



GONZALEZ DE COSSIO ABOGADOS, S.C.

## FRANCISCO GONZÁLEZ DE COSSÍO

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**EDUCATION:** Attorney-at-Law admitted in Mexico (1995) and New York (2000)

- 2003 University of Chicago Law School: **Doctor** in Jurisprudence (J.S.D.) (Topic: Law and Economics/Antitrust Law)  
1998 University of Chicago Law School: **Master** in Laws. Fulbright Scholarship. Scholarship for academic merit from UofC  
1995 Universidad Iberoamericana: **Law Degree** (J.D.) *Summa Cum Laude*. Top 1% of the Class.

### Other

- 09-11 Harvard Business School: **Business degree** (OPM) with emphasis in finance.  
2010 Universidad Panamericana: specialization on **amparo** (constitutional proceedings).  
03-04 Instituto de Especialización de Ejecutivos: Graduate Degree in accounting, **taxation** and tax planning.  
00-01 Instituto Tecnológico Autónomo de México (ITAM): Graduate Degree in **Taxation**.  
2000 Hague Academy of International Law: Courses and research on **Private and Public International Law**.  
1998 Univ. of California at Davis and Univ. of California at Berkeley: Advanced Course in Intl Trade Regulation (**WTO**).  
96-98 Escuela Libre de Derecho: Graduate Degrees in Intl Business Transactions (1996), Arbitration (1997), Contracts (1997).

**EXPERIENCE:** Founder and Managing Partner of **GONZÁLEZ DE COSSÍO ABOGADOS, S.C.**

- 2007- Chair of the Mexican CONSTRUCTION INDUSTRY ARBITRATION CENTRE  
94-06 **Barrera, Siqueiros y Torres Landa**, Mexico City  
99-00 **Freshfields**, New York and Paris Offices (Foreign Attorney Program). Practice focused on arbitration and litigation before the International Court of Justice (*Qatar v. Bahrain* case)  
2000 Court of Arbitration, **International Chamber of Commerce**, Paris (Foreign Attorney Program)  
1994 Vinson & Elkins, L.L.P., Houston, Texas (foreign attorney program).

**ESPECIALIZATION:** The main field of specialty is **Arbitration**. Most active niche is acting as **arbitrator** (Chairman, sole arbitrator and coarbitrator). Practice as **counsel, expert** and mediator is also significant. acted as **sole arbitrator** in a dozen cases. **Chaired** over a dozen. Coarbitrator in more than 50. Albeit the fields of experience and activity include commercial, IP, sports and regulated fields, the following have become the most active and specialized: energy, construction, investment and complex arbitrations. (List attached.)

**OTHER FIELDS OF EXPERIENCE:** antitrust, corporate law, finance and transactional work.

**TEACHING:** Professor of **Arbitration, Investment Arbitration, Sports Arbitration** and **Economic Law** (including **Antitrust**), Universidad Iberoamericana (graduate and post-graduate) Escuela Libre de Derecho and ITAM. Visiting speaker in University of Miami, ITAM, and other Mexican and foreign Universities. Associate Director, George Mason University Latin American and Caribbean Law and Economics Center. Taught **Corporate/Business Law, Introduction to Law, Constitutional Law** (adjunct) and **Private Intl' Law**.

**ARBITRATION ASSOCIATIONS:** Member of the Court, London Court of International Arbitration. Chair of the Mexican CONSTRUCTION INDUSTRY ARBITRATION CENTRE. Arbitrator of the Court of Arbitration for Sport, Switzerland. Member of ICCA – International Council for Commercial Arbitration. Former Chair of the Arbitration Committee of the Mexican Bar Association and current chair of its Law and Economics Committee. Member of the Mexican Arbitration Institute, Mexican Mediation Institute. Mexico's alternate representative before UNCITRAL (arbitration working group).

**ASSOCIATIONS:** Member (and former Treasurer) of the Mexican Bar Association. President of the Antitrust Commission and active member of the Arbitration Commission of the Mexican Chapter of the International Chamber of Commerce. Current coChair of the Arbitration and Competition Commissions of the US-Mexico Bar Association. NAFTA 2022 Arbitration and Dispute Resolution Committee. International Bar Association, Spanish Arbitration Club, International Law Association, Mexican Maritime Law Association, Mexican Branch of the International Maritime Committee and the Iberoamerican Institute of Maritime Law.

**PUBLICATIONS:** **Author** of seven **books** and more than 200 legal **articles** for specialized journals focusing on (commercial and investment) arbitration, private, business, corporate, economic and international law (List attached.) The **books** are *Arbitraje* (2004, 2014 – 4<sup>th</sup> ed.), *Competencia Económica, Aspectos Jurídicos y Económicos* (2005), *Arbitraje Deportivo* (2006); *Arbitraje y la Judicatura* (2007); *El Estado de Derecho: un Enfoque Económico* (2007); *El Árbitro* (2008); *Arbitraje de Inversión*, (2009); *Law and Economics of the Mexican Competition Laws* (doctoral dissertation) (2003). CoDirector and Editor of *Revista de Derecho Privado*.

**LANGUAGES:** **Spanish:** Native; **English:** Full Domain; **French:** Working Knowledge; **German and Italian:** Basic

**INTERESTS:** History, Philosophy and Economics. Exercising, Skiing, Windsurfing.

## SALIENT CASES

This list provides examples of salient cases Dr. González de Cossío has acted as arbitrator.

### I. CHAIRMAN AND SOLE ARBITRATOR

- ICC 22477/ASM (AE): Emergency arbitrator in energy case.
- ICC 21915/ASM: Chairman of dispute stemming from failed public-private partnership procuring a hospital and involving public entity and construction company.
- ICC 22953/JPA: Arbitrator in important infrastructure project in Mexico City.
- CAS 5088 & 5089: Chairman of consolidated sports cases.
- ICC 22439/ASM: Chairman of construction dispute involving infrastructure project in Latin American country.
- Amcham Peru 004-2016: Chair of dispute involving shareholder dispute. Complex discovery and confidentiality issues involved.
- CAS 2017/A/5088 & 5089: Chairman of Tribunal dealing with appeals to FIFA decision involving dispute between players having to do with status of player.
- Arbitraje N° 0055-2017-CCL: Chair in construction dispute involving infrastructure project.
- CAS 2016/A/4744: Chairman of tribunal in dispute involving transfer of player.
- CAS 2016/A/4651: Sole arbitrator in dispute involving disciplinary measure stemming from corruption in sports arena.
- CAM 100/2015: Sole Arbitrator in unitary-prices construction dispute.
- CAS 2015/A/4175: Sole arbitrator in football dispute involving transfer of player.
- ICC 20985/ASM: Chairman in energy dispute.
- CeCap (Panama): Chair of engineering and electronics dispute.
- CAS 2015/A/3882: Chairman in football dispute.
- ICC 21305/ASM: Chairman in electricity dispute.
- CAS 2015/A/3871: Chairman in football dispute.
- CAS 2015/A/3646: Chairman in football dispute.
- Sole arbitrator in complex construction dispute involving consortium of five construction companies against infrastructure ministry.
- CAS 2014/A/3574: Chairman in football dispute.
- Sole Arbitrator in *ad hoc* touristic complex development infrastructure dispute. Highly contentious dispute involving procedural complexities.
- Arbitration N° 2879-2014-CCL: Chairman in complex infrastructure case between Latin American public entity and transnational energy company involving complex procedural issues (such as attraction of third related party as well as contractually agreed arbitration appeal before the same tribunal).
- Sole Arbitrator in *ad hoc* construction dispute involving a centralized governmental entity.
- CAM 82/2014: sole arbitrator in construction dispute.

- Sole arbitrator in *ad hoc* construction dispute involving centralized governmental entity and five constructors.
- Sole Arbitrator in *ad hoc* natural resources dispute.
- Sole arbitrator in *ad hoc* mining dispute where time was of essence. High quantum, complex and lengthy award issued in one month.
- Sole arbitrator in *ad hoc* construction dispute between Central American and Mexican entities.
- Sole arbitrator in *ad hoc* procedure further to the UNCITRAL Arbitration Rules which displayed complex use of arbitration as an account-balancing method to address extra-costs. Award was contractually agreed to be issued in 30-days. Very contentious case.
- ICC No. 15337/JRF: Chairman in energy dispute.
- Sole arbitration in *ad hoc* fast track case having to do with dispute stemming from purchase of stock deal which price was left to a third-party determination (the sole arbitration) after considering variables as to which the parties had differences (involving tax issues).
- ICDR No. 50 180 T 000 54 11: Dispute concerning joint venture in automotive industry. Issues included compliance with contractual obligations involving financial and technical matters.
- CAM 0060/2011: Dispute concerning restaurant industry with intellectual property issues.
- CAM 0021/2005: Agricultural dispute. UNIDROIT principles as applicable law.
- CAS 2008/A/1739: Dispute between athletic club and soccer player.
- CAS 2012/A/2860: Sole arbitrator in appeal dispute involving sports federation decision.
- CAS 3013/O/3134: Sole arbitrator in sports dispute.

## II. ARBITRATOR

- ICSID Case ARB 17/9: arbitrator in investment dispute involving Latin American country and transnational company.
- UNCITRAL investment case: arbitrator in maritime-related investment dispute involving Latin American country.
- ICC 22278/ASM: arbitrator in energy dispute involving Latin American public entity.
- CAS 5144: arbitrator in sensitive doping case dispute.
- CAM 106/2016: arbitrator in dispute involving company acquisition.
- Arbitraje PUCP 1122-184-16: arbitrator in energy and construction dispute.
- Arbitrator in construction and energy dispute involving public utility in Cuzco, Peru.
- Arbitrator in investment dispute involving Latin American parties (investor and host state) involving maritime matter.
- Arbitrator in Permanent Court of Arbitration case (CPA case AA589) involving Latin American cultural institute and construction entity.
- Arbitrator in *ad hoc* case involving highly politicized and technical dispute between a public power and the construction companies that built the public utilities building.
- Arbitrator in New York case of the *Maritime Arbitration Rules* of the *Society of Maritime*

*Arbitrators, Inc.*

- ICC No. 21449: energy dispute involving infrastructure project.
- ICDR No. 01-15-0004-3721: Shareholder dispute.
- Arbitraje N° 232-2016-CCL: construction dispute involving infrastructure project.
- Case 631-35-15 before the *Centro de Análisis y Resolución de Conflictos, Pontificia Universidad Católica del Perú*: arbitrator in infrastructure dispute involving Machupicchu.
- Permanent Court of Arbitration, The Hague case No. 2014-38: dispute between municipality and transnational company involving public procurement dispute.
- CAM Arbitration No. 0039/2008: Soda industry dispute. M&A issues at core of dispute.
- CAS 2011/A/2382 & 2011/A/2383: consolidated cases in disputes between athletic club and soccer player. Issues included termination of contract, indemnification and compliance with FIFA rules and sports contract.
- ICC case No. 20723: arbitrator in petroleum dispute between Latin American country and transnational company.
- CAS 2008/A/1679: dispute between athletic club and soccer player.
- Arbitrator in New York case of the *Maritime Arbitration Rules* of the *Society of Maritime Arbitrators, Inc.*
- ICDR No. 50-20-1100-0467: arbitrator in contractual dispute involving agricultural distribution from Mexico to the US, where complex valuation issues were at play.
- CAS 2008/A/1687: dispute concerning disciplinary sanction imposed on soccer player.
- ICDR Case No. 01-14-0000-9090: Touristic development and construction dispute.
- CAS 2008/A/1617: dispute concerning disciplinary sanction imposed on soccer player. Issues included validity of (severe) penalties in federation rules.
- CAS 2008/A/1503: emergency case involving football match. Award issued in three days.
- CAS 2008/A/1507: Arbitration dispute over rules of the game.
- CAS 2007/A/1242: football dispute. Issues included indemnification of football player under FIFA rules and sanctions imposed by sports federation.
- CAS 2008/A/1679 & 1681: consolidated cases involving dispute between football player and football club.
- ICDR No. 50 181 T 00415 09: tequila industry dispute. Issues included joint venture breaches and corporate disputes.
- ICDR No. 50 147 T 00191 08: contractual dispute. CISG as applicable law.
- ICDR No. 50-155-T-000467-11: dispute involving contractual dispute and issues involving US Law.
- ICC Case No. 18697/CA: energy dispute.
- ICC Case No. 18146/CA: energy dispute.
- ICC Case No. 18454/CA: energy dispute.
- ICC Case No. 17531/JRF: energy dispute. Arbitral and legal costs were a strong component of the case.
- ICC Case No. 17686/JRF/CA: petrochemical industry dispute.

- ICC Case No. 16653/JRF: construction, engineering and eolic energy dispute.
- ICC Case No. 15835/JRF: energy and public works dispute.
- ICC Case No. 15155/JRF: energy dispute.
- ICC Case No. 15217/JRF: energy dispute.
- ICC Case No. 15149/JRF: dispute involving underwater submarine pipelines.
- ICC Case No. 15337/JRF: construction and public works dispute.
- ICC Case No. 14522/CCO: construction dispute.
- ICC Case No. 14671/CCO/JF: acquisition and M&A dispute.
- CANACO Case 171: port authority and maritime dispute. Important administrative law component.
- CANACO Case 137: contractual and security services dispute.
- ICC Case No. 18146/CA: dispute between public entity and suppliers and technicians involving sensitive public works and procurement services problem. Multiplicity of contracts and parties at issue.
- ICC Case No. 18697/CA: contractual dispute involving contractual and tax issues stemming from public works, procurement and administrative contracts. Multiple contract and multiple parties at issue.
- CANACO Case 385: dispute between public entity created by international treaty between two States and a construction company involving the public works of highway running across diverse countries.
- ICC Case No. 18454/CA: dispute between public entity and suppliers and technicians involving sensitive public works and procurement services problem. Multiplicity of contracts and parties at issue.
- Case AI-02-12 before the Arbitration Centre of El Salvador (*Centro de Mediación y Arbitraje de la Cámara de Comercio e Industria de El Salvador*): dispute between constructors and public international law entity and Central American government with respect to the construction and procurement problems flowing from highway crossing several countries.
- ICC Case 19867/ASM: dispute between two construction companies and electricity utility related to important infrastructure project, with high energy component and multi-party and multi-contract issues.
- UNCITRAL *Ad hoc* case involving construction company and governmental entity involving infrastructure problem that threatened bankruptcy.
- ICC Case No. 18952/CA: dispute involving multiplicity of parties from different countries, one of them a public entity.

### III. COUNSEL OF RECORD

#### A. COMMERCIAL

Has acted as counsel in over 100 cases. Fields of tendency have involved:

- Contractual performance
- Construction
- Energy
- Sports
- Intellectual property
- License agreements
- Petroleum
- Investment
- Financial transactions
- M&A disputes (including disputes between partners in corporations)

#### B. CONSTRUCTION

Counsel of record in dozens of construction and energy cases. Problems extant have ranged across the entire spectrum of possibilities of the construction industry. This has included the most important eolic project in Latin American in 2017. Areas frequently advocated are over-costs, delays (including force majeure and other excuses for non performance), technical differences involving contractual compliance, specifications and materials (eg., compliance with guidelines involving procurement of contractual inputs), work characteristics, perforation, drainage, legal effects of tariff or price formulas as well as cost and consideration calculation, maintenance and design. Also, FIDIC.

A constant has been the use of arbitration, conciliation, expertise and dispute boards in ingenious and flexible matters to cater to the problems of construction industry disputes.

#### C. ENERGY

Counsel in all types of energy disputes. Recently the caseload has emphasized in renewable energy disputes. The foregoing includes electricity disputes, petroleum, eolic and solar energy disputes. In 2017 Mr. González de Cossío acted for counsel of record in the largest ever eolic energy dispute case in Latin America.

#### D. INVESTMENT CASES

- Arbitrator in UNCITRAL Rules investment dispute involving Latin American country in dispute having to do with maritime investment.
- ICC 11392/KGA/CCO: Counsel to investors against East-European country. At issue was fair and equitable treatment and measures tantamount to expropriation. First ICC investment arbitration ever.
- ICSID ARB/11/1: Counsel to claimant investors against a Latin American country. At issue were expropriation (including measures tantamount thereto), fair and equitable treatment, full protection and security and umbrella clauses.
- ICSID ARB (AF) 12/4: Counsel to claimant investors against Latin American country. Over a billion US in dispute. Claim involves expropriation (including regulatory, measures tantamount to expropriation), fair and equitable treatment and full protection.

- Has investment disputes in several cases that have settled or otherwise concluded. Matters have included all disciplines (jurisdictional and substantive) of investment arbitration.

#### E. REFERENCES

If desired, references can be provided of clients represented in the above-mentioned fields/cases.

### IV. MEDIATOR

- Sole mediator in hotel construction dispute in Los Cabos, Baja California.
- Sole Mediator in family business dispute involving differences between partners and family members in corporate holdings and other business.
- Sole Mediator in water rights allocation dispute in arid area with scarce hydro resources.
- Sole mediator in dispute involving differences in co-proprietorship community.
- Sole Mediator in shareholder's dispute.
- Sole Mediator in contractual dispute which included parallel civil, corporate and criminal proceedings.
- Mediator in probate/inheritance dispute.
- Mediator in dispute related so partnership separation and dissolution involving acute differences in asset division. Saliently, the parties were former-romantically involved partners in closely-held corporation.

## PUBLICATIONS

### I. BOOKS

1. ARBITRATION (*ARBITRAJE*), Ed. Porrúa, 4<sup>th</sup> ed. 2014.
2. INVESTMENT ARBITRATION (*ARBITRAJE DE INVERSIÓN*), Ed. Porrúa, 2009.
3. THE ARBITRATOR (*EL ÁRBITRO*), Ed. Porrúa, 2008.
4. ARBITRATION AND THE JUDICIARY (*ARBITRAJE Y LA JUDICATURA*), Ed. Porrúa, 2007.
5. SPORTS ARBITRATION (*ARBITRAJE DEPORTIVO*), Ed. Porrúa, 2006.
6. THE RULE OF LAW: AN ECONOMIC PERSPECTIVE (*EL ESTADO DE DERECHO: UN ENFOQUE ECONÓMICO*), Ed. Porrúa, 2007.
7. ARBITRATION AND OTHER ADR AS AN INDISPENSABLE COMPONENT OF INFRASTRUCTURE PROJECTS: A MANUAL FOR ENGINEERS, ARCHITECTS AND CONSTRUCTORS (in edition, 2016).
8. ANTITRUST: LEGAL AND ECONOMIC ASPECTS (*COMPETENCIA ECONÓMICA: ASPECTOS JURÍDICOS Y ECONÓMICOS*), Ed. Porrúa, 2005.
9. COMPETITION (*COMPETENCIA*), Ed. Porrúa, 2<sup>nd</sup> ed. Ed. Porrúa, 2017.

### II. ARTICLES

*Inter alia*, Francisco González de Cossío has authored more than 200 articles on arbitration, competition, business and legal studies (many of which are visible in [www.gdca.com.mx](http://www.gdca.com.mx)).