

VIAC – Questionnaire for Arbitrators

1. **Name:** Antolín Fernández Antuña

2. **Citizenship:** Spanish

3. **Contact information:**

Address: Paseo de la Castellana 93-2, 28046 Madrid (Spain)

Telephone: +34 917941984

E-Mail: afa@antunapartners.com

Website: www.antunapartners.com

LinkedIn: <https://www.linkedin.com/in/antolinfernandezantuna/>

4. **Current position:** Arbitrator, Antuña & Partners

5. **Education:**

- Fellow, **Chartered Institute of Arbitrators**
- **State Finance Inspector** (Cuerpo Superior de Inspectores de Hacienda del Estado)
- Master's Degree in **Public Administration, Public Finance, Public Policy & Taxation** (Law College, U.N.E.D. University)
- Diploma of High Specialization in **International Taxation** (IEF)
- **Accounting**, Financial Statements Auditor by the Official Registry of the Ministry of Economy (ROAC)
- Bachelor's Degree in **Law** (Law College, U.N.E.D. University)
- Bachelor's Degree in **Economics** (School of Business and Economics, Maastricht University; Oviedo University)

6. **Practiced experience in arbitration**

- **How many arbitrations have you participated in** (domestic/international); under which Rules?
45 international arbitrations (ICSID, UNCITRAL, SCC)
3 domestic arbitrations (Spain, CAM, CEA)
- How often have you acted as Sole Arbitrator? 2 (CAM, CEA)
- How often have you acted as Co-Arbitrator? 3 (ICSID, CAM)
- How often have you acted as Counsel? 42 (ICSID, UNCITRAL, SCC)
- How often have you acted in a different function (e.g. Administrative Secretary)? 1 (Legal Expert, ICSID)

7. Publications and other activities in arbitration

Speaker at the following seminars:

- *Land and Seabed Mining in International Commercial and Investment Arbitration*, 2021 Washington Arbitration Week -WAW 2021- (December 2021)
- *La Relevancia de las Reglas de Soft Law en los Arbitrajes Domésticos e Internacionales*, III Conferencia Internacional IPA Perú-España (November 2021)
- *El Procedimiento de Arbitraje de Inversiones y sus Diferencias con el Arbitraje Comercial*, IX Seminario Internacional de Arbitraje de Inversión del IPA (September 2021)
- *Renewable Support Schemes at Cross-Roads - Renewable Energies and Investor-State Arbitration*, 3rd Dispute Resolution Forum, Dispute Resolution and Negotiation Centre, Energy Community Secretariat (March 2021)
- *ICC YAF: Third Party Funding in International Arbitration: Pros and Cons*, ICC YAF, ICC México (October 2020)
- *Cuál Debe Ser el Límite de la Información que Deben Revelar los Árbitros*, II Conferencia Internacional IPA Perú-España (October 2020)
- *State Aid and Investment Arbitration*, IE - Instituto de Empresa (September 2020)
- *La Defensa del Estado de Necesidad*, VIII Seminario Internacional de Arbitraje de Inversión del Instituto Peruano de Arbitraje (July 2020)
- *Recent Trends and Future Forecasts in Investment Arbitration in the Renewable Energy Sector*, Paris Arbitration Week 2020 -PAW 2020- (July 2020)
- *Arbitration Proceedings in a Contactless Society*, Impact of COVID-19 and Beyond, Asian International Arbitration Centre -AIAC- (April 2020)
- *Arbitraje de Inversión: el Estado como Parte en Arbitrajes Internacionales*, I Conferencia IPA España-Perú, Lima (November 2019)
- *Valuation of Damages in International Investment Law*, British Institute of International Comparative Law (BIICL) Thirty Third Investment Treaty Forum Conference, London (October 2019)
- *Expropiación Indirecta en los Arbitrajes de Inversión CIADI*, VII Seminario Internacional de Arbitraje de Inversión, Santiago de Chile (September 2019)
- *Spain-Americas Arbitration Forum*, ICEX - Consejo General de la Abogacía Española, Miami (June 2019)
- *International Investment Arbitration*, Master in International Business Law at ESADE, Barcelona (2019)
- *ICC Austria: Damages in International Arbitration*, Ninth Investment Arbitration Forum, International Chamber of Commerce, Vienna (May 2018)
- *España y los Arbitrajes de Inversión en Materia de Energías Renovables*, Club Español del Arbitraje, Santoña Palace (2017)

- *Curso de Arbitraje Internacional*, Law Studies Center – Ministry of Justice (2016)

Author of the following publications:

- *Renewable Energy Investor-State Arbitration: Facts, Figures and Issues Overview*, Arbitration Journal, May-June 2021, Russian Arbitration Association
- *Foreign Control, Ownership and Investment Arbitration*, January 2021, Jus Mundi
- *Evidence in Investor-State Arbitration*, September 2020, Jus Mundi
- *Una Aproximación al Arbitraje entre Inversores y Estados como Medio de Resolución de Disputas*, January 2020, Consejo General de la Abogacía Española
- *Fiscalidad y Arbitraje Internacional*, Cuadernos de Formación (n. 20/2016), Ed. Instituto de Estudios Fiscales
- *Fiscalidad Internacional de los Gastos Financieros: Derecho Interno y Comparado*, Documentos de Trabajo (n. 19/2013), Ed. Instituto de Estudios Fiscales

8. Membership in arbitral institutions / functions in arbitral institutions/organizations: please see CV attached.

9. Languages

Mother tongue: **Spanish**

Working languages: **English, French.**

10. In which legal systems have you trained?

- ★ Civil Law
- ★ Common Law
- ★ European Law

Other: Extensive experience in international investment arbitration and commercial arbitration.

11. What is your main jurisdiction of practice? International, based in Spain and involved in arbitrations world-wide.

12. Special expertise or specializations (please list a maximum of five):

- ★ Antitrust/Unfair competition
- ★ Banking & Finance
- ★ Telecommunications
- ★ Energy
- ★ Construction

Date of birth: 3 November 1976



ANTOLÍN FERNÁNDEZ ANTUÑA

INTERNATIONAL ARBITRATOR

NATIONALITY

Spanish, born in 1976

EXPERIENCE

Construction
Energy
Infrastructures
Mining
Real Estate
Financial Services
Telecommunications
Transports

LANGUAGES

English
French
Spanish

RANKINGS

- Who's Who Legal
- Leaders League
- Best Lawyers

CONTACT

- afa@antunapartners.com
- www.antunapartners.com
- P. Castellana 93-2,
28046 Madrid (Spain)

PROFILE

Arbitrator and international counsel with broad experience in public and private sector

International arbitrations: 40+

ICSID arbitrations: 25+

CAREER

Antuña & Partners

Arbitrator and international counsel

Ministry of Justice, State Attorney General's Office

Lawyer, international counsel

Ministry of Finance, State Tax Agency

Inspector, finance and tax law

QUALIFICATIONS

Fellow CIArb (FCIArb)

Chartered Institute of Arbitrators

Master's Degree in Public Administration, Public Policy, Public Finance & Taxation

U.N.E.D. University

State Finance Inspector

Ministry of Finance, Institute of Fiscal Studies

Bachelor's Degree in Economics

Maastricht University - Oviedo University

Bachelor's Degree in Law

U.N.E.D. University

PROFESSIONAL CAREER

From 2019 **Antuña & Partners**

Founder and managing partner of Antuña & Partners, acting as arbitrator, counsel, and expert in international disputes. Amongst other cases:

- *Mainstream Renewable Power Ltd and others v. Federal Republic of Germany* (**ICSID Case No. ARB/21/26**). Co-Arbitrator appointed by Germany.

- *Dick Fernando Abanto Ishivata v. Bolivarian Republic of Venezuela* (**ICSID Case No. ARB(AF)/18/6**). Co-Arbitrator appointed by Venezuela.

- *Telefónica, S.A. v. Republic of Colombia* (**ICSID Case No. ARB/18/3**). Expert appointed by Colombia.

- *Company v. financial institution, CAM arbitration* under Madrid Court of Arbitration rules. Dispute over financial services contract. Appointed by the Court as sole arbitrator.

- *Company v. financial institution, CEA arbitration* under the rules of the Spanish Court of Arbitration. Appointed by the Court as sole arbitrator.

- *Company v. directors, CAM arbitration* under Madrid Court of Arbitration rules. Appointed by the Court as co-arbitrator.

2014–2018 **Ministry of Justice, Attorney General's Office, Spain**

Representing the Kingdom of Spain in more than **40 international arbitrations** (**ICSID, UNCITRAL, SCC**, -see list *in fine*, EUR 10.000 million in dispute-), Energy Charter Treaty (ECT) and Bilateral Investment Treaty (BIT) based, having personally:

- acted in 32 hearings as counsel;

- presented 45 opening/closing statements;

- performed 42 cross-examinations (35 of experts).

Investment arbitrations were related to **Mining** and **Renewable** Energy sectors, and in the latter, represented the State in arbitrations that involved the following technologies:

- **Solar** (PV and CSP) Plants;
- **Hydroelectric** Power Plants;
- **Wind** Farms.

2004–2013 Ministry of Finance, Spain Tax Agency

Broad experience as inspector in finance and tax law matters, deciding over the legal interpretation of **public and private contracts** of:

- **Constructing** and **real estate** companies, volume up to EUR 300 million.
- **Concessions** and **infrastructures** projects (highways, metro lines), over EUR 2.000 million.
- **Transportation** companies, over EUR 15 million.
- **Telecommunications** multinationals, up to EUR 5.000 million.

Several positions, including Administrator of the Spain Tax Agency and Inspector at the Large Taxpayers Office, having supervised some IBEX 35, FTSE 100, NASDAQ 100.

Additionally, technical assistances in foreign countries, *e.g.*, for the Inter-American Centre of Tax Administrations (CIAT, Panamá) and the Nicaragua Tax Directorate.

QUALIFICATIONS

- Fellow, Chartered Institute of Arbitrators
- State Finance Inspector (Cuerpo Superior de Inspectores de Hacienda del Estado)
- Master's Degree in Public Administration, Public Finance, Public Policy & Taxation (Law College, U.N.E.D. University)
- Diploma of High Specialization in International Taxation (IEF)
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- Bachelor's Degree in Law (Law College, U.N.E.D. University)
- Bachelor's Degree in Economics (School of Business and Economics, Maastricht University; Oviedo University)

MEMBERSHIPS & RANKINGS

- Chartered Institute of Arbitrators, Fellow (FCIArb)
- International Chamber of Commerce (ICC), Commission on Arbitration and ADR
- Madrid Court of Arbitration (CAM)
- Spanish Club of Arbitration (CEA)
- International Council for Commercial Arbitration (ICCA)
- Who's Who Legal
- Leaders League
- Best Lawyers

SEMINARS & PUBLICATIONS

Speaker at the following seminars:

- *Land and Seabed Mining in International Commercial and Investment Arbitration*, 2021 Washington Arbitration Week -WAW 2021- (December 2021)
- *La Relevancia de las Reglas de Soft Law en los Arbitrajes Domésticos e Internacionales*, III Conferencia Internacional IPA Perú–España (November 2021)
- *El Procedimiento de Arbitraje de Inversiones y sus Diferencias con el Arbitraje Comercial*, IX Seminario Internacional de Arbitraje de Inversión del IPA (September 2021)
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- *State Aid and Investment Arbitration*, IE - Instituto de Empresa (September 2020)
- *La Defensa del Estado de Necesidad*, VIII Seminario Internacional de Arbitraje de Inversión del Instituto Peruano de Arbitraje (July 2020)

- *Recent Trends and Future Forecasts in Investment Arbitration in the Renewable Energy Sector*, 2020 Paris Arbitration Week -PAW 2020- (July 2020)
- *Arbitration Proceedings in a Contactless Society, Impact of COVID-19 and Beyond*, Asian International Arbitration Centre -AIAC- (April 2020)
- *Arbitraje de Inversión: el Estado como Parte en Arbitrajes Internacionales*, I Conferencia IPA España-Perú, Lima (November 2019)
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- *Spain-Americas Arbitration Forum*, ICEX - Consejo General de la Abogacía Española, Miami (June 2019)
- *FDI Moot*, arbitrator, University of Miami School of Law (2019)
- *International Investment Arbitration*, Master in International Business Law at ESADE, Barcelona (2019)
- *Moot Madrid de Arbitraje*, chairman of the tribunal, UNCITRAL-UC3M (2019)
- *ICC Austria: Damages in International Arbitration*, Ninth Investment Arbitration Forum, International Chamber of Commerce, Vienna (May 2018)
- *España y los Arbitrajes de Inversión en Materia de Energías Renovables*, Club Español del Arbitraje, Santoña Palace (2017)
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- *Foreign Control, Ownership and Investment Arbitration*, January 2021, Jus Mundi
- *Evidence in Investor-State Arbitration*, September 2020, Jus Mundi
- *Una Aproximación al Arbitraje entre Inversores y Estados como Medio de Resolución de Disputas*, January 2020, Consejo General de la Abogacía Española
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- *Fiscalidad Internacional de los Gastos Financieros: Derecho Interno y Comparado*, Documentos de Trabajo (n. 19/2013), Ed. Instituto de Estudios Fiscales

INTERNATIONAL INVESTMENT ARBITRATIONS

- *Mainstream Renewable Power Ltd and others v. Federal Republic of Germany*, ICSID Case No. ARB/21/26
- *Dick Fernando Abanto Ishivata v. Bolivarian Republic of Venezuela*, ICSID Case No. ARB(AF)/18/6
- *Telefónica, S.A. v. Republic of Colombia*, ICSID Case No. ARB/18/3
- *Triodos SICAV II v. Kingdom of Spain*, SCC Case No. 2017/194
- *FREIF Eurowind v. Kingdom of Spain*, SCC Case No. 2017/060
- *DCM Energy DCM Energy GmbH & Co. Solar 1 KG, DCM Energy GmbH & Co. Solar 2 KG, Edisun et al. v. Kingdom of Spain*, ICSID Case No. ARB/17/41
- *Green Power K/S and Obton A/S v. Kingdom of Spain*, SCC Case No. 2016/135
- *Corcoesto, S.A. v. Kingdom of Spain*, PCA Case No. 2016-26
- *Sevilla Beheer et al. v. Kingdom of Spain*, ICSID Case No. ARB/16/27
- *Infracapital F1 S.à r.l. and Infracapital Solar B.V. v. Kingdom of Spain*, ICSID Case No. ARB/16/18
- *Sun-Flower Olmeda GmbH et al. v. Kingdom of Spain*, ICSID Case No. ARB/16/17
- *Eurus Energy Holdings Corporation and Eurus Energy Europe B.V. v. Kingdom of Spain*, ICSID Case No. ARB/16/4
- *EDF Energies Nouvelles S.A. v. Kingdom of Spain*, Ad-Hoc Case
- *Solarpark et al. c. Reino de España*, SCC Case No. 2015/163
- *Foresight Luxembourg Solar 1 S.À.R.L., et al. v. Kingdom of Spain*, SCC Case No. 2015/150
- *Novenergia II - Energy & Environment (SCA) (Grand Duchy of Luxembourg), SICAR v. The Kingdom of Spain*, SCC Case No. 2015/063
- *Alten Renewable Energy Developments BV v. Kingdom of Spain*, SCC Case No. 2015/036
- *Landesbank Baden-Württemberg, HSH Nordbank AG, Landesbank Hessen-Thüringen Girozentrale et al. v. Kingdom of Spain*, ICSID Case No. ARB/15/45
- *Watkins Holdings S.à r.l. and others v. Kingdom of Spain*, ICSID Case No. ARB/15/44
- *Hydro Energy 1 S.à r.l. and Hydroxana Sweden AB v. Kingdom of Spain*, ICSID Case No. ARB/15/42
- *SoIEs Badajoz GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/38
- *OperaFund Eco-Invest SICAV PLC and Schwab Holding AG v. Kingdom of Spain*, ICSID Case No. ARB/15/36
- *E.ON SE, E.ON Finanzanlagen GmbH and E.ON Iberia Holding GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/35

- *Cavalum SGPS, S.A. v. Kingdom of Spain*, ICSID Case No. ARB/15/34
- *JGC Holdings Corporation (formerly JGC Corporation) v. Kingdom of Spain*, ICSID Case No. ARB/15/27
- *KS Invest GmbH and TLS Invest GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/25
- *Frank Schumm, Joachim Kruck, Jürgen Reiss and others v. Kingdom of Spain*, ICSID Case No. ARB/15/23
- *Cube Infrastructure Fund SICAV and others v. Kingdom of Spain*, ICSID Case No. ARB/15/20
- *BayWa r.e. Renewable Energy GmbH and BayWa r.e. Asset Holding GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/16
- *9REN Holding S.a.r.l v. Kingdom of Spain*, ICSID Case No. ARB/15/15
- *STEAG GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/4
- *Stadtwerke München GmbH and others v. Kingdom of Spain*, ICSID Case No. ARB/15/1
- *RWE Innogy GmbH and RWE Innogy Aersa S.A.U. v. Kingdom of Spain*, ICSID Case No. ARB/14/34
- *REENERGY S.à r.l. v. Kingdom of Spain*, ICSID Case No. ARB/14/18
- *InfraRed Environmental Infrastructure GP Limited and others v. Kingdom of Spain*, ICSID Case No. ARB/14/12
- *NextEra Energy Global Holdings B.V. and NextEra Energy Spain Holdings B.V. v. Kingdom of Spain*, ICSID Case No. ARB/14/11
- *Masdar Solar & Wind Cooperatief U.A. v. Kingdom of Spain*, ICSID Case No. ARB/14/1
- *Eiser Infrastructure Limited and Energía Solar Luxembourg S.à r.l. v. Kingdom of Spain*, ICSID Case No. ARB/13/36
- *Antin Infrastructure Services Luxembourg S.à.r.l. and Antin Energia Termosolar B.V. v. Kingdom of Spain*, ICSID Case No. ARB/13/31
- *RREEF Infrastructure (G.P.) Limited and RREEF Pan-European Infrastructure Two Lux S.à r.l. v. Kingdom of Spain*, ICSID Case No. ARB/13/30
- *Isolux Infrastructure Netherlands B.V. v. Kingdom of Spain*, SCC Case No. V2013/153
- *CSP Equity Investment Sarl v. Kingdom of Spain*, SCC Case No. 094/2013
- *AES Solar et al. (PV Investors) v. Kingdom of Spain*, PCA Case No. 2012-14
- *Charanne B.V. and Construction Investments S.A.R.L. v. Kingdom of Spain*, SCC Case No. 062/2012

★ I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

★ I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

16 March 2022

Antolín Fernández Antuña