



**BERNARDO M. CREMADES**  
Partner

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AREAS OF PRACTICE

Investor-State arbitration  
International commercial arbitration  
International dispute resolution  
Public and private international law  
Protection of foreign investment  
International commercial law

Bernardo M. Cremades is senior partner of the Spanish law firm B. Cremades y Asociados and Catedrático of Universidad de Madrid.

Bernardo M. Cremades' practice is focused on international commercial arbitration and transnational investment disputes. He has acted as counsel, party-appointed arbitrator and president of arbitral tribunals in more than 250 arbitrations. His professional experience in the field of arbitration includes acting in proceedings under the auspices of all major international arbitration institutions, including the ICC, ICSID, AAA, CRCICA or LCIA as well as "ad hoc" arbitrations. He has particular experience in disputes relating to infrastructure, energy, and the regulation of foreign investment.

Bernardo M. Cremades is the leading Spanish international arbitration practitioner ("number one practitioner in Spain for commercial arbitration legal expertise" and "one of the top names in the industry", *Who's Who legal*, July 2005).

His international recognition includes Germany's distinguished Verdienstkreuz award, and the French distinction of Chevalier de l'Ordre National du Mérite.

Bernardo M. Cremades is a member of many professional and international arbitration associations and institutions, and is a frequent speaker at conferences around the world.

ADMISSIONS

1969, Madrid

1986, Paris

1986, Brussels

### EDUCATION

Universidad de Sevilla. Law Degree, 1965  
Universität Köln. PhD, 1967  
Universidad de Sevilla. PhD (*cum laude*), 1968  
Fulbright Scholar, 1972

### LANGUAGES

Bernardo M. Cremades is fluent in Spanish, French, English and German

### PROFESSIONAL ASSOCIATIONS

Former President of the Spanish Court of Arbitration  
Member of the International Council of Commercial Arbitration (ICCA)  
Member of the Institute of World Business Law of the ICC  
Member of the Spanish Arbitration Club  
Member of CPR Institute for Dispute Resolution  
Member of the Association Suisse de l'Arbitrage  
Fellow, Chartered Institute of Arbitrators  
Member of the International Arbitration Club  
Member of DIS (Deutsche Institution für Schiedsgerichtsbarkeit)  
Co-President Foro Hispano-Alemán (Madrid)  
Member and former Vice President of the London Court of International Arbitration  
Former President of the Arbitration Committee of the International Bar Association

### REPRESENTATIVE ARBITRATION EXPERIENCE

Bernardo M. Cremades has participated in more than 250 arbitrations. A representative selection of his recent cases includes the following:

#### ***As Chairman of the Arbitral Tribunal or Sole Arbitrator***

Energy Charter Treaty arbitration between a Latvian investor and the Ukraine (OOO "Amto" v. The Republic of Ukraine (SCC Arbitration V (080/2005))

NAFTA arbitration relating to the taxation of the artificial sugar sweetener market in Mexico (Archer Daniels Midland Company and Tate & Lyle Ingredients Americas, Inc. v. United Mexican States (ICSID Case No. ARB(AF)/04/5))

Waste Management, Inc. v. United Mexican States (ICSID Case No. ARB(AF)/98/2))  
Société d'Exploitation des Mines d'Or de Sadiola S.A. v. Republic of Mali (ICSID Case No. ARB/01/5)  
ICC arbitration case involving major American and Mexican copper mining companies  
ICC construction arbitration between French and Brazilian partners  
ICC arbitration between Spanish and American companies involving military equipment  
ICC arbitration involving an international pharmaceutical distributorship agreement  
ICC arbitration case involving a construction and engineering dispute between an international consortium and a state owned Central American oil company  
ICC arbitration case involving a European engineering subcontractor and US contractor concerning the construction of an oil platform  
Energy Charter Treaty arbitration pursuant to the Arbitration Rules of the Stockholm Chamber of Commerce  
CRCICA investor-state arbitration involving a European construction company and a Middle East country over an infrastructure concession  
Mining concession dispute under the UNCITRAL Arbitration Rules  
Hotel purchase contract in an African country under the AAA International Rules  
Energy sector dispute arising from privatisation, pursuant to the Rules of the Arbitration Court attached to the Hungarian Chamber of Commerce  
International distribution contracts in the liquor sector pursuant to the ICC and AAA Rules  
Case administered by the Comité Olímpico Español involving a dispute between several Spanish football teams concerning broadcasting television rights

### ***As Party-Appointed Arbitrator***

ICSID arbitration relating to the construction of an airport terminal (Fraport AG Frankfurt Airport Services Worldwide v. Republic of the Philippines (ICSID Case No. ARB/03/25))  
Ad hoc arbitration relating to the supply of electricity in the Dominican Republic (Société Générale in Respect of DR Energy Holdings Ltd. and Empresa Distribuidora de Electricidad del Este, S.A. v. The Dominican Republic)  
  
ICSID arbitration relating to the regulation of the energy sector in Ecuador (Noble Energy Inc. and Machala Power Cía. Ltd v. Republic of Ecuador and Consejo Nacional de Electricidad (ICSID ARB/05/12))  
  
Two ICSID arbitrations relating to investments in or near environmentally sensitive areas in Costa Rica (Marion Unglaube v. Republic of Costa Rica (ICSID ARB/08/1) and Quadrant Pacific Growth Fund L.P. and Canasco Holdings Inc. v. Republic of Costa Rica (ICSID ARB(AF)/08/1))  
  
Dispute relating to a joint venture relating to the harvesting of coffee in Ghana (Gustav F W Hamster GmbH & Co KG v. Republic of Ghana (ICSID ARB07/24))  
Consortium R.F.C.C. v. Kingdom of Morocco (ICSID Case No. ARB/00/6)

Société d'Exploitation des Mines d'Or de Sadiola S.A. v. Republic of Mali (ICSID Case No. ARB/01/5)

Impregilo S.p.A. v. Islamic Republic of Pakistan (ICSID Case No. ARB/03/3)

Salini Costruttori S.p.A. and Italstrade S.p.A. v. The Hashemite Kingdom of Jordan (ICSID Case No. ARB/02/13)

Lucchetti S.A. and Lucchetti Peru, S.A. v. Republic of Peru (ICSID Case No. ARB/03/4)

ICC investor-state arbitration between a Spanish commodities producer and an Eastern European Country

ICC arbitration case involving a construction dispute between an international consortium and a state owned Central American oil company

“Ad hoc” arbitration of a pharmaceutical licensing dispute, including issues of patent validity (CPR)

Insurance arbitration pursuant to the LCIA Rules

### ***As Counsel***

ICSID annulment proceedings relating to a concession contract in Argentina (Compañía de Aguas del Aconquija S.A. and Vivendi Universal v. Argentine Republic (ICSID Case No. ARB/97/3))

Ad hoc arbitrations in Spain relating to gas supply contracts.

ICC arbitration between prominent French and Spanish telecommunications companies

ICC arbitration involving the Colombian state owned railway enterprise against an American company

“Ad hoc” arbitration involving a Spanish engineering company against a Middle East state owned oil company

Multiple heavy plant construction disputes under the ICC Rules, involving construction contracts in Europe and the Middle East

Intellectual property dispute arising from a distribution contract involving Spanish and U.S. parties

Investment dispute involving a Latin American State under the ICSID Rules

Dispute relating to international sale of goods and bank guarantees under the ICC Rules

### **PUBLICATIONS**

Bernardo M. Cremades is author of numerous publications in Spanish, English and French. His publications in English include the following:

#### ***Books***

*Business Law in Spain* (General Editor), Butterworths, 1992

*Arbitration in Spain*, Butterworths, 1991

*Litigating in Spain: considerations for foreign practitioners, including judicial assistance, enforcement of foreign judgments, bankruptcy, arbitration and other civil proceedings*, Kluwer Law, 1989

## **Articles**

*Arbitration under the ECT and other Investment Protection Treaties: Parallel Arbitration Tribunals and Awards*, in *Investment Arbitration and the Energy Charter Treaty*.

*The Resurgence of the Calvo Doctrine in Latin America*, *Business Law International*, vol. 7, No. 1 (2006)

*Corruption and Investment Arbitration*, in *Global Reflections on International Law, Commerce and Dispute Resolution, Liber Amicorum in honour of Robert Briner*, ICC Publication, p. 203-220 (2005)

*Contract and Treaty Claims and Choice of Forum in Foreign Investment Disputes*, *Parallel State and Arbitral Procedures in International Arbitration. Dossiers* (ICC Institute of World Business Law), p. 13-42, July 2005

*The Arbitral Award*, in *The Leading Arbitrator's Guide to International Arbitration*, p. 397-414, 2004

*Transnational Public Policy in International Arbitral Decision-Making: the Cases of Bribery, Money Laundering and Fraud*, *Money Laundering, Corruption and Fraud. Dossiers* (ICC Institute of World Business Law), p. 65-92, September 2003

*Managing Discovery in International Arbitration*, *Dispute Resolution Journal*, p.73-77, November 2002-January 2003

*Clarifying the Relationship Between Contract and Treaty Claims in Investor State Arbitration*, *Business Law International*, Issue 3, p. 207-211, 2003

*The Brave New World of Global Arbitration*, *The Journal of World Investment*, March 2002, p. 173 to 210 (available at <http://www.cremades.com>)

*Overcoming the Clash of Legal Cultures: The Role of Interactive Arbitration*, *14 Arbitration International*, 164 (1998)