



<u>Surname, First name</u>	FERNANDEZ ANTUÑA, ANTOLIN
Address	Paseo de la Castellana 93-2 28046 Madrid Spain
Telephone	+34 917 941 984
Fax	
Email	afa@antunapartners.com
Nationality/ Date of Birth	Spanish / 3 November 1976

Educational/Professional Memberships

Qualifications:

- Fellow, Chartered Institute of Arbitrators (FCIArb, London)
- State Tax Inspector, Spain (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.)
- 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)

Memberships:

- International Chamber of Commerce, appointed as a Delegate to the Commission on Arbitration and ADR by the National Committee (Delegate to the ICC Commission)
- High Corps of Spanish State Tax Inspectors (Funcionario de carrera en excedencia del Cuerpo Superior de Inspectores de Hacienda del Estado, CSIHE)
- Spanish Arbitration Club (CEA)
- Club de Derecho de la Construcción y la Ingeniería (CDCI), Corresponding Society of the European Society of Construction Law (ESCL)

Appointed to the following panels of arbitrators:

- Singapore International Arbitration Centre (SIAC)
- European Union Pool of Arbitrators (List of European Union Candidates Suitable for Appointment as Arbitrators and Trade and Sustainable Development Experts)

- Energy Disputes Arbitration Center (EDAC)
- Corte de Arbitraje de Madrid (CAM)
- Corte Española de Arbitraje (CEA)
- Asociación Europea de Arbitraje
- Chambre Arbitrale Internationale de Paris (CAIP)
- Vienna International Arbitral Centre (VIAC)
- Centro de Arbitraje de México (CAM)
- World Intellectual Property Organization Arbitration and Mediation Center (WIPO)
- Câmara de Arbitragem e Mediação de Santa Catarina (CAMESC, Brasil)
- Centro Internacional de Arbitraje de AmCham Perú
- Asian International Arbitration Centre (AIAC, Malaysia)
- Thailand Arbitration Center (THAC)
- Korean Commercial Arbitration Board (KCAB)
- Indian Dispute Resolution Centre (IDRC)
- Maldives International Arbitration Centre (MIAC)
- Brunei Darussalam Arbitration Centre (BDAC)
- Lebanese Arbitration and Mediation Center (LAMC)
- Arbitration Court at the Bulgarian Chamber of Commerce and Industry (AC-BCCI)
- Court of International Commercial Arbitration Attached to the Chamber of Commerce and Industry of Romania (CCIR)
- Georgian International Arbitration Centre (GIAC)
- International Court of Arbitration in Affiliation with the Chamber of Commerce and Industry of the Kyrgyz Republic (ICA CCI KR)
- Arbitration and Mediation Court of the Caribbean (AMCC, Barbados)
- Qatar International Center for Conciliation and Arbitration (QICCA)
- British Virgin Islands International Arbitration Centre (BVI IAC)
- Shanghai Arbitration Commission (SHAC)
- Hong Kong International Arbitration Centre (HKIAC)

Current Position

From 2019: Founder and managing partner of Antuña & Partners -www.antunapartners.com-, 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). Arbitrator, appointed by Germany.

- *Dick Fernando Abanto Ishivata v. Bolivarian Republic of Venezuela* (ICSID Case No. ARB(AF)/18/6). 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. Concluded.
- *Company v. financial institution, CEA arbitration* under the rules of the Spanish Court of Arbitration. Appointed by the Court as sole arbitrator. Concluded.
- *Company v. directors, CAM arbitration* under Madrid Court of Arbitration rules. Appointed by the Court as co-arbitrator.

Professional Experience

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.

Arbitration Experience

Sector Specialization: Energy, Renewable Energies, Engineering, Procurement and Construction, Mining, Finance, Transports, and Telecommunications.

Over 40 international arbitrations as arbitrator, counsel, and expert:

- *Mainstream Renewable Power Ltd and others v. Federal Republic of Germany*, ICSID Case No. ARB/21/26. Arbitrator, appointed by the Respondent.
- *Dick Fernando Abanto Ishivata v. Bolivarian Republic of Venezuela*, ICSID Case No. ARB(AF)/18/6. 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. Sole Arbitrator, appointed by the Court.
- *Company v. financial institution*, CEA arbitration under the rules of the Spanish Court of Arbitration. Sole Arbitrator, appointed by the Court.
- *Company v. directors*, CAM arbitration under Madrid Court of Arbitration rules. Arbitrator, appointed by the Court.
- *Triodos SICAV II v. Kingdom of Spain*, SCC Case No. 2017/194. Counsel, appointed by the Respondent.
- *FREIF Eurowind v. Kingdom of Spain*, SCC Case No. 2017/060. Counsel, appointed by the Respondent.
- *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. Counsel, appointed by the Respondent.
- *Green Power K/S and Obton A/S v. Kingdom of Spain*, SCC Case No. 2016/135. Counsel, appointed by the Respondent.
- *Corcoesto, S.A. v. Kingdom of Spain*, PCA Case No. 2016-26. Counsel, appointed by the Respondent.
- *Sevilla Beheer et al. v. Kingdom of Spain*, ICSID Case No. ARB/16/27. Counsel, appointed by the Respondent.
- *Infracapital F1 S.à r.l. and Infracapital Solar B.V. v. Kingdom of Spain*, ICSID Case No. ARB/16/18. Counsel, appointed by the Respondent.
- *Sun-Flower Olmeda GmbH et al. v. Kingdom of Spain*, ICSID Case No. ARB/16/17. Counsel, appointed by the Respondent.
- *Eurus Energy Holdings Corporation and Eurus Energy Europe B.V. v. Kingdom of Spain*, ICSID Case No. ARB/16/4. Counsel, appointed by the Respondent.
- *EDF Energies Nouvelles S.A. v. Kingdom of Spain*, Ad-Hoc Case. Counsel, appointed by the Respondent.
- *Solarpark et al. v. Kingdom of Spain*, SCC Case No. 2015/163. Counsel, appointed by the Respondent.
- *Foresight Luxembourg Solar 1 S.À.R.L., et al. v. Kingdom of Spain*, SCC Case No. 2015/150. Counsel, appointed by the Respondent.
- *Novenergia II - Energy & Environment (SCA) (Grand Duchy of Luxembourg), SICAR v. The Kingdom of Spain*, SCC Case No. 2015/063. Counsel, appointed by the Respondent.
- *Alten Renewable Energy Developments BV v. Kingdom of Spain*, SCC Case No. 2015/036. Counsel, appointed by the Respondent.
- *Landesbank Baden-Württemberg, HSH Nordbank AG, Landesbank Hessen-Thüringen Girozentrale et al. v. Kingdom of Spain*, ICSID Case No. ARB/15/45. Counsel, appointed by the Respondent.
- *Watkins Holdings S.à r.l. and others v. Kingdom of Spain*, ICSID Case No. ARB/15/44. Counsel, appointed by the Respondent.
- *Hydro Energy 1 S.à r.l. and Hydroxana Sweden AB v. Kingdom of Spain*, ICSID Case No. ARB/15/42. Counsel, appointed by the Respondent.
- *SolEs Badajoz GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/38. Counsel, appointed by the Respondent.
- *OperaFund Eco-Invest SICAV PLC and Schwab Holding AG v. Kingdom of Spain*, ICSID Case No. ARB/15/36. Counsel, appointed by the Respondent.

- *E.ON SE, E.ON Finanzanlagen GmbH and E.ON Iberia Holding GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/35. Counsel, appointed by the Respondent.
- *Cavalum SGPS, S.A. v. Kingdom of Spain*, ICSID Case No. ARB/15/34. Counsel, appointed by the Respondent.
- *JGC Holdings Corporation (formerly JGC Corporation) v. Kingdom of Spain*, ICSID Case No. ARB/15/27. Counsel, appointed by the Respondent.
- *KS Invest GmbH and TLS Invest GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/25. Counsel, appointed by the Respondent.
- *Frank Schumm, Joachim Kruck, Jürgen Reiss and others v. Kingdom of Spain*, ICSID Case No. ARB/15/23. Counsel, appointed by the Respondent.
- *Cube Infrastructure Fund SICAV and others v. Kingdom of Spain*, ICSID Case No. ARB/15/20. Counsel, appointed by the Respondent.
- *BayWa r.e. Renewable Energy GmbH and BayWa r.e. Asset Holding GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/16. Counsel, appointed by the Respondent.
- *9REN Holding S.a.r.l v. Kingdom of Spain*, ICSID Case No. ARB/15/15. Counsel, appointed by the Respondent.
- *STEAG GmbH v. Kingdom of Spain*, ICSID Case No. ARB/15/4. Counsel, appointed by the Respondent.
- *Stadtwerke München GmbH and others v. Kingdom of Spain*, ICSID Case No. ARB/15/1. Counsel, appointed by the Respondent.
- *RWE Innogy GmbH and RWE Innogy Aersa S.A.U. v. Kingdom of Spain*, ICSID Case No. ARB/14/34. Counsel, appointed by the Respondent.
- *REENERGY S.à r.l. v. Kingdom of Spain*, ICSID Case No. ARB/14/18. Counsel, appointed by the Respondent.
- *InfraRed Environmental Infrastructure GP Limited and others v. Kingdom of Spain*, ICSID Case No. ARB/14/12. Counsel, appointed by the Respondent.
- *NextEra Energy Global Holdings B.V. and NextEra Energy Spain Holdings B.V. v. Kingdom of Spain*, ICSID Case No. ARB/14/11. Counsel, appointed by the Respondent.
- *Masdar Solar & Wind Cooperatief U.A. v. Kingdom of Spain*, ICSID Case No. ARB/14/1. Counsel, appointed by the Respondent.
- *Eiser Infrastructure Limited and Energía Solar Luxembourg S.à r.l. v. Kingdom of Spain*, ICSID Case No. ARB/13/36. Counsel, appointed by the Respondent.
- *Antin Infrastructure Services Luxembourg S.à.r.l. and Antin Energia Termosolar B.V. v. Kingdom of Spain*, ICSID Case No. ARB/13/31. Counsel, appointed by the Respondent.
- *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. Counsel, appointed by the Respondent.
- *Isolux Infrastructure Netherlands B.V. v. Kingdom of Spain*, SCC Case No. V2013/153. Counsel, appointed by the Respondent.
- *CSP Equity Investment Sarl v. Kingdom of Spain*, SCC Case No. 094/2013. Counsel, appointed by the Respondent.
- *AES Solar et al. (PV Investors) v. Kingdom of Spain*, PCA Case No. 2012-14. Counsel, appointed by the Respondent.
- *Charanne B.V. and Construction Investments S.A.R.L. v. Kingdom of Spain*, SCC Case No. 062/2012. Counsel, appointed by the Respondent.

ICSID: International Centre for Settlement of Investment Disputes, World Bank Group.

SCC: Arbitration Institute of the Stockholm Chamber of Commerce.

PCA: Permanent Court of Arbitration.

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

Languages

- English
- Spanish
- French
- Portuguese