

# Marc Fornacciari

## Partner



Partner

Paris

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## Overview

Marc Fornacciari is a Partner at the Dentons Paris office. He specializes in public law and in particular in Public Business Law.

He is a member of the Transportation and Infrastructures, Public Policy and Regulation, Public Procurement and Government groups.

Marc has developed a recognized expertise in the infrastructure sector, in particular in project finance. He advises investors, banks and public entities on infrastructure projects (highways, railway projects, subways) or social infrastructure projects (the new Ministry of Defence in Paris, the new Justice Palace in Paris, La Santé prison, numerous universities and schools). He also advises stakeholders in the transport law practice, in toll prices and in new mobilities.

Former representative of a major European electric utility company for France, Marc Fornacciari has an extensive experience in energy law, both conventional and renewable energy (solar, wind-powered, floating offshore wind energies). He also practices environmental law.

Marc's team is also very active in general public law, public domain law and in public procurement law (contracts and concessions), both in consulting and litigation. Overall, the team covers all aspects of regulatory law.

Honorary judge of the Council of State, the French High Court for administrative law he has acquired a renowned expertise in public law and jurisprudence. Marc Fornacciari has rendered conclusions as an advocate general on cases that abide to be leading contract law and concession law cases.

Marc also benefits from operational skills acquired in his previous professional experience. In particular, he was the operational manager of water, electricity and sanitation companies in Europe and the Middle East and was in charge of business development in these areas. Within this framework, he has extensive experience in project structuring and financing.

## Experience

- **Operator:** Advising on the negotiation of the industrial and financing contracts of an offshore floating wind

farm.

- **Ile-de-France Mobilités:** Advising on the award of new franchises for regional trains ("transiliens").
- **Ile-de-France Mobilités:** Advising in connection with the award procedure of the contract(s) for the operation of the Grand Paris Express lines.
- **Ministry for an Ecological Transition:** Advising on the award of the concession contracts for the Central-European Atlantic Route (RCEA); the Toulouse-Castres motorway; the Machilly-Tholon highway.
- **RATP Développement / Kéolis consortium:** Advising in connection with the contract award procedure for the operation of the "CDG Express" rail link.
- **Ministry for an Ecological Transition:** Advising in the context of the termination of the partnership contract relating to the implementation of the heavy goods vehicle Eco tax and in the context of various compensation claims subsequent to this termination.
- **Université Paris-Sud:** Acting as counsel in the context of the partnership contract for the Biology-Pharmacy-Chemistry cluster on the Saclay plateau.
- **The French Energy Regulatory Commission:** Representing in the context of several disputes before the Paris Court of Appeal relating to decisions of the CRE's Dispute Resolution Committee concerning the connection to the electricity grid.
- **Schuepbach Energy LLC:** Representing in several litigation proceedings of all kinds following the withdrawal of shale gas research permits (including through a priority constitutionality issue).
- **The ECPS Condorcet:** Advising in the context of the signing of the partnership contract relating to the Condorcet Campus.
- **DREAL Rhône-Alpes:** Advising in the framework of technical, legal and financial feasibility studies concerning the Lyon bypass routes and the incentive schemes for their use.
- **Winning VINCI Construction France / Mirova consortium:** Acting as counsel in the context of partnership contracts awards procedures for the construction of colleges in Seine-Saint-Denis and high schools in Ile de France.
- **Greater Lyon authority:** Advising on the award and monitoring of three public service delegations for district heating.
- **Independent directors of EDF:** Advising in the context of the negotiation of the transaction with the State relating to EDF's compensation resulting from the closure of the Fessenheim power plant.
- **Foreign investor:** Advising in connection with the privatization of the Nice and Lyon airports.
- **Moroccan Ministry of Economy (then the European Investment Bank and the Islamic Development Bank):** Advising on drafting the Moroccan law on PPPs, the Moroccan law implementing regulations, educational tools and standard documents for PPP procurement.
- **Lenders of the Vinci Concessions consortium:** Acting as counsel in the framework of the partnership contract relating to the renovation of the Prison de la Santé in Paris.
- **Lenders of the Vinci Concessions consortium:** Advising in connection with the partnership contract for the replacement of 29 dams on the Aisne and Meuse rivers.
- **Lenders of the Bouygues consortium:** Advising in the framework of the partnership contract relating to the new Courthouse in Paris.
- **Lenders of the winning Bouygues consortium:** Advising in connection with the partnership contract for the new site of the Ministry of Defense.

# Recognition

- *Legal 500 EMEA 2021*: Marc is ranked "Leading Individual" in Public Law. Client note "Marc Fornacciari is strongly involved with his clients and is able to carry out very detailed analyses which allow the best decision to be taken".
- *Best Lawyers 2021*: Marc is recognized in France for his practice in Administrative and Public Law, in Public Law, in Energy Law and in Project Finance Development Practice. He was named by *Best Lawyers 2018* as "Lawyer of the Year" in the Administrative Law category.
- *Chambers Europe 2021*: Marc is ranked "Band 1" in Public Law. Clients note his "insight into the strategic or political challenges specific to each project", as well as his "interpersonal skills that help establish negotiating conditions that are as peaceful as possible". Also "Band 1" for the 2020 edition. He is "strong technical skills and good understanding of the business world," adding: "He is really diplomatic, he always tries to find an acceptable solution for all the parties while defending his clients' interests".
- *Legal 500 EMEA 2020*: Administrative and Public Law. "Marc Fornacciari is a true team leader who is also very committed towards his clients. He provides very fine analyses that are instrumental in helping to reach the best decision on a project". He is also ranked Leading Individuals: Regulatory and Public Law (Energy) in *Legal 500 EMEA 2020*.
- *IFLR 2020*: Ranked as "Highly Regarded Lawyer" in Project Finance and in Project Development - Social Infrastructure.

## Honors and Awards

- Marc Fornacciari is a Knight of the National Order of the Legion of Honor and of the Order of Merit.

## Insights

- "Les énergies renouvelables à l'ère Macron", Fusions Acquisitions, July 2017
- "Les pouvoirs du juge des référés en matière contractuelle", Contrats Publics, June 2017
- "Gaz de schiste : pourquoi le droit doit s'en mêler", Les Echos, April 9, 2012
- "Le Guide opérationnel des PPP", Le Moniteur, collection Guides, 3rd edition, January 2010

## Activities and Affiliations

### Presentations

- Lecturer, Saint Joseph University of Beirut in the framework of LLM Business Law

### Memberships

- Paris Bar, 2004
- Member of the Association Française du Droit de l'Energie - French Energy Law Association
- Member of the Scientific Council of the Foundation for Political Innovation

### Prior and Present Employment

- Joined Salans (now Dentons) in 2008

- Jeantet Associés, Partner, 2004-2008
- RWE AG France, Group Representative, 2001-2004
- Suez Environnement, Vice President Europe, 1997-2001
- Suez Environnement, Vice President Southern Europe, Africa & Middle East, 1994-1996
- Lyonnaise des Eaux, Vice President Strategy and Medium-Term Planning, 1991-1994
- State Council, Auditor, Maître des requêtes and Government Commissioner, 1982-1991

## Areas of focus

### Practices

- Environment and Natural Resources
- Project Finance
- Public Law
- Public Policy and Regulation

### Industry sectors

- Aviation and Aerospace
- Construction
- Energy
- Government
- Infrastructure and PPP
- Mining
- Transportation
- Economic Development

### Issues and opportunities

- Global Smart Cities & Connected Communities Initiative and Think Tank

## Education

- Ecole Nationale d'Administration (ENA), 1982
- Ecole Normale Supérieure, 1978
- Advanced degree in German language, 1977
- Institut d'Etudes Politiques de Paris (Science Po), 1977, Department of Public Service

## Admissions and qualifications

- Admitted to the Bar, Paris, 2004

## Languages

- English
- French
- German
- Italian