



**JOSÉ MARÍA  
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Partner

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AREAS OF PRACTICE

Civil procedural law  
Contentious-administrative proceedings  
Domestic institutional and “*ad hoc*” arbitration  
Civil and corporate law  
Administrative law

José María is a Partner at B. Cremades y Asociados with over 16 years of professional experience. He has worked as a procedural lawyer since the beginning of his professional career, managing legal proceedings at all levels of the State (Courts of First Instance, Commercial Courts, Provincial Courts, Superior Courts of Justice, Supreme Court and Constitutional Court) in civil/corporate and contentious-administrative proceedings.

Over the past decade, he has practised as party counsel and as secretary and/or assistant to the arbitral tribunal in national and international arbitration proceedings under the rules of the Court of Arbitration of Madrid (CAM), the international Chamber of Commerce (ICC), the International Centre for Settlement of Investment Disputes (ICSID), as well as *ad hoc* proceedings.

His areas of specialisation include construction, engineering, banking, transport, real estate and corporate law.

BAR ADMISSIONS

Admitted to the Madrid Bar in 2003

EDUCATION

2001-2002 Master in Corporate Legal Counselling, Instituto de Empresa

1995- 2001 Preparation for State exam for entry into the Corps of Government Attorneys

1990- 1995 Law Degree, Universidad Europea de Madrid (Universidad Complutense de Madrid)

Other: Senior year (equivalent to C.O.U.) at a US High School

## LANGUAGES

Spanish and English

## PROFESSIONAL EXPERIENCE

### ARBITRATION

José María has participated as counsel in numerous arbitration proceedings, the most relevant of which are as follows:

- Dispute under the ICSID Convention, in accordance with the Agreement for the Promotion and Protection of Investments on Investment disputes between a Spanish real estate group with a strong presence in Latin America and the United Mexican States.
- International, ICC arbitration between a German company, with a branch in Spain, mainly dedicated to the development of tourist infrastructures and a German investment fund.
- International, ICC arbitration between a Spanish multinational company in the private gaming sector and its founding partners.
- International, ICC arbitration between a heavy fuel oil plant owner in El Salvador and a Danish engineering company in DAB hearings and subsequent arbitrations arising from disputes with a European contractor/operator arising from EPC contracts (FIDIC Yellow Book).
- International, ICC arbitration in Panama concerning the construction of a hydroelectric plant (FIDIC Silver Book, Panamanian law).
- *Ad hoc* corporate law arbitration regarding the exercise of a stock option on one of Europe's leading wine companies.
- International, LCIA arbitration in Mexico between an engineering joint venture responsible for the construction of a combined cycle plant and the state-owned company responsible for controlling, generating, transmitting and marketing electric power.
- *Ad hoc* domestic arbitration between a Spanish gas multinational and an electricity company from Spain and Latin America.

In addition to his work as counsel, José María has frequently acted as secretary or assistant to the sole arbitrator or arbitral tribunal. The most relevant matters are as follows:

- Arbitration under the ICSID Convention between a U.S. investor and the Plurinational State of Bolivia, regarding the violation of the bilateral investment treaty between the United States and the Plurinational State of Bolivia.
- International, ICC arbitration relating to a dispute arising from a pharmaceutical joint venture contract under Spanish law.
- Arbitration under the rules of the Madrid Court of Arbitration regarding the termination of a real estate joint venture in Cape Verde.
- Domestic arbitration before the Madrid Court of Arbitration between a multinational environmental management company and a Spanish urban waste management company concerning the "turnkey" installation of a landfill gasification system.

- Domestic arbitration before the Madrid Court of Arbitration regarding the execution of a construction lease between a construction company and the Community of Owners.

He has also acted as counsel in arbitration-related litigation proceedings, including:

- Annulment proceedings of an arbitration award between a Spanish biodiesel production company and an Austrian company involved in the construction of waste treatment plants and other industrial processes.

#### LITIGATION

##### NATIONAL JURISDICTION

José María acts as counsel, managing legal proceedings at all levels of the State (Courts of First Instance, Commercial Courts, Provincial Courts, High Courts of Justice, Supreme Court and Constitutional Court) in civil/mercantile and contentious-administrative proceedings:

- Before civil courts: Acting as counsel in proceedings on behalf of both national and international clients in a range of areas, including intellectual property, banking, liability of building agents, unfair competition, civil and commercial contractual relations (agency, concession, supply, engineering {turnkey} and leasing of works), bankruptcy proceedings and fundamental rights (effective judicial protection, right to honour and right to freedom of information).
- Before contentious-administrative courts: Acting as counsel in proceedings regarding regulated sectors (alternative energy sources), contentious taxation, financial markets, urban planning, sanctioning and disciplinary law, and fundamental rights (freedom of religion and worship and equality before the law).
- Before criminal courts: Occasional participation as counsel in minor hearings (economic criminal law).

##### EUROPEAN JURISDICTION

- Before the General Court of the European Union: Acting as counsel in appeals against decisions of the SRB and the Commission.