

JUAN FELIPE MERIZALDE

Partner

**Bar admissions**

Colombia, New York, District of Columbia (Special Legal Consultant), Paris (sat for and approved the Paris Bar Exam (Art. 100))

Languages

Spanish, English, French, Portuguese (intermediate)

✉ jfmerizalde@adellmerizalde.com

☎ +57 60 1 691 5616

AREAS OF EXPERTISE

- Commercial Arbitration
- Investment Arbitration
- Energy
- Mining and Natural Resources
- Pharmaceutical
- Technology, Media, and Telecommunications
- Corporate and Commercial Law

PROFESSIONAL PRACTICE

Juan Felipe Merizalde is a civil and common law lawyer with **more than 17 years of experience** in international arbitration. His practice focuses on international commercial and investment arbitration, particularly disputes involving Latin American parties. He has considerable experience as counsel and arbitrator in **over 90 cases**, representing States, State-owned entities, and private parties before the most renowned institutions.

He has acted in arbitrations under all the major arbitral rules such as the International Centre for Settlement of Investment Disputes (ICSID), the United Nations Commission on International Trade Law (UNCITRAL), the International Chamber of Commerce (ICC), the International Centre for Dispute Resolution (ICDR) and the Madrid International Arbitration Center (CIAM) securing many landmark victories for his clients.

His recent victories include successfully representing the owner of the largest solar energy facility in Central America in an ICC arbitration against an energy distribution company due to the breach of two power purchase agreements (PPAs), as well as a Central American State and two companies of the region in the negotiation of commercial and investment disputes.

He also represented the Republic of Guatemala in the IC Power and Iberdrola cases, where all claims were dismissed, as well as his home country, Colombia, in an ICSID case initiated by America Móvil, dismissing claims exceeding US\$ 1 billion. He also successfully represented a Swiss pharmaceutical company in an ICDR arbitration against his distributor in 2 Latin American countries.

Juan Felipe is Member of the ICC International Court of Arbitration and Co-Chair of the ESG Subcommittee of the IBA Arbitration Committee. Additionally, he is an adjunct lecturer of Investment Arbitration at Universidad de los Andes and Universidad del Rosario. He is also frequently invited to teach at American University and Georgetown University.

Before founding Adell & Merizalde, Juan Felipe worked for 12 years at a large US law firm in Paris and Washington D.C., where he gained vast experience with one of the most renowned international arbitration practices in the world.

In 2023, Juan Felipe was recognized as one of the top 45 lawyers under 45 globally by Global Arbitration Review (GAR 45 under 45). He is also consistently acknowledged by Who's Who Legal, Global Arbitration Review, The Legal 500, Leaders League, Latin Lawyer, and Chambers Latin America.

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According to our peers and clients, Juan Felipe "is a leader in investment disputes in Latin America."

- **GLOBAL ARBITRATION REVIEW**

AWARDS & RECOGNITIONS

- Global Arbitration Review, 45 under 45
- Who's Who Legal: Thought Leaders in Arbitration
- Who's Who Legal - Global Arbitration Review: Global Leader in International Arbitration
- Legal 500: Next Generation Partner
- Leaders League: Excellent
- Latin Lawyer

EDUCATION

- ICC Arbitration Academy for Latin America
- New York University, LL.M
- Université Paris 2 Panthéon -Assas, Master 2, Private Law
- Université Paris 2 Panthéon-Assas, Master 1, International Law
- Universidad del Rosario, Law Degree

MEMBERSHIPS

- Member of the ICC International Court of Arbitration
- Ex Officio Member of the ICC Commission on Arbitration and ADR
- Co-Chair of the ESG Arbitration Subcommittee of the International Bar Association (IBA)
- Former Co-Chair of the International Bar Association's Under 40 Arbitration Subcommittee (IBA Arb-40)
- ICC Commission on Arbitration & ADR (Task Forces on "Accuracy of Fact Witness Memory in International Arbitration" and "Addressing Issues of Corruption in International Arbitration")
- Latin American Arbitration Association (ALArb)
- Institute for Transnational Arbitration (ITA) Advisory Board
- Member of the list of Arbitrators of the Court of Arbitration for Art (CAfA)
- President of the Disciplinary Commission of the División Mayor del Fútbol Colombiano (DIMAYOR)

REPRESENTATIVE MATTERSExperience as arbitrator

- **President.** Claimant v. Respondent. International Chamber of Commerce (ICC). Case No. XXXX7-GL.
- **President.** Claimant 1; Claimant 2 v. Respondent. International Chamber of Commerce (ICC). Case No. XXX08-JPA.

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"Juan Felipe is a very experienced and skilled arbitrator with a great background in high-level cases. He is extremely knowledgeable and astute with amazing experience."

- WHO'S WHO LEGAL

- **President.** Claimant v. Respondent. Arbitration and Mediation Center of the Santiago Chamber of Commerce (CAM Santiago). CAM XXXX-24.
- **Sole Arbitrator.** Claimant v. International Organization. Permanent Court of Arbitration (PCA). Case No. AXXX8.
- **President.** Claimant v. Respondent. Chamber of Commerce and Production of Santo Domingo (CRC). Case CRC No. XXX421.
- **Sole Arbitrator.** Claimant 1; Claimant 2 v. Respondent 1; Respondent 2. International Chamber of Commerce (ICC). Case No. XXX22-JPA-AJP.
- **Emergency Arbitrator.** Claimant v. Respondent 1; Respondent 2. International Chamber of Commerce (ICC). Case No. XXX08-JPA-EA.
- **Co-arbitrator.** Claimant v. Respondent. International Chamber of Commerce (ICC). Case No. XXX62-PDP.
- **Co- arbitrator.** Claimant v. Respondent. International Chamber of Commerce (ICC). Case No. XXX95-JPA.
- **Sole Arbitrator.** Claimant v. Respondent 1; Respondent 2. Madrid International Arbitration Center (CIAM). Case No. XX-XX-2.
- **President.** Claimant vs. Respondent. Panama Conciliation and Arbitration Center (CeCAP). Case No. XXXX-xx5.
- **President.** Claimant and Counterclaim Respondent vs. Respondent and Counterclaim Claimant. Lima Chamber of Commerce (CCL). Case XXXX-XXX1 CCL.
- **President.** Claimant vs. Respondent. Conciliation, Arbitration, and Friendly Composition Center of the Chamber of Commerce of Medellin for Antioquia. Case CCM XXXX X XXX8.
- **Co-arbitrator.** Claimant vs. Respondent. Conciliation and Arbitration Center of the Chamber of Commerce and Industry of Tegucigalpa (CAC CCIT). Case CCA CCIT XX-X-XXX1.
- **Co-arbitrator.** Claimant vs. Respondent. Conciliation, Arbitration, and Friendly Composition Center of the Chamber of Commerce of Medellin for Antioquia. Case CCM XXXX X XX6.
- **Co-arbitrator.** Claimant 1 vs. Respondent 1; Respondent 2. In an ad hoc international arbitration.

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Juan Felipe Merizalde "brings a depth of understanding of the region" in terms of international arbitration.

- **LATIN LAWYER**

- **Sole Arbitrator.** Claimant vs. Respondent. Conciliation and Arbitration Center of the Bogotá Chamber of Commerce (CAC CCB). Case XXXXX1.
- **Sole Arbitrator.** Claimant vs. Respondent. Conciliation and Arbitration Center of the Bogotá Chamber of Commerce (CAC CCB). Case XXX1.

Investment arbitration (counsel)

- Represents Costa Rica in an ICSID arbitration filed by German investors arising from expropriation proceedings relating to the construction of a hydroelectric dam. Approximately US\$ 40 million in dispute. The language of the arbitration is Spanish.
- Represented the Republic of Guatemala in the negotiation of an ICSID award with an investor from the US in a case worth over US\$ 240 million concerning measures in the energy sector.
- Represented South American investors in an ICSID case against a State from the region relating to a public transportation concession contract. Over US\$ 340 million in dispute.
- Represented the Republic of Guatemala in 2 PCA arbitrations under UNCITRAL rules initiated by Spanish and Israeli investors for regulatory changes in the electric power distribution sector and tax issues. Over US\$ 305 million in dispute.
- Represented the Plurinational State of Bolivia in 4 ICSID and UNCITRAL cases concerning measures over mining operations such as the revocation of permits, regulatory takeovers, and the sale of assets. Over US\$ 890 million in dispute.
- Represented the Republic of Ecuador in 3 ICSID disputes brought by investors from the US and France due to regulatory measures applied to foreign revenues on oil exploration and exploitation contracts. Over US\$ 6,5 billion in dispute.
- Represented South American investors in an ICSID case against the Republic of Peru for the expropriation of a concession for the construction, maintenance, and operation of a highway. Over US\$ 105 million in dispute.
- Represented the Republic of Colombia in 2 ICSID cases initiated by investors from Mexico and Spain arising from regulatory measures for the reversion of telecommunications assets. Over US\$ 1,6 billion in dispute.
- Represented a South American investor in an ICSID arbitration against a country from the region due to the imposition of

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Juan Felipe Merizalde "is one of the best and has one of the most beautiful minds of the new generation of Colombian arbitration practitioners."

- **GLOBAL ARBITRATION REVIEW**

contractual penalties in the construction of a power transmission line.

- Represented the Republic of Colombia in an ICSID arbitration initiated by a European investor concerning the building and maintenance of a public port.

Commercial arbitration (counsel)

- Represents a State Entity of a South American state in an ad hoc arbitration related to the expansion and conversion project of a high-capacity road. Over US\$75 million in dispute. The language of the arbitration is Spanish.
- Represents a European intergovernmental organization in an ICC arbitration based in Munich, Germany, regarding alleged delays and cost overruns in the construction of a highly complex scientific project in a South American country. Over US\$30 million in dispute. The language of the arbitration is English.
- Represents a Central American fruit producer in an ICC arbitration based in Miami, Florida, against one of the world's largest fruit companies concerning the termination of a long-term distribution contract. The language of the arbitration is English and Spanish.
- Represented a Colombian distribution company in an ICC arbitration between an American supplier of medical technologies company concerning the termination of a distribution agreement. The language of the arbitration was English.
- Represented a Central American company in an ICC arbitration seated in Houston, Texas, against several respondents in relation to a large photovoltaic energy project in the Dominican Republic. The language of the arbitration was English.
- Represented a Central American solar and hydropower generation companies in 2 ICC arbitrations against a State-owned distribution company for breach of power purchase agreements.
- Represented a Swiss pharmaceutical company in a New York-based ICDR arbitration against its distributor in 2 Latin American countries relating to the termination of their distribution contracts.
- Represented a Caribbean State in a Miami-based ICC arbitration initiated by a US company relating to the installation and operation of a wind farm. Over US\$ 228 million in dispute.

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Juan Felipe Merizalde is "a hard-working lawyer who is meticulous in his work. He has accrued a significant amount of experience advising sovereigns and state-owned entities on investment treaty and commercial arbitration cases."

- **CHAMBERS LATIN AMERICA**

- Represented a South American power production company in an ICC arbitration against a Central American State-owned agency in a dispute arising from the construction of a hydroelectric plant.
- Represented a South American State-owned agency in 2 ICC arbitrations against Spanish contractors arising from the construction and operation of a tram line project.
- Represented a Spanish State-owned company in a Paris-based ICC arbitration under French law concerning the termination of contracts for the construction of war submarines. Over US\$ 650 million in dispute.
- Represented a Scandinavian petroleum company in an ICC arbitration against a Latin American State-owned entity arising from the performance of 2 oil contracts.
- Represented a South American State-owned entity in 2 ICC arbitrations against Cayman Islands and US companies related to the operation of power generation companies.
- Represented a South American State-owned entity against a major worldwide port operator in a commercial arbitration related to the abandonment of a concession contract to expand and operate a large port.
- Represented a South American State in an ICC arbitration against a Spanish construction company arising out of the construction of a highway.
- Represented a Central American photovoltaic generation company in an ICC arbitration against a power distributor in a dispute related to 2 power purchase agreements.
- Represented a South American company in an international arbitration against a contractor from the region concerning an investment in an agroindustry business.

SELECTED PUBLICATIONS

- Co-author, "ICC Expedited Arbitration Proceedings, Expedited International Arbitration: Policies, Rules, and Procedures" - Kluwer Law International, October 2023.
- Co-author, "Law Over Borders Comparative Guide to Arbitration", Global Legal Post, April 2023.
- Co-author, "Introducción al arbitraje de inversión: origen y evolución del sistema, principales críticas y nuevas

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Legal directories highlight "Juan Felipe's ability to design defense or attack strategies and the ability to successfully implement them in practice. The handling of audiences and the ability to present arguments convincingly is extraordinary."

- **LEGAL 500**

perspectivas", chapter in "1era Guía de Arbitraje de Arbanza", March 2023

- Author, "El Uso de la Tecnología en el Arbitraje", Revista Comercio Global CCIT, 38TH edition, 2020.
- Author, "Recognition and Enforcement of Awards", Book Chapter in "ICC Business Guide", 2019.
- Author, "Annulment and Set-aside of Awards", Book Chapter in "ICC Business Guide", 2019.
- Author, "Mitigation of Damages: A Selection of Recent ICC Awards", ICC Dispute Resolution Bulletin, 2018.
- Author, "El Árbitro en el Arbitraje Ad Hoc", Book Chapter in "El Árbitro y la Función Arbitral", 2017.
- Author, "Proportionality, contributory negligence and other equity considerations in investment arbitration", Book Chapter in "Investment Treaty Arbitration and International Law", 2015.
- Co-author, "¿Cumple su finalidad el nuevo Reglamento de Transparencia de la CNUDMI?", Revista Arbitraje PUCP, 2014.
- Co-author, "El Control de la Nacionalidad de los Inversionistas por los Árbitros Internacionales", Revista Colombiana de Derecho Internacional, 2009.

RECENT SPEAKING ENGAGEMENTS

- "ICC YAAF & CEIA-40: International Arbitration: Practices and Strategies for an Efficient Procedure", Bogotá, November 2024.
- "XIV Convención de Centros de Arbitraje de Centroamérica y El Caribe". Santo Domingo, October 2024.
- "Congreso Internacional de Arbitraje en Guatemala 2024 - CIAG", Guatemala City, August 2024.
- "IX Jornada de Litigio Estratégico: Protección de la inversión extranjera y arbitraje de inversión", Centro de Arbitraje y Conciliación de la Cámara de Comercio de Bogotá, August 2024.
- "XII Congreso Internacional de Arbitraje del Comité Colombiano de Arbitraje - CCA", Bogotá, June 2024.
- "II Congreso Arbanza", Arbanza - Escuela de Arbitraje, Lima, February 2024.

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- "IBA Arb40 Symposium - International Arbitration Endangered", Subcomité Arb40 de la Comisión de Arbitraje de la IBA, París, October 2023.
- "Evento IBA-ALARB: Panorama actual del arbitraje internacional en América Latina", Bogotá, October 2023.
- "Taller: Guía Práctica de la International Bar Association (IBA) para la Elaboración de Laudos", XIII Convención de Centros de Arbitraje de Centroamérica y El Caribe, Ciudad de Panamá, September 2023.
- "4th ICC Ecuador ADR Week", ICC International Court of Arbitration and ICC Ecuador, Quito, September 2023.
- "Arbitraje y Otros Mecanismos de Solución de Controversias en Materia de Inversión Extranjera y Comercio Internacional", Union Internationale des Avocats, Mexico City, September 2023.
- "ICC YAAF Conference - Industry Series: Arbitration and Finance", ICC International Court of Arbitration and ICC Colombia, Bogotá, September 2023.
- "5th ICC Peruvian Arbitration Day", ICC International Court of Arbitration and ICC Peru, Lima, August 2023.
- "Los 360° del Arbitraje Internacional". Centro de Conciliación y Arbitraje de la Cámara de Comercio de Bogotá, Bogotá, August 2023.
- "XVIII Congreso de CEIA: Arbitraje en tiempos de crisis y disrupción", Capítulo Español e Iberoamericano del Arbitraje (CEIA), Madrid, June 2023.
- "Perspectiva del Arbitraje Internacional de Inversión: Tendencias y visiones prácticas", X Investment Arbitration Competition organized by American University and the Universidad Externado de Colombia, Bogotá, March 2023.
- "XVI Congreso Internacional de Arbitraje", Instituto Peruano de Arbitraje (IPA), Lima, November 2022.
- "Congreso de Arbitraje Nacional e Internacional", Centro de Arbitraje y Conciliación de la Cámara de Comercio de Bogotá (CAC CCB), Santa Marta, October 2022.
- "Contradicción de Dictámenes", X Congreso del Comité Colombiano de Arbitraje - Contribuciones del Arbitraje al Derecho Sustancial y su Práctica, Bogotá, August 2022.
- "Diversidad en el Arbitraje de Construcción, Energía y Minería: Ventajas y Desafíos", Women Way in Arbitration y la Comisión de

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Mediación y Arbitraje del Colegio Nacional de Abogados de Panamá, Panama City, August 2022.

- "Curso: Arbitraje de Inversiones", Diploma Internacional de Arbitraje 2022, Cámara de Comercio de Lima y Universidad ESAN, Lima, July 2022.
- "Modificaciones en las reglas más importantes de arbitraje debido a la pandemia por Covid 19", IV Conferencia Los Jóvenes y El Futuro del Arbitraje, Instituto Peruano de Arbitraje (IPA), Lima, May 2022.
- "International Arbitration Skills Masterclass", American Bar Association, New York, March 2022.
- "IX Conferencia Internacional De Arbitraje Comercial", Centro de Arbitraje y Mediación de la Cámara de Comercio y Servicios de Asunción, November 2021.