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## VERONIQUE BUEHRLLEN QC

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### Areas of Practice

- Offshore and Marine Engineering
- Construction & Engineering
- Energy & Natural Resources
- Commercial Litigation
- International Arbitration
- Infrastructure & Utilities
- Insurance and Reinsurance
- Professional Negligence

### Clerks' Details

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### Practice Overview

Veronique Buehrlen QC has a wide-ranging commercial litigation, international arbitration and advisory practice with special emphasis on complex energy disputes, construction and engineering. She is "fully at home with the most technical cases" and known for her meticulous preparation of complex highly detailed matters requiring penetrating and determined cross examination of expert and other witnesses. Having spent the first 19 years of her practice at Fountain Court, Veronique has a wealth of experience of the workings of the Commercial Court and various international arbitral fora in addition to the TCC. "An expert in energy disputes", she (for instance) represented the contractor in a € billion ICC arbitration following the termination of the South Stream gas pipeline project.

Veronique is recommended by the leading directories for her energy and international arbitration work. She is praised for being "extremely thorough" and a "ferocious cross-examiner" and reported as being "good at managing clients' expectations", as having a "strong commercial perspective" and as "working at the coal face of the dispute". Her experience spans the full spectrum of commercial litigation encompassing major trials, jurisdiction and applicable law disputes and preliminary issues as well as numerous forms of interim relief including injunctions (freezing, anti-suit and in connection with the enforcement of bonds and various forms of payment guarantee), summary judgment, strike out, security for costs, pre-action and non-party disclosure. Veronique has worked (as counsel and arbitrator) on disputes arising out of projects worldwide including in Russia, Kazakhstan, Kuwait, Algeria, South Africa, Nigeria, Guinea, Brazil, Indonesia, Iraq and France.

Veronique also regularly sits as an arbitrator. She is a fellow of the Chartered Institute of Arbitrators, a member of the ICC's Commission on Arbitration and ADR and of the ICC's task force on maximizing the probative value of witness evidence. In May 2017 Veronique was appointed a Deputy High Court Judge and now sits regularly in the Technology & Construction Court.

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## Recent Cases

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### Offshore & Marine Engineering

- Advising on force majeure and delay in connection with a billion US\$ project for the construction of an FPSO and associated facilities.
- Advising on multi million Euro claims in relation to allegedly defective subsea well components.
- Conducting LCIA arbitration in relation to disputes arising out of the termination of a charterparty, redelivery and decommissioning of an FSO.
- Conducting an ICC arbitration for a major international sub-sea gas pipe laying contractor following the termination for convenience of a major gas pipeline project.
- Acting for the contractor in connection with disputes arising out of the decommissioning of Brent Delta (TCC).
- Advising on pre-action protocol matters arising out of a dispute concerning modifications to the topsides of a North Sea oil rig (TCC).
- Acting on various disputes arising out of the construction of two semi-submersible rigs (Int. Arb.).
- Conducting an LMAA arbitration arising out of the sale of an exploration vessel.
- Commercial Court trial representing an international contractor in respect of a subsea gas pipeline trenching supply contract and geological issues in Asia James Fisher Offshore Ltd v Interact Activity Management Ltd (t/a Offshore Installation Services).
- Six week ICC arbitration concerning the construction and installation of a subsea pipeline used in the first gravity based structure for the regasification of LNG.
- Advising on construction contracts and disputes arising out of the supply of FPSOs and semisubmersible rigs and single point mooring buoys.
- Conducting an LCIA arbitration concerned with oil and gas exploration services offshore West Africa (including the provision of state of the art seismic survey services).

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“She is cool, calm and collected and a master of details.”

Chambers UK 2020

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### Construction & Engineering

- Co-counsel on multi million Euro ICC arbitration arising out of an EPC contract for a state-of-the-art low-density polyethylene plant in Eastern Europe (delay and disruption; defective works).
- Leading counsel on multi million Euro ICC arbitration arising out of the construction of a regasification plant in Kuwait (early termination; delay).
- Conducting an ICC arbitration for a major international sub-sea gas pipe laying contractor following the termination for convenience of a major gas pipeline project.
- Conducting an LCIA arbitration arising out of the termination (together with delay and disruption) of an EPC Contract for the construction of facilities for the processing and handling of wet sour crude, sour gas and effluent water from wells in northern Kuwait (early termination; delay).
- Acting for the contractor in relation to disputes following termination of a construction contract for oil & gas facilities in Iraq.
- Acting for the contractor in connection with disputes arising out of the decommissioning of Brent Delta (TCC).
- Acting for the contractor in relation to a dispute arising out of delay and disruption to works for installation of new platform topside facilities (TCC).
- Acting for the bank in respect of its claim against its Project Monitoring Surveyor in relation to

the construction of a property development in Manchester.

- Representing the contractors in connection with multi-million US\$ claims arising out of the construction of a container port in the Caribbean the subject of FIDIC terms including a 4 week evidential hearing.
- Successfully resisting an application for interim relief to restrain demands under performance bonds and advance-payment guarantees on construction projects in North Africa (Comm. Court): Ouais Group Engineering and Contracting v Saipem SpA.
- Commercial Court trial representing an international contractor in respect of a subsea gas pipeline trenching supply contract and geological issues in Asia James Fisher Offshore Ltd v Interact Activity Management Ltd (t/a Offshore Installation Services).
- Six week ICC arbitration concerning the construction and installation of a subsea pipeline used in the first gravity based structure for the regasification of LNG.
- Four week trial arising out of the delivery of contaminated LPG to Borealis AB's integrated olefin plant at Stenungsund and the extensive ensuing damage caused to the plant: Borealis AG v Geogas AS.

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“She is enthusiastic from the very start and works at the coal face, getting into the nitty-gritty.”

Chambers Global 2018

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#### Energy & Natural Resources

- Advising on force majeure and delay in connection with a billion US\$ project for the construction of an FPSO and associated facilities.
- Advising on multi million Euro claims in relation to allegedly defective subsea well components.
- Conducting an ICC arbitration for a major international sub-sea gas pipe laying contractor following the termination for convenience of a major gas pipeline project.
- Conducting an LCIA arbitration arising out of the termination (together with delay and disruption) of an EPC Contract for the construction of facilities for the processing and handling of wet sour crude, sour gas and effluent water from wells in northern Kuwait.
- Acting for the contractor in connection with disputes arising out of the decommissioning of Brent Delta (TCC).
- Successfully representing the contractor in an ICC arbitration arising out of claims following rioting in an iron ore mine in Guinea (contract interpretation and force majeure).
- Advising on pre-action issues and pre-action protocol matters arising out of a dispute concerning modifications to the topsides of a North Sea oil rig (TCC).
- Advising on construction contracts for nuclear testing facilities.
- Commercial Court trial representing an international contractor in respect of a subsea gas pipeline trenching supply contract and geological issues in Asia James Fisher Offshore Ltd v Interact Activity Management Ltd (t/a Offshore Installation Services).
- Conducting an LCIA arbitration concerned with oil and gas exploration services offshore West Africa (including the provision of state-of-the-art seismic survey services).
- Six week ICC arbitration concerning the construction and installation of a subsea pipeline used in the first gravity based structure for the regasification of LNG.

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“Has a lovely measured style to her advocacy, and a huge grasp of the detail that ensures she gets her points over.”

Legal 500 UK 2020

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#### Commercial Litigation

- Successfully representing the defendant insurers when challenging the jurisdiction of the English Commercial Court to hear claims for contribution arising out of alleged double insurance under Brussels I Recast: XL Insurance Co SE v Axa Corporate Solutions SA (Comm. Court).
- Acting for the bank in respect of its claim against its Project Monitoring Surveyor in relation to a property development in Manchester: Governor of the Bank of Ireland v Watts (TCC).
- Acting for the Claimant purchaser on a dispute arising out of a Share Purchase Agreement concerning the acquisition of specialised separation technology for the production of oil & gas (Comm. Court).
- Advising on breach of warranty claims arising out of a share purchase agreement for the acquisition of North Sea oil & gas assets (Comm Court).
- Advising on decommissioning liabilities and security.
- Acting for the claimant in an action for damages for fraudulent misrepresentation in connection with the acquisition and leasing of commercial aircraft (Comm. Court).
- Successfully resisting an application for interim relief to restrain demands under performance bonds and advance-payment guarantees on construction projects in North Africa (Comm. Court): Ouais Group Engineering and Contracting v Saipem SpA.
- Commercial Court trial representing an international contractor in respect of a subsea gas pipeline trenching supply contract and geological issues in Asia James Fisher Offshore Ltd v Interact Activity Management Ltd (t/a Offshore Installation Services).
- Acting for an independent upstream oil and gas company the operator of various North Sea oil fields in relation to injunction proceedings compelling the performance of sub-sea works.
- Four week trial arising out of the delivery of contaminated LPG to Borealis AB's integrated olefin plant at Stenungsund and the extensive ensuing damage caused to the plant: Borealis AG v Geogas AS.
- Advising in relation to North Sea oil exploration licensing agreements including the transfer and assignment of licenses (Comm. Court).
- LCIA arbitration arising out of shareholder and joint venture disputes in connection with oil & gas storage facilities in Russia.

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“She is incredibly intelligent, very thorough and gets to grips with issues very quickly, tackling knotty legal issues with aplomb.”

Legal 500 UK Bar 2021

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#### International Arbitration

- Acting in numerous ICC, LCIA and other international arbitral fora as counsel involving a variety of different areas of the law including energy, construction, sale of goods and the supply of services, commercial agency,

aviation, insurance and reinsurance, jurisdiction and conflicts of laws.

- Co-counsel on multi million Euro ICC arbitration arising out of an EPC contract for a state of the art low-density polyethylene plant in Eastern Europe (delay and disruption; defective works).
- Leading counsel on multi million Euro ICC arbitration arising out of the construction of a regasification plant in Kuwait (early termination; delay).
- Conducting LCIA arbitration in relation to disputes arising out of the termination of a charterparty and redelivery of an FSO.
- Conducting an ICC arbitration for a major international sub-sea gas pipe laying contractor following the termination for convenience of a major gas pipeline project.
- Conducting an LCIA arbitration arising out of the termination (together with delay and disruption) of an EPC Contract for the construction of facilities for the processing and handling of wet sour crude, sour gas and effluent water from wells in northern Kuwait.
- Successfully representing the contractor in an ICC arbitration arising out of works for the mining of iron ore in Guinea and issues of force majeure.
- Conducting an LCIA arbitration concerned with oil & gas exploration offshore West Africa (including the provision of state of the art seismic survey services). Conducting an ICC arbitration for a major international contractor concerned with the supply of oil rig equipment and services in Kazakhstan including various jurisdiction and conflicts of laws issues.
- Representing the Respondents in an ICC arbitration concerning the construction of a container port in the Caribbean the subject of FIDIC terms including 4 week evidential hearing.
- Representing the Respondent contractors in a dispute as to the arbitrators' jurisdiction to hear claims and the effect of multi-tiered dispute resolution clauses.
- Six week ICC arbitration concerning the construction and installation of a subsea pipeline used in the first gravity based structure for the regasification of LNG.

#### Infrastructure & Utilities

- Co-counsel on multi million Euro ICC arbitration arising out of an EPC contract for a state-of-the-art low-density polyethylene plant in Eastern Europe (delay and disruption; defective works).
- Conducting an ICC arbitration for a major international sub-sea gas pipe laying contractor following the termination for convenience of a major gas pipeline project.
- Conducting an LCIA arbitration arising out of the termination (together with delay and disruption) of an EPC Contract for the construction of facilities for the processing and handling of wet sour crude, sour gas and effluent water from wells in northern Kuwait.
  - Acting for the contractors in connection with multi-million US\$ claims arising out of the construction of a container port in the Caribbean the subject of FIDIC terms including a 4 week evidential hearing.
  - Advising a market leader on the practical application and construction of NEC2 contracts applicable to sewage and waste water treatment works in a dispute between joint venture partners.
  - Six week ICC arbitration concerning the construction and installation of a subsea pipeline used in the first gravity based structure for the regasification of LNG.

#### Insurance & Reinsurance

- Acting for insurers on claims for contribution based on double insurance; jurisdiction and conflicts: XL Insurance Co SE v Axa Corporate Solutions SA (Comm. Court); and XL Insurance Co SE v Axa Corporate Solutions SA & AIG Europe Ltd.
- Advising on coverage in disputes between contractors and their insurers.
- Advising on coverage issues in connection with political risk policy arising out of damage to mining facilities following riots.
- Acting for the new owners of a well-known domestic insurance provider in relation to claims for conspiracy, unlawful interference and procuring breaches of contract in connection with the acquisition of insurance businesses.
- Acting for the insurer on arbitration claims to recover sums due from reinsurers under three excess of loss reinsurance treaties following losses relating to hurricane damage.
- Challenging an expert determination in the context of professional negligence claims arising out of insurance binder arrangements (Comm. Court)

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“She provides excellent service at all times and is fantastic to work with – she has great commercial acumen and provides clear and useful tactical advice.”

Legal 500 UK Bar 2021

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### Arbitral Appointments

Veronique's recent arbitral appointments include:

- Chair of an Arbitral Tribunal in connection with a dispute arising out of contracts for the sale of crude (ICC).
- Chair of an Arbitral Tribunal in relation to a dispute arising out of an EPC contract for the construction of terminal facilities (ICC).
- Party appointed Arbitrator in relation to a commodity trade finance dispute (ad hoc).
- Chair of Arbitral Tribunal appointed in relation to an insurance coverage dispute (LCIA).
- Sole arbitrator in relation to a claim arising out of defective roofing on a state of the art high profile UK facility (CI Arb).
- Party appointed arbitrator in relation to a dispute arising out of a Production Sharing Contract for Joint Petroleum Development (ICC).
- Chair of Arbitral Tribunal appointed in relation to claims arising out of termination of a contract from the purchase of iron ore (LCIA).
- Party appointed arbitrator in relation to claims arising out of a contract for the construction development and operation of a hydropower plant (ICC).
- Sole arbitrator appointment in relation to claims arising out of contracts for the supply of iron ore crushers and construction of an iron ore beneficiation plant (ICC).
- Sole arbitrator appointment in relation to claims arising out of an International Daywork Drilling Contract for the drilling of oil wells in the Middle East (ICC).
- Sole arbitrator appointment in relation to claims arising out of a charter Service Agreement for offshore transport services (ICC).

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### Selected Reported Cases

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- XL Insurance Co SE v Axa Corporate Solutions Assurance & AIG Europe Ltd [2018] EWHC (Comm)
- XL Insurance Co SE v Axa Corporate Solutions SA [2015] EWHC 3431 (Comm)
- Dolphin Geophysical AS v Oranto Petroleum Ltd [2013] EWHC 4082 (Comm)
- James Fisher Offshore Ltd v Interact Activity Management Ltd (t/a Offshore Installation Services) [2013] EWHC 1941 (Comm)
- Ouais Group Engineering and Contracting v Saipem SpA [2013] EWHC 990 (Comm)
- Borealis AG v Geogas AS [2010] 1 Lloyd's Rep 482; [2010] All ER (D) 110 and [2010] EWHC 2789 (Comm)
- Hamishmar Insurance Agency Ltd v First City Partnership [2010] Lloyd's Rep IR 215; 2010 All ER (D) 33 and [2009] EWHC 256 (Comm)
- Econet Wireless Ltd v Vee Networks Ltd [2006] 2 All ER (Comm) 989 and [2006] EWHC 1568 (Comm)
- Gulf Insurance Limited v Central Bank of Trinidad & Tobago [2005] All ER (D) 153 (PC)
- Dollfus Mieg et Companies v CDW International Ltd [2004] ILPr 12
- Lloyd's TSB Bank v Hayward [2004] EWHC 1798 (Ch)

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## Education & Professional Career

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Deputy High Court Judge	2017
Fellow Chartered Institute of Arbitrators	2013
Keating Chambers	2011-
Queen's Counsel	2010
Fountain Court Chambers	1991-2011
Called to the Bar	1991
Middle Temple Bristow scholar	1992
Middle Temple Queen Mothers' Scholar	1990- 1991
Bar School (Very Competent)	1991
Diploma in Law, City University, Distinction	1990
MA Hons. St Andrews, First Class (French and International Relations)	1988

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## Seminars, Publications & Papers

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- "European Regulations on Air Carrier Liability" in Carriage by Air Edited by Trevor Philipson Q.C.
- Veronique gives regular talks on various topics including Key Clauses in Drilling Contracts; Excluding Consequential Loss; Knock for Knock Clauses; Termination for convenience; Practical Developments in International Arbitration, and conducting an international construction arbitration.

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## Additional Information

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Veronique is bilingual French/English. Prior to being called to the Bar, Veronique worked with KPMG's Strategic Consultancy team.