



# 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 2021
- Leaders League 2020
- Best Lawyers 2020

### CONTACT

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### 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 and counsel in international disputes.

Sole arbitrator in:

- *Spanish corporation v. financial institution*, CAM arbitration under the Rules of the Madrid Court of Arbitration. Dispute over a **financial services** contract. Directly appointed as sole arbitrator by the Court in 2019. Award rendered in 2020.

### 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** Parks.

## 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 as Expert in International Taxation (IEF)
- 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)
- International Meres School

## MEMBERSHIPS

- Chartered Institute of Arbitrators (FCIArb)
- International Chamber of Commerce (ICC), Commission on Arbitration and ADR
- Madrid Court of Arbitration (CAM)
- Spanish Court of Arbitration (CEA)

## RANKINGS

- Who's Who Legal 2021
- Leaders League 2020
- Best Lawyers 2020

## SEMINARS & PUBLICATIONS

Speaker at the following seminars:

- *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)

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

Author of the following publications:

- *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

## INTERNATIONAL INVESTMENT ARBITRATIONS

Counsel in the following cases:

- *Charanne B.V. and Construction Investments S.A.R.L. v. Kingdom of Spain*, SCC Case No. 062/2012
- *AES Solar and others (PV Investors) v. Kingdom of Spain*, PCA Case No. 2012-14CSP *Equity Investment Sarl v. Kingdom of Spain*, SCC Case No. 094/2013
- *Isolux Infrastructure Netherlands B.V. v. Kingdom of Spain*, SCC Case No. V2013/153
- *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
- *Antin Infrastructure Services Luxembourg S.à.r.l. and Antin Energia Termosolar B.V. v. Kingdom of Spain*, ICSID Case No. ARB/13/31

- *Eiser Infrastructure Limited and Energía Solar Luxembourg S.à r.l. v. Kingdom of Spain*, ICSID Case No. ARB/13/36
- *Masdar Solar & Wind Cooperatief U.A. v. Kingdom of Spain*, ICSID Case No. ARB/14/1
- *NextEra Energy Global Holdings B.V. and NextEra Energy Spain Holdings B.V. v. Kingdom of Spain*, ICSID Case No. ARB/14/11
- *InfraRed Environmental Infrastructure GP Limited and others v. Kingdom of Spain*, ICSID Case No. ARB/14/12
- *REENERGY S.à r.l. v. Kingdom of Spain*, ICSID Case No. ARB/14/18
- *RWE Innogy GmbH and RWE Innogy Aersa S.A.U. v. Kingdom of Spain*, ICSID Case No. ARB/14/34
- *Stadtwerke München GmbH and others v. Kingdom of Spain*, ICSID Case No. ARB/15/1
- *STEAG GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/4
- *9REN Holding S.a.r.l v. Kingdom of Spain*, ICSID Case No. ARB/15/15
- *BayWa r.e. Renewable Energy GmbH and BayWa r.e. Asset Holding GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/16
- *Cube Infrastructure Fund SICAV and others v. Kingdom of Spain*, ICSID Case No. ARB/15/20
- *Frank Schumm, Joachim Kruck, Jürgen Reiss and others v. Kingdom of Spain*, ICSID Case No. ARB/15/23
- *KS Invest GmbH and TLS Invest GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/25
- *JGC Holdings Corporation (formerly JGC Corporation) v. Kingdom of Spain*, ICSID Case No. ARB/15/27
- *Cavalum SGPS, S.A. v. Kingdom of Spain*, ICSID Case No. ARB/15/34
- *E.ON SE, E.ON Finanzanlagen GmbH and E.ON Iberia Holding GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/35
- *OperaFund Eco-Invest SICAV PLC and Schwab Holding AG v. Kingdom of Spain*, ICSID Case No. ARB/15/36
- *SolEs Badajoz GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/38
- *Hydro Energy 1 S.à r.l. and Hydroxana Sweden AB v. Kingdom of Spain*, ICSID Case No. ARB/15/42
- *Watkins Holdings S.à r.l. and others v. Kingdom of Spain*, ICSID Case No. ARB/15/44

- *Landesbank Baden-Württemberg, HSH Nordbank AG, Landesbank Hessen-Thüringen Girozentrale et al. v. Kingdom of Spain*, ICSID Case No. ARB/15/45
- *Alten Renewable Energy Developments BV v. Kingdom of Spain*, SCC Case No. 2015/036
- *Novenergia II - Energy & Environment (SCA) (Grand Duchy of Luxembourg), SICAR v. The Kingdom of Spain*, SCC Case No. 2015/063
- *Foresight Luxembourg Solar 1 S.À.R.L., et al. v. Kingdom of Spain*, SCC Case No. 2015/150
- *Solarpark et al. c. Reino de España*, SCC Case No. 2015/163
- *EDF Energies Nouvelles S.A. v. Kingdom of Spain*, Ad-Hoc Case
- *Eurus Energy Holdings Corporation and Eurus Energy Europe B.V. v. Kingdom of Spain*, ICSID Case No. ARB/16/4
- *Sun-Flower Olmeda GmbH et al. v. Kingdom of Spain*, ICSID Case No. ARB/16/17
- *Infracapital F1 S.à r.l. and Infracapital Solar B.V. v. Kingdom of Spain*, ICSID Case No. ARB/16/18
- *Sevilla Beheer et al. v. Kingdom of Spain*, ICSID Case No. ARB/16/27
- *Corcoesto, S.A. v. Kingdom of Spain*, PCA Case No. 2016-26
- *Green Power K/S and Obton A/S v. Kingdom of Spain*, SCC Case No. 2016/135
- *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
- *FREIF Eurowind v. Kingdom of Spain*, SCC Case No. 2017/060
- *Triodos SICAV II v. Kingdom of Spain*, SCC Case No. 2017/194