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VERONIQUE BUEHRLLEN QC

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Areas of practice

- Energy & Natural Resources
- International Arbitration
- Commercial Litigation
- Construction & Engineering
- Professional Negligence
- IT & Technology

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Practice overview

Veronique Buehrlen QC has a wide ranging commercial litigation, international arbitration and advisory practise with special emphasis on complex energy disputes, construction, engineering and civil fraud. Her strengths are 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 practise at Fountain Court, Veronique has a wealth of experience of the workings of the Commercial Court and various international arbitral fora.

Since taking Silk in 2010, Veronique has conducted as Leading Counsel several major commercial hearings including a four week trial in the Commercial Court for Borealis AB, in respect of severe damage sustained at its integrated olefin plant in Stenungsund Sweden following the delivery of contaminated LPG, a six week ICC arbitration for an internationally renowned global integrated energy company in a dispute arising out of the construction and installation of a subsea pipeline used in the first gravity based structure for the regasification of LNG, a 4 week ICC arbitration concerned with the construction of a container port under FIDIC conditions of contract and a Commercial Court trial concerned with the lowering of a live sub-sea gas pipeline. She is currently acting for the contractor following the termination for convenience of a major gas pipeline project.

Veronique's 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 guarantees), summary judgment, strike out, security for costs and pre-action and non-party disclosure. She is well used to working in and leading teams of counsel, is "user friendly", informal and helpful. Veronique has extensive experience of preparing for and conducting major commercial disputes both in Court and before arbitral tribunals. She has appeared in many different levels of Court, including the Privy Council, the Court of Appeal, the Commercial Court and the TCC as well as various arbitral tribunals.

Recent Cases

Energy & Natural Resources

- Conducting ICC arbitration for a major international pipe laying contractor following a termination for convenience.
- Acting for the contractor in connection with disputes arising out of decommissioning works in the North Sea (TCC).
- Acting on various disputes arising out of the construction of two semi-submersible rigs (Int. Arb.).
- Conducting 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.
- 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 the licensee of exploration blocks offshore Senegal in Commercial Court dispute concerning the provision of state of the art seismic survey services.
- Conducting LCIA international arbitration concerned with oil and gas exploration services offshore West Africa.
- Advising on disputes arising out of drilling contracts and mining contracts.
- Advising on a range of issues in relation to a variety of disputes in the oil & gas sector including the application of various standard LOGIC and other contract clauses.
- Advising on issues arising in connection with bespoke EPC contracts for decommissioning works in the North Sea.
- Advising on construction contracts for nuclear testing facilities.

*“She is excellent on the detail
and very easy to get on with.”*

Chambers & Partners, 2015

- Advising on construction contracts and disputes arising out of the supply of FPSOs and semi-submersible rigs.
- 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*.
- ICC arbitration acting for the contractor in respect of claims arising out of the construction of a single point mooring buoy offshore Nigeria.
- LCIA arbitration arising out shareholder and joint venture disputes in connection with oil and gas storage facilities in Russia.
- 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.
- 12 week Commercial Court trial acting for Saipem SpA following a major incident during plug and abandon operations aboard one of Saipem's state of the art dynamically positioned oil exploration vessels that resulted in the loss of the vessel's riser string and BOP at sea and a record breaking salvage operation (*Saipem (Portugal) Commercio Maritimo Sociedade Unipessoal LDA v Wirth Maschinen-Und-Bohrgerate-Fabrik & National Oilwell AS*).

- Advising in relation to North Sea oil exploration licensing agreements including the transfer and assignment of licenses.
- Acting for the owner of a power station in relation to the purchase of defective electricity turbines (TCC).

International Arbitration

- Veronique is a Fellow of the CI Arb and acts as both counsel and arbitrator in International Arbitration; she is currently acting as sole arbitrator on three ICC matters.
- 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.
- Conducting ICC arbitration for a major international pipe laying contractor following a termination for convenience.
- Conducting an LCIA international arbitration concerned with oil & gas exploration offshore West Africa.
- Representing a major international contractor in ICC arbitral dispute concerning the supply of rig equipment and services in Kazakhstan.
- Representing the Respondents in an ICC arbitration concerning the construction of a container port.
- Representing the Respondent contractors in a dispute as to the arbitrator's 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.
- Court work in support of or in connection with arbitration including setting aside ex parte injunctive relief obtained by the claimant in support of proposed arbitration proceedings in an attempt to stifle Celtel's US\$ billion acquisition of EWL (*Econet Wireless Ltd v Vee Networks Ltd*), anti-suit injunctions, freezing orders and the enforcement of arbitral awards under the New York Convention.

“An expert in energy disputes and a ferocious cross-examiner.”

Legal 500, 2014

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* [2015] EWHC 3431 (comm).
- Acting for the claimant in an action for damages for fraudulent misrepresentation in connection with the acquisition and leasing of commercial aircraft.
- Acting for and advising The Governor and Company of The Bank of Ireland on securitization, interest rate swaps, facility agreements, deeds of release & mistake in a dispute following the termination of facilities.
- Representing the French shareholder in a joint venture dispute in the Commercial Court concerned with the manufacture of fabrics and including freezing orders and jurisdiction hearings with proceedings in London, Paris, Hong-Kong and the Cayman Islands: *Dollfus Mieg et Companies v CDW International Ltd*.

- Challenging an expert determination in Commercial Court proceedings in the context of professional negligence claims arising out of insurance binder arrangements: *Hamishmar Insurance Agency Ltd v First City Partnership*.
- Commercial Court trial representing the export credit insurer in the Commercial Court in respect of a substantial multi-million civil fraud (*Nederlandsche Credietverzekering Maatschappij NV & NCM Credit Insurance Ltd. v Douvertower Ltd & Ors*).
- Representing the buyer in relation to breaches of warranty arising out of share sale agreements (*Kwik-Fit Holdings Plc. v Shell Petroleum Corporation Plc. and Kwik-Fit Holdings Plc. v Amphlett & Ors*).
- Numerous banking cases advising and representing Lloyds TSB Bank plc in connection with the enforcement of guarantees, debentures and other forms of security as well as civil fraud claims in connection with fraudulent investment schemes, so called prime bank guarantees and fraudulent misrepresentation.
- Acting for Central Bank of Trinidad & Tobago in its long dispute against Gulf Insurance Limited following the Bank's exercise of statutory emergency powers to nationalise an indigenous bank. (Privy Council).

Construction & Engineering

- Acting for major bank in professional negligence dispute relating to the funding of a residential property development in Manchester.
- Acting for owners and contractors in relation to the construction of subsea pipelines.
- Successfully resisting application for interim relief to restrain demands under performance bonds and advance-payment guarantees on construction projects in North Africa (Commercial Court): *Ouâs Group Engineering and Contracting v Saipem SpA* [2013] EWHC 990 (Comm).
- 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 three week evidential hearing.
- Advising on civil fraud claims arising in relation to construction contracts and property development.
- Acting in relation to various Construction and Engineering disputes arising out of the energy sector (as above).
- 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.
- Advising on PFI contracts including the financing and securitisation of PFI contracts in the health sector.

Insurance & Reinsurance

- Acted in a number of insurance and re-insurance disputes dealing with a broad range of factual and legal issues including avoidance, coverage and civil fraud.
- Acting for insurers on claim for contribution based on double insurance: jurisdiction and conflicts: *XL Insurance Co SE v Axa Corporate Solutions SA* [2015] EWHC 3431 (comm).
- 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.
- Counsel for the Harel Insurance Company Limited (Israel) in respect of its dispute with First City Partnership Limited concerning First City's brokerage of various binding authority agreements and facultative treaties at Lloyd's: *Hamishmar Insurance Agency Ltd v First City Partnership*.
- 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 insurer on arbitration claims to recover sums due from reinsurers under three excess of loss reinsurance treaties following losses relating to Hurricane Lothar.
- Acting in a complex insurance dispute arising out of various insurance re-arrangements and giving rise to issues in connection with the assignment of insurance policies, guarantees, trust instruments and letters of credit: *Global Risk Capital Limited v Marsh & McLennan Companies Inc. & The Institute of London Underwriters*.
- Representing the export credit insurer in the Commercial Court in respect of a substantial multi-million civil fraud trial: *Nederlandsche Credietverzekering Maatschappij NV & NCM Credit Insurance Ltd. v Dooptower Ltd & Ors*.
- Acting against insurance brokers e.g. *Eugene Ryan & Ors v Anthony Kidd Agencies Ltd*.
- Advising a rail operator in respect of their employee insurance schemes: *Peter Mee & Ors v English & Welsh & Scottish Railways*.
- Acting for the French liquidator of Independent Insurance following the collapse of the Independent insurance group.

Professional Negligence

- Acting for various professionals including the architect in *Jane Duncan v Coussens (TCC)* and the accountants in *Easterbrook v Lishman Sidwell Campbell* (3 week trial, Newcastle District Registry) and in a number of cases for and against insurance brokers including *Eugene Ryan & Ors v Anthony Kidd Agencies Ltd*, *Peter Mee & Ors v English & Welsh & Scottish Railways and Harel Insurance Company Limited v First City Partnership Limited*. Veronique has also recently advised a leading high street bank in connection with claims for professional negligence against a firm of solicitors and another in relation to professional negligence claims against solicitors, surveyor and other professionals in connection with a major residential property development.

IT & Technology

- Advising and acting on a number of cases in relation to IT including the operation of complex software governing drilling control systems aboard a drill ship (Saipem 10,000).
- Numerous telecommunications disputes acting for British Telecommunications Plc and related litigation.

Selected Reported Cases

- *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)
- *Lloyd's TSB Bank v Hayward* [2005] EWCA Civ 466
- *Dollfus Mieg et Companies v CDW International Ltd* [2004] ILPr 12
- *Lloyd's TSB Bank v Hayward* [2004] EWHC 1798 (Ch)

Education & Professional Career

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

Seminars, Publications & Papers

- European Regulations on Air Carrier Liability" in Carriage by Air Edited by Trevor Philipson Q.C.
- The Chapter on the EC Institutions for the Practitioners Handbook on EC Law.
- "Air Carrier Liability for Passenger Injury within the EC: Disposing with Limits on Compensation and other issues", Aviation Quarterly, July 1998.
- "La Cession Entre Vifs de L'Entreprise Familiale en Droit Anglais" (Colloque International – Université Des Science Sociale de Toulouse).
- Veronique gives regular talks on various topics including Key Clauses in Drilling Contracts; excluding consequential loss, knock for knock clauses and termination for convenience; Practical Developments in International Arbitration, Anti-suit Injunctions in Support of Arbitration, and Enforcing ADR Clauses.

Additional Information

Veronique worked for the Legal Service of the European Commission (Stage) and subsequently for Advocate General Francis Jacobs QC at the European Court of Justice during a period of secondment in her first year of tenancy at Fountain Court. Prior to being called to the Bar, Veronique worked with KPMG's Strategic Consultancy team.