

Beatrice CASTELLANE

Lawyer & International Arbitrator

Overview

Founder of the firm “Cabinet Castellane Avocats”, registered as business lawyer (Paris Bar 1983), international arbitrator and former elected Member of the Paris Bar Council (2004-2007). Counsel to both French and foreign companies in business and investment cases, she acts as Counsel or Arbitrator in numerous cases relating to construction, mining and raw materials, telecommunications, energy, aviation, maritime matters, agriculture and general trade disputes. Active as both an arbitrator and lawyer in contentious matters arising in Africa, Europe, Asia and the United States, Beatrice is a member of the ICC, HKIAC, OHADA CCJA, CRCICA and KLRCA arbitrator panels and also arbitrates in ad hoc arbitrations in particular under the UNICTRAL rules. As of 31 December 2019, counsel or arbitrator in over 100 cases including 18 international arbitrations as sole arbitrator or president of the arbitral tribunal. Further international experience: professional/ personal activities in 64 countries (6 continents).



Expertise

- International and domestic arbitration
- Commercial/ investment disputes
- Construction disputes

Languages

- French (native)
- English (full professional proficiency)
- German, Russian, Italian (elementary proficiency)

Recent experience

I. Experience as Arbitrator

- President of an arbitral tribunal (ICC arbitration in English) in a dispute involving EU and North-American companies regarding Energy industry (French law)
- President of an arbitral tribunal (ICC arbitration in English) in a dispute involving Czech and Romanian companies regarding the construction of a motorway in a FIDIC dispute (Romanian law)
- President of an arbitral tribunal (ICC arbitration in English) in a dispute involving Cypriote and Italian companies regarding the termination of various sales contracts in the CISG framework (Swiss law)
- Sole arbitrator (ad hoc arbitration, UNCITRAL rules) in a bilingual arbitration (French and English) involving French and Emirate parties regarding high-end fashion and textiles in an arbitration related to the use of IP rights and the production of clothing (French law)
- Sole arbitrator (ICC arbitration) in a dispute involving between Algerian and Swiss parties in a dispute involving the sale of steel (French law)
- Sole arbitrator (ICC arbitration) in a dispute involving Scottish and Russian companies regarding the quality and transport of agricultural products (Swiss law)
- Sole arbitrator (ICC arbitration) in a dispute involving Italian and Russian companies regarding the development of technical equipment for the manufacturing of industrial insulation (Italian law)
- President of an arbitral tribunal (ICC arbitration) in a dispute involving Dutch and Spanish companies in a shareholder dispute (French law)
- Sole arbitrator in a dispute involving Dutch and Italian parties involving the termination of a distribution agreement (Italian law)
- Sole arbitrator in a dispute involving a Dutch party and a Romanian company involving the maintenance of airplanes (ICC arbitration) (Swiss law)
- Sole arbitrator (ICC arbitration) in a dispute involving American and Belgian parties relating to the termination of an industrial distribution agreement (ICC arbitration) (Belgian law)
- President of Arbitral Tribunal in a dispute involving Dutch, Spanish and Luxembourg parties relating to a shareholder agreement (ICC arbitration) (French law)
- Sole arbitrator (ICC arbitration) in a dispute involving Indian and Tanzanian parties (indirectly involving Chinese and Saudi Arabian entities) regarding the delivery of agricultural products (Swiss law)

II. Experience as Counsel

- Counsel of a foreign group company against a State regarding inopposability of international arbitral awards (seat of arbitration Paris)
- Counsel in approximately 25 large real estate disputes arising in the construction of large buildings and in contentious matters relating to public works and quality disputes (e.g. nonconformity of materials used, failure to comply with specifications, technical inspections, quantification of damages, extensions of time, guaranties, health and safety, resurfacing works, disputes relating to payment terms etc.) (French law)
- Counsel to a Moroccan trading company in a dispute with a Turkish listed company regarding commission due from a pipeline construction contract (ICC arbitration, Swiss law)
- Counsel to a telecommunications company in a shareholder dispute involving Burkinabe and Emirate companies (ICC and OHADA CCJA arbitrations, French law)
- Counsel to a software company who successfully claimed damages for software counterfeiting/infringement of intellectual property rights, in a dispute against the Minister of Equipment for France (proceedings before French courts, French law)
- Counsel to an African investor in an investment arbitration against an African state relating to the privatisation of the cotton industry (OHADA CCJA arbitration)
- Counsel to a Burkinabe company in a dispute with an African state relating to telecommunications (ICC and OHADA arbitrations, Malian law)
- Counsel to an airline in a shareholder dispute involving French and Gabonese companies (ad hoc, French law)
- Counsel to a telecommunications company in a hostile takeover attempt involving Burkinabe and Togolese companies (OHADA CCJA arbitration)
- Counsel to a Hong Kong company in an ICC arbitration involving a global aviation company in a dispute relating to sales contracts and the non-payment of commission (French law)

Professional Activities and Memberships

- Avocat at the Paris Bar since 1983
- Former elected Member of the Paris Bar Council (2004-2007)
- President of the Arbitration Commission of the Comparative Law Society (SLC, *Société de Legislation Comparée*)
- Honorary President of the Franco-British Lawyers Society (AJFB-FBLS)
- Former Director of the French Arbitration Association (AFA, *Association Française d'Arbitrage*)
- Past President of the French Association of Women Lawyers (AFFJ, *Association Française des Femmes Juristes*) (2008-2010)
- Member of the UNCITRAL working group II on Arbitration and Conciliation
- Member of the Editorial Board of the French Business Law journal, "*Journal special des sociétés*"
- Member of the Institute of Directors (IOD, London) (2000 -), certified in International Company Direction (2016)
- Member of numerous arbitral associations including: International Council for Commercial Arbitration (ICCA), International Arbitration Institute (IAI), French Arbitration Commission (CFA, *Comité français de l'Arbitrage*), International Bar Association (IBA), International Association of Lawyers, (UIA, *Union Internationale des Avocats*) and Arbitral Women's Association
- Member of the Kipling Society
- Former Director of the Bank Crédit Mutuel and CIC Asset Management (2011-2019)
- Knight of the Legion of Honour (2010)

Recent publications

<http://www.cabinet-castellane-avocats.fr/en/2business-law-office/4publications.php>

- "Arbitrators and counsel: Speaking the same language?", Presentation at Dubai Arbitration week (2019)
- "Overview of French Arbitration Law", Presentation at Keio University, Japan (2019)

- « L'usage du français dans l'arbitrage et le principe de la contradiction », Presentation CRCICA at Cairo, Egypt (2018)
- "Continental Civil Law v Common Law in International Contractual Disputes", Presentation Cle Paris (2018)
- "Critical Analysis of French Supreme Court Judgment Equatorial Guinea v Orange Middle East and Africa of 15 June 2017, Journal of International Law" (Clunet), p. 149 (2018)
- "A Brief History of the ICC's International Court of Arbitration", Issue n°110 Echanges Internationaux ICC France, p. 18 (2018)
- "Explaining the Rise of ADR in Telecommunications/ New Technologies Disputes", CiArb International Arbitration Conference - Paris (2017)
- "Brexit and International Arbitration: Myths and Realities", Issue n°158, Journal des Sociétés, p. 3 (2017)
- "Arbitration Agreements: Negotiation and Drafting", Issue n°108, Echanges Internationaux ICC France, p.29 (2017)
- "Third Party Funding: A Q&A with Beatrice Castellane", North Carolina Journal of International Law (2017)
- "When National Courts considering Commercial Disputes catch on to International Standards. The Singapore example (SICC)", Issue n°147, Journal des Sociétés, p.3 (2016)
- "Contrariétés entre jugements étatiques et sentences arbitrales dans l'espace OHADA", Issue n°894, Penant, Revue Trimestrielle de droit Africain, p.33 (2016)
- "Critical analysis of a French Supreme Court Judgment dated 9 July 2014", Issue n°4, Revue de l'Arbitrage, p.1103 (2015)
- "L'affaire Ryanair : Un jeu de concurrence entre les plus hautes juridictions françaises", Issue n°135, Journal des Sociétés, p.3 (2015)
- "Do Arbitrators and Counsel speak the same Language?", International Conference on Arbitration Discourse and Practice in Asia 2015, KLRCA (2015)
- "La langue de l'arbitrage : une jurisprudence rassurante", Issue n°103, Echanges internationaux (Magazine du Comité Français de la Chambre de Commerce Internationale), p.13 (2015)
- "L'arbitrage international et interne dans le secteur agricole/agroalimentaire", Issue n°83, Newsletter Crédit Agricole (2014)
- Presentation at the "Wake up [with] arbitration" meeting in Paris (2014)
- Speech presented during the annual celebration of the Niger Bar, commemorating its 25th anniversary, (2013)
- "The Practices of the International Court of Arbitration of the ICC: A global reference", Issue n°98, Echanges internationaux (Magazine du Comité Français de la Chambre de Commerce Internationale), p.29 (2013)
- "Succès et légitimité de l'arbitrage", Issue n°111, Journal des sociétés, p.3 (2013)
- "Critical analysis of recent jurisprudence of the Cour de cassation regarding arbitrations involving the bâtonnier", Issue n°2, Revue de l'arbitrage, p.393 (2013)
- "Enforcement of arbitral awards : Faced with challenges, what solutions exist for companies?", Issue n°97, Echanges internationaux (Magazine du Comité Français de la Chambre de Commerce Internationale), p.31 (2013)
- "Justice and Religion in Arbitration", Presentation to the Franco-British Lawyers Society (2013)
- "French Case Law on Arbitration, Annual Report", Journal of International Arbitration, Issue n°4, p.1 (2012)
- "How can arbitrators' independence be verified?" Issue n°96, Echanges internationaux (Magazine du Comité Français de la Chambre de Commerce Internationale), p.29 (2012)
- "French Case Law on Arbitration Annual Report", Journal of International Arbitration, Issue n°4, p.1 (2011)
- "The New French Law on International Arbitration", Journal of International Arbitration, Volume 28, p.371 (2011)
- « Le juge d'appui », Présentation MED-MID Forum, Tunis (2010)
- Vidéos Paris 1 – Panthéon Sorbonne (2010)
 - Common Law - Civil Law 1 : La coexistence du Civil Law et du Common Law
 - Common Law - Civil Law 2 : L'opposition du droit coutumier du Common Law au droit écrit du Civil Law

- Common Law - Civil Law 3 : Les équilibres différents du Common Law et du Civil Law : l'entreprise
- « Arbitration in Employment Relationships in France », Journal of International Arbitration, Volume 26(2), p.293 (2009)
 - « Droit civil - Droit coutumier (Common law) : Schéma d'un face à face » / « Continental Civil Law vs Anglo-Saxon Common Law - The Twain May Meet But Never Merge », Issue n°59, SOCIETAL (2008)

Education

- Panthéon-Sorbonne University (Paris I), DEA Business Law (1981)
- Institute of Directors (London), Certificate in International Company Direction (2016)

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