



Antolín Fernández Antuña

International Arbitrator

Date of Birth: 03 November 1976

Nationality: Spanish

Current Position: Arbitrator

Professional Experience

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 the Respondent.

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

- *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

Counsel, representing the Kingdom of Spain in more than 40 international arbitrations (ICSID, UNCITRAL, SCC), Energy Charter Treaty (ECT) and Bilateral Investment Treaty (BIT) based.

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:

- **Construction** and **real estate** companies.

- **Concessions** and **infrastructures** projects (highways, metro lines).
- **Transportation** companies.
- **Telecommunications** multinationals.

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.

Arbitration Experience

- Mainstream Renewable Power Ltd and others v. Federal Republic of Germany (**ICSID Case No. ARB/21/26**). Co-Arbitrator appointed by the Respondent.
- Telefónica, S.A. v. Republic of Colombia (**ICSID Case No. ARB/18/3**). Expert appointed by the Respondent.
- 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.
- Counsel, expert, and advisor in international commercial and investment disputes (among others: **energy** -oil & gas, renewables-, **construction**, **real estate**). Counsel representing the Kingdom of Spain in more than 40 international arbitrations (ICSID, UNCITRAL, SCC), 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** (gold, PCA-UNCITRAL) 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.

Education Background

- 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)

Expertise

Energy, Construction, Infrastructures, Mining, Real Estate, Financial Services, Telecommunications, Transports.

Practice Location/ Jurisdiction

Based in Madrid and involved in arbitrations world-wide.

Working Languages

English, Spanish, French.

Other Relevant Experience

Speaker at the following seminars:

- *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

International Investment Arbitrations:

- *Mainstream Renewable Power Ltd and others v. Federal Republic of Germany*, ICSID Case No. ARB/21/26

- *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
- *SolEs 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

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