

Curriculum Vitae as Arbitrator from

Professor Dr. Fausto de Quadros

I – Personal Details

Nationality: Portuguese.

II – Arbitration Activity

He is an International Arbitration Lawyer and an Independent Arbitrator. He was an ad hoc arbitrator of “Mercosul” (“Mercado Comum do Sul”) or “Mercosur” (“Mercado Común del Sur”). He is an Arbitrator of ICSID, ICC, BAC/BIAC (Beijing Arbitration Commission/Beijing International Arbitration Center), CAESP-Conselho Arbitral do Estado de São Paulo, Brasil, Portuguese Association of Arbitration and the Center of Arbitration of Angola.

He has been an Arbitrator in several important proceedings concerning, namely, International Law, European Union Law, relations between International Law and European Law, National and Foreign Investment, Public and Private Contracts, National and International Contracts, Public and Private Companies, Construction and Public Works, National, European and International Law of Foreign Property (incl. Nationalizations and Direct and Indirect Expropriations), Privatizations, Competition Law, Administrative and Financial Regulation, International Trade Law, Energy, Petroleum and Gas, ECT (Energy Charter Treaty), Mining, Banking, Health Law, Environmental Law, Law of the Sea, International Water Law.

Some of the most important arbitrations in which he has been an arbitrator, all of them submitted to Portuguese law, the seat was in Portugal and Portuguese being the language of the arbitration, unless explicitly referred otherwise:

-1989-1992: dispute between a company which was supplier of electric energy and a municipality on a supply contract. Amount of the dispute: 20 million euros (at the time of the dispute). He was the Arbitrator appointed by the municipality for a three-arbitrator tribunal. Subjects concerned: breach of the contract; rebus sic stantibus clausula; Energy Law.

- 1992-1993: dispute between two multinational banking syndicates regarding the sale of a bank in which there was an error in the provided information regarding the bank’s liabilities. Amount of the dispute: 50 million euros. He was President of a three-arbitrator tribunal. Subjects: International Contracts; Banking Law; Civil Law; Company Law.

- 1993-1994: dispute between a private British consortium and the Portuguese State regarding the expropriation of very big agricultural properties of the consortium in the Alentejo, Portugal, in the framework of the land reform undertaken by the Portuguese

State in 1974-75. Amount of the dispute: 100 million euros. He was the Arbitrator appointed by the private consortium and the British government for a three-arbitrator tribunal. Languages of the Arbitration: English and Portuguese. Subjects: Takings without compensation or with low compensation; Direct and Indirect Expropriations, namely Expropriation of Contractual Rights; National and International Property Law; Breach of International Contracts; International and National Liability of the State; relations between International Law and European Union Law relating to obligations undertaken by a State member of the EU under International Law; Environmental Law.

- 1995-2000: dispute between an international private consortium and the Portuguese State regarding a project finance contract with regard to the public works for the construction of a reservoir in the Alentejo and in the Algarve, which involved tens of thousands of hectares. Amount in dispute: 150 million euros. He was the Arbitrator appointed by the private consortium to a three-arbitrator tribunal. Subjects: Construction; Public works; increase of contract costs via the inclusion of extra works and the subsequent application to reinstate the financial equilibrium; breach of the contract; failures by the State in the supervision of the performance of the contract; exceptions to the jurisdiction of the Arbitration Tribunal.

- 2002-2004: dispute between an international financial consortium and the Portuguese State regarding the management, by the consortium, of a very large hospital. Amount in dispute: 100 million euros. He was the Arbitrator nominated by the State to a three-arbitrator tribunal. Subjects: Construction Law, Civil Law, Company Law, Administrative Law, Health Law; Concession Contracts/Management Agreements; management of a public hospital by a private company; Administrative and Financial Regulation; breach of contract; failures by the State in the supervision of the performance of the concession contract/management agreement.

- 2004-2005: dispute between an international consortium and the Portuguese State regarding the increase of the cost of a construction project finance and public works concession contract/management agreement, via the alteration of the contract, while it was being performed. Amount in dispute: 49 million euros. He was the Arbitrator appointed by the consortium to a three-arbitrator tribunal. Subjects: Public Law Contracts; Concession Contracts/Management Agreements; Construction Law; rebus sic stantibus clause; error in the interpretation and performance of the contract.

- 2007-2010: dispute between a multinational private company which was part of an international consortium, and a foreign State, regarding to a project finance public work contract in a big port in Asia. Amount in dispute: 200 million euros. He was the Arbitrator appointed by the private company to a three-arbitrator tribunal. Seat of the Arbitration: Geneva. Law of the Arbitration: Swiss Law. Subjects: Private International Law; Company Law; Relations between National Law and International Trade Law; Breach of International Contracts; State interference in international contracts; Indirect Expropriation, namely Expropriation of Contractual Rights.

- 2011-2012: dispute between a public enterprise and an international private consortium regarding a public works contract for the supply of water in the Alentejo, Portugal. Amount in dispute: 50 million euros. He was President of a three-arbitrator tribunal. Subjects: Construction; Public Works Contracts; unilateral modification of the contract by the public authority; *fait du prince*; *rebus sic stantibus* clause; Water Law.

- 2014-2015: dispute between the Portuguese Republic and a foreign aircraft renting company to fight forest fires. Amount in dispute: 3 million euros. He was the Arbitrator appointed by the Portuguese Republic to a three-arbitrator tribunal. Subjects: Breach of Contract; Administrative sanctions to the private investor; Air Law.

-2017- 2019: dispute between the Portuguese Republic and a multinational company on the concession for the exploration and prospection of oil deposits in south of Portugal. Amount of dispute: 5 million euros. He was the Arbitrator appointed by the multinational company to a three-arbitrator tribunal. Subjects: Breach of Contract; Oil and Gas Law.

-2018-...: annulment committee of an arbitral judgement in the framework of ICSID. Language: Spanish.

-2019-2021: dispute between two pharmaceutical multinational companies on generic medicaments. He is the Arbitrator appointed by a company to a three-arbitrator tribunal. Languages: Spanish, English, Portuguese.

-2020-...: annulment committee of an arbitral judgement in the framework of ICSID and under the Energy Charta Treaty. Languages: English and Spanish

III– Academic Qualifications

Full Professor emeritus of International Law, International Investment and Arbitration, European Union Law and Administrative Law at the University of Lisbon School of Law.

He holds a European Jean Monnet Chair *ad personam*.

IV– Academic and Research Career

For many years he was a researcher at the Max-Planck Institute of Public Comparative Law and International Law, in Heidelberg, and in the Departments of Public Law, International Law and International Economic Law at the Ludwig Maximilian University, in Munich.

For many years he was a Visiting Professor at the Robert Schuman University School of Law, Strasbourg.

He has held and holds visiting Professorships at Universities in France, Germany, the United States, Italy, Brazil, India, and China. In the last three cases, he is working particularly in the context of the European Union's Investment and Trade relations with Latin America and Asia, following the Treaty of Lisbon.

V – Activity as Jurisconsult

He drafted some new Laws on International Investment and Arbitration as well the first BITs for several Eastern European countries after 1990. He also drafted some investment contracts for States or private foreign investors.

He was the Chairman of the Committee that drafted in 2015 the new Portuguese Code on Procedure in Administrative Courts that includes a chapter related to arbitration.

He regularly advises governments and corporations on matters of Public International Law, International Investment Law, European Law, and Arbitration.

VI – Publications

He has written over 200 works, published in Portugal, the United Kingdom, the United States, France, Germany, Belgium, the Netherlands, Italy, Switzerland, Austria, Spain, Brazil, Argentina, India and Angola. He is co-author of the First Max Planck Institute Encyclopaedia of Public International Law (12 Instalments, Heidelberg, 1981-1990). He is co-author of the 2nd The Max Planck Encyclopaedia of Public International Law (12 volumes, Oxford, 2012).

VII - Most Important and Recent Publications related to Arbitration:

- *A protecção da propriedade privada pelo Direito Internacional Público* ("The Protection of Private Property and Investment by International Law"), Coimbra, Almedina, 1998, reprint 2017 (which contains a summary in English, p. 571-577). This book includes a broad review of the international arbitration on investment disputes, including of the jurisprudence of ICSID. Some reviews of the book: <https://www.almedina.net/a-protec-o-da-propriedade-privada-pelo-direito-internacional-p-blico-1563793640.html>,

- *Un nouveau droit fondamental reconnu par le droit de l'Union européenne après Lisbonne : le droit à l'investissement étranger*, in *Mélanges Jean-François Flauss*, Paris, 2014, p. 219.

- *A arbitragem em Direito Administrativo: novos desafios* (“Arbitration in Administrative Law: the current challenges”), in Essays José Luis Meilán Gil, Buenos Aires, 2014, p. 439.
- *Linhas gerais da reforma do Código de Processo nos Tribunais Administrativos em matéria de arbitragem* (“The new reform on Arbitration by the new Portuguese Code on the Procedure in Administrative Courts”), in Revista Internacional de Arbitragem e Conciliação, 2014-7, p. 7.
- *Direito Global, investimento estrangeiro e arbitragem internacional* (“Global Law, foreign investment and international arbitration”), in Essays Celso Lafer, São Paulo, 2012, p. 125.
- *O novo regime do investimento estrangeiro e da arbitragem internacional na União Europeia após o Tratado de Lisboa* (“The new foreign investment law and international arbitration in the European Union after the Lisbon Treaty”), in Essays Luiz Olavo Baptista, São Paulo, 2013, p. 535.
- *Breves considerações sobre os modernos desafios para a arbitragem em matéria de investimento. Princípios substantivos* (“The current challenges for the investment arbitration”), in Essays Odete Medauar, Belo Horizonte, 2013, p. 251.
- *Act of State Doctrine*, in Rüdiger Wolfrum (dir.), Max-Planck Encyclopaedia of Public International Law, 12 vols., vol. I, Oxford University Press, 2012.
- *A responsabilidade civil extracontratual da Administração Pública* (“State Liability in Tort, Delict and Quasidelict”), Director, 2nd edition, Coimbra, Almedina, 2004. This study covers State liability under National, International and European Union Law.
- *Direito da União Europeia* (“European Union Law”), 3rd ed, Coimbra, Almedina, 2013, reprint 2018.
- *Droit de l’Union européenne*, Brussels, Bruylant, 2008.
- *Breve nota sobre o controlo judicial da aplicação das diretivas da União Europeia aos contratos públicos em Portugal* (“The judicial control of the application of EU Directives on Public Contracts”), in Revista dos Contratos Públicos, 23 (2020), p. 5.

VIII – Languages

English, French, German, Spanish and Portuguese.

IX - Contacts

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