

## 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. 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 150 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, 2011 – 3<sup>rd</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

- Sole Arbitrator in *ad hoc* construction dispute involving a centralized governmental entity.
- 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.
- *Ad hoc* sole arbitrator in construction dispute between Central American and Mexican entities.
- ICC No. 15337/JRF: Energy dispute.
- 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.

### II. ARBITRATOR

- 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.
- CAS 2008/A/1679: dispute between athletic club and soccer player.
- CAS 2008/A/1687: dispute concerning disciplinary sanction imposed on soccer player.
- 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. 18146/CA: energy dispute.
- ICC Case No. 17531/JRF: energy dispute. Arbitral and legal costs where a strong component of the case.
- ICC Case No. 17686/JRF/CA: petrochemical industry dispute.
- ICC Case No. 16653/JRF: construction dispute.
- ICC Case No. 16653/JRF: 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. 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 No. 18952/CA: dispute involving multiplicity of parties from different countries, one of them a public entity.

### **III. COUNSEL**

#### **A. COMMERCIAL**

Has acted as counsel in over 60 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. INVESTMENT CASES**

- 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.

### **IV. MEDIATOR**

- 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 shareholder's dispute.
- Sole Mediator in contractual dispute which included parallel civil, corporate and criminal proceedings.
- Mediator in probate/inheritance dispute.

## PUBLICATIONS

### I. BOOKS

1. ARBITRATION (*ARBITRAJE*), Ed. Porrúa, 3<sup>rd</sup> ed. 2011.
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. THE RULE OF LAW: AN ECONOMIC PERSPECTIVE (*EL ESTADO DE DERECHO: UN ENFOQUE ECONÓMICO*), Ed. Porrúa, 2007.
6. SPORTS ARBITRATION (*ARBITRAJE DEPORTIVO*), Ed. Porrúa, 2006.
7. ANTITRUST: LEGAL AND ECONOMIC ASPECTS (*COMPETENCIA ECONÓMICA: ASPECTOS JURÍDICOS Y ECONÓMICOS*), Ed. Porrúa, 2005.

### II. ARTICLES

*Inter alia*, Francisco González de Cossío has authored the following articles (which may be consulted in [www.gdca.com.mx](http://www.gdca.com.mx)):

*Acuerdo Arbitral Contenido En Un Contrato con Cláusula De Estipulación A Favor De Tercero, Arbitraje y Contratos Administrativos, Acuerdos Y Laudos Arbitrales En México: Nota Sobre Desarrollos Recientes, Aportación De México Al Arbitraje De Inversión, Arbitrabilidad De Controversias En Materia De Sociedades Mercantiles Arbitrabilidad De La Competencia Económica: Un Caso Particular Del Principio De Peter, Arbitrage Au Mexique: Un Jardin Ou Une Jungle?, Arbitraje De Inversión A La Mexicaine, Arbitraje En México: ¿Un Jardín o Una Jungla?, Atavism Rejected: Mexican Supreme Court Upholds The Constitutionality Of The Mexican Arbitration Statute, Clash Of Cultures In Arbitration Procedure: Tower Of Babel Anew?, Chauvinism Rejected: Mexican Supreme Court Upholds The Constitutionality Of The Mexican Arbitration Statute, Contratos Incompletos Y Solución De Controversias, Comentario Sobre El Desarrollo De La Competencia Desleal En México, Comentario Sobre La Experiencia Mexicana Con El Arbitraje De Inversión, Comentario Sobre Las Modificaciones A La Ley Federal De Competencia Económica, Comentarios Sobre Problemas En La Impartición De Justicia Y Posibles Soluciones, Compétence-Compétence A La Mexicaine Et A L'américaine: Une Évolution Douteuse, Compétence-Compétence A La Mexicaine Et A L'américaine: An Awry Development, Competencia Económica y Prácticas Desleales De Comercio Internacional. Un Comentario, Competencia Económica Y Propiedad Intelectual ¿Complementarios o Antagónicos?, Competencia Incompetente, Crónica De Éxito De Mecanismos Alternativos De Solución De Controversias: Resultados Empíricos De Un Modelo, ¿Cuándo Pacta Es Servanda?: Las Cláusulas Paraguas En Arbitraje De Inversión, De Necios y Convencidos: El Debate Sobre La Postura Mexicana Sobre Quién Decide Acerca De La Validez Del Acuerdo Arbitral, Denial Of Justice In International Law, Derecho Internacional Y Globalización ¿Catarsis o Catástrofe?, Developments Of Arbitration In Mexico, Discriminación De Precios, Discriminación De Precios, Dumping Y Depredación. Tres Disciplinas, Un Fenómeno Económico, Distribución De Costos En El Arbitraje: El Modelo Porcentual, Doping Y Arbitraje Deportivo, D=oxe, El “Agente Económico” A Los Ojos De La Judicatura Mexicana: Una Institución Jurídica En Búsqueda De Contenido., El Árbitro, El Árbitro Homenaje Al Dr. Rodolfo Cruz Miramontes, El Arbitraje Evaluado: Comentarios Sobre Experiencias Recientes En México, El Arbitraje Y Judicatura: Un Binomio Necesario En La Ecuación De Procuración De Seguridad Jurídica, El Caso Carmona: ¿Un Gol o Un Foul Para La Justicia Deportiva?, El Caso Econet: Requiem Por Un Acuerdo Arbitral Frustrado, El Caso Infored V Grupo Radio Centro: El Quijote Mexicano, El Caso Lydia Cacho: ¿El Dreyfus Afaire Mexicano?, El Estado De Derecho, Económicamente, El Estado De Derecho: Un (Desesperado) Llamado De Acción, El Principio Compétence-Compétence, Revisitado, El Que Toma El Bolín, Toma La Carga: La Solución A Problemas Relacionados Con Terceros En Actos Jurídicos Que Contienen Un Acuerdo Arbitral E Involucran A Terceros, Ejecución En México De Laudos Anulados En El Extranjero, ¿Es Lo “Económico” Lo Mismo Que Lo “Mercantil”? Comentario Sobre La Definición De ‘Agente Económico’ Por La Suprema Corte De Justicia De La Nación, Ejecución Del Acuerdo Arbitral: Aún Un Prisma Opaco, Ganancias En Eficiencia: El Zugzwang De La Competencia Económica, Garantismo Y Arbitraje: Un Falso Dilema, Hacia Una Definición Mexicana De ‘Orden Público’, Independencia, Imparcialidad Y Apariencia De Imparcialidad De Los Árbitros, Investment Protection Rights: Substantive Or Procedural?, International Aspects Of Competition Law, Irresponsabilidad De La Responsabilidad, Kompetenz – Kompetenz A La Mexicana: Crónica De Una Muerte Anunciada, Laudos Arbitrales Y Sentencias Extranjeras. Notas Sobre Su Ejecución, La Dominancia De Teléfonos De México: Propuesta De Una Solución De Mercado, La Escurridiza Noción De ‘Arbitraje’: Un Ejercicio De Definición Tan Arduo Como Importante, Las Instituciones Y La Utilización Farisea Del Derecho, La Naturaleza Jurídica Del Arbitraje: Un Ejercicio De Balance Químico, La Nueva Forma Del Acuerdo Arbitral: Aún Otra Victoria Del Consensualismo, La Nueva Forma Del Acuerdo Arbitral: Otra Victoria Del Consensualismo, Las Medidas Precatorias Como Garantía De Efectividad Del Arbitraje, La Modificación A Derecho Arbitral Mexicano — Un Comentario, La Participación De Contadores En El Arbitraje, La Regulación De Las Acciones Preferentes, La Pena De Muerte Por Secuestro: Un Ejemplo De La Urgencia De Analizar Económicamente El Derecho, La Seguridad Jurídica Y La Economía, Novación Y Acuerdo Arbitral, Nueva Política De Competencia: Alumbramiento, Pubertad Y Madurez De Una Idea, Mecanismos Alternativos De Solución De Controversias. Nota Sobre El Creciente Desarrollo Del Área, Medidas Equivalentes A Expropiación En Arbitrajes De Inversión, Medidas Precatorias Dictadas Por Tribunales Mexicanos En Apoyo Al Arbitraje, Medidas Precatorias En Arbitraje, Medidas Precatorias En Arbitraje: Instrumento Viejo, Régimen Nuevo, Medidas Urgentes Y Ordenes Preliminares En Arbitraje: Dos Nuevas Y Efectivas Herramientas Procesales, Mexican Supreme Court Decision In Re Compétence-Compétence, Mexican Supreme Court Ends An Arbitration Award Enforcement Appellate Contradiction, Mexican Supreme Court Upholds The Constitutionality Of The Mexican Arbitration Statute, Mexico Ante El Arbitraje CIADI ¿Prudente O Rebelde?, México Ante El Centro Internacional De Arreglo De Diferencias Relativas A Inversiones, Un Comentario, México Before ICSID Rebel Without A Cause?, Oligopolio A La Mexicana, Orden Público En México, Orden Público Y Arbitrabilidad: Dúo-dinámico Del Arbitraje, Procedimientos Paralelos En Arbitraje Deportivo, Prognosis De La Salud Arbitral Mexicana, Predatory Pricing, Reflexión Acerca De Algunos Problemas Constitucionales Suscitados Por Los Tratados De Inversión De Lo Que México Es Parte, Reformas A La Ley Federal De Competencia Económica Comité De Competencia Económica Barra Mexicana, Colegio De Abogados, A.C. Notas para debate del 13 de junio de 2006, Relación Entre La Judicatura Y El Arbitraje: El Juez Como Parte Del Orden Jurídico Arbitral, Sanciones Bajo La Ley Federal De Competencia Económica: Un Comentario De Análisis Económico Del Derecho, Sobre La Naturaleza Jurídica Del Arbitraje Homenaje a Don Raúl Medina Mora, The 2011 Amendments To Mexican Arbitration Law, The Compétence-Compétence Principle, Revisited, The Mexican Experience With Investment Arbitration A Comment, The International Centre For Settlement Of Investment Disputes The Mexican Experience, The Problem Of The Relevant Arbitrability, Trato Justo Y Equitativo En Arbitraje De Inversión: Un Ejercicio Interpretativo, Validez Del Acuerdo Arbitral Bajo La Convención De Nueva York: Un Ejercicio Conflictual.*