
HUGO PEREZCANO DÍAZ

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ATTORNEY

LANGUAGES

Native-level English and Spanish; full professional proficiency in French.

PROFESSIONAL EXPERIENCE

INDEPENDENT CONSULTANCY / PRIVATE LAW PRACTICE

Attorney and International Trade Consultant

- ◆ Provides wide range of legal guidance and advisory services for government / business clients.

Selected Projects:

- ◆ Ministry of Industry and Trade of the Dominican Republic, Directorate of Foreign Trade and Administration of International Agreements, November 2011-January 2012:
 - i. wrote Dominican Republic's Manual on Dispute Settlement;
 - ii. conducted workshop on Dispute Settlement on Environmental Matters under Dominican Republic-Central America-United States Free Trade Agreement.
- ◆ Ministry of Industry, Trade and Tourism of Colombia, Technical Assistance to Trade in Colombia, July/2010, retained as an expert on investment and dispute settlement:
 - i. to conduct training workshop on investor-State disputes for officials of the Government of Colombia; and
 - ii. provide advice to Foreign Investment and Services Director on Agreements for Reciprocal Promotion and Protection of investments.

MINISTRY OF ECONOMY

Head of Unit of International Trade Practices

01/2007 to 10/2011

- ◆ Head of Mexico's Trade Remedy Authority, directing administrative investigations on trade remedies (antidumping, countervailing duties and safeguards), leading international negotiations and overseeing dispute settlement proceedings concerning trade remedies.

MINISTRY OF TRADE AND INDUSTRIAL PROMOTION

General Counsel – International Trade Negotiations

12/1994 to 12/2006

- ◆ Led office in charge of providing legal advice to the Ministry on all international matters. Experience includes:
 - i. Mexico's main legal counsel on trade negotiations;

- ii. Mexico's lead negotiator for dispute settlement and institutional matters of all its trade agreements;
 - iii. lead counsel on investment matters, including the negotiation of bilateral investment treaties; and
 - iv. oversaw legal aspects of the ongoing operation of free trade, investment and other international agreements entered into by Mexico.
- ◆ Main legal counsel for United Mexican States in international disputes arising under trade and investment agreements, including:
 - i. the Agreement establishing World Trade Organization,
 - ii. the North American Free Trade Agreement, and
 - iii. bilateral investment treaties entered into by Mexico.

Director of Legal Analysis ***03/1993 to 12/1994***

- ◆ Lead counsel for Mexico in negotiation of free trade agreements with Latin American countries.
- ◆ Legal advisor for Mexico on government procurement, technical standards and labor matters.

Deputy Director of Legal Analysis – Office for Negotiations of NAFTA ***03/1992 to 03/1993***

- ◆ Legal advisor for Mexico on government procurement.

GRUPOIMPULSORA

Legal Counsel ***09/1991 to 03/1992***

- ◆ Provided legal counsel focusing on corporate and transactional law.

SANTAMARINA Y STETA, S.C.

Legal Intern ***10/1989 to 09/1991***

- ◆ Handled corporate matters, foreign investment, antidumping and countervailing duty matters

PROFESSORSHIPS

INTERNATIONAL CHAMBER OF COMMERCE / ESCUELA LIBRE DE DERECHO

Professor – Dispute Settlement between States and between Investors and the State. 11/2000 to Present

- ◆ Commercial Arbitration Diplomate Program

MONTERREY INSTITUTE OF TECHNOLOGY AND ADVANCED STUDIES, Mexico City Campus

Professor – NAFTA and other Trade Agreements. Summer 2004

- ◆ Master of International Law (LLM) Program

UNIVERSIDAD IBEROAMERICANA

Professor – International Trade Law 2002

- ◆ International Business Master Program

EDUCATION

MEXICO'S AUTONOMOUS INSTITUTE OF TECHNOLOGY (INSTITUTO TECNOLÓGICO AUTÓNOMO DE MÉXICO) *Degree in Law 1992*

THE UNITED MEXICAN STATES *License to Practice Law 1992*

ARBITRATION RELATED EXPERIENCE

- ◆ Lead counsel for Mexico in 14 investor-State international dispute settlement cases conducted under the ICSID and UNCITRAL rules.
- ◆ Lead counsel for Mexico in 5 government-government dispute settlement cases conducted under the NAFTA and the WTO Agreement.
- ◆ Lead counsel for Mexico in 9 trade and investment cases where Mexico acted as an intervening party.
- ◆ Head of Mexico's team of lawyers in close to 30 WTO dispute settlement cases, with the overall responsibility to advise and oversee international litigation, but not having acted before the deciding bodies.
- ◆ Regular speaker at conferences on international arbitration.

PUBLICATIONS

Perezcano, Hugo "Transparency in International Dispute Settlement Proceedings on Trade and Investment" in Appeals Mechanism in International Investment Disputes. ed. Pos Karl P. Sauvant and Michael Chiswick-Patterson, Oxford University Press, New York, 2008, pp. 193-200.

Perezcano, Hugo "Los Tratados Internacionales en el Orden Jurídico Mexicano" in Bernado Sepúlveda, Juez de la Corte Internacional de Justicia. Gustavo Vega Cánovas, Coord.; El Colegio de México, Centro de Estudios Internacionales, Mexico City, 2007, pp. 125-189.

Perezcano, Hugo: "Los Tratados Internacionales en el Orden Jurídico Mexicano" in Anuario Mexicano de Derecho Internacional, Vol. VII, Instituto de Investigaciones Jurídicas, UNAM, Mexico City, 2007, pp. 249-279.

Perezcano, Hugo: "Damages in investor-state arbitration: applicable law and burden of proof" in Evaluation of Damages in International Arbitration. Ed. International Chamber of Commerce, ed. pos. Yves Derains y Richard Kreindler, Dossiers ICC Institute of World Business Law, Vol. IV, Paris, 2006, pp. 113-132.

Perezcano, Hugo "Transparency, Amicus Curiae Briefs and Third Party Rights". Comments made at 10th Geneva Global Arbitration Forum, in The Journal of World Investment and Trade. Vol. 5, No. 2, Werner Publishing Company, Geneva, February 2004, pp. 347-348.

Perezcano, Hugo: "Is it Now Time for Multilateral Investment Agreement?" Comments made at 10th Geneva Global Arbitration Forum, in The Journal of World Investment and Trade. Vol.

5 No. 1, Werner Publishing Company, Geneva, February 2004, pp. 101-103.

Perezcano, Hugo: "Investment Protection Agreements: Should Multilateral Approach be Reconsidered?" in *The Journal of World Investment*. Vol. 4, No. 6, Werner Publishing Company, Geneva, December 2003, pp. 929-939.

Perezcano, Hugo: "Investor-State Arbitration. A New Dynamic, Not New Dimension" in *Newsletter of Committee D (Arbitration and ADR) of International Bar Association Section on Business Law*, Vol. 6, N° 1, June 2001, pp. 40-43.

Perezcano, Hugo: "El arbitraje nivel internacional y dentro del marco del TLC" en *El arbitraje en las relaciones de consumo*. Procuraduría Federal del Consumidor (Los Libros del Consumidor), Mexico City, 1997, pp. 85-98.

Perezcano, Hugo: "Government Procurement" en *Mexican Law: A Treatise For Legal Practitioners and International Investors*. Vol. 1, chapter 15, West Group, St. Paul, Minn., 1998, pp. 543-548.

Perezcano, Hugo "¿Son los páneles establecidos conforme al Tratado de LibreComercio de América del Norte autorida despara los efectos del juicio de amparo?" en *Revista de Derecho Privado*. No. 27, McGraw Hill and Instituto de Investigaciones Jurídicas, UNAM, Mexico City 1998, pp. 211-232. Also in *Documentos de Trabajo*. No. 2, Secretaría de Comercio y Fomento Industrial, Mexico City, 1998).

Perezcano, Hugo "La solución de controversias en el marco del Tratado de LibreComercio de América del Norte" en *El futuro del libre comercio en el continente americano. Análisis y perspectiva*. UNAM, Mexico City, 1997, pp. 277-299.

LIST OF ARBITRATION CASES

I. As arbitrator

1. Elecnor S.A. and Isolux Corsán Concesiones S.A. v. Republic of Peru (ICSID Case No. ARB/12/5). President of the Tribunal.
2. United States – Countervailing Duty Measures on Certain Products from China. WTO Case DS437. Panelist.

II. As lead counsel to Mexico

A. NAFTA Chapter 20 (government-government)

1. U.S. Safeguard action taken against broomcorn brooms from Mexico. Case USA-97-2008-01.
2. Cross-border trucking services and investment. Case USA-MEX-98-2008-01.

B. NAFTA Chapter 11 and Bilateral Investment Treaties

1. Metalclad Corporation v. the United Mexican States. ICSID CASE No. ARB(AF)/97/1.
2. Robert Azinian and Others v. the United Mexican States. ICSID Case No. ARB(AF)/97/2.
3. Waste Management Corporation v. the United Mexican States. ICSID CASE Num. ARB(AF)/98/2.

4. Marvin Feldman v. the United Mexican States. ICSID Case No. ARB(AF)/99/1.
5. Waste Management Corporation v. the United Mexican States. ICSID Case No. ARB(AF)/00/3.
6. Fireman's Fund Insurance, Co. v. the United Mexican States. ICSID Case No. ARB(AF)/02/01.
7. Técnicas Medioambientales TECMED S.A. v. Mexico. ICSID CASE No. ARB (AF)/00/2.
8. GAMI Investments, Inc. v. the United Mexican States. UNCITRAL Arbitration Rules.
9. International Thunderbird Gaming Corporation v. the United Mexican States. UNCITRAL Arbitration Rules.
10. Corn Products International v. the United Mexican States. ICSID Case No. ARB(AF)/04/01*.
11. Gemplus S.A. and Talsud S.A. v. United Mexican States. ICSID Case No. ARB(AF)/04/03*.
12. Archer Daniels Midland, Co. & Tate & Lyle Ingredients Americas, Inc. v. The United Mexican States. ICSID Case No. ARB(AF)/04/05*.
13. Bayview Irrigation District et al. v. the United Mexican States. ICSID Case No. ARB(AF)/05/1.
14. Cargill, Incorporated v. United Mexican States, ICSID Case No. ARB(AF)/05/2*.

C. WTO

1. Mexico — Tax Measures on Soft Drinks and Other Beverages (Complainant: United States).
2. China — Certain Measures Granting Refunds, Reductions or Exemptions from Taxes and Other Payments (Complainant: Mexico).
3. China — Grants, Loans and Other Incentives (Complainant: Mexico).

III. As lead counsel to Mexico acting as an intervening NAFTA Party

A. NAFTA Chapter 20

Tariffs applied by Canada on certain U.S. agricultural products. Case CDA-95-2008-01.

B. NAFTA Chapter 11

1. Ethyl Corporation v. Government of Canada, UNCITRAL Arbitration Rules.
2. Pope & Talbot, Inc. v. Government of Canada, UNCITRAL Arbitration Rules.
3. Methanex Corporation v United States of America, UNCITRAL Arbitration Rules.
4. S.D. Myers, Inc v. Government of Canada, UNCITRAL Arbitration Rules;
5. United Parcel Service of America, Inc. v. Government of Canada, UNCITRAL Arbitration Rules.

* Cases initiated with Mr. Perezcano as lead counsel, but concluded under someone else's tenure, after Mr. Perezcano was promoted to a different position in Government.

6. The Loewen Group, Inc. and Raymond L. Loewen v. United States of America. ICSID Case No. ARB(AF)/98/3.
7. Mondev International Ltd. v. United States of America. ICSID Case No. ARB(AF)/99/2.
8. ADF Group Inc. v. United States of America. ICSID Case No. ARB(AF)/00/1.

IV. As head of the team of lawyers that represented Mexico, with the overall responsibility to advise and oversee international litigation, but not having acted before the deciding body.

A. WTO

1. European Communities — Regime for the Importation, Sale and Distribution of Bananas (Complainants: Guatemala; Honduras; Mexico; United States).
2. Venezuela, Bolivarian Republic of — Anti-Dumping Investigation in Respect of Imports of Certain Oil Country Tubular Goods (OCTG) (Complainant: Mexico).
3. European Communities — Regime for the Importation, Sale and Distribution of Bananas (Complainants: Ecuador; Guatemala; Honduras; Mexico; United States).
4. United States — Anti-Dumping Investigation Regarding Imports of Fresh or Chilled Tomatoes from Mexico (Complainant: Mexico).
5. Mexico — Customs Valuation of Imports (Complainant: European Communities).
6. Guatemala — Anti-Dumping Investigation Regarding Portland Cement from Mexico (Complainant: Mexico).
7. Mexico — Anti-Dumping Investigation of High-Fructose Corn Syrup (HFCS) from the United States (Complainant: United States).
8. Mexico — Anti-Dumping Investigation of High-Fructose Corn Syrup (HFCS) from the United States (Complainant: United States).
9. Guatemala — Definitive Anti-Dumping Measure on Grey Portland Cement from Mexico (Complainant: Mexico).
10. European Communities — Regime for the Importation, Sale and Distribution of Bananas (Complainants: Guatemala; Honduras; Mexico; Panama; United States).
11. Ecuador — Provisional Anti-Dumping Measure on Cement from Mexico (Complainant: Mexico)
12. Ecuador — Definitive Anti-Dumping Measure on Cement from Mexico (Complainant: Mexico).
13. Mexico — Measures Affecting Trade in Live Swine (Complainant: United States).
14. Mexico — Measures Affecting Telecommunications Services (Complainant: United States).
15. Mexico — Provisional Anti-Dumping Measure on Electric Transformers (Complainant: Brazil).

16. Mexico — Measures Affecting the Import of Matches (Complainant: Chile).
17. United States — Continued Dumping and Subsidy Offset Act of 2000 (Complainants: Canada; Mexico).
18. United States — Countervailing Duties on Steel Plate from Mexico (Complainant: Mexico).
19. United States — Anti-Dumping Measures on Cement from Mexico (Complainant: Mexico).
20. United States — Anti-Dumping Measures on Oil Country Tubular Goods (OCTG) from Mexico (Complainant: Mexico).
21. Mexico — Certain Measures Preventing the Importation of Black Beans from Nicaragua (Complainant: Nicaragua).
22. Mexico — Definitive Anti-Dumping Measures on Beef and Rice (Complainant: United States).
23. Mexico — Certain Pricing Measures for Customs Valuation and Other Purposes (Complainant: Guatemala).
24. Mexico — Provisional Countervailing Measures on Olive Oil from the European Communities (Complainant: European Communities).
25. United States — Anti-Dumping Determinations regarding Stainless Steel from Mexico (Complainant: Mexico).
26. Panama — Tariff Classification of Certain Milk Products (Complainant: Mexico).
27. Mexico — Anti-Dumping Duties on Steel Pipes and Tubes from Guatemala (Complainant: Guatemala).
28. Mexico — Definitive Countervailing Measures on Olive Oil from the European Communities (Complainant: European Communities).
29. United States — Final Anti-dumping Measures on Stainless Steel from Mexico (Complainant: Mexico).

B. Other Agreements

1. **Free Trade Agreement between Mexico, and Guatemala, Honduras and El Salvador (Chapter XIX).** El Salvador vs México. Existing Measures concerning Health Registration and Market Access for Medicines.
2. **Economic Complementation Agreement No 8 (ALADI) between Mexico and Peru.** Computers Originating in Mexico Imported into Peru.

January 2013