



# José Miguel Júdice

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Júdice Arbitration

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Portugal

## University Experience

### Faculty of Law, University of Coimbra

- Law Degree from the Faculty of Law of the University of Coimbra, in 1972, with a grade of 17/20
- Assistant Professor at the Faculty of Law in Political Science, Constitutional Law, and Corporate Law, 1972-1977

### Faculty of Law, University of Lisbon

- Professor at the Faculty of Law in the subjects of Public International Law and Political Science, 1978-1981

### New University of Lisbon

- Visiting Associate Professor at the Faculty of Economics, teaching Business Law on the Lisbon MBA program, 2005-2012
- Scientific coordinator of the postgraduate course in Management for Lawyers and lecturer in Alternative Dispute Resolution, 2005
- Visiting Professor at the Faculty of Law, teaching the course on Ethics in the Legal Profession, 2006-2007, and several courses in the Postgraduate Program in Arbitration, 2009-present; Lecturer in International Commercial Arbitration, 2018-2024, and Investment Treaty Arbitration, 2021, in the Master's Degree in Forensic Law and Arbitration

### ISCTE University (Lisbon)

- Visiting professor in the MBA at Columbia University (NY) in the course Energy and Politics, 2010-2014

### **ISDE (Madrid)**

- Professor in the International Master's Degree at Columbia Law School (NY) (currently suspended *sine die*)

## **Experience as a Lawyer**

**Admitted to the Portuguese Bar Association: 1975**

### **Institutional activity as a lawyer:**

- Member of the Superior Council of the Judiciary: 1997-2001
- Member of the Board of the Portuguese Bar Association: 1995-1998
- President of the Portuguese Bar Association: 2002-2005
- President of the Human Rights Commission of the Bar Association: 2003-2004
- Member of the IBA Council: 2005
- Founding Partner of PLMJ: 1980-2019
- Head of PLMJ Arbitration: until 2017

## **Arbitration experience**

### **Institutional activity:**

- Member of the ICC World Institute of Business Law Council: 2021-present
- President of the General Assembly of the Portuguese Arbitration Association: 2021-Present
- Member of the CAM-CCBC Standing Committee on Challenges: 2026-Present
- Member of the CIAM-CIAR Working Group on Investment and State Arbitration: 2024-Present
- Chair of the Investment Litigation Committee of ALAM - Lusophone Arbitration and Mediation Association (Macau): 2021-Present
- Member of the Arbitrator Appointment Committee of CIAM - Madrid International Arbitration Center: 2020-2023, 2026-2028
- Member of the Board of Directors of the Spanish and Ibero-American Arbitration Club: 2013-2017
- Member of the Editorial Board of Commercial Dispute Resolution: 2012-2015
- Vice President of the Board of Directors of the Arbitration Center of the Portuguese Chamber of Commerce and Industry (2011-2013) and its President (2013-2016)
- Member of the ICC International Court of Arbitration: 2009-2015
- Vice-President of the National Arbitration Commission of the ICC of Portugal: 2009-2013
- Member of the Board of Directors responsible for International Relations of the Portuguese Arbitration Association: 2008-2014
- Country Reporter for Portugal at the ITA - Institute for Transnational Arbitration: 2008-Present
- Vice-President (responsible for the Commercial Arbitration Center) of the Lisbon Commercial Association/Portuguese Chamber of Commerce and Industry: 2007-2022
- Chair of the Procedural Practice Committee of the Portuguese Arbitration Association: 2006-2008
- Member of the Panel of Presidents for arbitration of the Economic and Social Council of Portugal: 2006-2011

- President of the Ethics Council of the Portuguese Trade Confederation: 2005-2009
- Member of the Advisory Board of the Latin American Arbitration Yearbook of the Peruvian Arbitration Institute

**Professional Associations:**

- Portuguese Bar Association
- Portuguese Arbitration Association (APA)
- Brazilian Arbitration Committee (CBAr)
- Spanish and Ibero-American Arbitration Club (CEIA)
- International Council for Commercial Arbitration (ICCA)
- London Court of International Arbitration (LCIA)

**Arbitration experience:**

As a lawyer from 1979 to 2019: more than 80 ICSID, ICC, PCA, ad hoc national and international arbitrations, NAI, CCIP Arbitration Center (Lisbon) and the Arbitration Institute of the Commercial Association of Porto relating to international contracts, international investment contracts, commercial contracts, company acquisitions and shareholders' agreements, transport, ports and minerals, public procurement, service and public works concessions, energy (oil, electricity, and gas), commercial contracts (franchise, commercial concession, distribution, etc.), construction, architecture, and engineering contracts, urban planning, financial and insurance contracts, hotel and tourism contracts, company labor agreements, media, and telecommunications. Applicable law of Brazil, Angola, Mozambique, Cape Verde, Portugal, São Tomé and Príncipe, Spain, France, the Netherlands, Guinea Conakry, Investment Treaties, and International Law.

As an arbitrator since 1997: more than 70 national and international arbitrations ICSID, PCA, ICC, LCIA, CAIP (Chambre d'Arbitrage International de Paris), Madrid Arbitration Center, Brazil-Canada Arbitration and Mediation Center, CCIP Arbitration Center (Lisbon), Arbitration Institute of the Porto Commercial Association, ad hoc UNCITRAL and other national and international bodies, as co-arbitrator, sole arbitrator (6) and President (47).

The legal areas covered by arbitration include international law, international and investment protection contracts, financial contracts (financial products, banking, and insurance), energy (O&G and electricity), company acquisitions and shareholders' agreements, construction and contracting (including engineering and architecture), public law (administrative contracts, PPPs, and public service and works concession contracts), telecommunications, intellectual property, life sciences and patents, commercial contracts (franchising, commercial concessions, agency and distribution), international investment disputes, labor disputes, hospitality, real estate, and urban planning.

Law applicable in arbitrations in which he has been or is an arbitrator: law of Portugal, Brazil, Spain, France, Angola, Peru, Ecuador, Colombia, Bolivia, Investment Protection Treaties, and International Law. He has presided over or served as an arbitrator in cases based in São Paulo, Rio de Janeiro, Luanda, Madrid, Barcelona, London, Zurich, Geneva, Paris, Brussels, The Hague, Maputo, New York, Washington DC, Santiago de Chile, Lisbon and Porto. He has been and is an arbitrator in arbitrations conducted in Portuguese, French, Spanish, and English.

In January 2020, he began to devote himself exclusively to the activity of arbitrator and legal expert.

**Lists of arbitration centers of which he is a member:**

- List of arbitrators and conciliators of the ICSID (World Bank)
- Permanent Court of Arbitration (The Hague)
- CAE - Eurochambers Mediation and Arbitration Center (São Paulo, Brazil)
- CAMARB - Brazilian Chamber of Commercial Arbitration (Belo Horizonte, Brazil)
- CAMITAL - Chamber of Mediation and Arbitration of the Italian-Brazilian Chamber of Commerce, Industry, and Agriculture (São Paulo, Brazil)
- CAMOB - Bahia-Oeste Arbitration and Mediation Center (Brazil)
- CBMA - Brazilian Center for Mediation and Arbitration (Rio de Janeiro, Brazil)
- CEASP - Arbitration Chamber of the State of São Paulo (Brazil)
- BVI Arbitration Center (British Virgin Islands)
- Commercial Arbitration Center of the Portuguese Chamber of Commerce and Industry (Lisbon, Portugal)
- Concorde Arbitration Center (Lisbon, Portugal)
- Arbitration Center of the Brazil-Canada Chamber of Commerce (São Paulo, Brazil)
- Arbitration Center of the Portuguese-Spanish Chamber of Commerce and Industry (Lisbon, Portugal)
- Arbitration Center of the Federation of Industries of Paraná (Curitiba, Brazil)
- Maputo Arbitration and Mediation Center (Maputo, Mozambique)
- Mediation and Arbitration Center of the Portuguese Chamber of Commerce in Brazil (São Paulo, Brazil)
- Portuguese Center for Construction Arbitration (Porto, Brazil)
- CIESP-FIESP - Arbitration Center of the Federation of Industries of São Paulo (São Paulo, Brazil)
- CIMA - Civil and Commercial Arbitration Court of Madrid (Spain)
- Arbitration Institute of the Porto Commercial Arbitration Institute (Porto, Portugal)
- Korean Arbitration Center (Seoul, Korea)
- Shanghai Arbitration Commission (Shanghai, China)
- Member of the list of Arbitrators of the Economic and Social Council of Portugal, to resolve disputes over collective bargaining and minimum services during strikes, from 2006 to 2011.

**Main cases as President of the Arbitration Court**

- ICC arbitration between companies from the United States and Brazil, concerning a shareholders' agreement in the energy sector, seat in Rio de Janeiro, Portuguese and English languages, Brazilian law.
- ICC arbitration between Swiss and Brazilian companies concerning the termination of a distribution agreement in the textile sector, seat in London, Portuguese and English languages, Brazilian law.
- ICC arbitration between German and American companies concerning an acquisition agreement (representations and warranties and defective engine operation) in the automotive industry, seat in Zurich, Portuguese and English languages, Brazilian law.
- ICC arbitration between companies from Ecuador and Brazil, both controlled by their respective States, concerning a financing contract, banking sector and electricity production industry, seat in Rio de Janeiro, Portuguese and Spanish languages, Brazilian law.

- ICC arbitration between an Angolan hotel group and a French hotel group concerning a hotel management contract, seat in Lisbon, Portuguese language, Angolan law.
- Ad hoc arbitration between a Portuguese public entity and an international consortium concerning the construction of a large underground transport system, seat in Porto, Portuguese language, *ex aequo et bono* arbitration.
- Three ad hoc arbitrations between a Portuguese public entity and a construction consortium concerning the construction of a large irrigation system in Alentejo, seat in Lisbon, Portuguese language, Portuguese public law.
- Ad hoc arbitration between the Portuguese State and the concessionaire of a motorway to restore financial balance, Portuguese language, Portuguese public law.
- Ad hoc arbitration between the company that owns a tourist resort and an investor, concerning a plot of land for construction on the seafront in the Lisbon area, seat in Lisbon, Portuguese language, Portuguese law.
- PCA (The Hague) investment protection arbitration between the English company Rurelec and the Republic of Bolivia, relating to the energy industry, seat in The Hague, Spanish and English languages, in application of the Bilateral Investment Treaty between Bolivia and the United Kingdom (the BIT between Bolivia and the USA was also relevant).
- Ad hoc arbitration between a Portuguese public entity and an international consortium concerning a motorway concession, financial and construction matters, seat in Lisbon, Portuguese language, Portuguese public law.
- Arbitration at the Madrid Chamber of Arbitration between a large English insurance group and a Spanish bank, concerning a shareholders' agreement and an insurance sales contract in the banking network, seat in Madrid, Spanish language, Spanish law.
- Ad hoc arbitration between pharmaceutical groups (both foreign), concerning patent licensing, seat in Lisbon, Portuguese language, Portuguese law.
- Arbitration at the Brazil-Canada Arbitration and Mediation Center between a Brazilian oil company and a construction consortium, concerning a contract for works at a refinery (coking plant), seat in São Paulo, Portuguese language, Brazilian law.
- Ad hoc arbitration by UNCITRAL between two European countries and an international consortium, based on an international treaty between those two countries, concerning a contract for the concession, construction, and operation of a high-speed railway line, seat in Brussels, Spanish and French languages, Spanish and French law.
- ICC arbitration between a large European industrial group and a South American consulting firm, concerning a public tender for the sale of aircraft in a South American country, seat in Madrid, English language, Spanish law (sole arbitrator).
- Arbitration before the Arbitration Center of the Portuguese Chamber of Commerce and Industry between a Portuguese hotel group and a Spanish hotel group concerning a management contract, seat in Lisbon, Portuguese language, Portuguese law.
- Arbitration at the Portuguese Chamber of Commerce and Industry between the Portuguese Republic and a private hospital concessionaire, concerning a public-private partnership contract, seated in Lisbon, Portuguese language, Portuguese public law.
- LCIA arbitration between a large multinational company in the oil and gas sector and a Brazilian company in the same sector, concerning an upstream contract, seat in São Paulo, English language, Brazilian law.
- ICC emergency arbitration between an African country and a large telecommunications group, seat in Paris, French language, French law.
- ICC arbitration between a large international hotel group and a local real estate developer, concerning a set of contracts for two hotels in southern Brazil, seat in São Paulo, Portuguese and English languages, Brazilian law.

- PCA (The Hague) arbitration between a Singaporean oil and gas group and a Spanish-speaking South American country, concerning an upstream oil concession contract, seat in Santiago, Chile, Spanish language, Ecuadorian law.
- ICC arbitration between a Spanish construction group and a local concessionaire controlled by an Australian private equity fund, concerning a public concession contract for a motorway in a South American country, seat in Madrid, Spanish language, Colombian law.
- PCA investment protection arbitration between Swiss investors with dual nationality and a company controlled by them against a South American country, concerning an investment in the telecommunications sector, seat in The Hague, Spanish and English languages.
- ICC arbitration between a Spanish group and an English insurance group concerning a real estate M&A contract and an insurance guarantee contract, seat in Lisbon, English language, Portuguese law (sole arbitrator).
- PCA investment protection arbitration concerning an investment in the agricultural industry between a Spanish group and a Central American country, seat in The Hague, Spanish language.
- ICSID - Ad Hoc Committee for the annulment of an arbitral award rendered in an arbitration under a Multilateral Treaty (Energy Charter) between a British investor and the Kingdom of Spain, Spanish and English languages.
- ICC arbitration between a Swiss group and a Brazilian group, concerning a banking M&A agreement, seat in São Paulo, Portuguese language, Brazilian law.
- PCA arbitration, in accordance with UNCITRAL rules, between an Argentine entity and a local subsidiary of a US company, concerning a concession for the production of renewable energy, seat in The Hague, Spanish language, Argentine law.
- ICC arbitration between a consortium of Spanish companies and a consultant in a Middle Eastern country, concerning an investment consulting agreement, seat in Madrid, English language, Spanish law.
- Arbitration before the Chambre d'Arbitrage International de Paris between a municipality in a South American country and a French construction group, concerning a concession and construction contract for a motorway, seat in Paris, Spanish language, Peruvian law.
- Ad hoc arbitration between a Portuguese construction company and two subsidiaries of a Spanish hotel group, concerning construction contracts, seat in Lisbon, Portuguese language, Portuguese law.
- ICSID - Ad Hoc Committee for the annulment of an award in the energy industry in an arbitration under an Investment Protection Treaty between a Singaporean investor and the Republic of Peru, seat in Washington DC, Spanish and English languages.
- CIAM-CIAR (Madrid) arbitration between a Netherlands-based subsidiary of a Chinese group and Spanish investors in a start-up, concerning a contractual dispute in the entertainment and technology industry, seat in Madrid, Spanish and English languages, Spanish law.
- ICSID investment protection arbitration concerning an investment in the food industry sector, in accordance with the NAFTA Treaty between US investors and the Federal State of Mexico, seat in Washington, DC, English and Spanish languages.
- Arbitration at the Brazilian Center for Mediation and Arbitration between a sports marketing company and a sports confederation and several clubs, relating to an advertising marketing contract, seat in Rio de Janeiro, Portuguese language, under Brazilian law.

## Main cases as co-arbitrator

- Ad hoc arbitration between a French group and a Portuguese company in the construction industry, concerning an M&A contract (representations and warranties, SPV accounts, construction), seat in Lisbon, Portuguese and French languages, Portuguese law.
- ICC arbitration between a Portuguese company and a Spanish company, concerning a pharmaceutical and commercial concession agreement, seat in Barcelona, English language, Spanish law.
- Ad hoc arbitration between a port authority and a concessionaire, seat in Lisbon, Portuguese language, Portuguese public law.
- Ad hoc arbitration, under UNCITRAL rules, between a French group and a Portuguese investor, concerning a shareholders' agreement in the banking sector, seat in Lisbon, Portuguese and French languages, Portuguese law.
- Ad hoc international arbitration between a European banking consortium and a construction consortium, concerning financing contracts for a public-private road partnership, seat in Lisbon, Portuguese and English languages.
- Arbitration at the Arbitration Center of the Porto Arbitration Institute between a Portuguese group and a public entity concerning an Internet infrastructure contract, seat in Porto, Portuguese language, Portuguese public law.
- Several ad hoc arbitrations between pharmaceutical groups concerning patent licensing, seat in Lisbon, Portuguese language, Portuguese law.
- Ad hoc arbitration between a Portuguese bank and a financial company affiliated with the bank concerning a financial contract, seat in Lisbon, Portuguese language, Portuguese law.
- ICC arbitration between an African state and a European airline concerning privatisation, seat in Lisbon, Portuguese language, Portuguese law.
- Arbitration before the Brazil-Canada Arbitration and Mediation Center between a mining company and a port concessionaire, both controlled by foreign (non-Portuguese) entities, concerning a take-or-pay contract in the mining sector, seat in São Paulo, English language, Brazilian law.
- Ad hoc arbitration between a private developer and the Portuguese Republic concerning a contract for the development of an urbanization plan, construction, and sale of buildings for a large plot of land in the Lisbon area, seat in Lisbon, Portuguese language, Portuguese law.
- Arbitration by the Brazil-Canada Arbitration and Mediation Center between a large South American oil and gas company and a Brazilian entity, relating to a contract for the production of oil exploration equipment and a shareholders' agreement, seat in São Paulo, Portuguese language, Brazilian law.
- ICC arbitration concerning an engineering, procurement, and construction contract between a large South American oil and gas company and a Central American shipyard, seat in New York, English language, Brazilian law.
- ICC arbitration between a Swiss group and a Brazilian group concerning an M&A contract in the food industry, seat in São Paulo, English language, Brazilian law.
- Two ICC arbitrations between a French group and the Portuguese State, concerning a public-private partnership regarding a bridge concession in Lisbon, Portuguese language, Portuguese public law.
- ICC arbitration between a Chinese group and a Spanish group, concerning a set of contracts in the renewable energy industry, seat in Lisbon, English language, Portuguese law.

- Arbitration at the Construction Arbitration Center between a municipality in northern Portugal and a Portuguese consortium, relating to a pre-contractual dispute in a public tender for outdoor advertising, seat in Porto, Portuguese language, Portuguese law.
- ICC arbitration between a Luxembourg group and a Portuguese group concerning a shareholders' agreement in the construction and motorway concession sector, seat in Lisbon.
- ICC arbitration between a group based in Luxembourg and another Portuguese group, concerning a shareholders' agreement in the real estate industry, seat in Lisbon.
- ICC arbitration between a multinational industrial company and a Spanish group concerning subcontracting for a large Brazilian power plant, seat in São Paulo, Portuguese language, Brazilian law.
- Arbitration before the Portuguese Chamber of Commerce and Industry between a Portuguese construction group and a Luxembourg fund, concerning a real estate M&A transaction, seat in Lisbon, Portuguese language, Portuguese law.
- Arbitration before the Portuguese Chamber of Commerce and Industry between a Spanish energy group and an international construction consortium concerning the construction of a hydroelectric power plant, seat in Lisbon, Portuguese language, Portuguese law.
- Ad hoc arbitration between a state-owned real estate fund and the shareholders of a textile group, concerning a contract, seat in Lisbon, Portuguese language, Portuguese law.
- CAIP arbitration between an Italian group and an African state, concerning a mining investment, seat in Paris, French language, law of the African state.
- Ad hoc arbitration between a Portuguese municipality in the District of Lisbon and a real estate group, concerning a real estate investment, seat in Lisbon, Portuguese language, Portuguese law.
- ICC arbitration between an international banking group and a Portuguese public fund, concerning a financial M&A contract, seat in Lisbon, English language, Portuguese law.
- LCIA arbitration between a Cypriot group and a Portuguese company concerning an M&A and partnership agreement, seat in London, English language, Portuguese law.
- Ad hoc arbitration between a French construction group and a public airport entity in Mozambique, seat in Lisbon, English language, Mozambican law.
- ICC arbitration between an Asian group and a Brazilian group, concerning an M&A transaction in the paper industry, seat in São Paulo, Portuguese language, Brazilian law.
- Portuguese Chamber of Commerce and Industry arbitration between a Spanish multinational and an English start-up, relating to an M&A transaction in the food distribution industry, seat in Lisbon, English language, Portuguese law.
- Arbitration before the Portuguese Chamber of Commerce and Industry between a motorway concessionaire in Portugal and the Portuguese State, concerning financial rebalancing, seat in Lisbon, Portuguese language, under Portuguese law.
- ICC arbitration between a Uruguayan company (part of a Finnish construction group) and a Spanish construction group and another from Uruguay, concerning a contract for the manufacture and assembly of equipment for an industrial facility, seat in Madrid, English language, Uruguayan law.
- Arbitration by the Mozambique Center for Arbitration, Conciliation, and Mediation between a Mozambican company and a Mauritian company, concerning a shareholders' agreement, seat in Maputo, English language, Mozambican law.

## Additional Information

On January 1, 2020, he ceased to practice as a lawyer, dedicating himself solely to arbitration and legal expertise.

### **Publications and Conferences:**

Capital Markets in Portugal (1994); Securities Law (Portuguese Chapter) (1996); Legal Regime of Public Takeover Bids in Portugal (1996); Chapter on Arbitration in the Treaty on Petroleum Law of the Faculty of Law of the University of Coimbra (2013); Annotated Portuguese Voluntary Arbitration Law (co-author of the draft law and annotation), now in its 5th edition (2021); "100 Years of Arbitration" (collective work by the PLMJ Arbitration team commenting on 27 international arbitration decisions) (2017).

Various academic articles and conferences on topics such as arbitration, public international law and treaties, public service concessions, PPPs, mediation and litigation, construction law, class actions, consumer law, international contract law, capital markets, tax arbitration, administrative and constitutional law, etc., published or held in Portugal, Brazil, Spain, Argentina, Peru, Costa Rica, France, Germany, Angola, Mozambique, Cape Verde, Macau, South Korea, the United Kingdom, and the United States.

He was a speaker at the 1st and 2nd PIDA of the ICC in Paris (2009 and 2010), in São Paulo (2011), and in Luanda (2014). He was a member of the jury of the "Competencia Internacional de Arbitraje" (International Arbitration Competition), organized by the University of Buenos Aires and Rosario in Colombia (2011), and of the Vis Pre-Moot juries in Madrid, London, Curitiba, and Lisbon.

He had the honor of speaking at a conference in Brasilia on the New York Convention, organized by the STJ.

Most of his articles, texts, and conference scripts on arbitration are available on the website <https://www.josemigueljudice-arbitration.com/pt/>

### **Professional awards and honors:**

- Member of the Order of Infante D. Henrique (Portugal)
- Member of the Légion d'Honneur (France)
- Considered a "Star Individual," the highest rating from Chambers (the world's leading directory of lawyers), he has also received the highest rating (Tier 1) as a lawyer in other relevant directories, such as Legal 500 and Who's Who.
- In July 2019, he was awarded the "Chambers Lifetime Achievement Award," which, in addition to an award in 2006, is the only one given to a Portuguese national.

### **Languages:**

Portuguese, French, English, and Spanish. He has conducted around 20 bilingual international arbitrations as chair or co-arbitrator.