009 – International Arbitration (Global)*

*Chambers Global 2009 – International Arbitration (Europe-wide)*

Individual Ranking: Band 2

“Commentators admire [Philippe Pinsolle] as ‘the type of lawyer who would never overload a matter – he can handle massive arbitrations with just himself and an associate, making the outfit more effective and much better value.’”

*Chambers Global 2009 – Dispute Resolution: International Arbitration (France)*

*Chambers Europe 2009 – Dispute Resolution: International Arbitration (France)*

Individual Ranking: Band 2

“Oil and gas specialist Philippe Pinsolle is singled out for his ‘great tactical sense.’ This ‘outstanding strategist’ represents a throng of international leaders in the energy field.”

*Chambers Global 2009 – International Arbitration (Global)*

Global Group Ranking: Band 1

“Shearman & Sterling’s position as a leader in the market cannot be disputed,” assert peers of this outstanding international outfit . . . . During the past year, Shearman & Sterling has seen a considerable rise in its number of energy and investment-related disputes, a trend that sits alongside its stellar reputation in the construction and engineering industries. Interviewees enthusiastically rate the service offered here as “a fantastic experience for clients,” and highlight the fact that “the lawyers will really get to the heart of an issue and anticipate all the significant problems that come up.”

*Chambers Global 2009 – Arbitration (International) (Europe wide)*

Group Ranking: Band 1

“Sources commend the international reach of this firm’s commercial arbitration team, and report that the group is “quite rightly thought of as being at the top of the arbitration tree.” The Paris team is undoubtedly the nucleus of the practice, with its ability to handle the really big-ticket cases under the aegis of star performer and head of the firm’s international arbitration practice Emmanuel Gaillard.”

*Chambers Europe 2009 – Dispute Resolution: International Arbitration (France)*

Group Ranking: Band 1

“Proclaimed a “definite leader in the French market,” Shearman & Sterling offers “an absolutely superb team” of 30 lawyers and remains an authority on investment treaty, oil and gas, international law and IP matters.”

*Global Arbitration Review – GAR 100 Firms*

“Philippe Pinsolle is by many accounts a leader in his generation in Paris – possibly *the* leader. He was included in GAR’s ‘45 Under 45’ survey.”