



Ricardo Cuesta Castiñeyra

Ricardo Cuesta Arbitration

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Ricardo has had a successful 35-year career in the construction sector and for 27 years has led the global legal department, with more than sixty lawyers, of one of the world's leading infrastructure construction groups.

Ricardo makes the experience he has gained in this complex sector available to companies operating in this market to resolve, as an arbitrator, the complex disputes that frequently arise.

Ricardo's contribution to the growth and expansion of the group of companies he has worked for has also given him extensive experience in the corporate and M&A fields, as well as in resolving conflicts between company shareholders and between members of joint ventures.

His international vision gives him a global understanding of business, particularly in the construction, engineering and concessions industries, as well as the different types of contracts used in different countries.

Ricardo takes an eminently practical approach to resolving these types of conflicts, as he understands how these contracts work in practice. Not many lawyers have witnessed the construction of complex infrastructure projects *in situ* or experienced the operation of a tunnel boring machine from its control station.

His regular work with engineers and technicians and the numerous court and arbitration cases in which Ricardo has participated have given him a unique ability to understand the complex technical language and reality of construction processes.

Ricardo has worked and gained relevant experience in Spain, the United States, Canada, Chile, Peru, Colombia, Argentina, the United Kingdom, Ireland, and Poland, and has led hundreds of legal proceedings in construction matters in those jurisdictions. He has also conducted more than 30 arbitrations, both domestic and international, Ad Hoc (Spain and Canada), ICC, CIMA, CAM, AAA, ICSID, Warsaw Chamber of Commerce, and Dispute Boards in the United States.

He has also participated in the negotiation of countless construction contracts, including international models (NEC, FIDIC).

Ricardo has extensive experience in the analysis and preliminary evaluation of cases to determine their viability previous to court or arbitration proceedings.

He lived in New York for two years, gaining direct experience of the construction business and its legal issues in contracts, court proceedings, and arbitrations in the United States and Canada.

EDUCATION

- ✓ Master of Laws (LLM) in International Dispute Resolution (Queen Mary University of London)
- ✓ Post Graduate Certificate in International Business Law (University of Liverpool)
- ✓ Master's of Laws in Business Law and Economics (Escuela Libre de Derecho y Economía)
- ✓ Preparation for notary public examinations (2 years)
- ✓ Bachelor's Degree in Law (University of Navarra)

LANGUAGES

Spanish: Native

English: Full professional proficiency

MEMBERSHIP

- ✓ Madrid Bar Association (ICAM)
- ✓ Member of the Spanish and Ibero-American Arbitration Club (CEIA)
- ✓ Member of the CIAM-CIAR Construction and Engineering Working Group.
- ✓ Member of the Advisory Board of the Construction Section of the Madrid Bar Association.

PUBLICATIONS

- ✓ "The Legal Regime of Copyright on the Internet" in Principles of Internet Law, Tirant lo Blanch, 2002 (Pablo García Mexía, Director).
- ✓ "Chapter 23: Representing European Companies in U.S. Litigation" in Successful Partnering Between Inside and Outside Counsel, Association of Corporate Counsel, Thomson Reuters, 2019 (Co-authored with Thomas C. White, Esq.).
- ✓ "The umbrella clause: the Cinderella of protection standards. Reflections on awards in renewable energy cases against Spain" in Revista La Ley y Arbitraje no. 20, July-September 2024.
- ✓ "Conflict resolution in construction contracts: why construction arbitration is complex" in Revista La Ley y Arbitraje no. 23, April 2025.

- ✓ Blog on construction and arbitration where he regularly publishes articles on these subjects with several hundred regular readers (www.ricardocuesta.com). Honorable mention in the 2023 Blogs de Oro Jurídicos awards.

TEACHING

- ✓ Lecturer on the Master's Degree in Construction Law at the Madrid Bar Association (ICAM).
- ✓ Lecturer on the "Advanced Course in Arbitration" for admission to the Chartered Institute of International Arbitration (CIARB) Membership category, taught in collaboration with the Royal University Institute of European Studies (CIAMEN) at CEU San Pablo University.

CONFERENCES AND EVENTS

I regularly participate as a speaker in round tables and conferences on construction and arbitration.

- Lecture on "The execution of public works contracts" for law students at Abat Oliva University.
- Speaker at the round table on "Arbitration in the construction and engineering industry" organized by the Multisectoral Association of Women Executives and Entrepreneurs (AMMDE).
- Speaker at Little Open of Arbitration (Gómez Acebo y Pombo).
- Speaker at the conference session "The Interplay Between Judges and Arbitrators" organized by the Luxembourg Chapter of the Spanish and Ibero-American Arbitration Club.
- Speaker on conflictive clauses in international infrastructure contracts at "ICAM Dialogues - Shared experiences in international infrastructure projects" organized by the Arbitration Section of the Madrid Bar Association (ICAM).
- Speaker at the round table on "Disputes or Prevention in Construction and Real Estate Restructuring in Sports Issues for 2030." Europe to Morocco and Saudi Arabia - ICAM-Ciarb.

MOST SIGNIFICANT TRANSACTIONS AND ARBITRATIONS

Arbitration

1. Arbitration at the Madrid Court of Arbitration between two partners in a joint venture for a wastewater treatment plant construction project.
Jurisdiction: Spain
Value of the dispute: Undetermined.
2. Arbitration at the Madrid Court of Arbitration between a construction company and a developer in a claim for determining final payment of a construction project and opposing a claim for penalties for delays.
Jurisdiction: Spain
Value of the dispute: €0.7M. Counterclaim: €0.9M.

3. Ad hoc arbitration in a claim between a joint venture and a concessionaire claiming cost overruns incurred in the works and price escalation.
Jurisdiction: Spain
Value of the dispute: €45M.
4. Arbitration at the Arbitration Court of the Seville Chamber of Commerce between a construction company and a developer claiming payment of an executed guarantee and opposing the claim for loss of profits and moral damages.
Jurisdiction: Spain
Value of the dispute: €0.3M. Counterclaim: €1.7M.
5. Arbitration at the Madrid Court of Arbitration between a construction company and a developer claiming payment of an executed guarantee and opposing a claim for damages.
Jurisdiction: Spain
Value of the dispute: €9M. Counterclaim: €6.4M.
6. Arbitration at the Madrid Court of Arbitration between a construction company and a development company claiming payment of an executed guarantee and opposing a claim for damages.
Jurisdiction: Spain
Value of the dispute: €7.3M. Counterclaim: €33M.
7. Arbitration at the Madrid Court of Arbitration between a construction company and a development company claiming payment of an executed guarantee and opposing a claim for damages.
Jurisdiction: Spain
Value of the dispute: €0.3M. Counterclaim: €33M.
8. Arbitration at the American Arbitration Association between an engineering company and a construction company claiming payment of cost overruns due to a change in the scope of a design contract for a road construction project in Florida.
Jurisdiction: USA
Value of the dispute: USD 7M.
9. Arbitration at the ICC between a construction company and the seller of the majority of the shares of a company listed on the Warsaw Stock Exchange in a claim for damages for breach of the representations and warranties in the stock purchase agreement.
Jurisdiction: Poland
Value of the dispute: €40.5M.
10. Ad hoc commercial arbitration between a construction company and two European states in a claim for the rebalancing of a concession contract.
11. Arbitration before the American Arbitration Association between two construction companies for breach of a joint venture agreement in relation to the construction of a section of the subway in New York City.
Jurisdiction: USA
Value of the dispute: USD 91M. Counterclaim: USD 62M.

12. Arbitration before the American Arbitration Association between an engineering company and a construction company claiming payment of part of the price for a contract related to a dam construction project.
Jurisdiction: USA
Value of the dispute: USD 0.6M.
13. Arbitration before the American Arbitration Association between an engineering company and several construction companies in a joint venture claiming payment of part of the price for a bridge project.
Jurisdiction: USA
Value of the dispute: USD 0.4M.
14. Arbitration before the American Arbitration Association between a subcontractor and a construction company claiming payment of part of the price for the supply of concrete in a road construction project in Florida.
Jurisdiction: USA
Value of the dispute: USD 5M.
15. Arbitration before the American Arbitration Association between a subcontractor and a construction company in a claim for payment of damages for work performed not provided for in the contract in relation to a road construction project in Florida.
Jurisdiction: USA
Value of the dispute: USD 2.5M.
16. Arbitration at the American Arbitration Association between a subcontractor and a construction company regarding deductions for lack of capacity of a machine in relation to a tunnel construction project in Washington State.
Jurisdiction: USA
Value of the dispute: USD 3M.
17. Arbitration at the Dubai International Arbitration Center (DIAC) between an engineering company and a construction company in a claim for work performed for the submission of a bid for a project.
Jurisdiction: United Arab Emirates
Value of the dispute: €1.3M.
18. Arbitration before ICSID between a construction company and a state claiming damages for delays in the construction of a subway line.
Jurisdiction: ICSID
Value of the dispute: USD 500M. Counterclaim: USD 713M.
19. ICSID arbitration between a construction company and a state claiming damages for delays in the construction of a subway line.
Jurisdiction: ICSID
Value of the dispute: USD 387M.
20. ICSID arbitration between a construction company and a state claiming payment for price escalation in the construction of a subway line.
Jurisdiction: ICSID
Value of the dispute: USD 269M.

21. Arbitration before the Warsaw Chamber of Commerce between a construction company and a state agency claiming payment for the price of the work and damages for improper termination of the contract for the construction of a dam.
Jurisdiction: Poland
Value of the dispute: €107M. Counterclaim: €34M.
22. Arbitration before the Arbitration and Conciliation Center of the Bogotá Chamber of Commerce between a construction company and a state agency claiming damages for geological risk in the construction of a tunnel.
Jurisdiction: Colombia
Value of the dispute: €23M.
23. Arbitration before the Arbitration and Conciliation Center of the Bogotá Chamber of Commerce between a construction company and a state agency claiming damages for unavoidable landslides during the construction of a tunnel.
Jurisdiction: Colombia
Value of the dispute: €41M.
24. Arbitration before the Civil and Commercial Arbitration Court (CIMA) between a concessionaire and a joint venture of construction companies in a claim for construction defects in the construction of a hospital.
Jurisdiction: Spain
Value of the dispute: €9,8M.
25. Ad hoc arbitration in accordance with the Canada Arbitration Act 1991 between a construction company and a state agency in a claim for damages and losses due to delays caused by lack of permits, COVID-19, and additional work in the design and construction of a highway in Canada.
Jurisdiction: Canada
Value of the dispute: CAD 150M. Counterclaim: CAD 11M.
26. Ad hoc arbitration in accordance with the Canada Arbitration Act 1991 between a construction company and a public company claiming damages for delays in the construction of a subway project.
Jurisdiction: Canada
Value of the dispute: CAD 81M.
27. Arbitration before the Civil and Commercial Arbitration Court (CIMA) for a dispute between partners in a company.
Jurisdiction: Spain
Value of the dispute: €5M.
28. Arbitration before the Civil and Commercial Arbitration Court (CIMA) in a dispute between companies that are partners in a joint venture.
Jurisdiction: Spain
Value of the dispute: €1.2M.
29. Arbitration before the American Arbitration Association between a joint venture of construction companies and a state agency claiming damages due to geological differing site conditions in relation to the construction of an undersea tunnel.
Jurisdiction: USA
Value of the dispute: USD 571M.

30. Arbitration before the Madrid Court of Arbitration between a joint venture of construction companies and a public company claiming damages for lack of project definition and price escalation.
Jurisdiction: Spain
Value of the dispute: €80M.

M&A Transactions

1. Capital increase of a construction company in the amount of €600 million subscribed by another company through an in-kind contribution of shares in another company.
2. Merger of a construction company with assets of €5 billion absorbed into another company with assets of €8 billion, including more than 50 subsidiaries in different countries.
3. Merger of an engineering company into a construction company.
4. Cross-border merger of a Spanish company into a US company.
5. Incorporation of an engineering company in Spain and its subsidiaries in several countries.
6. Incorporation of a special purpose vehicle to acquire a construction company in the United States.
7. Merger of two construction companies in the United States.
8. Contract for the purchase all the shares of a construction company in the state of New Jersey (United States) for USD 150 million.
9. Contract for the purchase all the shares of a construction company in the state of Arizona (United States) for USD 105 million.
10. Contract for the purchase all the shares of a construction company in the state of Florida (United States) for USD 18 million.
11. Contract for the purchase of all the shares of a construction company in the state of Massachusetts (United States) for USD 18 million.
12. Contract for the purchase of all the shares of a construction company in the state of New York (United States) for USD 127 million.
13. Incorporation of a variable capital corporation in Mexico.
14. Incorporation of a real estate development company in Spain. Served as Secretary of the Board.
15. Sale of all the shares of a real estate company for €420 million.

16. Integration of the various companies that made up the construction businesses of two large corporate groups in North America, with several complex corporate transactions, for USD 7 billion. Incorporation of a holding company and served as Secretary of the Board of Directors.
17. Public takeover bid on the Warsaw Stock Exchange to acquire a majority stake in a construction company in Poland for €120 million.
18. Public tender offer on the Warsaw Stock Exchange for shares in a construction company in Poland and subsequent delisting of the company.
19. Serving as a member of the Supervisory Board of a listed construction company in Poland.
20. Spin-off of a subsidiary of a construction company in favor of its majority shareholder (value of spun-off assets: €1.5 billion).
21. Segregation of a branch of activity of a construction company to form an independent branch of activity (assets value: €1.66 billion).
22. Purchase of a company specializing in railway electrical installations.
23. Purchase of a construction company in Chile.
24. Establishment of branches of a construction company in Chile, Colombia, the United Kingdom, Poland, Norway, and Sweden.