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Partner

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AREAS OF PRACTICE

Investor-State Arbitration
Domestic and International Arbitration
International Commercial Law
Public and Private International Law
Protection of Foreign Investment
Dispute Resolution
Corporate Law
Banking and Finance Law

Bernardo M. Cremades, Jr., admitted to practice law in Madrid and in the state of New York, is a partner in the litigation and arbitration group of *B. Cremades & Asociados*. He focuses his practice on both investment treaty and international commercial arbitrations under the auspices of various arbitral organizations and rules, including the International Centre for Settlement of Investment Disputes (ICSID), the International Chamber of Commerce (ICC), the United Nations Commission on International Trade Law (UNCITRAL), and the Inter-American Commercial Arbitration Commission (IACAC). Likewise, Bernardo participates in domestic commercial arbitrations under a wide array of arbitral rules.

Bernardo regularly represents or advises clients in litigation proceedings in different jurisdictions, with particular emphasis on Spanish, European and U.S. courts. He has also provided legal expert testimony in U.S. courts, U.K. courts and investor-State arbitrations on various issues, including issues of Spanish law (both of a substantive and procedural nature).

Bernardo has a wealth of experience in corporate finance matters, including mergers and acquisitions, company restructuring, structured finance and project finance transactions.

Previously, Bernardo worked as an associate in the New York office of the law firm *Curtis, Mallet-Prevost, Colt & Mosle LLP* and in the Madrid office of the law firm *Freshfields Bruckhaus Deringer LLP*. Furthermore, he has been an intern at the American Arbitration Association (AAA) and at the International Centre for Settlement of Investment Disputes (ICSID).

Bernardo holds a Law Degree and a Diploma in International Relations from Universidad Pontificia de Comillas (ICADE) and an LL.M. Degree from New York University School of Law. In addition, he holds an Advanced Professional Certificate from the NYU Pollack Center for Law & Business.

Bernardo is author of several academic articles and is a frequent speaker at arbitration events.

BAR ADMISSIONS

2006 Madrid, Spain

2010 New York, U.S.A.

EDUCATION

New York University Pollack Center for Law & Business, Advanced Professional Certificate in Law & Business, 2009

New York University School of Law, LL.M., 2009

Universidad Pontificia de Comillas, Law Degree, 2006

Universidad Pontificia de Comillas, Diploma in International Relations, 2006

LANGUAGES

Spanish (native), English (bilingual) and German (competent)

PROFESSIONAL ASSOCIATIONS AND COURT ADMISSIONS

Madrid Bar (Ilustre Colegio de Abogados de Madrid)

New York State Bar

U.S. Supreme Court

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. District Courts for the Southern, Eastern, Western and Northern Districts of New York

International Bar Association

American Bar Association

New York State Bar Association

Spanish Arbitration Club (founding member and former member of the managing committee of the New York and Washington, D.C. Chapter)

Spanish Arbitration Club's Code on Best Practices in Arbitration (member of the Drafting Committee of the Litigation Funding Section)

Construction Industry Arbitration Centre (CAIC) of Mexico (member of the Consultative Council)

Lex Arbitri (member of the International Consultative Council)

PROFESSIONAL EXPERIENCE

Mr. Cremades has participated as counsel for parties in several investor-State and commercial arbitration proceedings under various rules, including:

Investor-State arbitrations:

- *Raimundo Santamarta Devis v. Bolivarian Republic of Venezuela, Ad Hoc-UNCITRAL*
- *Inversiones Continental (Panamá), S.A. v. Republic of Honduras, ICSID Case No. ARB/18/40*
- *Arbitration between Foreign Investors and a Former Spanish Colony, Ad Hoc*
- *Blue Bank International & Trust (Barbados) Ltd. v. Bolivarian Republic of Venezuela, ICSID Case No. ARB 12/20 (Annulment)*
- *Elsamex, S.A. v. Republic of Honduras, ICSID Case No. ARB/09/4*
- *ConocoPhillips Company et al. v. Bolivarian Republic of Venezuela, ICSID Case No. ARB/07/30*
- *Opic Karimun Corporation v. Bolivarian Republic of Venezuela, ICSID Case No. ARB/10/14*
- *Mobil Corporation et al. v. Bolivarian Republic of Venezuela, ICSID Case No. ARB/07/27*
- *CEMEX Caracas Investments B.V. and CEMEX Caracas II Investments B.V. v. Bolivarian Republic of Venezuela, ICSID Case No. ARB/08/15*
- *Holcim Limited, Holderfin B.V. and Caricement B.V. v. Bolivarian Republic of Venezuela, ICSID Case No. ARB/09/3*
- *Brandes Investment Partners, LP v. Bolivarian Republic of Venezuela, ICSID Case No. ARB/08/3*

Commercial arbitrations:

- CAM commercial arbitration between a Spanish company and a Brazilian football club
- Two CAC commercial arbitrations between an Austrian construction company and a Bolivian State-owned company
- LCIA commercial arbitration between a joint venture of Spanish construction companies and a Mexican State-owned company
- ICC commercial arbitration between a Spanish broker and a French aerospace company
- ICAM commercial arbitration between former shareholders and a professional limited liability company
- ICC commercial arbitration between shareholders of a Spanish listed gaming company
- *Ad hoc* commercial arbitration to dissolve a family holding
- ICC commercial arbitration between a Panamanian electricity company and a Costa Rican construction company
- Two CeCAP commercial arbitrations between a Panamanian electricity company and a Costa Rican construction company
- Two ICC commercial arbitrations between a Salvadorian electricity company and a Danish engineering company

- CIMA commercial arbitration between two listed Spanish electricity companies
- CAM commercial arbitration between a Spanish tech start-up company and a Spanish investor
- ICC commercial arbitration between Spanish individuals and a U.S. law firm
- *Santos Futbol Clube v. Fútbol Club Barcelona, Neymar Da Silva Santos Junior, Neymar Da Silva Santos Senior and Neymar Sport e Marketing S/S Ltda.*, FIFA Cases 15-01254/itr and 15-01255/itr
- CIAC-IACAC commercial arbitration between a Bolivian holding company and a Mexican cement company
- ICC Commercial arbitration between Asian State-owned oil company and a Latin American State-owned oil company

In addition, Mr. Cremades submitted an expert report in *The Renco Group, Inc. v. Republic of Peru*, ICSID Case No. UNCT/13/1. Furthermore, Mr. Cremades has participated or advised in many litigation proceedings in different jurisdictions, with particular emphasis on Spanish, European and U.S. courts.

Finally, Mr. Cremades has a wealth of experience in corporate finance-matters, including mergers and acquisitions, company restructuring, structured finance and project finance transactions.

PUBLICATIONS

Cataluña y la falta de seguridad a los inversores extranjeros, LA RAZÓN, 12 November 2019

“Financiación de Litigios”, “Oferta de Compensación” and “Informe de los Directores Ejecutivos del Banco Internacional de Reconstrucción y Fomento acerca del Convenio Sobre Arreglo de Diferencias Relativas a Inversiones entre Estados y Nacionales de Otros Estados”, in Jorge Luis Collantes González (Ed.), ENCICLOPEDIA DE ARBITRAJE (Estudio Mario Castillo Freyre, 2018)

Las nuevas tecnologías en los procedimientos, ¿un nuevo campo de batalla entre los abogados?, CONFILLEGAL, November 25, 2017

(With Patrick T. Byrne) *CFIUS Under Trump: Likely Increased Scrutiny of Foreign Investment*, FINANCIER WORLDWIDE, June 2017

Aprobada la Reforma de la Estiba, ¿ahora qué?, EXPANSIÓN, May 19, 2017

Desinversión Hotelera e Inseguridad Jurídica, EXPANSIÓN, April 19, 2017

Trump y las Inversiones Españolas en Estados Unidos, ABC, February 9, 2017

Repatriation of Frozen Dividends of Foreign Companies in Venezuela, CORPORATE DISPUTES (Jan-Mar 2016)

(With Daragh M. Brehony) *An Emerging Secondary Market for International Arbitral Awards*, CORPORATE DISPUTES (Apr-Jun 2015)

La Repatriación de Dividendos Congelados desde Venezuela, ABC, March 12, 2015

Enforcement of International Arbitral Awards in Spain, Lexis Practice Note, December 2014

Nuevas Perspectivas de la Protección de Inversiones en América Latina: Análisis de la Situación en Bolivia, VII(3) REVISTA DE ARBITRAJE COMERCIAL Y DE INVERSIONES 679 (2014)

Problemas Derivados de la Revelación de la Existencia de Financiación por Parte de Terceros en Arbitrajes Internacionales, LEXARBITRI.COM (September 2014)

Problems Triggered by Disclosure of Third-Party Funding in International Arbitration, CORPORATE DISPUTES (Jul-Sep 2014)

Usury and Other Defenses in U.S. Litigation Finance, KAN. J.L. & PUB. POL'Y 151 (Winter 2013-2014); alternative version reprinted in 11(3) TRANSNAT'L DISP. MGMT. (June 2014)

The Use of Preliminary Objections in ICSID Annulment Proceedings, KLUWER ARBITRATION BLOG, September 4, 2013

(With Alejandro I. Cremades) *Invertir en Arbitrajes en los Estados Unidos*, in Carlos A. Soto Coaguila & Delia Revoredo Marsano de Mur (Eds.), ARBITRAJE INTERNACIONAL: PASADO, PRESENTE Y FUTURO; LIBRO HOMENAJE A BERNARDO CREMADES E YVES DERAIS 341 (Instituto Peruano de Arbitraje, 2013)

Implications of Usury in Third-Party Litigation Funding, A MODEL LITIGATION FINANCE CONTRACT BLOG, April 2013

¿Americanización de la Fase Escrita del Arbitraje Internacional?, VI(1) REVISTA DE ARBITRAJE COMERCIAL Y DE INVERSIONES 27 (2013)

Courts with Jurisdiction to Recognize and Enforce Foreign Arbitral Awards in Spain Under the 2011 Amendments of the Spanish Arbitration Law, 18 COLUM. J. EUR. L. F. 13 (2012), reprinted in 16 SPAIN ARB. REV. 5 (2013)

Third Party Litigation Funding: Investing in Arbitration, 8(4) TRANSNAT'L DISP. MGMT. (October 2011); reprinted in 13 SPAIN ARB. REV. 155 (2012)

SPEAKING ENGAGEMENTS

Barra Mexicana de Abogados, *Controversias sobre Energías Renovables: ¿Paralelismos entre México y España?*, Webinar, August 2020

TAG Alliances Latin America Regional Meeting 2020, *Hot Topics and Issues for Doing Business in Latin America*, San José de Costa Rica, February 2020

XIV Annual Congress, Spanish Arbitration Club, *¿Cómo va a afectar el nuevo CBBPP a los peritos y financiadores?*, Madrid, June 2019

IV Congress on Foreign Investment Law, Instituto Peruano de Arbitraje, *Las Expectativas Razonables y Legítimas del Inversor*, La Paz, September 2018

ICC Young Arbitrators Forum, *La Prueba en el Proceso Arbitral*, La Paz, May 2017

Spring 2017 International Conference, TagLaw, *Do's and Don'ts in International Arbitration*, Paris, May 2017

IV Congress on Foreign Investment Law, Instituto Peruano de Arbitraje, *Causales de anulación de Laudos CIADI: Los Comités de Anulación*, Lima, October 2016

X Latin American Congress on Arbitration, Instituto Peruano de Arbitraje, *La indebida o Incorrecta Motivación del Laudo como Causal de Anulación*, Lima, April 2016

III Congress on Foreign Investment Law, Instituto Peruano de Arbitraje, *Derecho Aplicable en los Arbitrajes de Inversión*, Lima, October 2015

- I Congress on International and Investment Arbitration, CEA Bolivian Chapter, *Arbitrajes Multiparte y Multicontrato*, Santa Cruz de la Sierra, September 2015
- CIAMEN, Universidad San Pablo-CEU, *El Third Party Funding y su Impacto en el Arbitraje Internacional*, Madrid, March 2015
- VI Congress on International Arbitration, ICC Costa Rica, *Risky Business in Investment Arbitration: Treaty vs. Contract*, San José, February 2015
- II Congress on Foreign Investment Law, Instituto Peruano de Arbitraje, *Relevancia del Derecho Doméstico en la Interpretación de los Tratados Bilaterales de Inversión y su Rol como Ley Aplicable en la Solución de Controversias Inversor-Estado*, Lima, October 2014
- I Congress on International Economic Law, Universidad Complutense de Madrid, *Nuevas Perspectivas de la Protección de Inversiones ante la Apertura de los Mercados en América Latina*, Madrid, June 2014
- I Annual Program of CICIA on Third-Party Funding of International Arbitrations, Columbia Club, *Disclosure, Transparency and Confidences in Third-Party Funding*, New York, February 2014
- IV International Arbitration Seminar, Sociedad Boliviana de Arbitraje, *¿Judicialización del arbitraje?*, La Paz, June 2013
- ICC Young Arbitrators Forum, *La Inmunidad Soberana en Diversas Jurisdicciones*, La Paz, June 2013
- III Meeting of Young Arbitrators, *¿Americanización del Arbitraje? ¿Armonización de las normas del Common Law y del Civil Law?*, Lima, April 2013
- VII Seminar on International Private Law, Universidad Complutense de Madrid, *Causales de no Reconocimiento de un Laudo Extranjero en los Estados Unidos*, Madrid, April 2013
- CIAMEN, Universidad San Pablo-CEU, *¿Americanización de la Fase Escrita del Arbitraje internacional?*, Madrid, March 2013
- ICC Young Arbitrators Forum and Mexican Bar Association, *Ejecución de Laudos Arbitrales Anulados en Sede y la Excepción de Orden Público*, Mexico City, September 2012
- ICC Young Arbitrators Forum, *Arbitraje en las Américas: Encuentro y Fusión de Culturas Procesales*, Medellín, June 2012
- Columbia University Law School, *Third Party Litigation Funding in International Arbitration*, New York, January 2012
- American University Washington College of Law, *Third Party Litigation Funding in International Arbitration*, Washington, D.C., April 2011
- I Meeting of International Chapters, Club Español del Arbitraje, *Requisito de Legalidad de la Inversión Extranjera*, Lima, November 2010