

Bernardo M. Cremades



Nationality: Spanish
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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 200 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.

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 Verdienskreutz 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.

Areas of Practice

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

Professional Associations

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)
Former Vice President London Court of International Arbitration
Former President of the Arbitration and ADR Committee of the International Bar Association

Representative Arbitration Experience

Bernardo M. Cremades has participated in more than 200 arbitrations. A representative selection of his recent cases includes the following:

As Chairman of the Arbitral Tribunal or Sole Arbitrator

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

Fraport AG Frankfurt Airport Services Worldwide v. Republic of the Philippines (ICSID Case No. ARB/03/25)

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

Compañía de Aguas del Aconquija S.A. and Vivendi Universal v. Argentine Republic (ICSID Case No. ARB/97/3)

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* (publication pending, 2006).

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/publi.htm>).

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