



BERTRAND DERAINS

Founding Partner

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NATIONALITY: **French**

LANGUAGES: **French, English and Spanish.**

ADMISSION: **Paris**

OFFICE: **Paris**

Bertrand Derains, founding partner of Derains & Gharavi, has 20 years of experience in international arbitration. He has acted both as counsel or arbitrator in numerous international ad hoc and institutional arbitrations, such as those under the rules of the ICC, ICSID and UNCITRAL. His experience extends to arbitral proceedings governed by civil law, common law, investment treaties and general public international law.

Bertrand has been particularly active in arbitrations involving the energy sector (oil and gas/electricity), large-scale engineering and construction projects, mining, sales/services agreements, shareholders relationships, joint-ventures, M&A, intellectual property matters, and investment protection in general under international law.

He regularly represents clients in arbitration related litigation, including in actions aimed at obtaining injunctive relief, interim measures, annulment and enforcement of arbitral awards before French state courts. He has also acted as expert before foreign courts in arbitration related proceedings.

Bertrand also has experience working as legal advisor on construction projects in Africa.

He regularly lectures on international arbitration at the University of Tours.

ILLUSTRATIVE EXPERIENCE AS COUNSEL

- Representing the Panamanian subsidiary of a major French construction company in an ICC arbitration against a Panamanian company relating to the breach of a construction contract.
- Representing a Belgian company in an ICC arbitration against an African State relating to the breach of a payment guarantee.
- Representing a British company in an ICC case against an Italian company relating to the breach of a distribution contract.
- Representing a number of parties in an ICC arbitration against a Cypriot company relating to a mining investment in Austral Africa.
- Representing a French company in an ICSID arbitration relating to the expropriation of an investment in the Republic of Guinea.

- Representing the Republic of Togo in an ICSID annulment proceeding against an award issued between the Republic and Togo Electricité and GDF-Suez Energie Services with respect to an investment in the electricity sector.
- Representing a Lebanese family against the Democratic Republic of Congo in an ICSID arbitration initiated pursuant to the foreign investment law for breach of international law with respect to an investment in the wood and construction industry.
- Representing a Chinese company against an African State entity in an ICC arbitration in a 45 million USD Dispute.
- Representing a Spanish consortium against an Algerian public entity, in an UNCITRAL arbitration in regard to a gas exploration and production contract (amount in dispute, more than 2.5 billion USD).
- Representing a European consortium in an ICC arbitration against a bi-national public entity from Latin America, in regard to a construction contract for a hydroelectric dam (amount in dispute: 1 billion USD).
- Representing an African State in an ICC arbitration against a European company in regard to an oil production and commercialization contract (amount in dispute: more than 12 million USD).
- Representing a European company against an African State in an ICC arbitration in regard to a sales and services contract (amount in dispute: more than 10 million USD).
- Representing a Mediterranean State in an ad hoc arbitration against a State-owned company in regard to an oil sales contract (amount in dispute: 900 million USD).
- Counsel in Pre and Post arbitral proceedings before the French Courts.

ILLUSTRATIVE EXPERIENCE AS ARBITRATOR

- Sole Arbitrator in an ICC arbitration between two Finnish companies and two German companies regarding a share sale and purchase agreement.
- Chairman in an ICC arbitration between a Spanish bank against a Honduran company regarding two credit contracts.
- Sole Arbitrator in an ICC arbitration between a Spanish company and an Algerian company relating to the alleged breach of a boat construction contract.
- Sole Arbitrator in an ICC arbitration between a Belgium company and an Italian company regarding the performance of the parties' obligations under a sales contract.

PROFESSIONAL EXPERIENCE

Since 2009	Founding Partner, Derains & Gharavi
1999 - 2008	Partner, Derains & Associés
1993 - 1999	Associate at Paul, Weiss, Rifkind, Wharton & Garrison in Paris
1992 - 1993	Legal adviser on a large construction site in Botswana for a major French Public Works company

ACADEMIC POSITION

- Lecturer on international arbitration at the University of Tours (since 2000)

EDUCATION

1992	Postgraduate Degree (DEA) of English and American Business Law at the University of Paris I Panthéon-Sorbonne
1991	Postgraduate Degree (DEA) of Business Law and Economics at the University of Paris I Panthéon-Sorbonne
1990	Graduate of the Institut de Sciences Politiques de Paris (Sciences-Po)
1988	Maîtrise de droit privé at the University of Paris II Panthéon-Assas

MEMBERSHIP

- Member of the *Commission de l'Arbitrage International d'ICC France*
- Member of the LCIA European Users' Council
- Member of the *Club Español del Arbitraje*
- Member of the I.A.I.

- Member of the A.S.A.
- Member of the *Association des Anciens Élèves de Sciences Po*

PUBLICATIONS

- Commentary of “*Société M. Schneider Schaltgerätebau und Elektroinstallationen v. Société CPL Industries Limited*, Supreme Court of Cassation of France, First Civil Law Chamber, Arrêt n°123 FS-P+B+I, pourvoi n° T 10-17.076, 12 February 2014; *Gulf Leadersfor Management and Services Holding Company v. SA Crédit foncier de France*, Court of Appeal of Paris, 4 March 2014; and *Société Gulf Leadersfor Management and Services Holding Company v. Société Crédit foncier de France*, Court of Cassation of France, First Civil Law Chamber, Arrêt n°728 F-D, pourvoi n° X 14-18.706, 24 June 2015” in *Panorama de jurisprudencia francesa, Spain Arbitration Review-Revista del Club Español del Arbitraje*, 2016 n°25, co-author Aurore Descombes
- “*France’s new Arbitration Law successfully streamlines the arbitral process*”, *Commercial Dispute Resolution* (2011), Q2 Issue 4, p. 49, co-author Cédric Soule
- Co-author of the *Chronique des Sentences Arbitrales de la CCI* in *Journal du Droit International* (JDI) from 2004 to 2016
- Co-author with Eric Ordway of a *Panorama de jurisprudence américaine*, published in *les Cahiers de l’Arbitrage* from 2001 to 2016