



### Mariana Lozza

Partner

PARTNER, REGIONAL HEAD OF INTERNATIONAL ARBITRATION – LATIN AMERICA

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Mariana focuses her practices on handling international arbitrations and advising on other international law issues. She previously served as legal advisor for the Argentine Attorney General's Office (*Procuración del Tesoro de la Nación*), then as its deputy director, defending the Argentine Republic in its international disputes. In those roles, spanning 2007 to 2017, she represented Argentina in investment arbitration proceedings under the auspices of ICSID, UNCITRAL and the ICC, and supervised local proceedings in national jurisdictions, including the US, Belgium, Switzerland, France, Spain, Japan, Germany and the UK. She has also actively participated in the negotiation of international investment agreements, including bilateral treaties and free trade agreements, on behalf of Argentina.

### LANGUAGES SPOKEN

- English
- Spanish

### EXPERIENCE

Mariana has represented states in over 50 international arbitral cases. Here are some of the most relevant.

- Argentina in its defense of a \$ 2.5 billion dollar claim brought by the largest known number of claimants in a single arbitration. The claim was filed under the Italian-Argentina BIT and related to sovereign debt default and restructuring process. The decision on jurisdiction won Most Influential Award of the Last Decade at the 2012 OGEMID Awards
- Argentina in an ICSID arbitration \$1.6 billion claim brought by a Spanish group relating to the Argentinean airline expropriation.

### RELATED SERVICES

- Litigation, Arbitration and Investigations
- International Arbitration
- Cross-Border Litigation

### RELATED SECTORS

- Financial Services
- Government Contracting
- Industrials
- Energy and Natural Resources
- Technology

### LANGUAGES SPOKEN

English Spanish

The tribunal agreed with the Republic that there are circumstances in which no compensation can be adequate

- Argentina in its defense of a claim brought by Spanish claimants alleging several breaches of international law obligations in relation to the water and sanitation concession in the Province of Buenos Aires. The tribunal rejected the claim for damages upon finding investors' breaches of their commitment to invest
- Argentina in an ICSID claim alleging several breaches of international obligations under the Netherland-Argentina BIT in relation to the privatization of the administration, management and control of the radio spectrum. The tribunal rejected its jurisdiction by piercing the corporate veil and finding that a national of Argentina had effective control of the claimant
- Argentina in the defense of an investor's claim under the German-Argentina BIT in relation to emergency measures allegedly affecting financial instruments issued by an automotive company. The tribunal rejected jurisdiction after finding there was no arbitral agreement between the parties. The investor requested the annulment of the award, which was upheld by an ICSID annulment committee
- Argentina in an UNCITRAL arbitration claim under the UK-Argentina BIT in relation to measures adopted over invoices issued by a custom services company. The Tribunal rejected jurisdiction after finding that there was no arbitral agreement between the parties
- Participating in an award annulment proceedings filed by Argentina before US domestic courts against a British gas company. The US Court of Appeal annulled the award based on the lack of an arbitral agreement. The decision was later reversed by the US Supreme Court
- Venezuela in a claim for security for costs against Spanish claimants. The tribunal granted Venezuela's request; this is one of few such decisions ever rendered in international investment arbitration
- Participating in over 10 settlement agreements between Argentina and foreign investors, most of them reached after an award was rendered, while a few were settled at an earlier stage of the arbitral proceeding. Those agreements involved thousands of millions of dollars and multiple parties from such industries as financial services, water and sanitation, energy, oil and gas.

Mariana has also supervised proceedings related to sovereign debt, under foreign domestic jurisdictions (United States, United Kingdom, France, Spain, Germany, Japan, Belgium and Switzerland) and assisted Argentina before the Office of the United States Trade Representative in relation to the Generalized System of Preferences (GSP) GSP Review of Argentina for Possible Designation as a Beneficiary Country.

## CREDENTIALS

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### Admissions

- Argentina

### Recognitions

- *Who's Who Legal* Arbitration: Future Leaders - Non-Partners, Argentina (2017, 2018, 2019)

### Education

- LL.M., International Legal Studies, International Business Specialization, American University, Washington College of Law
- Law Degree, Universidad Nacional del Sur, Bahía Blanca, Buenos Aires

### Teaching Experience

- **Negotiation and Arbitration**, School of Administration and Social Science, UCAECE (Cámara Argentina de Comercio y Servicios) - Associate Professor
- **PPP Agreements and Arbitration**, School of Law, Universidad de Buenos Aires (UBA) - Professor
- **International Public Law**, School of Law, Universidad de Buenos Aires (UBA) - Teacher in Charge of Assignments
- **Dispute Resolution on Foreign Investment Matters**, School for Public Official Lawyers - Professor
- **International Instruments on Human Rights and Other Legal Systems**, School for Public Official Lawyers - Professor

- **Investment Arbitration**, Law School, Universidad de Buenos Aires (UBA) - Adjunct Professor
- **International Law**, Science, Political and International School, Universidad Torcuato Di Tella (UTDT) - Teaching Assistant
- **International Law**, Law School, Universidad Argentina de la Empresa (UADE) - Teacher in Charge of Assignments

## INSIGHTS

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### Publications

#### State defences to investment claims arising from COVID-19

29 April 2020

In response to the COVID-19 pandemic, States have been taking emergency measures to limit the impact of the virus. In our first article, we considered whether these emergency measures could give rise to claims by foreign investors for breaches of international law.

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- Mecanismos de Solución de Controversias en Materia de Inversión en América Latina: Análisis Comparativo, LIBER AMICORUM ALEJANDRO TURYN (EUDEBA, 2018) (co-authored M. Lavista)
- Mercosur and CAFTA-DR, INTERNATIONAL INVESTMENT LAW (2015) (co-authored G. Bottini and M.Lavista)
- Las Inmunidades de los Estados Extranjeros (co-authored S. G. Napolitano) and Surgimiento del Estado y Reconocimiento, LECCIONES DE DERECHO INTERNACIONAL PÚBLICO (Ed. ERREPAR, 2015)

### Events

- Speaker, "Jornadas de Arbitraje," CEMARC, Buenos Aires, May 17, 2019
- Moderator, "Desarrollos actuales de la noción de trato justo y equitativo," X Congreso Latinoamericano de Arbitraje, CEDEP, Cusco (May 31, 2018)
- Speaker, Segundo Taller sobre el Sistema de Solución de Controversias Inversionista-Estado, Centre for International Governance Innovation, Agencia Nacional de Defensa Jurídica del Estado y Minicomercio de Industria y Turismo de la República de Colombia, Bogotá (November 24, 2017)
- Speaker, "Experiencias de defensa del Estado contra Reclamaciones Internacionales," Agencia Nacional de Defensa Jurídica del Estado de la República de Colombia, Bogotá (November 23, 2017)
- Speaker, "El arbitraje de Inversión desde la experiencia y la óptica de la Procuración del Tesoro de la Nación," Jornadas de Arbitraje Comercial y de Inversión en Argentina, Cámara Argentina de Comercio y Servicios y Centro de Mediación y Arbitraje Comercial, Buenos Aires (May 16, 2017)
- "Making the most of the hearing," Rol de testigo, Young ICCA Arbitration Skills Training Workshop, Buenos Aires (November 4, 2016)
- Speaker, "Do class arbitrations have a place in international commercial arbitration?" ICC YAF North America Regional Conference, Washington, DC (June 10, 2016)
- Speaker, "Recent Developments in Investment Policy and Dispute Settlement: Sharing of Experiences," Ninth Annual Forum of Developing Investment Negotiators, Investment Treaties in a State of Flux: Strategies and Opportunities for Developing Countries, IISD, Río de Janeiro (November 16-18, 2015)

## NEWS

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#### Mariana Lozza and Nicolas Teijeiro join DLA Piper Argentina

14 MAY 2019

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DLA Piper Argentina announced today the addition of Mariana Lozza as a partner in the International Arbitration practice and Nicolas Teijeiro as a partner in the Corporate Finance practice. Both will be based in the firm's Buenos Aires office.

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