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AREAS OF PRACTICE

Domestic and International
Arbitration
Civil Litigation

Javier has been a lawyer in the litigation and arbitration department of B. Cremades & Asociados since 2001. In 2016 he was appointed Partner. He has been a member of the Madrid Bar Association since 2000 and from the beginning of his professional career has focused his practice on advising and resolving civil, commercial and corporate disputes, both in the ordinary courts and through arbitration.

He has practised as a lawyer in numerous national and international arbitrations, both *ad hoc* and under the auspices of the major national arbitration institutions (Court of Arbitration of the Madrid Chamber of Commerce "Corte de Arbitraje de Madrid", Civil and Commercial Court of Arbitration "Corte CIMA", Spanish Court of Arbitration or Court of Arbitration of the Madrid Bar Association) and international arbitration institutions (Court of Arbitration of the International Chamber of Commerce "ICC Court" or the London Court of International Arbitration "LCIA Court", for example).

Javier has also acted as an arbitrator and is currently a permanent arbitrator of the Committee of Experts in the Sports and Entertainment Industry of the Court of Arbitration of the European Arbitration Association.

Javier has participated in proceedings related to the following areas: railway, gas, electricity and telecommunications operations and infrastructures, renewable energies, food sector, banking sector, construction sector, public works concessions, hotel sector, environment, foreign export credit insurance, agricultural insurance, advertising, agency, companies, liability of company directors, leases, etc.

EDUCATION

Degree in Law, Universidad Complutense de Madrid, 2000.

Master in Private Law, Madrid Bar, 2001.

PROFESSIONAL ASSOCIATIONS

Madrid Bar, 2000.

The Spanish and Ibero-American Arbitration Club (Club Español e Iberoamericano del Arbitraje).

European Arbitration Association (Asociación Europea de Arbitraje)

PROFESSIONAL EXPERIENCE

In his more than 20 years of practice, Javier has acted as counsel in numerous arbitrations, some of which include the following:

- International arbitration with the International Court of Arbitration of the International Chamber of Commerce (hereinafter ICC) between a Colombian State concession for the operation of the Colombian railway and a US company's Colombian coal mining branch.
- International ICC arbitration between a US company's Colombian coal mining branch, a Colombian State concession for the operation of the railway in Colombia, a leading Spanish construction and services consortium and a Colombian State industrial and commercial company.
- International ICC arbitration between a major Spanish company focused on the design, production, assembly and sale of machines and systems to work sheet metal and a Swedish company dealing in sheet metal cutting.
- International ICC arbitration involving a world-leading Spanish Company engaged in telecommunications network equipment, applications and services against a French business group (one of the three largest private telecommunications companies) and the affiliated company of this French business group.
- International ICC arbitration involving a Portuguese business group (one of the three largest olive oil companies in the world) against a bank with foreign participation incorporated in Spain and a Spanish company engaged in the production and packaging of edible oils and fats.
- International ICC arbitration between a Spanish bank (ranking third worldwide in profit and seventh in stock capitalization in 2008) and a leading Turkish fibre optic cable company.

- International *ad hoc* arbitration between a Spanish company and a leading German manufacturer of sports clothing and footwear.
- International ICC arbitration involving a leading Spanish multinational in the gambling and sports betting sector and its founding partners.
- Domestic arbitration before the London Court of International Arbitration (hereinafter LCIA) involving a leading Spanish energy multinational in the gas and electricity sector in Spain and Latin America and one of the world's largest gas producers.
- International *ad hoc* arbitration between a French food and agriculture multinational and the founding partners of its affiliated company in Spain.
- Domestic LCIA arbitration involving a Spanish energy multinational, leader in the gas and electricity sector in Spain and Latin America against the largest Spanish electricity company and the leading private electricity company in Latin America.
- Domestic arbitration before the Madrid Court of Arbitration between two energy multinationals from Spain and Portugal.
- Domestic *ad hoc* arbitration involving a Spanish multinational, leader in the gas sector in Spain and Latin America against the largest electricity company in Spain and the leading private electricity company in Latin America.
- Domestic *ad hoc* arbitration involving the largest electricity company in Spain and the leading private electricity company in Latin America against a Spanish multinational energy company, leader in the gas sector in Spain and Latin America.
- Domestic arbitration before the Civil and Mercantile Court of Arbitration (hereinafter CIMA) between a leading Spanish company in the electricity sector and a Spanish business group acting as electricity system operator in the Spanish market.
- Domestic CIMA arbitration involving a Spanish business group engaged in energy management and the construction of solar photovoltaic installations and the shareholder of a solar photovoltaic plant.
- Domestic *ad hoc* arbitration between a group of partners of the parent company of a corporate group and the shareholder with the broadest voting rights of this parent company and the parent company itself, having valued the group's assets in more than 600 million Euros (*Mazacruz case*).
- International *ad hoc* arbitration involving the Heirs of the Sultan of Sulu and the State of Malaysia.

Javier has also intervened as counsel and consultant in various pre-litigation investment disputes in accordance with different agreements for the Promotion and Protection of Investments before the World Bank (ICSID), including the following:

- Investment dispute between one of the leading Latin American environmental services companies specializing in integrated water and waste management and the Dominican Republic.
- Investment dispute involving a leading Spanish multinational in the outdoor advertising sector with presence in over 110 cities against Mexico.
- Investment dispute between one of the leading Latin American environmental services companies specializing in integrated water and waste management and the Republic of Chile.
- Investment dispute between a Dutch company and the Republic of Cuba.

Javier has also acted as counsel and consultant in various legal proceedings before ordinary civil and mercantile courts, as well as in support of arbitration proceedings such as the following:

- Arbitral award annulment proceedings involving a German multinational and a Spanish wine company.
- Arbitral award annulment proceedings involving the largest electricity company in Spain and the leading private electricity company in Latin America against a Spanish multinational energy company, leading company in the gas sector in Spain and Latin America.
- Arbitral award annulment proceedings between a Spanish company and a leading German manufacturer of sport clothing and footwear.
- Arbitral award annulment proceedings between a Spanish biodiesel production company and an Austrian company engaged in the construction of plants for waste treatment and other industrial processes.
- Arbitral award annulment proceedings between the second most important Spanish banking institution and a Spanish company.
- Proceedings for the annulment of several arbitration awards between a group of directors of the parent company of a corporate group and the shareholder with the broadest voting rights of this parent company and the parent company itself, having valued the group's assets in more than 600 million euros (*Mazacruz case*).
- Exequatur proceedings of an arbitral award rendered and annulled in Argentina involving a French energy company, leader in the gas and

electricity sector, against the largest Spanish electricity company in Spain and the leading private electricity company in Latin America.

- Exequatur proceedings of an arbitral award rendered in Switzerland between the two most important Spanish infrastructure companies in the world and a Portuguese company.
- Arbitral liability proceedings in connection with the members of an arbitral tribunal (*Puma case*).
- Proceeding for the appointment of an arbitrator, with none of the parties being of Spanish nationality or with residence in Spain.
- Appeal for amparo before the Constitutional Court challenging a judgement of the Supreme Court of Justice of Madrid which had annulled an arbitration award (Appeal for amparo 3956-2018, upheld by judgement 17/2021 of 15 February).

KEY PROFESSIONAL ACHIEVEMENTS REPORTED IN THE MEDIA

- Mazacruz company arbitration (*Mazacruz case*). National *ad hoc* arbitration, acting on behalf of the minority voting shareholders of the Mazacruz company, the arbitrator ordered the dissolution and liquidation of the company, valued at over 600 million euros. This arbitration also led to the Constitutional Court's revolutionary judgement 17/2021, of 15 February, creating constitutional doctrine on arbitration which is subsequently being applied by Spanish courts.

<https://www.boe.es/boe/dias/2021/03/22/pdfs/BOE-A-2021-4492.pdf>

<https://globalarbitrationreview.com/spanish-court-sets-high-bar-award-scrutiny>

- Arbitration of the Puma company (*Puma case*). As counsel for Puma, obtained the annulment of an award and the conviction of the two arbitrators who had issued it in all instances, being subsequently ratified by the Supreme Court in the landmark judgement 102/2017, of 15 February.

<https://www.poderjudicial.es/cgpi/es/Poder-Judicial/Noticias-Judiciales/El-Tribunal-Supremo-condena-a-indemnizar-a-Puma-a-los-dos-miembros-del-tribunal-de-arbitraje-que-dictaron-un-laudo-luego-anulado>

<https://globalarbitrationreview.com/article/spanish-supreme-court-declares-arbitrators-liable-excluding-colleague>

