



Miguel Virgós

International Arbitrator | Professor of Law

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Miguel is an experienced lawyer and **international arbitrator**.

In January 2020 Miguel founded his own practice, **Virgós Arbitration**. Until 2020 Miguel was a partner at Uría Menéndez, where he **headed the international arbitration practice group**. He regularly acted as the lead advocate and strategic advisor to clients involved in both commercial and investment treaty disputes.

Miguel has also been 'of counsel' for international affairs at Cuatrecasas (2000–2004). As expert, he advised on international business transactions and represented the Kingdom of Spain in the **negotiation of various international treaties** and European legislation.

Miguel has extensive experience as **both counsel and arbitrator** in domestic and international cases. He has represented clients and conducted arbitrations under ad hoc terms (UNCITRAL) and under the main institutional rules, including **ICC, LCIA, Swiss Chambers, ICSID, SIAC and CAM**, with seats in various jurisdictions, among others, London, Paris, Geneva, New York, Washington D.C., Miami and Madrid.

Miguel is a **chaired professor** of Private International Law at the Universidad Autónoma de Madrid and a **permanent member** of the **commercial law section** of the **Spanish General Commission of Codification**.

Miguel writes and speaks regularly on the topics of his expertise. His **report on insolvency proceedings** in the European Union is regularly referred to by European courts.

Miguel was also one of the **16 experts** appointed by the European Commission to advise on the interface between the Brussels I Regulation and arbitration.

Education

LL.M. Columbia University, New York, 1982

Doctor in Law (Ph.D.), *summa cum laude*, Università degli Studi di Bologna, 1981

Law Degree, Universidad de Oviedo, 1978, award for the best academic results

Languages

Working languages: Spanish, English and Italian

Other languages: French, German and Portuguese

Experience

Miguel has ample experience as lead **advocate and strategic advisor** to clients involved in commercial and investment treaty disputes. He has been both **counsel and arbitrator** in domestic and international disputes conducted under major institutional rules involving multiple parties. His arbitration experience covers in particular Europe and Latin America in a broad range of business sectors such as:

- Agency
- Concessions
- Construction projects
- Corporate acquisitions
- Defence
- Financial services
- Investment and investment protection
- Joint ventures
- Oil and gas
- Partnership disputes
- Power and energy
- Telecommunications
- Utilities

ARBITRATOR (example cases)

ICC Arbitration: Italian company vs Cuban state-owned company. Mining dispute.

President of the Tribunal

Applicable Law: Cuban Law | Seat: Paris | Languages: Italian and Spanish

ICC Arbitration: Dutch company vs Panamanian and Colombian companies. Dredging dispute.

President of the Tribunal

Applicable Law: Panamanian Law | Seat: New York | Language: English

ICC Arbitration: Austrian and German companies vs Romanian company. Hydroelectric dispute.

President of the Tribunal

Applicable Law: Rumanian Law | Seat: Geneva | Language: English

ICC Arbitration: Spanish company vs Spanish company. Engineering dispute.

President of the Tribunal

Applicable Law: Spanish Law | Seat: Madrid | Language: Spanish

ICC Arbitration: Greek company vs Romanian company. Road Infrastructure dispute.

Sole Arbitrator

Applicable Law: Romanian Law | Seat: Bucharest | Language: English

ICC Arbitration: Swedish company vs Spanish company. Agency dispute.

Co-arbitrator

Applicable Law: Spanish Law | Seat: Madrid | Language: Spanish

ICC Arbitration: French company vs Spanish nationals. Company sale dispute.

Co-arbitrator

Applicable Law: Spanish Law | Seat: Madrid | Language: English

UNCITRAL Arbitration: British company vs consortium of German, French and Spanish companies. Telecommunications dispute.

Co-arbitrator

Applicable Law: Spanish Law | Seat: Geneva | Language: English

COUNSEL (example cases)

Counsel in an ICC Arbitration between a Spanish utility company and an Italian oil and gas company concerning a long-term contract for the supply of liquefied natural gas.

Applicable Law: Spanish Law | Seat: Paris | Language: English

Counsel in an ICC Arbitration between a Spanish manufacturing company and a Chilean company concerning a turn-key contract in the Middle East.

Applicable Law: Italian Law | Seat: Paris | Language: English

Counsel in an ICC Arbitration between a Spanish construction and concession company and a French company concerning the sale and purchase of a Latin-American utility company.

Applicable Law: Spanish Law | Seat: Geneva | Language: English

Counsel in an ICC Arbitration between a Spanish savings bank in financial distress and a Dutch company concerning their joint insurance business.

Applicable Law: Spanish Law | Seat: Madrid | Language: Spanish

Counsel in an ICC Arbitration between a Spanish company, a Brazilian company and a US company concerning the sale and purchase of IT products.

Applicable Law: Spanish Law | Seat: Madrid | Language: Spanish

Counsel in an ICC Arbitration between a Spanish company and a Kenyan bank concerning the payment of guarantees.

Applicable Law: Kenyan Law | Seat: London | Language: English

Counsel in an ICC Arbitration between a Spanish manufacturing company and a Turkish company concerning a sale transaction.

Applicable Law: Turkish Law | Seat: Geneva | Language: English

Counsel in an ICC Arbitration between two Spanish companies concerning a construction project in Ireland.

Applicable Law: Irish Law | Seat: Paris | Language: English

Counsel in an ICC Arbitration between a Spanish company and a UK company concerning the sale and purchase of an international group of companies.

Applicable Law: Spanish Law | Seat: Madrid | Language: English

Counsel in an UNCITRAL Arbitration between two Spanish companies and an Algerian oil and gas state-owned company concerning a natural gas megaproject.

Applicable Law: Algerian Law | Seat: Paris | Language: French

Counsel in an ICSID Arbitration between a Spanish company and the state of Argentina concerning the expropriation of an affiliate company.

Applicable Law: International Law | Seat: Washington, D.C. | Language: Spanish

Counsel in an ICSID Arbitration between a Spanish company and the state of Guatemala concerning the tariff regulation of a utility company.

Applicable Law: International Law | Seat: Washington, D.C. | Language: Spanish

Counsel in a LCIA Arbitration between a Spanish shipyard and a Mexican company concerning the overhauling of a sea platform.

Applicable Law: English Law | Seat: London | Language: English

Counsel in a CAM multiparty Arbitration between US, Luxembourg and Spanish companies concerning a shareholders agreement and the control of an infrastructure company.

Applicable Law: Spanish Law | Seat: Madrid | Language: Spanish

EXPERT

Legal opinions

As an **expert**, Miguel has written a number of **legal opinions** for both institutional clients and law firms regarding a variety of matters including contract law, bank and financial guarantees, insolvency law and protection of cultural property, among others. Example cases:

- Legal opinion on the international effects of Cuban expropriations on a worldwide trademark.
- Legal opinion on the validity of a financial set-off affecting the guarantee rights of a European bank in a Latin American country.
- Legal opinion on the validity of an arbitration agreement in spite of insolvency proceedings being opened against the debtor.
- Legal opinion on the international protection of copyrights in Spain.
- Legal opinion on the liabilities arising from an international oil spill affecting several countries.
- Legal opinion on the provision of financial services from a non-EU bank to clients in Spain.
- Legal opinion on the law applicable to interest rate swaps involving several jurisdictions.
- Legal opinion on the effects of Spanish insolvency proceedings on English proceedings regarding the contractual liabilities of the insolvent debtor.

Adviser to the State

Miguel has advised and represented the Kingdom of Spain in the negotiation of international treaties and European legislation. Example cases:

- The UNIDROIT Convention on Stolen or Illegally Exported Cultural Good (Rome, 24 June 1995).
- The EU Convention on Insolvency Proceedings.
- The 1346/2000 EU Regulation on Insolvency Proceedings.
- The Accession of the Kingdom of Spain and Republic of Portugal to the 1980 Rome Convention on the Law Applicable to Contractual Obligations and to the Protocols on its interpretation by the Court of Justice.
- The Accession of the Republic of Austria, Republic of Finland and the Kingdom of Sweden to the 1968 Brussels Convention on International Jurisdiction and Enforcement of Judgements in Civil and Commercial Matters and to the Protocol on its Interpretation by the Court of Justice.
- As a **permanent member** of the **commercial law section** of the **Spanish General Commission of Codification**, Miguel has participated in the review and drafting of multiple commercial law projects in contract, corporate and insolvency law related areas.

Acknowledgements

Miguel has been ranked in the main independent legal directories such as:

- **Who is Who Legal.** Spain, 2019. Arbitration guide: ranked as "Global Leader"
- **Chambers & Partners.** 2020. Ranked in Global, Europe, and Latin America guides (Dispute Resolution – Spain, and International Arbitration – Latin America-wide)
- **Legal 500 EMEA.** Guide 2019. Ranked in Dispute Resolution – Spain, Leading individuals and International Arbitration
- **Best Lawyers.** 2019. Ranked for Spain in Arbitration and Mediation and Dispute Resolution–Litigation

Awards

- Cruz de la Orden de San Raimundo de Peñafort, for his contribution to the participation of Spain in the European Union.
- European Legal Team of the Year 2014 (The British Legal Awards), for the international defence of REPSOL in the expropriation of its affiliate YPF by Argentina.

Memberships

- American Society of International Law (ASIL)
- Asociación de Profesores de Derecho Internacional y Relaciones Internacionales (AEPDIRI)
- Association Suisse de l'Arbitrage (ASA)
- Club Español del Arbitraje (CEA)
- ICC Commission on Arbitration and ADR
- INSOL International
- ICC Institute of World Business Law
- International Council for Commercial Arbitration (ICCA)
- International Law Association (ILA)
- London Court of International Arbitration (LCIA)

Publications and speaking engagements

Miguel has written several legal treatises and articles in his areas of specialty, namely international litigation and arbitration, international trade and insolvency regulation.

In addition, Miguel frequently speaks at conferences and seminars in Europe, North America and Latin America.

PUBLICATIONS (selection)

Books

- **El Comercio internacional en el nuevo Derecho español de la competencia desleal.** Madrid, 1993.
- **The European Insolvency Regulation: Law and Practice**, with F. Garcimartín. The Hague, 2004.
- **El Trust y el Derecho Español.** Madrid, 2006.
- **European Communication & Cooperation Guidelines for Cross-border Insolvency**, with B. Wessels. Nottingham | Paris, 2007.
- **Derecho procesal civil internacional, litigación internacional**, with F. Garcimartín. Madrid, 2007.
- **Legislación básica de Derecho Internacional privado**, with A. Borrás, N. Bouza and F. Garcimartín, Madrid, 29th ed., 2019.

Articles

- **‘Los derechos de propiedad intelectual e industrial en el ámbito internacional (Art.10.4 CC and international treaties)’ and ‘Los contratos internacionales (Art. 10.5 and 10.6 and 1980 Rome Convention)’**, in Albaladejo / Díaz Alabart (eds), *Comentarios al Código civil y compilaciones forales*, Madrid, 1995, pp. 587ff and 769ff.
- **‘Estado de origen versus Estado de destino: las diferentes lógicas del Derecho Internacional privado’**, in *Pacis Artes*, Libro homenaje al Prof. Julio D. González Campos, Madrid, 2005, pp. 1787ff.
- **‘El Convenio arbitral en el arbitraje internacional’**, *Actualidad Jurídica Uría Menéndez*, no. 14, Madrid, 2006, pp. 13ff.
- **‘Spain as an Import Jurisdiction’**, *Chambers Client Report*, no. 15, London, 2006. p. 57.
- **‘Del Exequátur de laudos extranjeros’**, in Martín/Hierro (eds), *Comentario a la Ley de Arbitraje*, Madrid, 2006, pp. 645ff.
- **‘Arbitraje comercial internacional y Convenio de Nueva York de 1958’**, *Actualidad Jurídica Uría Menéndez*, Número homenaje al profesor D. Rodrigo Uría, Madrid, 2006, pp. 21ff.
- **‘Procedimientos alternativos de resolución de controversias y comercio internacional’**, *Anuario de la Facultad de Derecho de la Universidad Autónoma de Madrid*, no. 11, Madrid, 2007, pp. 70ff.
- **‘El arbitraje en Latinoamérica: balance del año’**, *Actualidad Jurídica Uría Menéndez*, no. 19, Madrid, 2008, pp. 112ff.
- **‘La mediación como alternativa’**, *Actualidad Jurídica Uría Menéndez*, no. 20, Madrid, 2008, pp. 21ff.
- **‘Arbitration in Times of Insolvency’**, *Chambers Client Report*, no. 26, London, 2008, p. 5.
- **‘El reconocimiento y ejecución de laudos arbitrales extranjeros’**, *Spain Arbitration Review*, Madrid, 2009, pp. 79ff.
- **‘Una propuesta de ley de cooperación jurídica internacional en materia civil’**, in Díaz Fraile / Garcimartín / Heredia / Virgós, *Boletín Oficial de Información del Ministerio de Justicia*, no. 2143, Madrid, June 2012, pp. 1ff.

- **'Conditional Conflict of Laws Rules: A Proposal in the Area of Bank Resolution and Netting in Cross-border Scenarios'**, *International Corporate Rescue*, vol. 9, issue 2, Barnet (Hertfordshire), March 2012, pp. 91ff.
- **'Claims against Foreign States in the Courts of the Kingdom of Spain: a Roadmap'**, in González Beilfuss / Forner / Viñas (eds), *Entre Bruselas y La Haya. Estudios sobre la unificación internacional y regional del Derecho internacional privado*, Madrid, 2013, pp. 857ff.
- **'La eficacia de la protección internacional de las inversiones extranjeras'**, *Revista de Arbitraje Comercial y de Inversiones*, Madrid, 2014, pp. 655ff.
- **'Las reglas de Derecho internacional privado en el anteproyecto de Código Mercantil'**, in Bercovitz (ed.), *Hacia un nuevo Código Mercantil*, Cizur Menor (Navarre), 2014, pp. 655ff.
- **'La ley aplicable a las prendas sobre créditos, acciones o participaciones en los conflictos internos: paradojas y posibles soluciones'**, with F. Garcimartín, in Díez-Picazo (ed.), *Estudios jurídicos en homenaje al profesor José María Miquel*, Cizur Menor (Navarre), 2014, pp. 3675ff.
- **'El netting en escenarios internacionales de rescate y resolución de entidades de crédito'**, with F. Garcimartín, in García de Enterría (ed.), *Liber amicorum Juan Luis Iglesias*, Cizur Menor (Navarre), 2014, pp. 1119ff.
- **'Close-out netting, Insolvency and Resolution of Financial Institutions in the EU: A Conflict of Laws Analysis'**, with F. Garcimartín, in *Perspectives on International Insolvency Law. A Tribute to Bob Wessels*, The Hague, 2014, pp. 151ff.
- **'Articles 12 to 18'**, with F. Garcimartín, in Reinhard/Bork/Van Zwieten (eds), *Commentary on the European Insolvency Regulation*, Oxford, 2016, pp. 267ff.
- **'60 años del Convenio de Nueva York de 1958 desde la perspectiva del Derecho español'**, *Spain Arbitration Review*, Madrid, 2019, pp. 27ff.

SPEAKING ENGAGEMENTS (selection)

- **Concursos Internacionales: Normas de Derecho Concursal Internacional. Influencia del Concurso de Empresas Extranjeras en España.** I Congreso Nacional sobre Derecho Concursal, organized by Instituto de Empresa (IE), Valencia, 27 February 2009.
- **Derecho Internacional Privado en la nueva Ley Concursal. Análisis del nuevo régimen jurídico.** Colegio de Abogados de Madrid, Madrid, 17 March 2009.
- **La reforma del Reglamento 44/2001 y el tratamiento del arbitraje en el marco comunitario.** CEA and ILA (Spanish section) joint seminar, Madrid, 16 June 2009.
- **Traslado internacional de domicilio social y fusiones transfronterizas.** Uría Menéndez, Madrid, 3 July 2009.
- **Sovereign Immunity in International Arbitration and Litigation.** Joint Session of the Arbitration and Litigation Committees, IBA Annual Conference, Madrid, 4–9 October 2009.
- **Ethics: International versus Local Standards in International Arbitration.** ICC Miami Conference on International Arbitration, 3 November 2009.
- **Reconocimiento de concursos extranjeros en España: la quiebra de Lehman Brothers.** FIDE (Fundación para la Investigación sobre el Derecho y la Empresa), Madrid, 1 February 2010.
- **El arbitraje en España: ¿termina de despegar?** Congreso sobre Mediación y Arbitraje Nacional e Internacional: Perspectivas de Futuro. Universidad de La Rioja, 14 March 2011.

- **La reforma del Reglamento comunitario Bruselas I.** Seminario sobre Derecho Privado Comunitario. Colegio Notarial de Castilla - La Mancha y Consejo General del Notariado de España, Toledo, 1 April 2011.
- **Derecho Internacional Privado en la Ley Concursal. El concurso transfronterizo.** Colegio de Abogados, Madrid, 1 December 2011.
- **Mediation in the Iberian Peninsula.** Roundtable debate, Annual European Branch del Chartered Institute of Arbitrators, Madrid, 21 April 2012.
- **Alternativas a la justicia ordinaria.** Roundtable debate, Universidad Autónoma de Madrid, Miraflores de la Sierra, 24 July 2012.
- **El árbitro designado por una parte en el arbitraje comercial internacional.** VII Seminario Internacional del Derecho Internacional Privado, Universidad Complutense, Madrid, 12 April 2013.
- **Argentina y las inversiones europeas: ¿por qué fallan los mecanismos de protección?** Real Instituto Elcano, Madrid, 14 May 2013.
- **European judicial cooperation: the new E-book on civil and commercial law.** Conference presenting the e-Book in civil and commercial matters, Brussels, 9 October 2013.
- **Un nuevo Código Mercantil para el comercio internacional.** El Futuro Código Mercantil: El reto de la seguridad jurídica, la unidad y la igualdad en el mercado, FIDE, Madrid, 6 November 2013.
- **Remedies and enforcement in arbitration.** *International Arbitration Institute*, New York, 10 October 2014.
- **El Derecho Internacional privado en el Anteproyecto de Código mercantil.** Jornadas Claves Nuevo Código Mercantil, Madrid, 25 June 2014.
- **Temas candentes en el arbitraje internacional.** Universidad Autónoma de Madrid, Miraflores de la Sierra, 8 July 2014.
- **La Unión Europea y el arbitraje.** Roundtable debate, X Congreso Internacional del Club Español del Arbitraje: La Evolución del Arbitraje en la última década, Madrid, 9 June 2015.
- **El Centro Internacional para el Arreglo de Diferencia en materia de Inversiones entre Estados y nacionales de otros Estados.** Curso de Verano de la Asociación Profesional de la Magistratura: Justicia en el mundo globalizado, San Lorenzo de El Escorial, 24 July 2015.
- **Reconocimiento y ejecución de la nueva Ley de Cooperación Jurídica Internacional.** Foro de Arbitraje y Litigación, FIDE, Madrid, 24 November 2015.
- **'Dispute Boards' en Los Métodos Alternativos de Resolución de Controversias.** Roundtable debate, CEA and ICC joint Seminar, Madrid, 22 January 2016.
- **Reformas del Derecho Internacional Privado Español de 2015.** Roundtable debate, X Seminario internacional de Derecho internacional privado, Universidad Complutense, Madrid, 14 April 2016.
- **Algunos retos pendientes del arbitraje de inversiones.** II Congreso de Derecho Económico Internacional y de los negocios internacionales: El nuevo escenario de los Tratados de comercio e inversiones en la Unión Europea, Universidad Complutense, Madrid, 13 May 2016.
- **Visión global del proceso de reforma.** Congreso La Reforma del Sistema de Poscontratación en los Mercados de Valores. Madrid, 26 May 2016.
- **Eficacia internacional de los mecanismos de protección de inversiones.** I Congreso de Derecho Económico Internacional y de los Negocios Internacionales: Nuevas Perspectivas Jurídicas de las Transacciones Euroamericanas, Universidad Complutense, Madrid, 5 June 2016.

- **Procedimientos concursales y Arbitraje comercial internacional.** Discussant, Seminario Permanente de Arbitraje, Centro Internacional de Arbitraje, Mediación y Negociación (CIAMEN), Instituto Universitario de Estudios Europeos, Madrid, 27 October 2016.
- **The ICC Commission Report on Financial Institutions and International Arbitration.** International Chamber of Commerce, Panama, 8 February 2017.
- **Hacia un arbitraje más eficiente: El Rol del Asesor In-House.** Philippi Prietocarrizosa Ferrero DU & Uría, Lima, 8 March 2017.
- **Las distintas aproximaciones a la valoración de daños.** X Conferencia de Arbitraje Internacional, Centro de Arbitraje y Mediación, AMCHAM Quito and Instituto Ecuatoriano de Arbitraje IEA, Quito, 9–10 March 2017.
- **La insolvencia transfronteriza en el sector marítimo.** Congreso Nacional 2017. Problemas actuales en la legislación y la litigación marítimas, Asociación Española de Derecho Marítimo, Madrid, 15 June 2017.
- **La interpretación de los tratados internacionales. Interpretación de las normas de derecho interno y de los tratados internacionales. ¿Son los mismos criterios o son mundos separados?** Congreso del Club Español del Arbitraje, Madrid, 19 June 2017.
- **El futuro del arbitraje de inversión.** Foro de Arbitraje y Litigación, FIDE, Madrid, 20 November 2017.
- **Disclosure and Discovery.** Cravath, Swaine & Moore LLP, Summit on Global Dispute Resolution, New York, 25 April 2018.
- **El papel de los tribunales en el arbitraje comercial internacional.** III Seminario sobre Derecho Mercantil Internacional, Cámara de Comercio de la República de Cuba and Corte Cubana de Arbitraje Comercial Internacional, Havana, 5–6 June 2018.
- **Eficiencia y calidad en el arbitraje comercial internacional.** Roundtable debate, Quinta Conferencia Internacional para una Comunidad Euro-Mediterránea de Arbitraje Internacional, UNCITRAL, OCDE, Corte de Arbitraje de Madrid and Ministerio de Justicia, Madrid, 19 November 2018.