

Jean-Francois Tossens



Arbitrator

Nationality: Belgian

Languages: French, English, Dutch

Jean-François Tossens has an extensive and distinguished career in national and international arbitration, serving both as counsel and arbitrator. He regularly handles cases under various rules including ICC, CEPANI, and ad hoc arbitration proceedings.

His experience spans a wide array of complex commercial, corporate, and financial disputes, including partnership and shareholders' agreements, post-acquisition disputes, construction, distribution, and sports arbitration. His practice is notably significant in the financial and industrial sectors, covering (public) investment funds, private equity, aeronautics, insurance, energy, and biotechnology.

Admitted to the Brussels Bar in 1989, Jean-François began his legal career at Coppens, Horsmans & Malherbe, before co-founding Tossens & Prioux in 1994 and Strelia in 2013. In 2016, he co-founded Tossens Goldman Gonne, a law firm specializing in arbitration.

Jean-François is also a respected educator, teaching national and international arbitration law at the Université Catholique de Louvain-la-Neuve (UCL). He has been President of the international arbitration association Francarbi since 2022 and serves on the board of directors of ICC Belgium. He contributes to the field through various publications in arbitration and business law and is a member of the editorial board of the Belgian Review of Arbitration, b-Arbitra.

His professional excellence is recognised in Chambers 2024 (Band 2 – Dispute Resolution Arbitration – Belgium), with sources commending his arbitration expertise in both domestic and cross-border commercial disputes. Jean-François is also listed in Who's Who Legal (Arbitration) and the Leaders League Directory. He was honored as "Lawyer of the Year" for Arbitration and Mediation by Best Lawyers in Belgium 2023.

Sector Expertise

- Commercial Dispute Resolution
- Energy, Oil & Gas
- Mergers, Acquisitions, Shareholder & Partnership disputes
- Construction, Engineering & Infrastructure

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Commercial Dispute Resolution

Jean-François has dealt frequently with matters relating specifically to public investment funds, distribution, private equity, aeronautics, biotechnology, sports, He has a special expertise in aeronautics (including maintenance related issues, incidents, insurance and reinsurance, leases, distribution, handling, GSA contracts, ...)

Energy, Oil & Gas

He has dealt with disputes relating to operational issues for major mines and milling operations for a variety of metals (gold, copper and iron ore) as well as exploration and development of oil and gas pipelines, as well as disputes relating to royalty, pricing and swap disputes. His energy experience includes new wind technology developments and operations and related power purchase agreements.

Mergers, Acquisitions, Shareholder & Partnership Disputes

Jean-François has been acting as counsel or arbitrator in disputes relating to breaches of shareholder agreements and memorandum of articles, breach of directors' duties, breach of Joint Venture agreements, share valuations and buy-outs as well post M&A disputes.

Construction, Engineering & Infrastructure

His construction experience includes several arbitration proceedings dealing with defects, delay, cost overruns, liquidated damages, misrepresentation, negligence, payment default, breach of contract and termination, mainly in connection with construction sites in Africa.

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Experience

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 Hong Kong 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
- 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
- Emergency Arbitrator in an ICC construction dispute opposing a Canadian group and an African State

Counsel / Representative matters

- 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 facility and in a complex contractual dispute about windturbines plants in Belgium
- 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 manager in Cepani arbitration proceedings in its claim against an international group active in the energy sector following the termination of the contract

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- Representing a pool of insurance companies in all consequences (including civil and criminal court proceedings) of the fire of hangar 40 in Zaventem on May 2006 for which their client, the maintenance company, was deemed to be the main responsible person
- 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

Academic & Professional Qualifications

Academic

- 1988, Master of Laws (Licencié en droit) of the Catholic University of Louvain-La-Neuve – Magna cum laude
- 1989, Member of the Brussels Bar

Professional

- 1989-1994, Associate at Coppens, Horsmans & Malherbe
- 1994-2012, Founding Partner of Tossens & Prioux
- 2013-2016, Founding Partner of Strelia
- 2016, Founding Partner of Tossens Goldman Gonne

Academic Titles

- 1989-1995, Assistant Lecturer at the Catholic University of Louvain-La-Neuve
- Since 2005, Maitre de Conférences invité at the Catholic University of Louvain-La-Neuve
- Since 2012, Teaching National and International Arbitration Law at the Catholic University of Louvain-La-Neuve (Master Program)
- 2021, Lecturer at the Paris International Academy for Arbitration Law
- 2023, Lecturer at the Cepani Arbitration Academy

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Professional Associations & Recognitions

Memberships

- Chairman of FRANCARBI
- Co-editor in chief of *b-Arbitra*, the Belgian Review of Arbitration (2013 - 2020)
- Member of the Board of ICC Belgium
- Member of ICC, IBA and CEPANI

Publications, Articles & Thought Leadership

Corporate and Financial Law

- La réforme de la Commission bancaire », in *AEDBF, Yearbook 1992*, Mys & Breesch, 1992, pp. 187 et suiv.
- Réflexions sur la nature et le régime juridiques des valeurs mobilières et des autres instruments financiers » (avec G. Horsmans), in *Le nouveau droit des marchés financiers*, Larcier, 1992, pp. 151 et suiv.
- Plaidoyer pour l'autonomie du droit financier », in *Principes et exigences du droit des sociétés en Europe*, Actes des XIVèmes Journées Juridiques Jean Dabin, Louvain-La-Neuve, 19-20 novembre 1992
- La situation des actionnaires et leurs recours » (avec G. Keutgen), in *Le nouveau droit des fusions et des scissions de sociétés*, Bruylant, 1994, pp. 119 et suiv.
- Agreement on the Autonomy of bank Management", in *New Belgian banking law*, Wiley Chancery, AEDBF-Belgium, Yearbook 1994, pp. 51 et suiv.
- La société ayant fait ou faisant publiquement appel à l'épargne : le concept et ses enjeux à l'aube d'une nouvelle réforme des lois coordonnées sur les sociétés commerciales », *R.P.S.* 1994, pp. 341 et suiv.
- Les situations de blocage au sein du conseil d'administration de la société anonyme à la suite de l'application de l'article 60 L.C.S.C. relatif à la dualité d'intérêts (avec C. Bertsch), *R.P.S.* 1995, pp. 32 et suiv.
- Le secret bancaire et le contrôle de l'Etat sur les opérations de change et sur leurs effets délictuels en Belgique » (avec Ph. Lambrecht), in *Blanchiment d'argent et secret bancaire*, éd. P. Bernasconi, Kluwer Law International, 1996, pp. 49 et suiv.
- Liberté d'établissement et libre prestation de services en matière de services financiers », in *La nouvelle bourse de Bruxelles après le Big Bang bis*, Colloque Sky Room Events, 14 février 1996
- Le nouveau régime des activités transfrontalières des entreprises d'investissement », in *Marchés financiers : nouvelle organisation*, Colloque Development Institute International, Paris, 29-30 mai 1996
- Le sort des contrats commerciaux en cas de cession d'entreprise », in *Les cessions d'entreprises*, Colloque Van Ham & Van Ham, 14 novembre 1996
- Les clauses et techniques limitatives de la responsabilité des dirigeants d'entreprises », in *La responsabilité des dirigeants d'entreprises*, Colloques Infotopics, 27 février 1997 et 6 mai 1998
- Les conflits d'intérêts » et « les délits d'initiés », cours donnés en novembre 1999 dans le cadre d'un programme de 3^{ème} cycle de l'Ecole de commerce de Solvay

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- Le régime juridique du rachat d'actions propres » (avec T. Partsch), in *rachat d'actions propres : aspects juridiques et financiers*, Colloque EFE, 19 novembre 1998
- Les obligations d'information et de conseil de l'émetteur et de l'intermédiaire financier en matière de services d'investissement », in *La protection de l'investisseur et de l'e-investisseur*, colloque AEDBF-Belgium, le 27 avril 2001
- La réforme de la surveillance du secteur financier par les lois du 2 août 2002 – Article de synthèse sur la loi du 2 août 2002 » (avec Ph. Lambrecht), *R.P.S.*, 2002
- Le cadre institutionnel (des marchés financiers), Titre 1^{er} du Tome V (Droit financier) du *Traité pratique de droit commercial* (avec H. Culot), Kluwer, 2007.
- *Les voies de recours* », in *La réforme de la réglementation sur les offres publiques d'acquisition*, Kluwer, 2007

Arbitration Law

- Recueil de sentences arbitrales du Cepani (1985-1995), Bruxelles, Bruylant, 2005, note sous sentence arbitrale n° 1046, pp. 103-118, et note sous sentence arbitrale n° 1088, pp. 323-35
- Recueil de sentences arbitrales du Cepani (1986-2011), Bruxelles, Bruylant, 2008, note sous sentence arbitrale n° 2120, pp. 316-343
- *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 transactionnel 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, 2020, pp. 159-174
- *La libre appréciation par le Tribunal arbitral de l'admissibilité des moyens de preuve et de leur force probante : quelle portée et quelles limites en droit belge ?* », in *Liber Amicorum Xavier Dieux*, Larcier, 2022.
- *Libres propos sur l'ex aequo et bono dans la détermination du dommage en matière commerciale* » in *Liber Amicorum Didier Willermain*, Larcier, 2023.

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Directories & Client Quotes

Ranked in **Chambers 2024 – 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.”

Ranked in **Who’s Who Legal (Arbitration)** and in **Leaders League Directory.**

Named “**Lawyer of the year**” for Arbitration and Mediation by the **Best Lawyers in Belgium 2023.**