Audit Duprey Fekl



Mathias Audit

Partner at Audit - Duprey - Fekl
Professor at the Sorbonne School of Law

French national
Born in Paris on August 18, 1970
Two children

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Professional Experience

Professor at the Sorbonne School of Law — Since 2016
Co-head of the Master's in Arbitration and International Commercial Law

Founding Partner at Audit - Duprey - Fekl — Since 2021

Education

Ph.D. in Private Law from the Sorbonne School of Law — 1999

Master's Degree in Private International and Commercial Law — 1993

Representative experience related to economic sanctions and export control

Legal opinion submitted before Russian courts regarding the preservation of the right of access to French courts and arbitral tribunals seated in France for Russian individuals and entities, in light of the adoption by the EU of new economic sanctions against Russia.

Legal opinion submitted before UK Courts in the context of anti-suit injunctions filed by German entities. Mathias's expert report has been cited by the UK Supreme Court [*see*, [2024] UKSC 30 On appeal from: [2024] EWCA Civ 64].

Seeking leave from French administrative courts to unfreeze assets belonging to a foreign State and located in France, frozen pursuant to EU sanctions.

Counsel to a major French energy group in the revision of its internal guidelines to ensure the Group's compliance with the EU's economic sanctions regimes adopted following Russia's invasion of Ukraine.

Counsel to a major French energy group, providing a monthly legal update on EU/US export controls, outbound investment screening and sanctions regimes as well as on China import controls, inbound investment screening and counter-sanctions.

Counsel to a major French multimedia group and its English and Luxembourg subsidiaries in assessing the impact of EU, UK, and US sanctions on several channel distribution agreements entered into – directly or indirectly – with Ukrainian and Belarusian entities.

Counsel to a French company on the risks related to the US and the EU sanctions regimes in the framework of the acquisition of a majority stake in a foreign company.

Counsel to a major French trading group on the impact of the 12th EU sanctions package against Russia on its relations with its various subsidiaries in Russia.

Counsel to a French trading company on the impact of US and EU sanctions, as well as of Russian countermeasures, on the transit of its shipments through Russian ports.

Counsel to an interprofessional association on the impact of the first five EU economic sanctions packages against Russia on its members' operations.

Counsel to a foreign company through the process of lifting the asset freeze of an entity before the French General Direction of Treasury.

Counsel to a South American central bank on the impact of US sanctions against Cuba on the course of the central bank's business.

Counsel to a foreign government regarding the impact of sanctions on its oil industry.

Counsel to an urban mobility company in matters of public property and public service concessions.

Counsel to a French nanotech company on obtaining investment authorizations in France and the US.

Counsel to a major French B2C Group on the legal, economic and strategic risks resulting from a potential shift of the political situation in an Asian jurisdiction.

Counsel to a French international trade facilitating company in the pre-arbitration phase of a dispute between a French and a Cuban company related to the performance of an international contract for the sale of goods impacted by US economic sanctions against Cuba.

Sole arbitrator in an ICC arbitration related to a dispute arising out of the performance of a mandate agreement impacted by international sanctions against Iran (Danish law, seated in Copenhagen).

Sole Arbitrator in ICC proceedings concerning the impact of US sanctions against Iran on the execution of an agency agreement between European counterparts.

Representative experience in international arbitration

- Investment arbitration

Arbitrator in an *ad hoc* investor-State arbitration conducted pursuant to the UNCITRAL Rules against an East African State.

Arbitrator in an ICC investor-State dispute between a Turkish investor and a Central African State and a State-entity over an aborted project to build a presidential palace and other buildings.

Counsel to a West African State in an action to set aside an award in an investment arbitration brought by a French investor in a property construction case.

Counsel to an international mining group in a pre-arbitration dispute related to the wrongful cancelation of its mining licenses by an African State.

Arbitrator in a PCA arbitration between a French economic and social operator and a Central African State.

Arbitrator in an ICC arbitration between a consortium of French, Luxembourgish, Emirati and American companies and a Central African State.

- Inter-State arbitration

Counsel to a Latin American State with respect to the legal and strategic aspects of a border dispute with a neighboring State.

- International commercial arbitration

Sole arbitrator in an ICC arbitration (seat in the Seychelles) concerning a cryptocurrency dispute.

Counsel to an international trading company based in Cuba in a pre-arbitration dispute with a French company.

Counsel to a major mining company in two ICC arbitrations against a Central African State-owned entity concerning the purported termination of a joint venture agreement.

Counsel in the annulment proceeding of an ICC award relating to the construction of a section of motorway (Paris Court of Appeal).

Advising a French consortium in a pre-arbitration construction dispute in relation to an offshore wind farm.

President of the tribunal in an AFA arbitration in relation to a service agreement in the chemical industry.

Counsel to a French multinational in a WIPO arbitration concerning the infringement of its intellectual property rights.

Sole arbitrator in an ICC arbitration (expedited procedure provisions) between a Swiss company and a Danish company in relation to the impact of US economic sanctions against Iran.

President of the tribunal in an ICC arbitration opposing three French companies in the field of nuclear energy.

President of the tribunal in an ICC arbitration between a Taiwanese company and a Swiss company concerning a representation agreement.

Ad hoc arbitration (UNCITRAL Rules) relating to a dispute between an Egyptian company and a Lebanese public company in connection with a concession agreement.

ICC arbitration relating to port activities between a Russian company and a German manufacturer.

Ad hoc arbitration between two French construction companies.

Arbitration between two French companies relating to a share transfer agreement.

CMAP arbitration between a French project management company, a Virgin Islands company, and an internationally renowned French interior designer.

CACI construction arbitration between a Mauritian company and a consortium of Ivorian companies.

CMAP construction arbitration regarding a dispute between a French company and a Qatari company.

ICC arbitration relating to a shipping contract between a Swiss company and a Guinean company.

Ad hoc arbitration between two French operators relating to a telecom franchise agreement.

IATA (International Air Transport Association) arbitration relating to a contract for airport activities.

VIAC (Vienna International Arbitration Center) arbitration in an international sales dispute between a French company and a Ukrainian company.

Other representative experience

- Sovereign finance

Audit of all financial contracts of a central bank in a Latin American country.

Advising a French public company on the framework of the debt suspension mechanism of African States in connection with the COVID-19 epidemic.

Advising a French public financial institution on the possible risks of abusive support in the context of loans granted to African public entities.

Advice in connection with a loan granted by a French group to a South American State.

Advising a Latin American central bank on the impact of US economic sanctions on its activities.

Advising a Central American public bank in a dispute with a French bank over the release of funds.

Advising the Central Bank of a Latin American State on the contractual analysis of a contract with the French State.

- Natural resources and extractive industries

Advising a world leader in transport and infrastructure on the structuring of a shareholding in the development of a container terminal in a strategic port area.

As part of an operation to refinance a loan for the operation of an LNG terminal in France, carrying out an audit assignment with the terminal operator on the project's compliance with applicable energy and environmental law regulations.

Advising on the currency of payment in an international transaction and the impact of international sanctions on the execution of an account agreement.

Advising a French energy group in its relations with an East African country regarding the structuring of oil distribution.

Advising a French energy group in connection with the management of oil supplies in the Caribbean.

Advising a Canadian company in connection with a mining project in a Central European country.

Advising the Democratic Republic of Congo in connection with the acquisition of a mining asset by a Chinese group.

- Infrastructure PPPs

Advising a television broadcasting company in connection with its relations with several French-speaking African countries.

Advising a leading public works company in its negotiations with a French public entity with a view to restructuring their agreements relating to the construction of an offshore wind farm.

Pre-litigation in a French-speaking African country relating to the impact of the actions of public authorities on the investor’s activities.

Rostered on the following lists of arbitrators

- ICC France
- International Arbitration Institute (IAI)
- Vienna International Arbitration Center (VIAC)
- Franco-Arab Chamber of Commerce Mediation and Arbitration Center
- Asian International Arbitration Centre (former KLRCA)
- Shanghai International Arbitration Centre (SHIAC)
- Cairo Regional Centre for International Commercial Arbitration (CRCICA)
- Dubai International Arbitration Centre (DIAC)

Publications

- Books

Droit du commerce international et des investissements étrangers, co-ed. with S. Bollée and P. Callé, coll. Domat Droit privé, LGDJ-Lextenso, 3rd ed., 2019. *Livre juridique* prize winner in 2015 (1st ed.).

Bioéthique et droit international privé, Recueil de l'Académie de droit international de La Haye, vol. 373, 2015, pp. 220-447.

Les conventions transnationales entre personnes publiques, LGDJ, Bibliothèque de droit privé, Paris, 2002.

- Editorial Direction

Sanctions européennes contre la Russie, Défi pour les entreprises, enjeux pour les autorités publiques, M. Audit and N. Lenoir, ICC France Report 2024.

Transnational Law of Public Contracts, M. Audit and S.W. Schill (ed.), Larcier, Coll. Droit administratif/Administrative law, 2016.

Insolvabilité des États et dettes souveraines, LGDJ, Coll. Droit des affaires, 2011.

Contrats publics et arbitrage international / Public Contracts and International Arbitration, Bruylant, Coll. Droit administratif/Administrative law, 2011.

Conflits de lois et régulation économique, co-ed. with H. Muir Watt and E. Pataut, LGDJ, Coll. Droit & Economie, Paris, 2008.

- Editorial Boards

Revue de l'arbitrage.

Journal of arbitration and médiation (*Revue du Congrès d'arbitrage canadien*).

What people say about Mathias

"*Mathias is truly an arbitration specialist. He is a pleasure to work with, and he is extremely bright and cooperative. I would highly recommend him as an arbitrator.*" – Chambers Europe 2024, International Arbitration.

"*Mathias Audit is a distinguished practitioner with a wealth of experience handling energy and infrastructure-related international commercial and investment arbitration proceedings.*" Who's Who Legal France 2023 , International Arbitration.

"*Mathias Audit is well versed in commercial and investor-State arbitrations with an international dimension, and is frequently sought after by clients in the energy and infrastructure sectors.*" – Global Arbitration Review 2022, International Arbitration.

"*Mathias Audit is an excellent lawyer, very creative, responsive and close to his clients. His dual role as a university professor and practitioner is a real asset in dispute resolution, as he combines expertise and pragmatism.*" – Legal 500 2022, International Arbitration.