

VIAC – QUESTIONNAIRE

1. Name: Romain Dupeyre

2. Date of birth: 27 November 1979

3. Citizenship: French

4. Contact information:

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5. Current position: Partner, SCP Bouckaert Ormen Passemard – BOPS law firm

6. Education:

GEORGETOWN UNIVERSITY LAW CENTER, Washington D.C.

LL.M., International Legal Studies - With Distinction

– Recipient of the CALI Award for Excellence in International Civil Litigation

May
2005

AIX-MARSEILLE III UNIVERSITY – BUSINESS LAW INSTITUTE, Aix-en-Provence

Master in International Business Law - With Distinction

June
2003

EUROPEAN LAW SCHOOL OF MAASTRICHT, Maastricht

Master in European and International Law - With Distinction

June
2002

7. Practiced experience in arbitration:

How many arbitrations have you participated in (domestic/international)? Under which Rules?

How often have you acted as Chairman? **2**

How often have you acted as Sole Arbitrator? **2**

How often have you acted as Co-Arbitrator? **0**

How often have you acted as Counsel? **24**

How often have you acted in a different function (e.g. Administrative Secretary)? **1**

As arbitrator:

- Sole arbitrator in an ICC arbitration (19770) between a Belgium and a US company relating to the termination of a distribution contract (English, Belgian and US law, Paris)
- Chairman of the arbitral tribunal in a dispute between a French and an Italian company over the sale of soy beans before the Paris International Chamber of Arbitration (3226)
- Sole arbitrator in a franchise dispute under the rules of the European Court of Arbitration
- Chairman of the arbitral tribunal in a dispute between a French companies over the sale of Bolivian food products before the Paris International Chamber of Arbitration (3227)

As counsel:

- Represent a US pharmaceutical company in a UNCITRAL arbitration against a Dutch health institution concerning a claim alleging defects in its products
- Represent an investment fund in an ICC arbitration (19544) relating to a dispute arising out of a shareholders agreement as a result of an acquisition in Algeria (Geneva, French, French law)

- Represent a Belgian company in an ICC arbitration (15262) against a Central African state relating to the termination of a contract for the management of a wildlife reserve (Paris, French, OHADA and Cameroon laws)
- Represent an investment fund in an ICC arbitration (18334) relating to a dispute arising out of a shareholders agreement (Paris, French, Moroccan law)
- Represent a Cameroon company in a recourse before Belgian courts against an ICC award rendered in Brussels (15219)
- Represent a US cranes manufacturer in an ICC arbitration (18814) relating to a major at a power plant (Geneva, French, French law)
- Represent a Japanese reinsurance company in two *ad hoc* arbitration proceedings relating to the coverage of a major terrorist attack (Paris, French, French law) (with recourse to the *juge d'appui* over the resignation and challenge to arbitrators)
- Represent a Luxemburg company in an *ad hoc* arbitration arising out of the termination of a reinsurance treaty (Paris, French, *amiable composition*, respondent and counterclaimant)
- Obtained the annulment of an arbitral award in an annulment recourse against an award rendered by a religious authority in an attorney's fees dispute (Paris Court of Appeal)
- Represent an insurance broker in a CMAP-CEFAREA arbitration proceedings relating to the termination of a cooperation agreement with an insurer
- Represent an insurance broker against a major French insurance company in relation to the termination of a cooperation agreement (Paris, French law, claimant)
- Represent a US investment fund in a pre-ICC arbitration relating to an investment made in Mauritania (Paris, New York law)
- Recently obtained the dismissal of the enforcement of an arbitral award filed before courts in Morocco
- Recently acted in a domestic *ad hoc* arbitration relating to the termination of a cooperation agreement (with recourse to the *juge d'appui* to obtain the appointment of an arbitrator) (Paris, French law, claimant)
- Recently represented a French insurer in an *ad hoc* arbitration against a German reinsurer in a dispute relating to the calculation of reinsurance indemnities (France, *amiable composition*, respondent)
- Acted for a State in an ICC arbitration (11730) relating to public procurement (Paris, French law)
- Acted for a French company in an ICC arbitration (14355) (Zurich, Swiss law, English) and subsequent annulment proceedings in Switzerland relating to the manufacturing of a mobile phone
- Acted for a French company in IT dispute in the mobile phone industry (Arbitration Institute of the Chamber of Commerce of Helsinki, Swedish law, English, respondent)
- Acted for a private equity fund in a dispute arising out of a share purchase agreement (ICC, Zurich, Swiss law, English, respondent)
- Acted for a European shareholder in a dispute relating to a share purchase agreement (ICC, London, English law, English, claimant)
- Acted for a French company in a ICC arbitration (15199) arising out of the refusal of a shareholder to transfer his shares of an Algerian company pursuant to a shareholder agreement (ICC, Paris, French law, claimant)
- Acted for a French company in a dispute relating to a buyout clause contained in a shareholders agreement relating to an Egyptian company (ICC, Paris, Egyptian law, English, respondent)
- Participated in an ICC arbitration (14297) relating to the breach of a service agreement (Paris, French law)
- Pre-arbitration advice to a French company in relation to a dispute relating to the construction of an oil platform offshore Egypt: validity of global claims, delays and disruption.

8. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):

BOOK:

- *Règles et pratiques du droit français de l'arbitrage*, Lextenso, December 2012, 500 p. (with H.-J. Nougéin)

ARTICLES:

- b-Arbitra, “Is the hotel industry hospitable to arbitration?”, 2015-2, February 2016
- Paris Journal of International Arbitration, Note under the Vasarely Case, “Fraud in the arbitration: trompe l’oeil arbitration”, 2015, No. 3
- International Journal of Arab Arbitration, “From the Definition of an Arbitral Award to the Violation of International Public Policy: A Blend of French International Arbitration Law”, vol. 6, No 4, 2014, p. 57
- Revista Brasileira de Arbitragem, “The Paris Arbitration Rules: A New Kind of Ad Hoc Arbitration Rules for Sophisticated Users of International Arbitration”, Vol. XI, No 44, pp. 84-99
- Arbitration, “The New Rules of the French Reinsurance and Insurance Arbitration Centre (CEFAREA-ARIA France): The Modernisation of Arbitration in Insurance Law”, (2014) 80 Arbitration, Issue 4, p. 362
- ASA Bulletin, “Arbitrators and Arbitral institutions civil and criminal liability”, 2014, vol. 2, p.145.
- Journal Africain de Droit des Affaires, “Notions of investment and force majeure in ICSID arbitration: note under ICSID Case No ARB/07/02, RSM v. Central African Republic”, JADA, 2012, No 2, p. 95
- Revue de l'arbitrage
 - “La Cour d’appel de Paris confirme et étend le principe d’arbitrabilité de la rupture de relation commerciale établie”, note under Paris Ct App., 1st July 2014, *Scamarck*, Rev. arb. 2015.135
 - “La demande d’intérêts moratoires est une question de fond qui relève de la compétence des arbitres”, note under Paris Ct App., 3 Feb. 2011, *Sytrol*, Rev. arb. 2011.468
 - Minutes of the meeting of the working group on domestic arbitration “arbitration and parallel proceedings”, Rev. arb. 2011.335
 - Minutes of the meeting of the working group on domestic arbitration “events in the arbitration proceeding”, Rev. arb. 2010.1003
 - “Rupture de relations commerciales établies : la Cour de cassation confirme la priorité de la compétence arbitrale en dépit du caractère d’ordre public des textes invoqués et de la nature contestée de l’action”, Rev. arb. 2010.513
- Lettre des Juristes d’Affaires, “The Paris Arbitration Rules”, No 1111, mai 2013
- Revue Congolaise de Droit et des Affaires, “L’apport des républiques du Congo à la jurisprudence française sur l’arbitrage et le droit international privé”, No 5, Feb. 2011
- Spain Arbitration Review, “La participación de terceros en el arbitraje internacional”, No 9/2010, p. 83-102
- Kluwer Arbitration Blog, “Arbitrators on the witness stand! Comparative approaches”, 3 August 2010
- Mealey’s Int’l Arb. Rep., “French Supreme Court Holds That Findings Made by Arbitrators Are Effective against Third Parties”, Vol. 24, #8 August 2009 (with Ch. Bouckaert)
- American Lawyer, “Recent French Case Law on International Arbitration”, Summer 2009 (with Ch. Bouckaert)
- Int’l Arb. L. Rev., “French Supreme Court Prohibits ‘Double Dipping’: the Beetle Case”, Dec. 2008 (Issue 6)
- Insurance Day, “Reinsurance Arbitration: French Court Confirms Limited Review of Awards by Amiable Compositeur Arbitrators”, August 15, 2008 (with Ch. Bouckaert)
- ARIAS Quarterly Journal (Journal of the AIDA Reinsurance and Insurance Arbitration Society)
 - “A New French Arbitration Law: Salient Features for Insurance and Reinsurance Practitioners”, 2011, No 3
 - “French Case Law on Enforceability of Expanded Judicial Review Clauses”, 2008, No 4, p. 19

- Legalweek, “French Courts Confirm Liberal Approach Toward International Arbitration”, 3 July 2008, p. 54
- Getting the Deal Through, “Insurance and Reinsurance: France”, 2008 to 2012 (with P. Ormen)
- Jurisassociations, “Les associations s’invitent dans l’arbitrage international: les *amicus curiae* dans l’arbitrage CIRDI”, January 2008
- Revue Québécoise de Droit International, “Les limites de l’obligation de motivation: de la concision des sentences arbitrales”, Vol. 19.1, May 2007
- Bloomberg European Business Law Journal, “French Dilemma Over The Introduction of Class Actions”, No. 1, January 2007 (with G. Lemaire)
- Les Petites Affiches, “Tribunaux arbitraux permanents et préconstitués: mieux vaut-il opter pour le menu ou résoudre ses litiges à la carte?”, 6 February 2006, No. 26, pp. 4-8

CONFERENCES:

- “The Arbitrator, Internet and the disclosure obligation”, CILS International Arbitration Symposium, Salzburg, 5 June 2016
- “Arbitration in the Hospitality Industry”, ICC YAF, Paris, 28 January 2016
- “Arbitration for middle size companies”, Mediterranean Arbitration Day, Marseille, 2 November 2015
- “Ethic of international Arbitrators”, Beirut, 28 September 2015
- “The weakest link – can the ‘weak’ party consent to arbitration? (Arbitration with employees, consumers, parties who cannot afford arbitration and class actions)”, AIJA, Paris, 11 June 2015
- “The practice of evidence in international arbitration”, Sousse, Tunisia, 23 May 2015
- “The Use of Alternative Dispute Resolution and Insolvency Proceedings”, Tunis, 15 April 2015
- “The Chair of the Arbitral Tribunal”, School of Doctorate Studies, Aix-en-Provence, 25 March 2015
- “Arbitrators ethic”, Conference of the *Institut Arabe des Chefs d’Entreprises*, Tunis, 13 November 2014
- “Arbitrators’ fees”, CMAP morning conferences, Paris, 10 June 2014
- “Ethics in International Arbitration”, CILS International Arbitration Symposium, Salzburg, 23 May 2014
- “A compared analysis of French and Algerian arbitration laws”, Algiers, 4 June 2014
- “Arbitration in Senegal: perspective for the next decade”, Saly, Senegal, 28 February 2014
- “IBA Young Practitioners Symposium”, Paris, 13 February 2014
- “International arbitration in Algeria”, 6 conferences organized by the Paris Law Society
- “Evidential issues in construction arbitration”, CIARB YMG conference, Istanbul, 19 October 2013
- “Highlights on the ICSID arbitration procedure”, 4th Mohand Issad Arbitration Day, Algiers, 13 October 2013
- “Specificities of Arbitration in the (re)insurance industry”, Queen Mary University, Paris, 4 September 2013
- “Paris, Place africaine d’arbitrage”, ICC, Paris, 21 June 2013
- “L’ordre public et l’arbitrage”, CREDIMI, Dijon, 16 March 2013
- “Liability of arbitrators and arbitral institutions”, CIARB’s monthly arbitration forum, Dublin, 4 February 2013

ACADEMIC INVOLVMENT:

- Lecturer. Half day seminar on risk management and insurance arbitration – University of Versailles Saint Quentin
- Lecturer. One day seminar on ICC Arbitration – Aix-Marseille III University, Business Law Institute
- Lecturer. One day seminar on insurance arbitration – University of Montpellier (Master of insurance law)

9. Membership in arbitral institutions / functions in arbitral institutions/organizations:

- Fellow (FCIArb) and Chartered Arbitrator of the Chartered Institute of Arbitrators, Vice-Chair of the Paris Chapter
- *Comité français de l'arbitrage*: chair of the working group on insurance and reinsurance arbitration; Member of the working group of OHADA, co-chair of CFA40
- Member of the editorial board of the Paris Journal of International Arbitration
- ICC France: listed on ICC France's list of arbitrators; member of the working group on the status and liability of arbitrators
- ICC Commission on Arbitration: member of the task force on arbitration with States and State entities
- ICC Institute of World Business Law
- *Comitê Brasileiro de Arbitragem* (CBAr), *Association française d'arbitrage* (AFA), *Association Suisse d'Arbitrage* (ASA), International Arbitration Institute (IAI)
- AIJA, LCIA YIAG, ICC YAF, ICDR Y&I, Cepani 40

10. Languages:

Mother tongue: French

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): English

11. In which legal system have you trained? Civil law system

12. What is your main jurisdiction of practice? France

13. Special expertise or specializations (please list a maximum of three):

1. Insurance and reinsurance
2. Hospitality
3. Arbitration in North and Sub-Saharan Africa

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons and may be put on VIAC's website.

Date and signature

29 February 2016