

## Juan Nascimbene

Associate



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London

Investment Treaty Arbitration

Public International Law

Arbitration

Blue Economy

Export Controls and Economic Sanctions

Foreign Direct Investment

Juan works in international arbitration, international treaty arbitration, public international law, and international economic law. He has experience representing clients before arbitral tribunals in a wide variety of cross-border transactions and economic activities. He also counsels companies on how to navigate complex regulatory issues regarding international trade, sanction regulations and export controls. Before joining Cooley, Juan was Senior Advisor at the Argentine Secretary of Commerce working in international trade and investment issues. He is a bilingual lawyer (Spanish and English), proficient in French and has working ability in Portuguese.

Before joining Cooley, Juan worked as senior advisor to the Undersecretary of Foreign Trade of Argentina. In this capacity, he managed and oversaw the legal coordination of international trade negotiations (investment, services, intellectual property, trade in goods, among others), He was also a senior negotiator for the Ministry of Production of investment agreements with Japan, the Mercosur (Procotolo del Mercosur), Qatar, Chile and Mexico in representing the Ministry of Production.

Moreover, he supervised the bilateral commercial relationship between Argentina and the United States. This included coordinating the Commercial Dialogue between United States and Argentina, which is a bilateral platform for the exchange of best practices in trade and investment between the US Secretary of Commerce and the Argentine Ministry of Production. In addition, Juan single-handedly managed the Argentine reinsertion into the General Preferential System (GSP) before the USTR. Argentina was readmitted to the system in December 2018.

He is an Assistant Professor of International Law at the University of Buenos Aires, Argentina since 2016 and teaches workshops and gives conferences on international investment law, international law and international arbitration.

### **Some of his representative matters include:**

#### International Arbitration (investment treaty cases and commercial arbitration)

- Representing a U.S. company in a NAFTA claim against Canada for the expropriation of licenses worth 30 million Canadian dollars.
- Representing a U.S. company in a \$3.5 billion NAFTA underwater mining dispute against Mexico.
- Representing a Turkish textile company in a treaty claim against an Asian State.
- Representing a U.S. construction company in a commercial arbitration claim against an African State.
- Represented a construction Turkish joint venture in a treaty claim against a North African State.

### Investment Treaty Negotiations

- **Argentina-Japan Bilateral Investment Treaty:** Main negotiator from the Argentine Ministry of Production.
- **Argentina-Qatar Bilateral Investment Treaty:** Main negotiator from the Argentine Ministry of Production.
- **Mercosur Protocol for Investments:** Chief Argentine negotiator.
- **Argentina-Chile investment protection chapter:** Main negotiator from the Argentine Ministry of Production.
- **Argentina-Mexico investment protection chapter:** Main negotiator from the Argentine Ministry of Production.
- **Argentina-Canada investment protection chapter:** Main negotiator from the Argentine Ministry of Production.

### Free-Trade Agreements Negotiations

- **Free-Trade Agreement Mercosur-European Union:** Represented the Argentine Ministry of Production. Juan's role related to overseeing the negotiation in trade in services, rules of origin, trade in goods, intellectual property rights, public procurement, among others.
- **Free-Trade Agreement Mercosur-EFTA:** Represented the Argentine Ministry of Production. Juan's role related to overseeing the negotiation in trade in services, investment establishment, rules of origin, trade in goods, intellectual property rights, public procurement, among others.
- **Free-Trade Agreement Argentina-Chile:** Represented the Argentine Ministry of Production.
- **Free-Trade Agreement Argentina-Mexico:** Represented the Argentine Ministry of Production.

### International Trade

- Coordinated the filing before the U.S. USTR of Argentina's readmission to the General System of Preferences (GSP). Argentina was readmitted in 2018 and is now exporting roughly 400 million dollars under this system.
- Antidumping procedures before the U.S Secretary of Commerce: Oversaw the Argentine defense of the countervailing and antidumping case against Argentine exporters of bio-diesel (approximate market of 2,000 million dollars).
- Advised the Undersecretary of Foreign Trade on the WTO panel against the European Union for Anti-Dumping Measures on Biodiesel from Argentina (DS473).
- Oversaw the internal antidumping proceeding before the Argentine Foreign Trade Commission.
- Monitored WTO cases brought by and against Argentina.

### **Relevant publications:**

- "The Phantom of the TPP: The impact of the TPP on International Trade Negotiations", Trade L. & Dev. 31 (2017).
- "Deliberative Democracy and the Problem of the Commons", Revista Latinoamericana de Filosofía Política (2016).

### **Recent speaking engagements:**

- Presented draft paper on Essential Security Exceptions and International Investment Law at the Center for International Law of the University of Amsterdam, 14 November 2019.

- Delivered conference on practical aspects of investment treaty arbitration in the Energy Charter Treaty training for governmental civil servants, 4 November 2019.

## Education

University of Chicago

LLM (Master in Laws), 2018

Torcuato di Tella University

Master's in Economics, 2017

University of Buenos Aires

JD, 2014

## Admissions & Credentials

New York

Argentina

England and Wales

## Rankings & Accolades

The Legal 500 UK: Dispute resolution (2022)

## Memberships & Affiliations

Young International Arbitration Group of the London Court of International Arbitration

British Institute of International and Comparative Law

Spanish Arbitration Club (Club Español de Arbitraje)