



Luis Capiel
Arias SLP

Profile

Luis is a partner in Arias SLP. He has over 10 years' experience practicing international arbitration with international law firms in Europe and Latin America.

He has acted as counsel and arbitrator in commercial and investment arbitrations under a variety of applicable domestic laws and under the rules of the major arbitral institutions in Europe and the Americas. He has focused his practice on complex commercial and construction disputes related to cross-border commercial agreements, joint ventures and M&A transactions in the engineering and construction, banking and finance, insurance, private equity, electricity, and oil & gas sectors.

Luis holds a Law Degree from the Humbolt Universität zu Berlin and an LL.M. (First Class Honours) from The University of Auckland. After his Judicial Traineeship (*Rechtsreferendariat*) with the Berlin High Court of Justice (*Kammergericht*) he passed the Second State Exam (*Große Juristische Staatsprüfung*) of access to the office of judge and the legal professions in Germany. He is admitted to the Madrid and the Munich Bars.

He is a member of the *Club Español del Arbitraje* (CEA) and co-chaired its under-40 group (CEA-40). He is also a member of the International Bar Association (IBA), the *Deutsche Institution für Schiedsgerichtsbarkeit* (DIS) and the Austrian Arbitration Association (Arb|Aut), among other professional memberships.

He has been an Honorary Professor at the Universidad Autónoma de Madrid and guest lecturer and speaker at universities and conferences. He has authored numerous publications in law journals and contributions to collective works.

He has been ranked amongst the most highly regarded arbitration practitioners aged 45 or under in *Who's Who Legal: Arbitration - Future Leaders 2018*.

Luis speaks Spanish, English and German.

Representative recent matters as counsel

- Representing a Spanish company in an arbitration against a Qatari company in relation to a dispute arising from two memoranda of understanding and multiple joint venture agreements for the construction of infrastructure projects in Qatar (ICC, Geneva, Swiss law, English)
- Advising a Spanish bank in relation to a potential dispute arising from an agreement to transfer the business of the Spanish subsidiary of a US bank

- Representing the directors of a company in an arbitration in which a corporate liability action is brought against them (*ad hoc*, Madrid, Spanish law, Spanish)
- Representing a Spanish subsidiary of a Spanish group, leader at international level in the energy sector, in an arbitration arising from an agreement for the payment of certain amounts owed by the subsidiaries of the parties under contracts for the manufacturing and supply of reflectors and other materials for several solar plants (CIMA, Madrid, Spanish law, Spanish)
- Advising a European subsidiary of a Latin American business conglomerate, shareholder of a European bank, in relation to a possible dispute arising out of the resolution of that bank
- Representing an African company in several exequatur proceedings initiated by three Spanish companies before the Spanish courts, in which those companies request the court to declare that certain partial awards issued in an ICC arbitration seated in Paris cannot be recognized in Spain
- Advising a Spanish urban mobility company in a dispute against a Spanish multinational company, leader in outdoor advertisement, arising from a service agreement
- Representing a Spanish infrastructure group in emergency arbitrator proceedings brought by a Peruvian consortium in relation to a dispute arising from a construction subcontract agreement for an oil refinery (ICC, Miami, Spanish law, Spanish)
- Representing a Spanish card payment scheme company in an arbitration against Brazilian and US companies in relation to a dispute arising from chips supply agreements (ICC, Madrid, Spanish law, Spanish)
- Representing a Spanish consortium in emergency arbitrator proceedings and in an arbitration against an Ecuadorian regional government in relation to a dispute arising from a construction contract (ICC, Santiago de Chile, Ecuadorian law, Spanish)
- Representing a German company in the shipbuilding naval industry in an arbitration brought by a Venezuelan public company in relation to a dispute arising from a supply and maintenance agreement (ICC, Madrid, Venezuelan law, Spanish)
- Representing a Spanish electric utility in an arbitration brought by a Spanish infrastructure and services company in relation to a dispute arising from an SPA of a holding company (CAM, Madrid, Spanish law, Spanish)
- Representing a Spanish bank in an arbitration brought by an English insurance company in relation to a dispute arising from SHA for a joint venture for insurance distribution (CAM, Madrid, Spanish law, Spanish)
- Representing a Canadian Oil & Gas company in an arbitration against a Spanish EPC contractor in relation to a dispute arising from a Memorandum

of Understanding referred to a project to develop, build and operate underground gas storage facilities (ICC, Madrid, Spanish law, English and Spanish)

- Representing a German EPC contractor in an arbitration brought by a Portuguese company in the chemical industry in relation to a dispute arising from an EPC contract for a nitric acid production plant (ICC, Madrid, Spanish law, English)
- Representing an Argentine entrepreneur in the seafood industry in an arbitration against various respondents of the BVI and the USA in relation to a dispute arising from a Stock Option Agreement for an Argentine fishing company (ICC, Buenos Aires, Argentine law, Spanish)
- Representing a Spanish electric utility in an arbitration against another Spanish electric utility in relation to a dispute arising from a gas supply agreement (CAM, Madrid, Spanish law, Spanish)
- Representing a Spanish bank in an arbitration brought by a Spanish insurance company in relation to a dispute arising from a SHA for a joint venture for insurance distribution (CIMA, Madrid, Spanish law, Spanish)
- Representing a Spanish bank in an arbitration brought by a Russian electric utility in relation to a dispute arising from a demand guarantee (ICC, Paris, English law, English)
- Representing an English private equity firm in an arbitration brought by a US private equity firm in relation to a dispute arising from a Letter of Intent concerning the acquisition of a group of companies in the beauty care industry (ICC, Madrid, Spanish law, English)
- Representing a Spanish EPC contractor in an arbitration against an Argentine electric utility in relation to a dispute arising from an EPC contract to upgrade a gas power plant to a combined cycle plant (ICC, Paris, Argentine and Swiss law, Spanish)
- Representing a Spanish EPC contractor in an arbitration against the Ministry of Works and Transport of an African State in relation to a dispute arising from an EPC contract to upgrade several airports (ICC, Paris, law of an African State, English)
- Representing a Spanish company in the electric power industry in an arbitration against a Central American State in relation to a dispute arising from a tariff review for electricity distribution (ICSID, Washington D.C., BIT, Spanish)
- Representing an Italian valve manufacturer in an arbitration brought by a Spanish EPC contractor in relation to a dispute arising from an agreement to supply valves for pipelines (CAM, Madrid, Spanish law, Spanish)
- Representing a US charterer in an arbitration brought by an Italian vessel operator in relation to a dispute arising from a charter-party (ad hoc, London, English law, English)

Representative recent matters as arbitrator or administrative secretary

- Administrative secretary in a dispute between a Latin American company and an Asian company in relation to a possible breach of a distributorship agreement (ICC, Frankfurt, law of an Asian State, English)
- Administrative secretary in a dispute between a western European company and an eastern European State in relation to the alleged expropriation of a project for the construction and operation of a hydroelectric plant in that eastern European State (ICC, Paris, law of the eastern European State, English)
- Sole arbitrator in a dispute involving a Spanish hospital group and a Dutch cryonics company arising from a services agreement (CAM, Madrid, Spanish law, Spanish)
- Assistant to the sole arbitrator in a dispute involving a Peruvian entrepreneur and a Peruvian company in the education sector arising from an SPA for the acquisition of a Peruvian company in the education sector (AmCham Peru, Lima, Peruvian law, Spanish)
- Assistant to the sole arbitrator in a dispute involving an Argentine company and a Spanish Group in the tourism industry arising from an SPA for the acquisition of an Argentine travel agency (ICC, Paris, Argentine law, Spanish)
- Assistant to an arbitrator in a dispute involving a Spanish EPC contractor and a Russian manufacturer of forged wheels arising from an EPC contract to build a wheel production line (Swiss Rules, Zurich, Swiss law, English)
- Administrative secretary in 4 parallel arbitrations involving a Spanish developer and a Spanish constructor in relation to a dispute arising from four construction contracts for housing complexes (CAM, Madrid, Spanish law, Spanish)
- Assistant to an arbitrator in a dispute involving an Uruguayan professional association and a BVI investment broker arising from an investment brokerage services agreement (ICC, Madrid, BVI law, English)

Selection of recent speaking and teaching engagements

- Universidad Autónoma de Madrid, Master's Degree in the Legal Profession: International litigation, *International arbitration* (2018, Madrid, Spain)
- ICDR Young & International: Latin American Arbitration, *Panel discussion on Latin American arbitration* (2 October 2018, Paris, France)
- VIII Annual Congress of the Austrian-Spanish Lawyers' Association (AHAUJ): Arbitration, mediation and other alternative means of dispute resolution: New developments, *Commercial and corporate arbitration in Spain and Latin America* (5 May 2017, Vienna, Austria)

- CEA-40: The second chair lawyer up for debate: the best techniques in support of the first chair lawyer in an arbitration, *Opening and introduction* (23 February 2017, Madrid, Spain)
- Universidad Autónoma de Madrid, Master's Degree in the Legal Profession: International litigation, *International arbitration* (2017, Madrid, Spain)
- Universidad Internacional de La Rioja, Master's Degree in Corporate Legal Counseling: EU Law and international regulation of markets, *Dispute resolution in international trade, Practical case* (2017, Logroño, Spain)
- Universidad Autónoma de Madrid, Master's Degree in the Legal Profession: Private International Law, *Investment arbitration and practical arbitration cases* (2016, Madrid, Spain)
- Universidad Autónoma de Madrid, Degree in Business Administration: International Trade Law, *International Commercial Arbitration* (2015, Madrid, Spain)
- IE University, LL.B. y LL.B + B.B.A Dual Degree: European Legal History, *Law in the Nazi Regime* (2012 and 2013, Segovia, Spain)
- IE University: *Transnational lawyer* (21 November 2012, Segovia, Spain)

Examples of recent published works

- Arbitraje y Mediación – Crónica legislativa y jurisprudencial (Ed.), *Actualidad Jurídica Uría Menéndez* (2015-2017)
- Arbitrating Conduct of Business Duties for Investment Services Providers, *Butterworths Journal of International Banking and Financial Law*, Vol. 31, No. 4, (2016)
- Spain, *International Arbitration* (Global Legal Group, 2016)
- Novedades en el Reglamento Bruselas I refundido, *Actualidad Jurídica Uría Menéndez*, N° 40 (2015)
- Spain, *International Arbitration* (Global Legal Group, 2015)
- El Arbitraje Comercial Internacional en Latinoamérica, *Cuadernos de Derecho para Ingenieros. El marco jurídico de las empresas multilatinas* (Iberdrola/ La Ley, 2014)
- Arbitraje CCI en torno a una garantía bancaria sujeta a derecho inglés: el principio de "cumplimiento estricto" (strict compliance) y las garantías a primer requerimiento, *2014 Práctica Contenciosa para Abogados* (La Ley, 2014)
- El Arbitraje Comercial Internacional en Alemania, *El Arbitraje Comercial Internacional en Europa* (Palestra Editores, 2013)

- El Juez de Apoyo en la Nueva Legislación Arbitral Francesa, *Spain Arbitration Review*, Nº 11 (2011)
- Spain, *Getting the deal through. Arbitration in 50 jurisdictions worldwide. 2010.* (Global Arbitration Review, 2010)
- Madrid Update: Arbitral Tribunals May Award Interest Even If Not Requested, And May Decide Procedural Requests Without Hearing The Opposing Party, *Mealey's International Arbitration Report*, Vol. 25, Issue 11 (2010)
- Madrid Update: Invoking A Set-Off-Defense May Jeopardize The Effectiveness Of An Arbitration Clause, *Mealey's International Arbitration Report*, Vol. 25, Issue 10 (2010)
- El Principio de Kompetenz-Kompetenz en España, *Spain Arbitration Review*, Nº 8 (2010)
- Madrid Update: Sole-Option Arbitration Clauses Under Spanish Law, *Mealey's International Arbitration Report*, Vol. 25, Issue 8 (2010)
- Madrid Update: The Scope Of Judicial Scrutiny Of Awards Involving Third Parties, *Mealey's International Arbitration Report*, Vol. 25, Issue 4 (2010)
- Madrid Update: Supreme Court Standard For Liability Of Arbitrators, *Mealey's International Arbitration Report*, Vol. 25, Issue 1 (2010)
- Pasado, Presente y Futuro de la Convención de Nueva York. Reseña con Consideración del Borrador de Van den Berg, *Arbitraje Comercial y Arbitraje de Inversión. La Convención de Nueva York de 1958: Reconocimiento y Ejecución de Laudos Arbitrales. Tomo 2* (Magna Ediciones, 2009)
- Madrid Update: Executing Foreign Awards Challenged In Their Country Of Origin – Evidence Of A French Position's Influence On Spanish Courts, *Mealey's International Arbitration Report*, Vol. 24, Issue 9 (2009)
- The 2009 Rules of Arbitration, *The International Litigation Quarterly*, Vol. 25, Issue 3 (2009)
- The 2009 Rules Of Arbitration Of The Court Of Arbitration Of Madrid, *Mealey's International Arbitration Report*, Vol. 24, Issue 3 (2009)
- Madrid Update: The Arbitration Exception In Art. 1(2)(D) Of Regulation (Ec) No. 44/2001: Spanish And European Positions, *Mealey's International Arbitration Report*, Vol. 24, Issue 2 (2009)
- Madrid Update: Foreign Arbitral Award: Parallel Evaluation Of The Validity Of An Arbitral Clause By The Court Of Exequatur And By An Ordinary Court In The Same Jurisdiction, *Mealey's International Arbitration Report*, Vol. 24, Issue 1 (2009)
- Madrid Update: Concurrence Of Applicable Treaties Recognizing Arbitral Awards, And The Unrelated Yet Binding Nature Of An Award And Its

Recognition By The Judiciary In Country Where Award Was Rendered, *Mealey's International Arbitration Report*, Vol. 23, Issue 8 (2008)

- Madrid Update: Untimely Allegation Of Arbitrator's Lack Of Impartiality And Independence, *Mealey's International Arbitration Report*, Vol. 23, Issue 7 (2008)
- Madrid Update: Consumer Protection - Ex Officio Declaration Of Nullity Of Arbitral Clauses During Execution Phase, *Mealey's International Arbitration Report*, Vol. 23, Issue 6 (2008)
- Madrid Update: Arbitration Clause In Organization's By-Laws, *Mealey's International Arbitration Report*, Vol. 23, Issue 5 (2008)

Professional Memberships

- Madrid Bar Association
- Munich Bar Association
- *Club Español del Arbitraje*
- International Bar Association
- *Deutsche Institution für Schiedsgerichtsbarkeit* (DIS)
- Austrian Arbitration Association (Arb|Aut)
- Court of Arbitration of the Madrid Bar Association
- ICC Young Arbitrators Forum
- LCIA Young International Arbitration Group