

WÖSS & PARTNERS

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Wöss & Partners

Arbitration · Damages · Trade ·
Infrastructure · Energy

Wöss & Partners is an international arbitration, damages, trade, infrastructure and energy law firm highly specialized in commercial and investment arbitration, dispute settlement procedures before the World Trade Organization and has experience operating under several arbitration rules, free trade agreements, investment treaties, international trade regulations and with trade negotiations. Wöss & Partners is listed in The Legal 500 and the International Who's Who of Commercial Arbitration. Please do follow our activities at our LinkedIn company page: <https://www.linkedin.com/company/15255831/>.

Members of Wöss & Partners have acted as counsel and arbitrators in a large number of arbitrations, including several investments arbitrations (for example: lead counsel in the ICSID Annulment Case ARB/10/17 Renée Levy de Levi v. Peru). In the last three years, Wöss & Partners was involved in several arbitrations in Japan, Guatemala, Mexico, Peru, the USA, Chile and Switzerland including a US\$100 million+ ICC arbitration related to a gas pipeline. Dr. Wöss is currently sitting as chair of an arbitral tribunal dealing with one of the most important infrastructure disputes in Mexico (US\$200 MM+) and is also expert-adjudicator in one of the largest oil & gas industry disputes in Peru. Wöss & Partners has offices in Mexico City, Washington DC and Lima and has recently opened a representative office and research centre in Vienna. The working languages of the firm are English, French, German, Italian, Spanish, Portuguese and Arabic.

Wöss & Partners also engages in contract and claim management, dispute prevention, management and resolution, and regularly liaises with the Dispute Resolution Board Foundation, the Inter-American Development Bank, UNCITRAL, UNCTAD, the World Bank as well as other organizations in the field to ensure the most up-to-date information guides its practice. Dr. Herfried Wöss is pioneer with dispute boards as risk mitigation mechanism in large infrastructure projects. Members of Wöss &

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Partners participate in the UNCITRAL Group to update the “*UNCITRAL Guidelines on Public-Private Partnerships*”.

Five members lead **Wöss & Partners**: Dr. Herfried Wöss is a leading international arbitration counsel who regularly sits as arbitrator and has significant experience involving cases relating to infrastructure projects with State entities. Dr. Wöss influenced the recent energy reforms in Mexico. Adriana San Román Rivera is an international damages expert combining both legal and financial credentials at the highest level and is frequently designing and framing damages strategies, including for major international law firms. Dr. Wöss and Ms. San Román are authors of the seminal treatise on “*Damages in International Arbitration under Complex Long-Term Contracts*” published by Oxford University Press in February 2014. Dante Figueroa is a multi-jurisdictional attorney also admitted to the bar of the US Supreme Court capable of solving the most sophisticated legal issues. Christian Carbajal is highly experienced in both commercial and investment arbitration and one of the leading arbitration lawyers in Peru. He is currently on leave. Wöss & Partners frequently leads or integrates into larger legal teams. Carlos F. Rodríguez Sámano has recently joined the firm as of counsel and will be partner heading the firm’s energy practice as of January 1, 2019 which contributing to the infrastructure and arbitration practices.

Members of Wöss & Partners have the highest professional and academic credentials and frequently publish in leading arbitration and law journals as may be seen on our LinkedIn company page mentioned above. Wöss & Partners understands the problems and necessities of emerging market and developing countries and of the investors in such countries. We are not only arbitration and trade experts but also familiar with corporate law, international business and commercial law, competition law, infrastructure projects, intellectual property, joint ventures and M&A, and have executed innumerable transactions during the last 20 years while maintaining a personal approach of service to their clients. Wöss & Partners is particularly familiar with the legal issues arising from the French institution of the ‘contrat administratif’, which appears throughout Latin America, and is capable to understand and solve the complications caused thereof, which lead, for example, to the annulment of the award in the *COMMISA v. PEMEX* arbitration as analyzed in an article published in *Arbitration International*.

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In the last three years, members of Wöss & Partners spoke at conferences in Baltimore, Berlin, Bogota, Brussels, Heidelberg, Houston, Lima, Mexico City, Miami, New York, Puerto Rico, Washington D.C and Vienna.

Wöss & Partners key professionals:

Dr. Herfried Wöss, LL.M. (Exeter) has trained and practiced in Austria, the Legal Service of the European Commission, the UK and México and has extensive experience in international arbitration under the ICC, UNCITRAL, ICSID and various local arbitration rules both as arbitrator and as party counsel, in particular with respect to major infrastructure projects disputes and projects agreements with state entities. The International Who's Who of Commercial Arbitration has listed him as one of the leading professionals and considers him outstanding as sole arbitrator and party counsel. He specializes in infrastructure and construction projects such as privately financed infrastructure projects and public-private partnerships, construction law, M&A, competition law, as well as the telecommunications, pharmaceutical and automotive industries. Dr. Wöss is the co-founder of the Investment Arbitration Forum, Executive Board Member of the North America Branch of the Chartered Institute of Arbitrators and Special Editor of the prestigious Transnational Dispute Management Journal. Dr. Wöss is also considered a leading international trade lawyer and has participated in cases before the European Court of Justice, the WTO, anti-dumping and countervailing duty investigations and other trade measures in different countries around the world, particularly in Latin America. He has participated in trade negotiations and advised governments and large corporations with respect to rules of origin, GATT, GATS, TRIPS, technical standards, labeling norms, subsidies and government procurement. His academic record includes numerous publications in the field of investment and commercial arbitration and dispute resolution. He is the principal co-author of the monograph "*Damages in International Arbitration under Complex Long-term Contracts*" (OUP), which is currently being used as reference by the Iran-US Claims Tribunal. He was a Visiting Scholar for arbitration at the Georgetown University Law Center from 2012-2013. He can be reached at: hwoess@woessetpartners.com.

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Lic. Adriana San Román, M.A. Finance & Investment (Exeter) has more than twenty years of experience as attorney and financial analyst, having worked in the areas of corporate banking, financial engineering and project financier. She is an internationally recognized expert in arbitrations involving large infrastructure, construction and technology cases, particularly concerning the formulation of damages claims. Her work includes the structuring and implementation of public and private infrastructure projects, M&A transactions, loans restructuring for financial institutions, anti-dumping and subsidy procedures, and antitrust issues. Ms. San Román was a Ford Foundation Scholar at the university of Exeter where she obtained an M.A. in Finance & Investment, and foreign associate with Mayer, Brown & Platt in New York. As an attorney at law as first profession, she also passed the first level of the Chartered Financial Analyst exam. Her extensive experience in the Mexican banking sector includes her leadership role in several IFC projects. She is principal author of the book *“Damages in International Arbitration Under Complex Long-Term Contracts”* published in the Oxford International Arbitration Series. She frequently acts as damages consultant and quantification expert in international arbitrations. Thomson Reuters Practical Law Arbitration recently interviewed her as prominent woman in international arbitration. She can be reached at: asanroman@woessetpartners.com.

Dante Figueroa, Esq., LL.M. (mult.), is a multilingual attorney authorized to practice law in Chile, New York, Washington D.C., before the Court of International Trade and the U.S. Supreme Court, and the resident partner of Wöss & Partners PLLC in Washington DC. He has a solid international experience in international arbitration and litigation matters. For years, he has served as expert witness in complex multi-million dollar foreign arbitral award enforcement procedures before the United States District courts. Mr. Figueroa has advised Latin American clients on the civil and criminal aspects involved in multimillion-dollar litigation conducted in the United States and Latin America concerning funds frozen in the U.S. pursuant to judicial orders. He has advised multinational companies preparing investor-state arbitration complaint against a Latin American State in ICSID procedures, and has prepared briefs on strategies for international litigation before the U.S. Export-Import Bank, the World Bank, and the Inter-American Development Bank, concerning a major energy project in South America. Mr. Figueroa also participated in the WTO case on the United

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States-Import Prohibition of Certain Shrimp and Shrimp Products, amongst others. Mr. Figueroa advised multinational clients in the areas of infrastructure, mining, tire manufacture, communications, aquaculture, heavy machine manufacturing, wine exports, mining, real estate developers, and toll road concessions. He is and Adjunct Professor at Georgetown University Law Center and the American University's Washington College of Law. He has published four books and numerous articles in the field of investment and international arbitration. He has been Secretary General of the Inter-American Bar Association. He can be reached at: dfigueroa@woesetpartners.com.

Lic. Christian Carbajal, LL.M. (Warwick) is a Peruvian multilingual attorney graduated from the Pontifical Catholic University of Peru, with LL.M. degree in International Economic Law from the University of Warwick, England under a scholarship granted by the British Council. He has a solid experience representing foreign investors and exporters in international arbitration proceedings in for such as ICSID, ICC and GAFTA, as well as ample experience in anti-dumping procedures before the National Institute for the Defense of Competition and Protection of Intellectual Property in Peru (INDECOPI). He has also advised foreign mining investors in Peru in relation to the execution of complex contracts for the acquisition of mining property rights as well as for the obtainment of mining concessions from the Mining Authority (MINEM). He is an active arbitrator in several arbitration centers in Peru, such as the Lima Chamber of Commerce (CCL), AMCHAM –Peru, Pontifical Catholic University of Peru (PUCP) and the Peruvian Authority for the Supervision of State Procurement and Contracts (OSCE), as well as the London Court of International Arbitration (LCIA). Christian Carbajal was lead counsel in the ICSID case Tza Yap Shum v. Peru, the first investment arbitration won by a Chinese investor. He was also lead counsel in the US\$7 bn case Renée Levy de Levi v. Peru. He is a Professor of International Trade, Foreign Investment Law and International Arbitration at the Postgraduate School of the University of Lima. He has published several articles in the fields of investment and international arbitration. Christian Carbajal is the resident partner of Wöss & Partners in Lima. Christian is currently on leave for having been appointed as secretary general of the Arbitration Centre of the Lima Chamber of Commerce.

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Mtro. Carlos F. Rodríguez Sámano is an attorney in law graduated from the Escuela Libre de Derecho. He has a Master's degree in Corporate Law and a Master's Degree in General History, both from the Universidad Panamericana, and a diploma in business & law from the ESADE business school in Madrid. He is also a certified member of board of directors by the Mexican Stock Exchange. He has 39 years of experience as in-house attorney and was general counsel and secretary of the boards of directors of major corporations such as Dupont, General Electric, Uniroyal Goodrich Tire Company / Michelin, Waste Management Co, and Naturgy (former Gas Natural Fenosa) in Mexico. During the last 19 years he has developed a broad experience in the energy sector as general counsel of Naturgy and its group of 20 Mexican corporations, leading the legal team assuring the compliance of the group of companies in activities related to natural gas distribution, commercialization, transport and any other matters regulated under the Hydrocarbon Law. He was also in charge of the legal activities of the corporation as independent electricity producer for Federal Electricity Commission and developer and operator of solar and wind farm projects. He is a professor at the prestigious Escuela Libre de Derecho in the diploma course on energy law and associate professor on Energy Law at 5th grade, and postgraduate professor at the Universidad de Monterrey in the same subject, a member of Mexican Bar Association, the Corporate Lawyers Association and First Vice President of Mexican Energy Association. He can be reached at: crodriguez@woessetpartners.com.

Dr. Pablo Ferrara, LL.M (Berkeley) graduated as Lawyer at the University of Buenos Aires on 2002. He obtained his J.S.D. on Energy Law and Public International Law of the Sea at the University of California at Berkeley (2010); he received on 2011 the Max Planck Visiting Fellowship from MPI Heidelberg (Germany), where he analyzed the European Union energy integration model; Harvard Kennedy School's Ash Institute awarded him the Rajawali Fellowship in 2016 pursuant to his project on Chinese foreign policy and the *rule of law* in the Public International Law system. His areas of expertise are business development in natural resources and infrastructure, arbitration and dispute settlement, environmental, Chinese investment and trade, regional development and Public International Law. He has written several books, articles and texts, including *Sovereignty Disputes and Development of Offshore Development of Oil and Gas (NOMOS)* and a substantial contribution to the collective work *United*

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Nations Convention on the Law of the Sea: A Commentary (HART Publishing). In 2015, he joined UNAM's Mexican Journal of Public International Law. In 2016, he became Chair of the International Bar Association (IBA) Public Law Committee. He is Bar member in Buenos Aires (Capital Federal) as well as member of the Institute of Public International Law of the Academy of Law and Social Sciences of Buenos Aires and member of the Argentine Institute of Energy "General Mosconi". He is currently visiting scholar on international energy law at Harvard University. He can be reached at: pferrara@woesetpartners.com.

Prof. Dr. Nikos Lavranos, LL.M. (Amsterdam) is an expert in investment law & arbitration who has expertise in advising, litigating, negotiating, drafting legislation and providing expert witness reports. His clients are both investors and States. He combines his experience as policy maker and negotiator, legal consultant, academic and leading opinion maker and has worked for the Dutch government. In addition to investment law & arbitration, Nikos also covers WTO law, EU law and the interaction between international law, European law and national law. He is Arbitrator and Mediator for the Vienna International Arbitration Centre (VIAC) and Mediator on the Panel of Mediators of the Energy Community. His academic appointments encompass the following positions: Guest Professor 'International Investment Law' at the Free University Brussels - Brussels Diplomatic Academy, Senior Fellow at the WTI, Bern and Visiting Professor at Verona University. He is also the first Secretary General of EFILA, Managing Editor of the European Investment Law and Arbitration Review and permanent contributor to the Kluwer Arbitration blog, the EFILA blog and the Practical Law Arbitration blog. He is Chair of the Investment Committee of the Dutch Arbitration Association (DAA) and Member of the interest group international economic law of ESIL. Nikos studied law at the J.W. Goethe University Frankfurt am Main, Germany. He obtained his LL.M. (cum laude) and PhD Law degrees from Maastricht University. In 2008-2009 he was Max Weber Fellow at the EUI in Florence. He may be reached at: nlavranos@woesetpartners.com.

Lic. Felipe Durini, LL.M. (Northeastern) has legal practice focuses on private arbitration matters, in claims pertaining breach and termination of agreements, civil liability, fiduciary negligence, compensation and damages. His professional experience is on civil matters, commercial,

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banking, constitutional guarantees and contentious administrative claims. He is highly skilled on arbitration design, case theories, evidence planning and oral litigation. On matters of infrastructure, Mr. Durini provides legal counsel in the negotiation and implementation of state contracts, assessment of public-private alliances, as well as the legal requirements required by projects related to civil works, roads, electricity, oil, gas and natural resources in general. In regards to international trade, Mr. Durini has successfully participated in consultancy projects, sponsorship and drafting international agreements for representation, franchises and global product distribution and its audit. He is also a seasoned attorney on intellectual property, local taxation rules and customs matters, among others and has obtained the Certificate of Completion of Program on Negotiation (PON) at Harvard Law School. He is also a partner in Durini & Guerrero Abogados in Ecuador. He can be reached at: fdurini@woesetpartners.com.

Karen Seif, Esq. LL.B. (Sorbonne), LL.M. (mult.), Cand. S.J.D. is a trilingual (Arabic, French and English) legal counsel. In addition to her degrees from the Sorbonne University in Paris (LL.B. and Master), she holds an LL.M. with honours from University of California, Berkeley and an LL.M. with honours from Queen Mary University's School of International Arbitration. After passing the New York state bar exam in 2015, she was a judicial fellow for Judge Charles Breyer at the Northern California District Court. She spent time at top international arbitration practices in Abu Dhabi, Paris and London. Karen is currently working on her doctorate of law (J.S.D.) on international dispute resolution and international commercial courts at the University of California, Berkeley, where she teaches in the Legal Studies department and the Haas School of Business. She can be reached at kseif@woesetpartners.com.

Lic. Raúl A. Baldivia, LL.M. (AmU) has 20 years of practice in International Private Law mainly in Energy and Oil & Gas working specifically on matters related to foreign investors and government. He has extensive experience in policy discussions with private and public representatives working as public servant, in-house or counsel. His Energy/O&G project development experience includes participation in exploration, development, and production operations; negotiating Joint Operating Agreements ("JOA"), JOA accounting proceedings; related agreements such as concession and production sharing; shared risk; gas supply; operation,

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shareholder agreements; gas transportation; gas compression; interconnection; operation and maintenance; right of way, land acquisition; terminal use, oil and gas confidentiality agreements and others. Actively negotiations with host governments and International Oil Companies (“IOC”), he has advised several Company Boards and Management Teams of IOCs and one National Oil Company, he also advised and represented clients in dialogue with government agencies for the development and formulation of legal and contractual regimes. In his recent experience, he has worked on the negotiation and drafting of a GSA between an IOC and PEMEX for one of the largest Power Plant’s project financings in Mexico, and is currently working on the review of International Upstream Law and Regulation: Bolivia for the 2017 Edition. He can be reached at: rbaldivia@woesetpartners.com.

Lic. Sergio M. Rendón, LL.M. (Heidelberg) is a lawyer graduated with honors and awarded as best GPA of his generation at the Latin American Scientific University of Hidalgo. He holds a Master of Laws in International Law with emphasis on International Trade, Arbitration and Investments from the University of Heidelberg and the University of Chile, as well as, a postgraduate diploma in Energy Law. He has worked as legal counsel of the Carso-ICA consortium for the “Escénica Alterna” project (road under concession) and has participated as counsel in the "WWTP Atotonilco" project (\$10,000 MXN million through a long-term services contract). He can be reached at: srendon@woesetpartners.com.

Lic. Yahir Acosta Pérez, LL.M. (QMUL) is a law graduate from the prestigious Instituto Tecnológico Autónomo de México (ITAM) and holds an LL.M. from the Queen Mary College of the University of London. He has extensive experience in the area of international trade where he acted as senior counsel in several anti-dumping investigations. He has significant experience in public policy and international law and specializes in Public-Private Partnerships on which he is currently writing his doctorate thesis. He is the author of “Mexican Agricultural Biotechnology. Public Policy Considerations and Suggestions.” He can be contacted at yacosta@woesetpartners.com.