



COMINDIS

RECHTSANWÄLTE

## JENS BÜRKLE

OF COUNSEL | RECHTSANWALT

### KEY FACTS

Attorney with more than 20 years of in-house and private practice experience with deep-rooted understanding of the needs of commercial clients

Specialized in the handling of complex commercial arbitrations, adjudications and mediations in major energy, construction and infrastructure projects

Highly experienced in contractual matters in relation to EPC, FIDIC-, NEC-based and tailor-made contracts in the energy, construction, manufacturing, infrastructure, nuclear and oil & gas industry

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### PROFESSIONAL CAREER

#### **February 2021 to present**

Of Counsel at COMINDIS PartG mbB

#### **From 2016 to present**

Founder of GOTEM law firm in Paris specialized in plant engineering and construction projects, international dispute resolution, and providing advice on a large variety of construction, manufacturing, service and maintenance contracts.

Clients include operators and suppliers in the energy, oil and gas, nuclear, construction, infrastructure and chemical industry

#### **From 2014 to 2016**

Senior Vice President and General Counsel Nuclear Activities / Deputy Group General Counsel of AREVA SA in Paris

- Responsible for AREVA group's worldwide operational business: new builds, heavy components, fuel, reprocessing, and services for nuclear power plants
- Advisor to the group's major offer committee and provision of risk assessments to the highest management board

- In charge of the group's key project - the EPR new build in Finland including a highly complex ICC delay and disruption arbitration with 30 individual claims amounting to several billion euros

#### **From 2011 to 2014**

General Counsel / VP Legal Germany AREVA GmbH

- Head of legal and contract management covering all operational aspects of AREVA's international and domestic nuclear and renewables (wind and biomass) business
- In charge of the company's chief corporate and compliance matters
- Secretary of the Supervisory Board and authorized representative of the company (Prokurist); Advisor to and member of the company's highest Management Board

#### **From 2003 to 2011**

- Head of legal of AREVA NP SAS (France and Germany) in charge of major EPC projects in relation to the construction of nuclear power plants in France, Finland and China
- Major service and supply projects for heavy components
- Lead counsel for 30+ arbitrations and adjudications

#### **2002**

Law firm Köning Kärger Lauritzen

- Advised on general business law, competition law and litigation matters

#### **2001**

Law firm Thacher Proffitt & Wood

- Member of German practice group in New York offices advising on business law mainly in the automotive industry
- Advised on EU law, public international law, competition law, and preparation of class action compensation claims in connection with Concorde airplane crash victims

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### **DETAILS OF EXPERIENCE**

- Projects: Vast experience in a large variety of international contract laws and regulations; advice in relation to major new build, construction and supply contracts, cooperation and consortium agreements, EPC, FIDIC-, NEC-based as well as tailor-made contracts
- Unique experience of advising main contractor since more than 13 years in a leading role during all major construction phases of a nuclear power plant new build project in Finland, including

negotiation of settlement agreement of several hundred million euros and implementing a standing dispute board

- Dispute resolution: Advised for over a decade on highly complex ICC delay and disruption arbitration including 30 individual claims related to the construction of the OL3 nuclear power plant in Finland - a first of a kind third-generation nuclear plant; the dispute involved claims and counterclaims totaling in excess of €5.5 billion and presented extraordinarily complex design, regulatory, delay, and quantification issues
- Acting for supplier in successful defense against owner's claim in excess of €100m based on alleged quality problems under a contract to design, build, and operate a German off-shore Wind Farm
- Advising EPC contractor in a range of disputes against the owner of Swiss nuclear power plant on performance issues, of technical compliance, prolongation costs and various disruption claims
- Major tunnel construction project in Melbourne (Australia): Advised contractor in successfully preparing and negotiating substantial damages claim in delay and disruption dispute with client
- Acting for contractor in defending DAB proceedings under an amended FIDIC Yellow Book contract in power plant project in Hungary. The dispute related to a €120 million claim for damages, additional costs and consequential damages for loss of profit of the power plant over several months
- Advising a global supplier in the oil and gas industry on COVID-19 related issues in West-Africa
- Advised contractor in €200 million Oil & Gas offshore project in Africa on subsurface and subsea works and construction of Liquefied Natural Gas Hub Terminal, drafting of delay and disruption claim and securing settlement containing the requested remedies of extension of time and prolongation costs
- Compliance: Advising clients on various compliance matters, and negotiation of settlement with tax authorities and prosecutors in connection with investigations on illicit labor, tax fraud and consultancy agreements
- Corporate / M&A projects: acquisition and divestitures of several companies in Europe, (e.g., MoU, due diligence, SPA, post-merger integration); drafting and negotiating several joint ventures in Europe

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## **EDUCATION**

### **1994 - 1998**

Study of Law at the University of Erlangen-Nuremberg

First State Exam at University Erlangen-Nuremberg

Legal traineeship at the Higher Regional Court of Nuremberg and law firm Rödl & Partner on general business law issues, with focus on public enterprises

Traineeship at Herzfeld & Rubin and Thacher Proffitt & Wood in New York, advising on issues of European and German corporate law

## **2001**

Second State Exam

Languages: German (native), Swedish (native), English (fluent), French (fluent)

Born on 23 January 1971 in Erlangen, married, two children

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## **MEMBERSHIPS**

- German attorney since 2001, admission to Paris bar in 2017
- German Lawyers Association (DAV)
- Committee member and Lecturer at Université II Paris, Panthéon-Assas, DU Contract Management (Litigation and Alternative Dispute Resolution)
- Lecturer at the Association of French In-House Counsels (AFJE)
- Founding Member of the Association Française du Contract Management (AFCM)

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