

Dr. Herfried Wöss Curriculum Vitae

NATIONALITY

Austrian, resident in Mexico City and Vienna

EDUCATION AND ACADEMIC ACTIVITIES

- 2018- **Advisor of the ICCA-ASIL Task Force on Damages in International Arbitration**
- 2017- **Guest researcher**, Department for Corporate Law, Vienna University for Economics and Business (Wirtschaftsuniversität/WU Wien)
- 2017- **“Advanced Seminars on Damages in International Arbitration”**, starting in Mexico City (CAM, August 2017), Vienna (ICC Austria, May 2018), Washington DC (DC Bar, February 2019).
- 2016- **Lecturer** on dispute prevention & resolution in oil & gas and energy disputes, diploma course of the Mexican Energy Law Association (AMDE) and the Escuela Libre de Derecho.
- 2012-13 **Visiting Scholar**, Georgetown University Law Center (International Commercial and Investment Arbitration, Damages in International Arbitration)
- 2008- **Founder of the Investment Arbitration Forum** together with the Instituto de Investigaciones Jurídicas (UNAM) and publication of two books on investment arbitration
- 1995 **Doctor of Jurisprudence (S.J.D/LL.D.; summa cum laude)**
Johannes Kepler University Linz, Austria (International and European Economic Law)
- 1999 **Licenciado en Derecho (Attorney at Law)**
National Autonomous University of Mexico
- 1990 **Master of Laws in International Business Legal Studies (LL.M.)**
Centre for European Legal Studies, University of Exeter, England
- 1989 **Diploma in Export Management**
Johannes Kepler University Linz and Federal Economic Chamber, Austria
- 1988 **Magister iuris**
Johannes Kepler University Linz, Austria
- 1985-88 **Anton Bruckner Konservatorium Linz, piano class** of Prof. Gottfried Hemetsberger

PROFESSIONAL EXPERIENCE

- 2017- **Wöss & Partners, S.C.**, representative office & research centre, Vienna, Austria
- 2013- **Wöss & Partners, PLLC** (Arbitration & Trade), partner, Washington DC
- 2002- **Wöss & Partners, S.C.** (Attorneys at Law), founding partner, Mexico
- 1998-2002 **Obregon, Quintana y Wöss, S.C.** (Attorneys at Law), partner, Mexico
- 1992-1998 **Bremer, Quintana, Obregón y Mancera, S.C.** (Attorneys at Law), Mexico
- 1998 **Ministry of Labour and Social Affairs, Mexico**
Counsel to the General Directorate for International Affairs and preparation of a manual about dispute settlement under the NAFTA parallel agreement on labour co-operation
- 1991-1992 **Auritec Asesores, S.A.**, Mexico
Consultant in firm of a former World Bank/IFC official
- 1991 **Legal Service of the EU-Commission**, Brussels
Stagiaire in the “Equipe” for External Relations with Prof. Pieter Jan Kuijper

1989/1990 **GATT-Secretariat**, Geneva, research work
1990-1991 **Civil and Criminal Court Linz**, Austria, Trainee

AREAS OF SPECIALISATION

- International commercial and investment arbitration
- Damages in International Arbitration
- International trade regulation: WTO, EU, NAFTA, TPP, etc.
- Infrastructure and construction projects
- M&A
- Competition law
- Corporate law
- International law
- Transnational business and commercial law

SELECTED PUBLICATIONS

- **Damages and Loss of a Chance or Loss of Opportunity**, (2020) 13 New York Dispute Resolution Lawyer 1, 33-5.
- **‘Full compensation, Full Reparation and the But-for Premise’**, in: **GAR’s Guide to Damages in International Arbitration** (3rd edition, 2019) 113ss
- **‘Investment Protection and the Mexican Energy Reform’**, Herfried Wöss / Devin Bray, Dispute Resolution International 12 (IBA 2018) 1, 41-57.
- **‘Protección de Inversiones y La Reforma Energética en México (‘Investment Protection and the Mexican Energy Reform’)**, Energía a Debate (Noviembre – Diciembre 2016) 42-50.
- **‘Systemic Aspects and the Need for Codification of International Tort Law Standards in Investment Arbitration’** in: *The Comprehensive Economic and Trade Agreement between the European Union and Canada (CETA)*, Andrea K. Bjorklund, John Gaffney, Fabien Gélinas, Herfried Wöss (eds.), (2016) TDM 1.
- **‘The Administrative Contract, Non-Arbitrability and the recognition and execution of awards annulled in the country of origin: the case of Commisa v. Pemex**, Herfried Wöss / Jennifer Cabrera / Dante Figueroa, Arbitration International 12 (2016) 1, 125-148.
- **‘Damages in International Arbitration with respect to Income Generating Assets or Investments in Commercial and Investment Arbitration’**, Herfried Wöss / Adriana San Román Rivera, Journal of Damages in International Arbitration 1 (2015) 37-62; Mark Kantor (ed), Yukos Special, 5 Transnational Dispute Management (2015)
- **‘Legitimacy in WTO law and investment arbitration: the role of the contracting parties’**, Columbia FDI Perspective No. 144, March 30, 2015
- ***Damages in International Arbitration under Complex Long-term Contracts***, Herfried Wöss, Adriana San Román, Pablo T. Spiller and Santiago Dellepiane, Oxford University Press, February 2014, <http://ukcatalogue.oup.com/product/9780199680672.do>, 384 pp.
- ***Investment Arbitration Forum: Trends and Tendencias*** (in Spanish), Sonia Rodríguez Jiménez / Herfried Wöss (eds.), Instituto de Investigaciones Jurídicas, UNAM, 2013, <http://biblio.juridicas.unam.mx/libros/libro.htm?l=3386>, 462 pp.
- ***Investment Arbitration*** (in Spanish), Sonia Rodríguez Jiménez / Herfried Wöss (eds.), Instituto de Investigaciones Jurídicas de la UNAM, 2009.

- ‘**The ICC Model Turnkey Contract for Major Projects**’, Construction Law International, International Bar Association, 3 (2008) 2, 6-11.
- ‘**The Application of TRIPS to the Authorization by Health Authorities of the Using, Making and Selling of Pharmaceutical Drugs**’, Journal of International Trade Law & Regulation, Sweet & Maxwell, London, 3 (2002) 79-84.
- ‘**Rules of origin in international trade and under NAFTA**’ (in Spanish), “El Foro”, Law Review of the Mexican Bar Association, 2 (October 1999) 159-174.
- *Dispute Resolution in International Economic Law and under the North American Agreement on Labor Co-operation*, professional thesis, National Autonomous University of Mexico, 1999.
- ‘**The legal benefits of NAFTA for German enterprises**’ (in German), in: Legal Aspects of Foreign Trade between Germany, Mexico and Argentina, Roland Bomhard/Heinrich Dörner (Hrsg.), Schriftenreihe der Universität Düsseldorf, Nomos-Verlagsgesellschaft Baden-Baden, 1998, 101-118.
- ‘**The application of the UN-Sales Law by courts and arbitral tribunals in Mexico**’ (in German), in: Legal Aspects of Foreign Trade between Germany, Mexico and Argentina, Roland Bomhard/Heinrich Dörner (Hrsg.), Schriftenreihe der Universität Düsseldorf, Nomos-Verlagsgesellschaft Baden-Baden, 1998, 43-56.
- *The legal status of Voluntary Restraint Agreements on the Steel Sector with particular emphasis on the Associated Financing of Exports (EC-US Steel and Consensus Agreements)*, doctorate thesis with honours (in German; J.S.D./LL.D. equivalent), Johannes Kepler Universität Linz, 1995.
- For a full list of publications, see: <http://www.woessetpartners.com/publicaciones-list.php>

LANGUAGES

German (mother tongue), English, Spanish and French (read-only)

PROFESSIONAL ASSOCIATIONS

Member of the Executive Board of the North America Branch of the Chartered Institute of Arbitrators (2014-2018)

ICC Arbitration Commission (Mexico and Austria)

Founder of the Investment Arbitration Forum

Dispute Resolution Board Foundation (country representative and member of multilateral development banks committee)

Member of the panel of international arbitrators of the International Centre for Dispute Resolution (ICDR) of the American Arbitration Association

Member of the panel of arbitrators of KCAB International

London Court of International Arbitration (LCIA)

Austrian Arbitration Association (ARBAut)

Vienna International Arbitration Centre (VIAC): Member of the Advisory Board (2019-)

Swiss Arbitration Association (ASA)

German Institution of Arbitration (DIS)

Arbitration Committee of the International Bar Association

Arbitration Committee of the Mexican Bar Association

Mexican Arbitration Centre (CAM)

Board of Directors of the German-Mexican Chamber of Trade and Industry (2002-2008)

HONOURS

International Who's Who of Commercial Arbitration, www.WhosWhoLegal.com

Who's Who Legal, Thought Leader Mexico Arbitration, <https://whoswholegal.com/herfried-woss>

GAR Arbitration Research Tool (ART), <https://globalarbitrationreview.com/arbitrator-research-tool>

The Legal 500: <https://www.legal500.com/firms/51969-woss-partners/52767-mexico-city-mexico/>

Member of the Advisory Board of the ICCA-ASIL Task Force on Damages in International Arbitration

ARBITRATION AND DISPUTE RESOLUTION EXPERIENCE

More than 60 arbitrations as president, co-arbitrator, sole arbitrator, expert adjudicator, party counsel, and damages consultant in Canada (mediation at Arbitration Court in Toronto), Germany (DIS), Guatemala (ICC), Mexico (CAM, ICC, LCIA), Peru (ICSID, ICC ADR refinery) and CCL), Switzerland (Swiss Chambers), US (ICSID, ICDR damages case in Texas), specializing in construction, infrastructure, complex damages cases, and energy (electricity, oil & gas).

Current arbitrations (May 2020):

President of LCIA Arbitral Tribunal: gas pipeline arbitration (US\$250 MM)

President of LCIA Arbitral: construction of substations and electricity transmission lines

Counsel for Respondent in ICC arbitration: first energy tariff arbitration in Mexico (US\$ 400 MM)

Preparation of 36 claims and response to counter-claims on behalf of EPC Contractor with respect to largest thermoelectrical plant in Mexico (US\$ 80 MM) for ICC Arbitration in New York under New York law