



Eric Franco

eric.franco@legaldelta.com



Lawyer, international arbitrator, member of dispute boards, mediator and professor. Eric has worked on engineering and construction projects and disputes in Latin America, Europe and Asia, both as in-house counsel for owners and an international contractor, as well as external counsel, arbitrator and member of dispute boards. He is Managing Partner at Legal Delta.

Eric was an in-house lawyer in large international companies in the electrical, mining, engineering, and construction sectors, for more than 16 years until March 2024. His last position was contracts and disputes Global Expert at Engie Group and General Counsel at Engie Energía Peru.

As an arbitrator, he participates in international and domestic arbitrations, both in English and Spanish. He is a member of permanent and ad-hoc dispute boards and one of the leading promoters of dispute boards in Latin America.

Eric holds leadership positions in several organizations related to arbitration, dispute boards, mediation and construction law. He is a professor of conflict prevention and resolution, construction law and infrastructure law.

Eric is used to working within international and intercultural environments and teams. He has lived in Switzerland, England, Japan and Peru. He is fluent in Spanish (native) and English and has basic knowledge of German and Japanese.

EDUCATION

- ▶ CEDR Accredited Mediator.
July 2024.
- ▶ Training Course in FIDIC Silver Contracts.
Aug – Dec 2020.
- ▶ ICC Advanced Arbitration Academy for Latin America.
Aug 2016 – Jun 2018.
- ▶ MSc in Construction Law & Dispute Resolution.
King's College London (2008).
- ▶ Law Degree
Pontifical Catholic University of Peru (Bachelor, Jul 2003 – Law Degree, May 2004).
- ▶ Japanese Language Course for Foreign Students.
Kyoto University of Foreign Studies. Exchange Student. Morita Foundation Scholarship.
Sep 2001 – Sep 2002.

EXPERIENCE

Arbitrator	Dec 2011 - Present
Dispute Boards	Sep 2021 - Present
Legal Delta Managing Partner	May 2024 - Present
Engie Contracts and Disputes Global Expert – Engie Group General Counsel, Engie Energía Perú S.A. Legal Superintendent, Engie Energía Perú S.A.	Jul 2020 - Mar 2024 Aug 2016 - Mar 2024 Mar 2014 - Jul 2016
Volcan Compañía Minera SAA Deputy General Counsel	Apr 2011 - Feb 2014
General Electric (formerly Alstom Power) – Baden, Switzerland Legal Counsel	Jul 2008 - Nov 2010/Mar 2011
Hogan Lovells – London, UK Visiting Lawyer	Aug 2007 - Jul 2008
Rebaza, Alcázar & De Las Casas Abogados Financieros – Peru Associate	Oct 2004 – Jul 2007
Duany & Kresalja – Lima, Peru Associate	Feb 2004 – Oct 2004
Ministry of Labor and Employment – Lima, Peru Assistant of the National Bureau of Small and Medium Size Enterprises	Sep 2002 - Aug 2003
Peruvian Embassy in Tokyo, Japan. Intern.	Feb – Mar 2002.

Relevant Experience Includes:

As a legal expert witness

- ▶ Expert witness report and testimony on Peruvian contract law in an ICSID arbitration related to a public-private partnership, amount in dispute around USD 150 million. Report requested by Sidley Austin LLP.
- ▶ Expert witness report and testimony on Peruvian contract law in a commercial arbitration related to a natural gas processing plant in Peru. Contract amount approximately USD 50 million. Dispute related to variations and extensions of time. Report requested by the contractor.

As an arbitrator

- ▶ Issued more than 50 awards.
- ▶ Arbitrator in domestic and international cases under various regulations, in English and Spanish, including ICC, CAM-CCBC, CCL, AMCHAM Peru, and CARC - PUCP.
- ▶ Recognized as a “distinguished arbitrator” by Arbitrator Intelligence and as an “excellent” arbitrator by Leaders League.
- ▶ Chair of the Peruvian Chapter of the Chartered Institute of Arbitrators (CI Arb), Chair of the Americas Initiative of the Institute for Transnational Arbitration (ITA), member of the ADR Standing Committee of the ICC, member of the Latin American Group of the ICC, Peruvian delegate at the ICC Arbitration and ADR Commission and Co-Chair of the Energy and Natural Resources Committee of the Asociación Latinoamericana de Arbitraje (Alarb). Deputy editor of the magazine Construction Law International (CLINT) of the International Bar Association (IBA), a founder of the Peruvian Society of Construction Law (SPDC) and Co-Chair of the Owner’s Subcommittee of the Instituto Brasileiro de Direito da Construção (IBDIC).

Some cases

- ▶ International arbitration in Brazil, conducted in English, under the rules of the Brazil – Canada Chamber of Commerce (CAM-CCBC), related to a solar power generation plant, dispute over USD 100 million. Co-arbitrator appointed by the owner.
- ▶ Arbitration about delay and disruption claims arising out of a subcontract related to construction of a hydroelectric power plant in Peru. Chair, appointed by the ICC Court.
- ▶ Arbitration concerning a major infrastructure project in Peru, dispute related to a concession contract valued at USD 750 million. Co-arbitrator appointed by the concessionaire.
- ▶ Arbitration related to a road construction contract in Peru for USD 60 million. Disputes concerning extensions of time and extra costs. Chair, appointed by the arbitration center.
- ▶ Four arbitrations concerning the construction contract for a hospital in Peru for USD 40 million. Disputes related to extra works and extensions of time. Co-arbitrator appointed by the contractor.
- ▶ Arbitration related to the construction contract for a shopping mall in Peru for USD 11 million. Dispute about extra works and extensions of time. Co-arbitrator appointed by the owner.
- ▶ Arbitration regarding decisions of a Dispute Board related to a water treatment plant FIDIC contract. Chair appointed by the co-arbitrators.
- ▶ Arbitration regarding a contract for repair and expansion of a sanitation network. Dispute about extensions of time and additional works. Sole arbitrator appointed by the arbitration center.
- ▶ Participates in dispute boards in projects related to health, sanitation, education, airports, and real estate.

Experience as Dispute Board member

- ▶ One of the main promoters of dispute boards in Latin America since 2013.
- ▶ Lecturer and trainer on dispute board topics. Eric has trained more than 500 professionals.
- ▶ Eric has worked on development of the main dispute board rules available in Peru, for the Centro de Análisis y Resolución de Controversias de la PUCP and the Lima Chamber of Commerce.
- ▶ Eric oversaw the initial draft of dispute board rules and regulations applicable for public works contracts at the request of the State Procurement Supervisory Body (OSCE).
- ▶ Eric is currently a member of dispute boards:
 - Hospital (Huanta, Ayacucho). Standing DB.
 - Improvement works in the Huaycoloro River basin, Lima. Standing DB.
 - Package of 9 schools in Lima, PEIP Colegios del Bicentenario. Standing DB.
- ▶ Dispute Boards or Dispute Resolution Boards concluded or in stage II:
 - Airport (Chincho). Earthworks contract. Standing DB.
 - Office building in Lima. Standing DB.

Experience as counsel in Arbitrations and Litigations

International construction arbitration in relation to a Latin American gas project (USD 700 million) as in-house lawyer.

Participated in international and commercial arbitrations as an in-house lawyer for Engie Group and Engie Energía Perú S.A.

Ad-hoc arbitration, based in London, related to installation of a telecommunications network for London Underground involving numerous delays and disruptions across 700 metro stations. The arbitration amount exceeded USD 200 million. Participated as part of the Hogan Lovells London team. Additionally, supervised legal proceedings in Spain and Ecuador as in-house counsel for Alstom Power in Switzerland.

Experience in Project Development, Negotiation, and Contract Management

As an in-house lawyer at Engie Energía Perú, Eric was responsible for drafting, negotiating and managing engineering and construction contracts related to the development, operation and maintenance of power generation plants and transmission lines for the company and its clients. To ensure proper contract management, he frequently traveled to sites. Many of these contracts were drafted in English and governed by English law, including several turnkey EPC contracts. Additionally, he actively participated in the development of Engie Group's internal international model contracts.

Eric holds leadership positions in several organizations related to construction law. He is deputy editor of the Construction Law International (CLINT) magazine of the International Bar Association (IBA), founder of the Peruvian Society of Construction Law (SPDC) and Co-Chair of the Owners Subcommittee of the Instituto Brasileiro de Direito da Construção (IBDIC).

Negotiation and contract management for the following Engie Energía Perú projects:

- ▶ Wind Project Punta Lomitas 300MW (+USD 300 MM)
- ▶ Cold Reserve Thermal Power Plant ILO31 (+USD 300 MM)
- ▶ Thermal Power Plant Ilo41 (+USD 400 MM)
- ▶ Thermal Power Plant ChilcaDos (+USD 300 MM)
- ▶ Quitaracsá Hydroelectric Plant (+USD 450 MM)
- ▶ Intipampa Photovoltaic Plant 40 MW (+USD 40 MM)
- ▶ Wind Project in Mexico - Tres Mesas Tres (+USD 100 MM)
- ▶ Transmission Lines and Substations
- ▶ Chilca BESS Battery Project
- ▶ Resolved dozens of disputes amicably with contractors.

As in-house lawyer for the Engie Group, Eric collaborated on contractual issues with lawyers for projects in Latin America and Europe.

As in-house lawyer for Volcan Compañía Minera S.A.A., Eric led legal aspects of:

- ▶ Two new mineral processing plants (2500 TPD and 2000 TPD), Oxide Plant - Cerro de Pasco and Alpamarca.
- ▶ Expansion of a mineral processing plant (Chungar Plant, from 4200 TPD to 5200 TPD)
- ▶ Contractual administration of the construction of the Baños 5 hydroelectric plant.
- ▶ Preparation of bases and contracts for construction of the Chancay and Rucuy hydroelectric plants.
- ▶ Development of initial contracting strategy, including preparation of bidding rules and contracts (Port of Chancay, Peru).

As a lawyer at The Contract Centre, Eric:

- ▶ advised a Swiss company in relation to an international public tender for design, construction, operation and maintenance of a waste-based energy generation plant in Spain, awarded in their favor for EUR 223 million. He also advised on drafting the contract for construction of civil works

of a waste-based power generation plant (15.5 MW) in England.

- ▶ advised a Swiss company on preparation of a standard contract for use when providing purely design services.
- ▶ advised an English company on review of contracts for maintenance of a cogeneration plant located on an oil platform in India.
- ▶ advised a European company on the review of the subcontract for the provision of aluminum covering and accessories to meet an order for 26 units of five passenger carriages for trains in the United Kingdom.

As in-house counsel at Alstom Power (Switzerland), now part of General Electric, Eric worked in the parent company's legal team in charge of the gas turbine business, overseeing legal issues for global operations. His work included topics related to countries as diverse as: Argentina, Australia, Brazil, Cuba, Spain, United States, India, Iran, Italy, Israel, Japan, Mexico, Peru, Portugal, United Kingdom, Singapore, Trinidad and Tobago, Uruguay, Venezuela and Vietnam. The work was in English and Spanish. The main thermal power plant projects in which involved from preparation of the proposal to signing of the contract were:

- 800MW Jegurupadu III Combined Cycle Plant. Project located in India, contracts negotiated at the client's offices in Hyderabad, India. EUR 450 million.
- 400MW Soto 5 Combined Cycle Plant. Project located in Asturias, Spain, contracts negotiated at the client's offices in Oviedo, Spain. EUR 280 million.

Eric also negotiated long-term contracts for operation and maintenance of combined cycle thermal controls, upgrades and fuel conversion, as well as contracts for supply, installation and repair of parts and equipment. He developed various model contracts, standardized contracts and general contract conditions, as well as constant updating and improvement.

As an in-house lawyer, Eric provided training courses for sales and contract administration executives in Europe and Latin America. He also participated regularly in reviewing and updating the company's standard contracts.

Experience in corporate finance:

Eric was a professor on the secured transactions course at the Faculty of Law of the Pontifical Catholic University of Peru (2004-2007) and participated in the team that drafted the Movable Security Law.

As an in-house lawyer at Engie Energía Perú, he was responsible for negotiation of corporate and project finance contracts for the company's projects, mainly via financial leasing, issue of corporate bonds and loan contracts, including the green financing granted by the Inter-American Development Bank (IDB) and IDB Invest for USD 300 million to finance construction of the Punta Lomitas Wind Power Plant Project. Many of these contracts were drafted in English under New York law.

As in-house lawyer at Volcan Cia Minera, Eric was the attorney responsible for financial aspects and led the legal team in charge of the company's USD 600 million 144A/Reg S bond issue (2012). Additionally, on a day-to-day basis, he negotiated the contractual terms of financing and hedging operations with local and international financial entities.

As an associate lawyer at a leading law firm in Peru, Eric:

- ▶ advised Scotiabank on structuring, preparation of contracts and guarantees for financing granted to a gold mining company in Peru. USD 25 million.
- ▶ advised International Finance Corporation (IFC) on preparation of contracts and guarantees for financing granted to a Peruvian company in the agro-industrial sector.
- ▶ advised the National Port Authority (APN) on preparation of fiduciary structure for administration

of a fund destined to make improvements in the Port of Callao. USD 144 million.

- ▶ advised the Bank of Commerce and the Ministry of Housing, Sanitation and Construction on design and negotiation of trust structure for development of real estate projects involving low-cost housing.
- ▶ advised a microfinance institution on securitization of part of its loan portfolio.

Experience in mergers and acquisitions

As an in-house lawyer, Eric was responsible for M&A projects, among which the purchase of wind farms Duna and Huambos (approximately USD 60 million), various mining projects (approximate USD 80 million) and the Huanchor hydroelectric plant (20MW) for USD 47 million.

As an associate lawyer at a leading law firm in Peru, Eric:

- ▶ advised investment bank Macroconsult, appointed by the Military-Police Pension Fund for structuring and conduct of the public sale of a hotel chain in Peru. USD 42 million.
- ▶ advised Neptunia S.A. on the purchase of File Service, a business file management and storage company.
- ▶ advised Peruana de Combustibles (PECSA) on the acquisition of ChevronTexaco Petroleum Company's retail fuel business in Peru.

Experience in labor law and tax

As an in-house lawyer, Eric was responsible for supervising lawyers handling labor law issues. This included overseeing management of a portfolio of approximately 2,000 employment cases, maintaining relationships with 8 unions and addressing a wide variety of labor-related queries on a day-to-day basis.

In relation to tax matters, he has coordinated in-house legal support at two companies that are major taxpayers in Peru. In one of these companies, he supervised various tax and judicial proceedings.

Eric participated in tax planning for the parent company of Alstom Power (Switzerland), now part of General Electric, for each of the projects he was involved in, considering international trade aspects.

Other

As in-house lawyer at a mining company, Eric was responsible for negotiation and contract management of international concentrate purchase and sale contracts, including long-term agreements. Most were drafted in English under English law.

As part of project development and regular operations, he has served as an in-house lawyer on various issues, including negotiation of purchase and sale contracts, easements and land usufructs. He has also been involved in physical and legal clearance of various land rights and strategies to prevent invasions. Additionally, he has reviewed contracts signed with local communities in Peru.

Eric has participated in legal strategy related to complex environmental issues. He

has supervised criminal proceedings and tax investigations.