

## Nathalie Meyer Fabre

**Partner, admitted to the Paris Bar in March 1989**

**Nationality: French**

**Languages: French, English, German**

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### PROFESSIONAL EXPERIENCE

**Present position:** Founding partner of Meyer Fabre Avocats since 2009

1999-2009: Salans (partner since 2001)

1988-1999: Jeantet & Associés

### Main areas of practice

Since the beginning of her career, Nathalie Meyer Fabre has developed a practice specialized in the resolution of international commercial disputes.

She has acted as counsel in many international arbitrations, both *ad hoc* and institutional, in France and abroad, concerning in particular industrial and engineering projects, energy, construction, joint-ventures and shareholders' disputes, hotel management contracts, insurance law, distribution and agency agreements, commodities trading and sales of goods, military equipment.

Nathalie Meyer Fabre is frequently appointed as arbitrator in institutional or *ad hoc* arbitration proceedings, in international or domestic matters (more details below).

She also represents her clients before the French courts in cross-border litigation relating in particular to product liability and industrial risks, the termination of business relationships or contractual negotiations, unfair competition, post-acquisition disputes, and the enforcement of foreign judgments and arbitral awards.

She advises and represents foreign States and public entities before French courts and authorities.

Nathalie Meyer Fabre regularly acts as legal expert on French law in foreign proceedings, and for the taking of evidence or service of documents in France in aid of foreign proceedings.

### EDUCATION

- University of Paris Panthéon-Sorbonne – 1987 – DEA (post-graduate diploma) in Private international law and international trade law (ranked 1<sup>st</sup>)
- University of Paris Panthéon-Assas – 1986 – Master's degree in Law (*cum laude*)
- University of Vienna – 1986 – Diploma of the *Lehrgang für Internationale Studien (magna cum laude)*

### MEYER FABRE AVOCATS

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## **OTHER PROFESSIONAL ACTIVITIES**

Teaching international arbitration at the University of Paris-Est (2014-2016)

In charge of teaching arbitration at the Paris Bar School (2012-2013)

Teaching at the Universities of Cergy-Pontoise (private int<sup>al</sup> law, 1993), Paris-Sud (int<sup>al</sup> trade law, 1990), and Paris Panthéon-Sorbonne (civil law, 1987-1988)

Drafting Secretary at the Hague Conference on Private International Law (XVII<sup>th</sup> and XVIII<sup>th</sup> sessions)

## **MEMBERSHIPS**

- Comité Français de Droit International Privé (vice president of the Bureau)
- Comité Français de l'Arbitrage (member of the Bureau)
- International Law Association
- ICC France
- Association Française de l'Arbitrage
- International Arbitration Institute

## **APPOINTMENTS AS ARBITRATOR (selection)**

- President of an *ad hoc* arbitral tribunal constituted for the settlement of a dispute between shareholders of a company providing consultancy services in the management of real estate and infrastructure investments (pending)
- Coarbitrator in a dispute submitted to an *ad hoc* arbitral tribunal concerning the distribution in Asia of optronics, avionics, electronics and critical software systems (pending)
- President of the arbitral tribunal in an ICC arbitration relating to the construction of an off-shore urban extension (pending)
- Coarbitrator in an ICC arbitration concerning telecommunication installations in Africa (pending)
- President of the tribunal in an ICC arbitration opposing manufacturers of components for the automotive industry (pending)
- President of the tribunal in a CMAP arbitration between two French companies active in the biotechnology industry (pending)
- Sole arbitrator in *ad hoc* arbitral proceedings between reinsurance and insurance companies (award issued in 2020)
- Coarbitrator in an ICC arbitration related to a contract for the distribution of medical equipment in Africa (award issued in 2020)
- President of an *ad hoc* arbitral tribunal constituted for the settlement of a dispute between shareholders of a joint venture in the events industry (award issued in 2020)
- President of an ICC arbitral tribunal concerning a road rehabilitation project in Africa (award issued in 2020)

- Sole arbitrator in an ICC arbitration in a real estate management dispute (award issued in 2020)
- Coarbitrator in an ICC arbitration concerning a mining project in Africa (settled in 2018)
- Sole arbitrator in an ICC arbitration concerning an agency agreement in the aviation industry (award issued in 2020)
- Coarbitrator in an arbitration submitted to the IATA Arbitration Rules (award on jurisdiction issued in 2018)
- Coarbitrator in an ICC arbitration related to contracts for the design, manufacture and supply of equipment in the aviation industry (award issued in 2020)
- Sole arbitrator in an ICC arbitration between a private contractor and an Eastern European public entity, relating to a road construction project (final award issued in 2018)
- President of an *ad hoc* arbitral tribunal constituted for the settlement of a dispute between shareholders of a company in the wind power industry (final award issued in 2018)
- Coarbitrator in an ICC arbitration between multiple shareholders and former co-owners of a ship (final award issued in 2018)
- Coarbitrator in an ICC arbitration between a Middle-Eastern company and an African country relating to contracts for the supply of services and equipment for the intelligence services of that country (final award issued in 2017)
- Sole arbitrator in a dispute between shareholders in a venture capital industry submitted to the Chamber of Commerce of Luxembourg (final award issued in 2017)
- Sole arbitrator in a post-M&A dispute over representations and warranties submitted to A.F.A. (final award issued in 2017)
- President of the arbitral tribunal in a CMAP arbitration relating to a post-M&A dispute (final award issued in 2017)
- President of the tribunal in an ICC arbitration between the local subsidiaries of major European energy groups relating to the construction of wind farms in Eastern Europe (settlement in 2017 after extensive briefing, expert reports, and many procedural incidents)
- Emergency arbitrator in an ICC dispute relating to a contract for the equipment and maintenance of an aircraft (Order issued in 2016)
- Coarbitrator in an *ad hoc* arbitration between the shareholders of a company producing medical equipment (final award issued in 2016)
- Coarbitrator in a CMAP arbitration concerning the termination of commercial relations in the field of the recycling of waste (final award issued in 2016)
- President of an ICC arbitration relating to the construction of a waste water treatment plant in Romania (settlement in 2016 after extensive debates following the insolvency of one of the parties)

- President of the tribunal in a CMAP arbitration concerning a dispute between a Middle Eastern company and a French contractor relating to a construction contract (final award issued in 2015)
- Sole arbitrator in an ICC arbitration concerning a commercial dispute between a Finnish company and a Chinese shipyard (settled in 2014 just before the final hearing)
- President of the tribunal in an ICC arbitration concerning the performance of a consulting agreement concluded for compliance with the European REACH regulation (final award issued in 2012)
- President of an *ad hoc* arbitral tribunal in a dispute between chartered accountants which was settled as a result of a conciliation with the assistance of the tribunal (award by consent issued in 2011)
- Sole arbitrator in an ICC arbitration concerning a commercial agency contract (final award issued in 2011)

## **PUBLICATIONS**

- "La preuve dans l'arbitrage – Les preuves détenues par l'autre partie", *Rev. arb.* 2020.89
- "Waivers of Immunity from Execution: A New Turn by the French Court of Cassation", 30-8 *Mealey's Intl. Arb. Rep.* 22 (2015), Volume 30, Issue #8
- "Getting the Deal Through – Arbitration 2014" (Chapter on France), *Law Business Research Ltd.*, January 2014, ed. Stephan Wilske and Gerhard Wegen
- "Emanation de l'Etat, renonciation à l'immunité d'exécution: du bon usage de concepts en vogue", *Comment of Paris, Pôle 4, Ch. 8*, 31 January 2013, *Rev. Arb.* 2013.460
- "Getting the Deal Through – Arbitration 2013" (Chapter on France), *Law Business Research Ltd.*, ed. Stephan Wilske and Gerhard Wegen
- "Arbitrators, don't overdo it without involving the parties!", *Comment of Cass. Civ. 1st*, 29 June 2011, *Overseas Mining Investment Ltd v. Commercial Caribbean Nickel*, *The Paris Journal of International Arbitration* 2012.183
- "Getting the Deal Through – Arbitration 2012" (Chapter on France), *Law Business Research Ltd.*, February 2012, ed. Stephan Wilske and Gerhard Wegen
- "Recognition and Enforcement of U.S. Judgments in France: Recent Developments", *The International Dispute Resolution News (ABA SIL)*, 2012
- "Enforcement of U.S. Punitive Damages Award in France: First Ruling of the French Court of Cassation", *Mealey's International Arbitration Report*, Jan. 2011
- Co-author with Carla Baker Chiss of "La nouvelle loi écossaise sur l'arbitrage (Arbitration (Scotland) Act 2010)", *Rev. Arb.* 2010.801
- "L'obtention des preuves à l'étranger", *Travaux du Comité Français de Droit International Privé, Années 2002-2004* ; Pédone, Paris 2005
- "Nouvelle procédure de notification: une avancée vers la coopération judiciaire entre les Quinze ?", *Les Echos*, 16 January 2002

- "Enforcement of Arbitral Awards against Sovereign States, a New Milestone: Signing ICC Arbitration Clause entails Waiver of Immunity from Execution, Held French Court of Cassation in Creighton v. Qatar, July 6, 2000", Mealey's International Arbitration Report, Sept. 2000
- "Rédaction d'une clause compromissoire : la vigilance est de mise", Le MOCI, 10-16 February 2000
- Co-author with Bruno Leurent of "La reconnaissance en France des sentences rendues à l'étranger, l'exemple franco-suisse", Bulletin de l'ASA 1995, p.118
- Contribution to "International Technology Transfers", edited by Harry Rubin ; Graham and Trotman/Martinus Nijhoff 1995
- "La Convention de La Haye du 29 mai 1993 sur la protection des enfants et la coopération en matière d'adoption internationale", Revue Critique de Droit International Privé 1994, p.259

## **CONFERENCES, SEMINARS**

- "Les preuves détenues par l'autre partie", speaker at the annual colloquium of the Comité Français de l'Arbitrage, Paris, 29 November 2019, on the subject "La preuve dans l'arbitrage"
- "Que reste-t-il de l'inarbitrabilité?", speaker at a conference organized by LEX, Paris, 18 April 2019, on the subject "Les transformations de l'arbitrage international"
- "Public order in international arbitration", speaker at a conference held in Bucarest on 17 October 2017, co-organized by ICC YAF and the Bucharest Faculty of Law
- "L'inopposabilité du nouvel article 2061 du Code civil", speaker at the annual dinner of the members of AFA, 27 June 2017
- GAR Live Paris, 25 November 2016, speaker on a panel on developments in French arbitration law
- "Legal Ethics on Movies and Television Shows", ABA SIL, 2015 Fall meeting, Montreal, 22 October 2015
- "Improving the Rules for the Appointment of Arbitrators under ICSID", Moderator at the conference organized by Convention-s at the Ministry of Foreign Affairs in Paris on 13 October 2015.
- "Action de groupe et droit international privé", speaker at the colloquium on "Arbitration and Class Action" organized in Paris on 18 May 2015 by the CMAP and the Universities of Montpellier and Saint-Quentin-en-Yvelines
- "Civil vs. Common Law – A Tale of Two Systems", New Jersey State Bar Association Mid-Year Meeting, Paris, 5 November 2014
- "A Foreigner in Uncle Sam's Court: The Effect of Cultural Differences in the Courtroom", ABA Section of International Law, 2012 Fall meeting, Miami, 19 October 2012

- "Les nouveaux défis des fonctions d'arbitre" - "La notoriété de l'arbitre réduit-elle l'obligation de révélation?", Speaker at a seminar organized by ICC France, Paris, 5 July 2012
- "Improving the knowledge on new EU Regulations", Seminar organized by the Romanian Ministry of Justice and the Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit E.V., Bucharest, 7-8 November 2011
- "Dialing 911 – Obtaining Interim and Emergency Relief in Support of Arbitration", ABA Section of International Law, 2011 Fall meeting, Dublin, 14 October 2011
- "Enforcement of Foreign Judgments in the United States and in Europe", ABA Section of International Law, 2010 Fall meeting, Paris, 5 November 2010
- "Certains aspects des règlements communautaires sur la loi applicable aux obligations contractuelles et non-contractuelles", Speech at the 7th meeting of the European Judicial Network in Civil and Commercial Matters, Paris, 4 December 2008
- "L'obtention des preuves en matière civile et commerciale", Contribution at a seminar organized jointly by the European Commission and the Ecole Nationale de la Magistrature, Paris, 6-7 September 2005
- "L'obtention des preuves à l'étranger", Communication at the Comité Français de Droit International Privé, Paris, 30 January 2004
- "The French Approach to Rules of Evidence and Conduct in International Arbitration" LCIA Symposium "Advocacy and Cultural Conflicts in International Arbitration", London, 12 April 2002
- "Les pourparlers dans les contrats d'affaires - Maîtriser les aspects internationaux", Debate of the Lettre des Juristes d'Affaires, Paris, 7 February 2001
- "Quelles questions examiner avant d'insérer une clause compromissoire dans vos contrats?" Euroforum Seminar, Paris, 26-27 October 1999
- "L'adoption internationale", International Law Association (French Branch), Paris, 25 October 1995