



MIGUEL VIRGÓS

INTERNATIONAL ARBITRATOR | LAW PROFESSOR

CONTACT

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PROFILE

A leading international arbitrator specialising in commercial and investment arbitration, with extensive experience in handling domestic and international disputes involving a wide range of subjects, industries and jurisdictions, both civil and common law.

He was a partner in the Spanish law firm Uría Menéndez until 2020, when he founded Virgós Arbitration to serve as an independent arbitrator.

Miguel has acted as counsel or arbitrator in high-profile domestic and international arbitrations under the auspices of the major arbitral institutions, including the ICC, ICSID, LCIA, PCA, SIAC or Swiss Chambers, as well as in ad hoc arbitrations under the UNCITRAL Rules. His experience includes arbitrations with seat in Geneva, Havana, London, New York, Madrid, Mexico City, Miami, Paris, Singapore, Washington D.C. and Zurich.

His professional skills include a strong comparative law background, having studied law in Spain, Italy and the USA. Miguel is also familiar with Latin American business practices and legal cultures, having participated in arbitrations involving Argentine, Cuban, Guatemalan, Mexican, Panamanian, Peruvian and Venezuelan law and parties from across the Americas.

As an expert, Miguel has represented the Kingdom of Spain in the negotiation of international treaties and European legislation.

He has been appointed to the pool of arbitrators for the EU's trade agreements with third countries.

He is also a Professor of Private International Law at the Universidad Autónoma de Madrid and a permanent member of the Commercial Law Section of the Spanish Commission (Comisión General de Codificación).

Miguel has Spanish nationality.

EDUCATION

- LL.M. Columbia University, New York, 1982
- Doctor in Law (Ph.D.), summa cum laude, Università degli Studi di Bologna, 1981
- Bachelor of Law, 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 extensive experience as a lawyer and arbitrator in commercial and investment protection disputes in a wide range of sectors

- Agency
- Concessions
- Construction
- Defense
- Financial services
- Joint v
- M&A
- Oil and Gas
- Corporate disputes
- Power and energy
- Telecommunications
- Utilities

ARBITRATOR (illustrative cases)

- ICC Arbitration: Mexican companies - Electrical energy dispute.
President of the Tribunal
Applicable law: Mexican Law | Seat: Mexico City | Language: Spanish and English
- 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
- CEA Arbitration: Spanish companies - Service contract dispute.
President of the Tribunal
Applicable Law: Spanish Law | Seat: Madrid | Language: Spanish

- CAM Arbitration: Spanish companies - Corporate dispute related to a large-scale urban development project.
Sole Arbitrator
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
- CAM Arbitration: Spanish companies - Solar power plant dispute.
Sole Arbitrator
Applicable Law: Spanish Law | Seat: Madrid | Language: Spanish
- UNCITRAL Arbitration: British company vs consortium of German, French and Spanish companies - Telecommunications dispute.
Co-arbitrator
Applicable Law: Spanish Law | Seat: Geneva | 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 investors - Company sale dispute.
Co-arbitrator
Applicable Law: Spanish Law | Seat: Madrid | Language: English

COUNSEL (illustrative cases)

- 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
- 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
- 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
- ICC Arbitration between a Spanish company and a Kenyan bank concerning bank guarantees.
Applicable Law: Kenyan Law | Seat: London | Language: English
- ICC Arbitration between a Spanish company and a UK company concerning the acquisition of an international group of companies.
Applicable Law: Spanish Law | Seat: Madrid | Language: English

- ICC Arbitration between a German company and a Latin American state-owned company concerning the overhaul of two ships

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

- ICC Arbitration between a Spanish company and a French company concerning the sale and purchase of a Latin American utility company.

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

- 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

- CAM Arbitrations between UK, USA, Luxembourg and Spanish funds and companies concerning a shareholders' agreement on the control of an infrastructure company.

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

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

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

- ICSID Arbitration between a Spanish company and the Republic of Argentina concerning the expropriation of an affiliate company.

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

- ICSID Arbitration between a Spanish company and the Republic of Guatemala concerning the indirect expropriation of an electricity distribution company.

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

EXPERT

LEGAL OPINIONS

As an expert, Miguel has given legal opinions regarding a variety of matters. Illustrative cases:

- Legal opinion on the international effects of Cuban expropriations on a worldwide trademark.
- Legal opinion on the law applicable to interest rate swaps involving several European jurisdictions.
- Legal opinion on the effects of Spanish insolvency proceedings on English arbitral proceedings regarding contractual liabilities of the insolvent debtor.
- Legal opinion on civil liability for maritime oil pollution resulting from an oil spill affecting several countries.
- Legal opinion on the validity of a financial set-off affecting collateral claims of a European banking institution on assets located in a Latin American country.
- Legal opinion concerning trusts and inheritance rights under Spanish law.

ADVISER TO THE STATE

As an expert, Miguel has represented the Kingdom of Spain in the negotiation of international treaties and European legislation:

- The UNIDROIT Convention on Stolen or Illegally Exported Cultural Good (Rome, 24 June 1995).
- The European Convention on Insolvency Proceedings.
- The 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 Comisión General de Codificación, Miguel has been involved in the drafting of numerous legislative projects.

AWARDS

- Cruz de la Orden de San Raimundo de Peñafort, por su contribución a la participación de España en la Unión Europea
- European Legal Team of the Year 2014 (The British Legal Awards), por la defensa internacional de REPSOL frente a la expropiación de su filial YPF por Argentina.

MEMBERSHIPS

- Asociación Latinoamericana de Arbitraje (ALARB)
- Asociación de Profesores de Derecho Internacional y Relaciones Internacionales (AEPDIRI)
- Association Suisse de l'Arbitrage (ASA)
- Club Español e Iberoamericano del Arbitraje (CEIA)
- ICC Institute of World Business Law
- INSOL Europe
- International Arbitration Institute (iai)
- International Council for Commercial Arbitration (ICCA)
- International Law Association (ILA)
- London Court of International Arbitration (LCIA)

PUBLICATIONS

Miguel has written several legal treatises and articles in his areas of expertise.

BOOKS (selection)

- Derecho procesal civil internacional, litigación internacional, with F. Garcimartín. Madrid, 2007.
- European Communication & Cooperation Guidelines for Cross-border Insolvency, with B. Wessels. Nottingham, 2007.
- El Trust y el Derecho Español. Madrid, 2006
- The European Insolvency Regulation: Law and Practice, with F. Garcimartín. The Hague, 2004.
- El Comercio internacional en el nuevo Derecho español de la competencia desleal. Madrid, 1993.

ARTICLES (selection)

- ‘El arbitraje, el Reglamento de Bruselas y la responsabilidad por el Prestige ante el TJUE’, in D. Arias (ed.) Libro Homenaje a M.A. Fernández-Ballesteros, Madrid 2024, pp. 2265 ff.
- ‘Arbitration in Times of Insolvency. Frames of Reference’, in Aliyev, Breig, Wedde, Recht als Brück zwischen Ost und West (Festschrift für Prof. Dr. Alexander Trunk). Stuttgart, 2022, pp 487 ff.
- ‘Articles 12 to 18’, with F. Garcimartín, in Reinhard/Bork/Van Zwieten (eds), Commentary on the European Insolvency Regulation, Oxford, 2022, pp. 267 ff.
- ‘Arbitraje e insolvencia: manual de instrucciones’, Almacén de Derecho, 15 August 2021 (read the article here in Spanish).
- ‘60 años del Convenio de Nueva York de 1958 desde la perspectiva del Derecho español’, Spain Arbitration Review, Madrid, 2019, pp. 27 ff.
- ‘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. 151 ff.
- ‘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. 655 ff.
- ‘La eficacia de la protección internacional de las inversiones extranjeras’, Revista de Arbitraje Comercial y de Inversiones, Madrid, 2014, pp. 655 ff.
- ‘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. 857 ff.
- ‘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. 1 ff.
- ‘El reconocimiento y ejecución de laudos arbitrales extranjeros’, Spain Arbitration Review, Madrid, 2009, pp. 79 ff.

- ‘La mediación como alternativa’, Actualidad Jurídica Uría Menéndez, no. 20, Madrid, 2008, pp. 21 ff.
- ‘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. 70 ff.

SPEAKING ENGAGEMENTS (selection)

- Third-party participation in arbitration proceedings: problems and future perspectives from Germany and Spain, Berlin Dispute Resolution Days 2024, Berlin 11 September 2024.
- La posición del árbitro ante la insolvencia de una de las partes, FIDE, Madrid 29 May 2024.
- Los arbitrajes comerciales ante el contexto de cambios súbitos en el entorno. Open de Arbitraje, Madrid, 9 May 2024.
- The interaction between arbitration and insolvency law, UIA Annual Congress, Rome, 23 October 2023.
- Novedades jurisprudenciales en Francia y España. XIV Jornadas franco-españolas, Miradas Cruzadas, Madrid, 16 February 2023.
- Brexit y arbitraje internacional: ¿un nuevo escenario?, Cátedra Cuatrecasas-UC3m de Derecho Corporativo y del Derecho Financiero, Fiscal y Arbitraje Internacional, Madrid, 6 October 2022.
- La Sentencia del TS norteamericano en el asunto Cassirer. Fundación Fide, Madrid 22 June 2022.
- The curious architecture of the EU international jurisdiction system. The European Circuit, 2021 annual conference: Current issues in international litigation & arbitration, Madrid 23-24 September 2021.
- Consecuencias del Brexit en el Derecho Internacional Privado Europeo. Asociación Española de Derecho Marítimo, Madrid, 16 June 2021.
- 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.
- 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.
- Disclosure and Discovery. Cravath, Swaine & Moore LLP, Summit on Global Dispute Resolution, New York, 25 April 2018.

PRESS COVERAGE (selection)

- Interview with Miguel Virgós in CIAR Global, 25 June 2021. See PDF.
- Expansión newspaper, 29 March 2021: Miguel Virgós, former partner at Uría Menéndez, launches his own arbitration firm. See PDF.