

## Jean-François TOSSENS



Partner

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### AREAS OF SPECIALISATION

Counsel or arbitrator in national and international arbitration proceedings (mainly CEPANI, ICC and adhoc) and in arbitration related court proceedings.

Combining transactional and contentious expertise for clients in various sectors, in particular aeronautics, public investment companies, insurance and energy

### WORKING LANGUAGES

French, English, Dutch

### PROFESSIONAL EXPERIENCE

<b>1988</b>	Master of Laws (Licencié en droit) of the Catholic University of Louvain-La-Neuve – Magna cum laude
<b>1989</b>	Member of the Brussels Bar
<b>1989-1994</b>	Associate with COPPENS, HORSMANS & MALHERBE
<b>1994-2012</b>	Partner of TOSSENS & PRIOUX
<b>2013-2016</b>	Partner at STRELIA
<b>2016 -</b>	Founding Partner of TOSSENS GOLDMAN GONNE

## ACADEMIC EXPERIENCE AND TITLES

<b>1989-1995</b>	Assistant Lecturer at the Catholic University of Louvain-La-Neuve
<b>Since 2005</b>	Maitre de Conférences at the Catholic University of Louvain-La-Neuve
<b>Since 2012</b>	Teaching National and International Arbitration Law at the Catholic University of Louvain-La-Neuve (Master Program)

## SELECTED RECENT EXPERIENCE AS ARBITRATOR

- Chairman of the Arbitral tribunal in ICC proceedings deciding a dispute between a Moroccan company and a Qatari company about the termination of a construction contract of a holiday resort in Morocco
- Sole arbitrator in CEPANI proceedings deciding a dispute between a Swiss company and a HongKong company about the manufacture and sale of infant food products for the Chinese market
- Arbitrator in a Chambre de Commerce du Luxembourg proceedings deciding a dispute between former partners in international real estate operations
- Arbitrator in CEPANI proceedings deciding a dispute between two leading entities of the steel industry about the maintenance of a factory in Belgium
- Arbitrator in CEPANI proceedings deciding a post-acquisition dispute in the food sector
- Sole arbitrator in ICC proceedings deciding a dispute between a French industrial actor and an African State entity about the construction and renovation of an industrial facility in West-Africa
- Member of the Fortis Settlement Dispute Committee in charge with deciding potential disputes in the implementation of the Fortis' settlement, as approved by the Appeal Court of Amsterdam on 13 July 2018 (see website FORsettlement.com)
- Chairman of the Arbitral tribunal in ad hoc proceedings deciding a dispute about the scope of an insurance policy covering the loss of receivables
- Chairman of the Arbitral tribunal in ad hoc proceedings deciding a claim for rescission of the sale of the shares of an industrial company for fraud
- Sole arbitrator in ICC proceedings deciding a contractual dispute between a service provider and the manufacturer and seller of an helicopter
- Chairman of the Arbitral tribunal in ICC proceedings opposing insurance companies to the manufacturer of an helicopter for the recovery of the damages resulting from its crash

- Chairman of the Arbitral tribunal in ICC proceedings opposing French industrial companies in a warranty claim about asbestos related diseases and their financial consequences

#### **SELECTED RECENT COUNSEL EXPERIENCE IN ARBITRAL OR ARBITRATION RELATED PROCEEDINGS**

- Representing the Belgian football Union in Belgian TAS (Tribunal Arbitral du Sport) arbitration proceedings
- Representing a Belgian company active in the oil sector in CEPANI arbitration proceedings deciding a contractual dispute about the transfer of a plant
- Representing a leading Belgian company in the energy sector in various disputes, including ICC arbitration proceedings and national courts litigation, in particular in the recovery of a damage caused to power plant and in a complex contractual dispute about windturbines plants in Belgium
- Representing the Russian press agency TASS in court proceedings in Belgium related to the YUKOS case (attachments)
- Representing a British Company in ICC arbitration proceedings against an American Company about the execution of a data sharing contract in the biocides industry
- Representing a Belgian company producing electricity in ICC arbitration proceedings against the UK manufacturer of a turbine that exploded and damaged a power plant facility

#### **OTHER SELECTED RECENT COUNSEL EXPERIENCE IN OTHER MATTERS**

- Representing a leading French insurance company in various losses in the aeronautical maintenance sector
- Representing a French group acting as General Sales and Services Agent in its dispute against an airline company for the early termination of an agency agreement
- Representing the Belgian Federal and Investment Holding Company in multiple investments, in particular an investment in foreign Funds, an investment in Euronext and investments in various industrial sectors, in particular the biotech sector
- Representing the Belgian Federal and Investment Company in contentious matters related to current or former investments, in particular its investment in the former SABENA (Belgian Airlines Company)
- Representing a leading European industrial group in its dispute against a Belgian public entity in the implementation of a public procurement contract of software for managing an electricity distribution network

- Representing the Belgian Federal Investment Company in the structuring of several partnerships in the biotech sector

## INTERNATIONAL RANKINGS

Ranked as “leading” among the Belgium best Arbitrators, Leaders League Directory, Arbitration and ADR, 2019-2020 Edition

Ranked in Who’s Who Legal (Arbitration), 2020

Tossens Goldman Gonne listed among the best Belgian law firms as “Excellent” in International Arbitration (Leaders League, Arbitration and ADR, 2019-2020 Edition)

Recommended in commercial litigation among the Belgium best Law Firms by Leaders League intelligence Report & Directory Series, 2019

Chambers 2020 – Band 2 - Dispute Resolution Arbitration - Belgium

*“Sources commend Jean-François Tossens of Tossens Goldman Gonne Lawyers for his expertise in arbitration. He acts on domestic and cross-border commercial arbitration.”*

## SELECTED MEMBERSHIPS AND OTHER TITLES

- Co-editor in chief of *b-Arbitra*, the Belgian Review of Arbitration
- Member of the Board of ICC Belgium
- Member of the Board of CEPANI
- Member of the ICC Commission on Arbitration
- Member of the Board of FRANCARBI
- Member of ICC, IBA and CEPANI
- Member of IDI and IDArb

## PUBLICATIONS

- *“La preuve dans l’acte de mission et l’instance”*, in L’administration de la preuve en matière d’arbitrage, Bruylant, 2009
- *«L’instance arbitrale”*, at the seminar organized by the Catholic University of Louvain-La-Neuve, 8 March 2012, arbitral proceedings : a practical and comparative approach
- *“Juge étatique et arbitre : collaboration ou confrontation? Questions choisies”* in Hommage à Guy Keutgen, CEPANI, Bruylant, 2013, p. 769
- Note on the Brussels Court of Appeal decision of 3 December 2012, (with S. Goldman), *b-Arbitra*, Bruylant, 2013/2, p. 433
- *Le nouveau règlement d’arbitrage du Centre belge d’Arbitrage et de Médiation* (CEPANI) in *Revue de l’arbitrage*, Paris, 2013/4, p. 1089

- Annulment of awards, note on the Cour de Cassation decision of 7 November 2013 and the Brussels Court of Appeal decision of 6 December 2011 (with S. Goldman), *b-Arbitra*, 2014/1, p. 221
- “*La confidentialité de l’arbitrage : valeur cardinale ou poncif?*” in *Arbitrage et Confidentialité*, Cepani/Bruylant, 2014, p.23
- « *L’autonomie de la volonté, le droit transactional et l’arbitrage international* » (with J. Kleinheisterkamp), in *Contrats internationaux et Arbitrage*, Larcier, Bruxelles, 2014, p ;135 et s.
- “*L’usage des langues en arbitrage*” (with P. Tercier et P.M. Patocchi), in *Revue de l’Arbitrage*, 2016 – N°3, p. 749
- « *L’exécution des sentences arbitrales en Belgique* », in le Règlement des Différends relatifs aux investissements dans l’espace OHADA, Colloque de l’APAA à Douala, Cameroun, 16-17 janvier 2020
- « *Le conflit étudié sous le prisme de l’arbitrage* » (avec M. Berlingin), in *Le conflit : quelles approches ?*, Anthemis, à paraître

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