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## Prof. Luca G. Radicati di Brozolo

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### EDUCATION

- Degree in Law (University of Parma, 1986)
- Degree in Political Science (University of Florence, 1974)

### ADMISSIONS

- Milan Bar
- Italian Supreme Court
- Registered European Lawyer with the Bar Standards Board for England and Wales

### LANGUAGES

- Italian; English; French; Spanish; German

### PROFILE

Luca is a founding partner of Arblit and a door tenant of Fountain Court Chambers, London.

From 1996 until 2019 he was a Full Professor at the School of Law of the Università Cattolica di Milano, where he held the chair of Private International Law and also taught Law of International Arbitration.

Professional

For the past ten years Luca's practice has focused primarily on international arbitration and litigation.

He is one of Italy's top arbitration specialists and is highly regarded abroad, also through his writings (which include an authoritative Commentary on arbitration law in Italy and scholarly contributions in a variety of prestigious publications) and his activities in professional bodies, including the International Court of Arbitration of the ICC (from 2009 to 2015), the Court of the LCIA (of which he is a member since 2016 and a Vice-President since 2019), the Arbitration Committee of the International Bar Association (of which



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he is a past Vice-Chair) and the Committee on International Commercial Arbitration of the International Law Association, of which he was co-rapporteur on three projects. He was the delegate for the Italian Government at the 33rd and 34th Sessions of the UNCITRAL Working Group on International Arbitration (2000 and 2001). Prior to forming Arblit, he was one of the spearheads of his previous firm's prestigious arbitration practice.

He has vast experience as counsel and as presiding, sole and party-appointed arbitrator in ad hoc and institutional domestic and international arbitrations in many different seats and under a variety of rules (ICC, LCIA, Milan Chamber of Arbitration, Stockholm Arbitration Chamber, Danish Institute of Arbitration, Geneva Chamber of Commerce, Swiss Chamber of Commerce in Milan, UNCITRAL, Cairo Regional Centre for International Commercial Arbitration, European Development Fund) and laws governing the merits. As arbitrator he has sat in cases applying the laws of Italy, Albania, Argentina, Algeria, Bahrain, Brazil, Costa-Rica, Egypt, England, France, Germany, Greece, the Netherlands, Norway, Peru and Switzerland, as well as the Vienna Convention on the International Sale of Goods and international law.

His experience in commercial arbitration covers contractual disputes, post-M&A, distributorship agreements, energy, construction, telecoms, gas-price review, financial transactions, aviation and disputes involving States and State entities.

He has significant expertise in investor-State arbitration, having been involved as counsel or arbitrator in several high profile ICSID and UNCITRAL investor-state arbitrations, including as counsel for the successful claimant in *Saipem v. Bangladesh* and in two cases brought by Italian holders of Argentine bonds against the Republic of Argentina, *Alemanni and others v. Argentina* and *Ambiente Ufficio and others v. Argentina*, in both of which the ICSID tribunals upheld jurisdiction. He is currently acting for several groups of foreign investors in UNCITRAL proceedings under different bilateral investment treaties and the Energy Charter Treaty against the Czech Republic in the photovoltaic sector.

He also acts as advisor and counsel in transnational court litigation, with a particular focus on issues of public international law and of conflict of laws and jurisdiction, as well as in court proceedings relating to arbitration. He has appeared as an expert on Italian law, arbitration law, conflict of laws and jurisdictions and competition law in proceedings before arbitral tribunals (including in an ICSID case) and domestic courts (most recently in Australia, England, France, Italy, Sweden and the United States).

Luca is a leading expert on the interactions between arbitration and competition and merger control law, as well as in private antitrust litigation. He was the co-chair of the Joint Working Group of the ICC Competition and Arbitration and ADR Commissions on Antitrust Follow-on Actions.

He is Vice-President of the Court of the LCIA and a member of the Comité Asesor del Pleno de la Corte de Arbitraje de Madrid. He is listed on the ICSID Panel of Arbitrators on the appointment of the Republic of Italy. He is an alternate member of the FIA Driver Contract Recognition Board.

Luca has been listed in Chambers Global since 2000 and is ranked in Band 1, Most in Demand Arbitrators, for Italy and in Band 2 Most in Demand Arbitrators Europe-Wide in Chambers Global and Chambers Europe since 2016, which have called him "driven and passionate" and referred to "his impressive arbitration practice" and "razor-sharp legal mind" and to the view that "he is a top arbitrator and truly international". He is also "highly recommended for domestic and international arbitration" in the 2015 edition



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of Legal 500 and is described in GAR 100 as “no stranger to breaking new ground at ICSID”. Who’s Who Legal, who listed Luca as a Thought Leader in 2017 and 2018 and put him first amongst the Most Highly Regarded arbitration practitioners in Italy, says of him that he “draws effusive praise from international sources who describe him as ‘an excellent academic and arbitrator’”. Who’s Who Legal also describes him as “very competent and extremely balanced” and a “dream arbitrator” with “an excellent reputation for insightful, value added work” and “very well known for investment disputes”.

Before founding ArbLit, Luca served as a member of the office of the Legal Advisor at the Bank for International Settlements (the “Bank of the Central Banks”) in Basel, Switzerland (1978-1984). For the following thirty years he was a partner in two of Italy most prestigious law firms: Chiomenti, where he headed its Brussels office and its International, European and Competition law department (1984-2000), and Bonelli Erede Pappalardo (now Bonelli Erede) where he was a member of the European/antitrust law and of the International Litigation and Arbitration practice groups; he was also in charge of the Dispute Resolution Desk of that firm’s London office (2001-2014).

Throughout his career Luca has advised and represented top private and public Italian and international clients in a broad variety of matters (including the European Commission before the European Court of Justice and the Federal Reserve Bank of New York in relation to proceedings before the Iran-US Claims Tribunal).

These have ranged from his areas of main academic specialization (conflict of laws and jurisdictions, arbitration and public international law) to banking and finance and all aspects of European Union law and competition law (mergers, cartels and abuses of dominant position, state aids, public procurement, telecommunications, energy, circulation of services and establishment, particularly in the area of financial services and telecommunications law). He was one of the first, and for many years of the most active and reputed, competition lawyers in Italy as evidenced by his rankings in the specialized publications. He was particularly involved in the initial phase of privatizations and liberalizations in Italy, having amongst others acted for the first private mobile telephone operator upon its entry into the Italian market. His activity as a competition lawyer and his involvement for his other areas of expertise in the transactions handled by his previous firms allowed him to gain experience in a variety of economic sectors and areas of law, including corporate and M&A transactions, energy, telecommunications, utilities, financial and regulated markets, gaming.

Luca has appeared frequently before Italian courts, including the Council of State and the Constitutional Court, as well as the Court of Justice and the General Court of the European Union and the European Court of Human Rights, and administrative authorities (the European Commission and the Italian Competition Authority and telecom regulator).

#### *Academic*

Luca is the author and editor or co-editor of six books and one commentary and over 150 articles published in Italian and international law reviews and other publications on topics of private international law, the law of arbitration, public international law, European Union law, competition law, telecommunications law, international financial law (Publications). He is a regular speaker at, and organizer of, academic and practitioners’ conferences, symposia, workshops and courses.

In addition to his tenured position at the Law School of the Catholic University of Milan (and prior to that in



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several other Italian Universities), he has held the following teaching and research appointments: Lecturer at the Hague Academy of International Law, Private International Law Session (2003); Visiting fellow, Wolfson College, Cambridge, England (1990 and 1995), and Max Planck Institut für Internationales und Ausländisches Privatrecht, Hamburg, Germany (1987); Visiting Professor, Institut d'Etudes Européennes of the Free University of Brussels (1991-92); Visiting Scholar, Harvard Law School (1996; 2000 and 2002); Visiting Scholar, Boalt Hall School of Law, University of California at Berkeley (1998 and 1999); Visiting Professor, University of Paris II (2007); Lecturer at the External Program of the Hague Academy of International Law in Buenos Aires (2012); Scholar in Residence at the Center for Transnational Litigation, Arbitration and Commercial Law at New York University Law School (2014); Visiting Global Professor of International Commercial Arbitration, New York University Law School (2018).

He held the General Course of Private International Law at the 2018 session of the Hague Academy of International Law on "The Legal Framework of Transnational Commercial Transactions".



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## **PUBLICATIONS**

### **Arbitration**

#### BOOKS

Commentario breve al diritto dell'arbitrato interno e internazionale (2nd ed), Cedam, Padova, 2018, (co-editor with Massimo Benedettelli and Claudio Consolo)

Arbitrage commercial international et lois de police: considérations sur les conflits de juridictions dans le commerce international, in *Collected Courses of the Hague Academy of International Law*, vol. 315, 2006, pp. 269-501 (course delivered at the 2003 Session of the Hague Academy of International Law)

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“The enforcement of annulled awards: an important step in the right direction”, *Cahiers de l’Arbitrage / Paris Journal of International Arbitration*, 2013, 1027

“EU Merger Control Commitments and Arbitration: *Reti Televisive Italiane v. Sky TV*”, *Arbitration International*, 2013, 223-242 (in Italian in *Rivista dell’arbitrato*, 2013, 227-246)

“International Arbitration and Domestic Law”, *International Commercial Arbitration - Different Forms and Their Features* (G. Cordero Moss, ed.), Cambridge University Press, 2013, 40-59

“Las normas imperativas y el arbitraje internacional”, in *Cuestiones claves del arbitraje internacional* (E. Gaillard, D. P. Fernandez Arroyo, eds), Bogota, 2013, 189-224

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## **Conflicts of Laws and Jurisdictions**

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