



# Up-date and recent Trends on “Damages” in International Arbitration

- ◆ Differences between Fair Market Value and market value in commercial and investment arbitration
- ◆ The illegality threshold in the Fair and Equitable Treatment Standard and Damages: Murphy v. Ecuador and the Spanish renewable energy cases
- ◆ Piercing the veil: the effect of liquidated damages clauses in investment arbitration
- ◆ Opinions with respect to the Chorzów formula
- ◆ The problematic use of Damnum Emergens and Lucrum Cessans

with

**Herfried Wöss & Adriana San Román**  
and Michael Nueber as Moderator

**17 October 2019**

**5.00 pm – 7.00 pm**

**Networking reception afterwards**

Vienna, Austria

Venue will be announced shortly

**WÖSS & PARTNERS**  
ARBITRATION - TRADE - INFRASTRUCTURE

## Target Group

- ◆ General Counsel
- ◆ Attorneys at law
- ◆ Arbitrators and Counsel
- ◆ Financial and Economic Experts
- ◆ Project-, Contract- and Claim-Managers

## Background & Objective

***„Damages” - have arguably become one of the most important and complex issues in international arbitration, and for good reason, because for a claimant at least, the damages are the arbitration’s very raison d’être.”***

Prof. Loukas Mistelis, Queen Mary College University of London

“Damages” are the principal remedy in international business, in particular, with respect to complex long-term contracts such as turnkey construction projects, public-private partnerships, concessions, oil & gas projects, and also as regards less complex contractual relationships such as international sales contracts where specific performance is often not available under the applicable law, or simply not practical. In investment arbitration damages are the principal remedy.

The objective of this conference is to provide an update on hot topics and tendencies in damages in commercial and investment arbitration.

## Partners

Platinum sponsor:



Institutional partners:



## Speakers

**Mag. Dr. Lic. Herfried Wöss**, LL.M. (Exeter), Wöss & Partners, Mexico City – Washington DC - Vienna, is a leading international arbitrator for complex infrastructure projects and damages cases currently sitting as president on large gas pipeline and infrastructure project arbitrations, counsel in arbitrations in Frankfurt, Mexico City, Lima and Guatemala, and damages consultant in complex damages arbitrations and litigations. He has trained and worked in Austria, the Legal Service of the European Commission, the UK and Mexico and is a Special Legal Consultant in Washington DC. He has extensive experience in arbitration under the ICC, ICSID UNCITRAL, ICDR, LCIA and various local arbitration rules and is listed in the International Who's Who of Commercial Arbitration, *GAR ART* and The Legal 500. He is a co-founder of the Investment Arbitration Forum, member of the ICC Arbitration Commission, Executive Board Member of the North America Branch of the Chartered Institute of Arbitrators (2014-18), and country representative of the Dispute Resolution Board Foundation, as well as an advisor to the ICCA-ASIL Task Force on Damages in International Arbitration. He was visiting scholar at the Georgetown University Law Center for arbitration, international and comparative damages law.

**Lic. Adriana San Román**, M.A. in Finance & Investment (Exeter), Wöss & Partners, Mexico City – Washington DC - Vienna, is founding partner at Wöss & Partners with more than 20 years of experience in financial engineering, infrastructure projects. She has vast experience as counsel in international arbitrations and is a prestigious damages expert in domestic and international arbitrations currently acting in a large ICDR arbitration related to oil platforms and the formulation of a significant damages claim in an aqueduct project. Along with Dr. Wöss and two preeminent economists, Adriana San Román is author of the monograph *Damages in International Arbitration under Complex Long-term Contracts*, Oxford University Press, 2014. Mrs. San Román is member of the *ICCA-ASIL Task Force on Damages in International Arbitration*. The Legal 500 has named her along with her partner as “the foremost experts in Mexico for complex arbitration involving damages.” Adriana San Román is Attorney at Law admitted to practice in Mexico holding a degree with *summa cum laude* from the National Autonomous University of Mexico, and as Ford Foundation scholar she graduated from the University of Exeter with an M.A. in Finance and Investments, and also approved the Level 1 of the New York Chartered Financial Analyst exam (CFA).

**Dr Michael Nueber** (Moderator) is an attorney-at-law with Gasser Partner Attorneys and operates from both Vienna and Liechtenstein. He advises private clients and institutional investors in different dispute resolutions matters, including international arbitration. Dr Michael Nueber is the author of more than fifty articles and books on arbitration-related matters. In spring 2019 Dr Michael Nueber was appointed University Lecturer for International Arbitration at the University of Innsbruck.

## Publications

Publ. Nr.	Lang.	Titel	US\$
[+]	En	Herfried Wöss, Adriana San Román Rivera, Pablo T. Spiller, Santiago Dellepiane, <i>Damages in International Arbitration under Complex Long-term Contracts</i> (Oxford University Press, 2014)	260,00

## Registration Form

Mail or Fax to:

**Mrs. Katja Ludl**  
**ICC Austria**

@ mail: [k.ludl@icc-austria.org](mailto:k.ludl@icc-austria.org)

Tel.: +43-1-504 83 00-4306

Fax: +43-1-504 83 00-3703

responsible for the content: **Ass. iur. Eleonore Treu**further ICC Austria conferences and courses:

- **Due Process in int Arbitration**

8. May 2020, Vienna

- **Schweizer und Deutsches Recht**

16/17. September 2020, Vienna

For further details please visit: [www.icc-austria.org](http://www.icc-austria.org)

### Participant Information

 Mr.     Mrs.

Family Name: ..... First Name: .....

Organisation / Company: .....

Address: .....

City, Postal code: ..... Country: .....

Telephone: ..... Fax: .....

E-Mail: ..... Job Title / Position: .....

### Invoice data

Organisation / Company: .....

VAT Number:\* .....

Address: .....

City, Postal code: ..... Country: .....

\* Obligatory for invoicing participants from EU member states

### Registration – closing date 11 October 2019

	17 October 2019	17 October 2019
I want to register for:	<b>Update and recent trends on Damages in International Arbitration</b> <input type="checkbox"/>	Will attend complimentary <b>Cocktail / Networking Event afterwards</b> <input type="checkbox"/>
Regular Fee	<b>EUR 190,--</b> (plus 20% VAT)	included
Reduced Fee <i>ICC Austria member only</i>	<b>EUR 170,--</b> (plus 20% VAT)	included

After receiving the registration, we will send a confirmation with the invoice attached - please transfer the course fees - free of charges for ICC Austria - via banktransfer. **We do not accept payments by credit card.** In exceptional cases, a payment in cash is possible on site.

**Once confirmed by ICC Austria, your registration is legally binding! The regular fee shall be paid within two weeks from receipt of invoice - in case of late registration verifiably before the event starts!**

A full refund will only be given for cancellations received up to 14 working days before the event. Cancellations must be made in written form. Should you be unable to attend, you can nominate a colleague as replacement. **I acknowledge that my data is stored electronically for registration purposes.**

**I agree to receive mail notifications on latest up-dates on conferences and training sessions with similar content.**

ICC Austria shall not submit your data to third parties. Modification/Cancellation is possible by [icc@icc-austria.org](mailto:icc@icc-austria.org).

Date

Signature