

VIAC – Questionnaire for Arbitrators

1. **Name:** Dr Jorge A. HUERTA-GOLDMAN
2. **Citizenship:** Swiss, Italian and Mexican
3. **Contact information:**
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4. Current position:

- Since 2012 **Legal Counsellor and founder of TILPA, Geneva, Switzerland:**
- Advising companies on legal aspects of international commercial transactions, including strategy, contracts and arbitration (*i.e.*, Private International Law on trade matters).
 - Advising companies, States and State enterprises on State responsibility under WTO law, FTAs and BITs, including strategy, negotiation, assessment of State measures, arbitration and litigation before WTO courts (*i.e.*, Public International Law on trade matters).
 - Selected Mandates:
 - Advice to a company on WTO Customs Valuation (the contractual obligations in long-term distribution contracts as the basis of valuation for particular transactions);
 - Various projects with FAO, the World Bank, EU Aid and *Banco Interamericano de Desarrollo*;
 - Represent a company in an international arbitration with respect to a long-term distribution agreement against an SOE;
 - Advice to companies on their practices for international sales, including offers and acceptances, product transfer, and payments;
 - Advice to a multinational company on its international trade law issues, supporting management on how to improve product flow;
 - Advice to companies on best practices with respect to their contractual relations;
 - Advice to companies, States and State-Companies on investor-State arbitration;
 - Advice to companies on rules of origin, preferential tariffs and customs procedures;
 - Advice to a middle size company on its expansion to other markets;
 - Advice to an international organization on WTO law and FTAs;
 - Advice to a State company on its commitments under international trade law, including trade in goods (the GATT), TRIMs, subsidies, services and investment;
 - Advice to a State entity on purchases, in light of WTO law and the government procurement chapters in FTAs; and
 - Work with government agencies in several countries, including: Nicaragua, Kazakhstan, Bangladesh, Colombia, Brazil, the EU, Ukraine, and Viet Nam.

5. Education:

- 2005 - **Ph.D. (*Magna cum Laude*), University of Neuchâtel, Switzerland.**
2008
- 2006 **Visiting Scholar at Columbia University, Law School, New York, United**
(fall) **States.**
- 2000 - **LL.M., European Union Law, College of Europe, Bruges, Belgium.**
2001
- 1997 - **LL.M., International Trade Law, University of Arizona, Tucson, United States.**
1998
- 1992 - **Law degree (full four-year programme), ITESO, Guadalajara, Mexico.**
1996

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?
28 with various rules (WTO State-to-State, ICC, CANACO, BIAC, and *ad-hoc*).
- How often have you acted as Chairman?
n/a
- How often have you acted as Sole Arbitrator?
n/a
- How often have you acted as Co-Arbitrator?
one
- How often have you acted as Counsel?
Constantly working as a Counsel and pre-litigation assessment in commercial transactions and State disputes
- How often have you acted in a different function (e.g. Administrative Secretary)?
n/a

7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):

TEACHING CONTRAS AND ARBITRATION

- Creator and Coordinator of online Post-Graduate Diploma in International Commercial Arbitration at Iteso University, Mexico, training lawyers in Latin-America since 2019
- Teaching International Contracts and Arbitration at Iteso University and Ibero University in México.

PUBLICATIONS

Books

- 1) "The Comprehensive and Progressive Trans-Pacific Partnership, Analysis and Commentary", Cambridge University Press, Edited by Prof David A. Gantz & Dr Jorge Huerta-Goldman (2021);
- 2) "WTO Litigation, Investment Arbitration and Commercial Arbitration" Ed by: Jorge A. Huerta-Goldman, Antoine Romanetti, Franz X. Stirnimann, published by Kluwer Law International, 2013;
- 3) "Mexico in the WTO and NAFTA; Litigating International Trade Disputes" by Jorge A. Huerta-Goldman, Kluwer Law International, 2009; and
- 4) "The Amparo Trial in the Execution of International Commercial Arbitral Awards in the Mexican Legal System", 1996, Iteso University.

Book Chapters

- 1) Introduction: The Trans-Pacific Partnership becomes the comprehensive and progressive agreement for TPP, David A. Gantz and Jorge A. Huerta-Goldman, in *The Comprehensive and Progressive Trans-Pacific Partnership*, Cambridge University Press, Edited by Gantz & Huerta-Goldman (2021);
- 2) Trade in Textiles and Apparel Goods, Rupa Ganguli and Jorge A. Huerta-Goldman, in *The Comprehensive and Progressive Trans-Pacific Partnership*, Cambridge University Press, Edited by Gantz & Huerta-Goldman (2021);
- 3) Technical Barriers to Trade: Improving the Day-To-Day Functioning, Jorge A. Huerta-Goldman, in *The Comprehensive and Progressive Trans-Pacific Partnership*, Cambridge University Press, Edited by Gantz & Huerta-Goldman (2021);
- 4) Transparency and Anti-corruption, Jorge A. Huerta-Goldman, in *The Comprehensive and Progressive Trans-Pacific Partnership*, Cambridge University Press, Edited by Gantz & Huerta-Goldman (2021);
- 5) Cross-Fertilization and Reciprocal Opportunities: An Overview, Jorge Huerta-Goldman, Antoine Romanetti, Franz X. Stirnimann, in "WTO Litigation, Investment Arbitration and Commercial Arbitration", Kluwer Law International, Ed by: Huerta-Goldman, Romanetti, and Stirnimann (2013);
- 6) Cross-cutting Observations on Composition of Tribunals, Jorge Huerta-Goldman, Antoine Romanetti, Franz X. Stirnimann, in "WTO Litigation, Investment Arbitration and Commercial Arbitration", Kluwer Law International, Ed by: Huerta-Goldman, Romanetti, and Stirnimann (2013);
- 7) Cross-cutting Observation on National Treatment, Jorge Huerta-Goldman, in "WTO Litigation, Investment Arbitration and Commercial Arbitration", Kluwer Law International, Ed by: Huerta-Goldman, Romanetti, and Stirnimann (2013);
- 8) Domestic, Regional and Multilateral Investment Liberalization, Chapter 2 of the book "Regulation of Foreign Investment" edited by Mavroidis and Drabek, published by World Scientific (2013);
- 9) Is Retaliation Useful? Observations and Analysis of Mexico's Experience, Cambridge University Press, Chapter 12 of "The Law, Economics and Politics of Retaliation in WTO Dispute Settlement". Edited by Chad Bown and Joost Pauwelyn (2010);
- 10) Trade Remedies Disputes – Reciprocal Relationship between WTO and NAFTA Tribunals, Europa Law Publishing, Chapter 11 of "Shaping the Rule of Law Through Dialogue". Edited by Filippo Fontanelli, Giuseppe Martinico and Paolo Carrozza (2010);

Articles in Law Journals

- 11) How Easy is an Easy Case for a Complainant? A comment on US – Zeroing DS 402, *World Trade Review*, 12, pp 427-431 (2013);
- 12) The Cushioned Negotiation: The case of WTO's Industrial Tariff Liberalization, *Journal of World Trade*, 46:4 JWT, 2012, by Pablo Klein-Bernard and Jorge A. Huerta-Goldman;
- 13) Mexico in the WTO and NAFTA in a Nutshell: Litigating International Trade Disputes, *Journal of World Trade*, 44:1 J.W.T. (2010);
- 14) US – Trucking Services and Investment: a NAFTA Unresolved Dispute, *L'Observateur des Nations Unies*, Volume 24, 2008-1;

Online Articles

- 15) Recent Events Demonstrate The Political, Economic Folly Of The U.S. Withdrawal From The Tpp, October 5, 2021, Baker Institute Blog, By David A. Gantz, J.D. & Jorge Huerta-Goldman, Ph.D., LL.M. (<https://blog.bakerinstitute.org/>);
- 16) Help, I am About to be Dragged into a Construction Project! Preventing and Resolving Construction Disputes, Kluwer Arbitration Blog, 2018 (<http://arbitrationblog.kluwerarbitration.com/>); and
- 17) Programas de gobierno y la participación de las pymes en el comercio internacional Federico Lepe Montoya, Jorge A. Huerta-Goldman, Puentes, ICTSD, Geneva, Switzerland, 16 October 2014.

Book Reviews

- 1) In progress: La contratación comercial comparada: derecho, cultura y desarrollo económico, 2 Tomos del Dr Boris Kozolchyck, Editorial Tirant lo Blanch”
- 2) The Relevant Market in International Economic Law: A Comparative Antitrust and GATT Analysis by Christian A. Melischek, World Trade Review (2014), 13: 1, 131–142

8. Membership in arbitral institutions / functions in arbitral institutions/organizations:

- ICC Mexico;
- London Court of International Arbitration (LCIA) list of arbitrators;
- List of arbitrators, CAM Mexico;
- Listed practitioner at the Vienna International Arbitral Centre (VIAC); and
- Young Arbitrators Sweden (YAS), Stockholm Chamber of Commerce.

9. Languages

Mother tongue: Spanish

Working languages: English (intermediate in French; basic in Italian)

10. In which legal systems have you trained?

X Civil Law

X Common Law

Austrian Law

Hungarian Law

Swiss Law

Czech Law

Polish Law

Ukrainian Law

German Law

Slovakian Law

X European Law

Other __ CISG, UNIDROIT, BITs, the WTO and Free Trade Agreements _____

11. What is your main jurisdiction of practice?

International Contracts, Investment law, international trade law

12. In which jurisdictions are you admitted to the bar?

Mexico

13. Special expertise or specializations (please list a maximum of five):

Antitrust/Unfair competition

X Damages

Insolvency

Power plants

Aviation

X Distribution

Insurance

Private Intern. Law

Banking & Finance

Domain name disputes

Intellect. property (IP)

X Public Intern. Law

Capital markets

Employment

X ISDS/ Foreign invest.

Real estate

X CISG

X Energy

Joint ventures

Shipping

Civil fraud disputes

Engineering

Licensing

Sports

X Commercial disp. / transactions

Entertainment

Life sciences

State/Public contracts

Commodity market

Healthcare & Pharmac.

Maritime arbitration

Technology

Company/Corporate/M&A

Hotel/Gastro./Tour. Media

Telecommunication

Construction

Inform. technology (IT)

Mining

Transport

X Contract law

Infrastructure

X Natural resources

X Other _____ **WTO law and Free trade Agreements** _____

14. Date of birth: 22 February 1973

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

X I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

X I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

14 February 2022

Date

and

Signature