



RADICATI DI BROZOLO
SABATINI
BENEDETTELLI
TORSELLO

Prof. Massimo Benedettelli

Contacts:

ArbLit - Radicati di Brozolo Sabatini Benedettelli Torsello
Via Alberto da Giussano n. 15
20145 - Milano
Phone: +39 02 8425 4810
Email: massimo.benedettelli@arblit.com
Website: www.arblit.com



EDUCATION

- Ph.D. (European University Institute, Florence, 1987)
- Degree in Law (University "Aldo Moro", Bari, 1984)
- LL.M., (University of Pennsylvania School of Law, Philadelphia, 1983)
- Degree in Political Sciences (University "Aldo Moro", Bari, 1979)

ADMISSIONS

- Milan Bar
- Italian Supreme Court

LANGUAGES

- Italian; English; French

PROFILE

Massimo is name partner of ArbLit since October 2014.

Massimo is Full Professor (professore ordinario) at the Department of Law of the University "Aldo Moro" of Bari, where he holds the chair of International Law. Tenured professor of law since 1994, throughout his academic career he also taught Private International Law, International Economic Law, EU Law and European Commercial Law.

Massimo has been asked by the Curatorium of the Academy of International Law of The Hague to hold a course on "Powers in International Arbitration between Party Autonomy, Arbitral Authority and State Sovereignty" in the context of its Winter Session 2022.

Massimo's professional and academic interests focus on international arbitration, international company law, insolvency law and European law.

Since September 2020 he is a member of the Board of the *AIA – Associazione Italiana per l'Arbitrato*, an entity acting under the aegis of the International Chamber of Commerce.



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Since July 2018 he is a member of the ICC Court of Arbitration. Until July 2018 Massimo lead the Italian Delegation to the ICC Commission of Arbitration. He is also a member of the Arbitration Council of ACIAM, Atlanta (GA).

From 2001 till June 2014 Massimo was a partner at Freshfields Bruckhaus Deringer, being a member of both the International Arbitration Group and the Corporate Practice Group. At Freshfields he also sat for 6 years within the Partners Recommendation Committee, the firm's body charged with the task of proposing the election to the partnership of associates and lateral hires.

Massimo started his professional practice in 1986 at the Legal Department of ENI - Ente Nazionale Idrocarburi S.p.A., where he gained experience in the energy sector, being involved in the negotiations of various joint ventures and construction projects, as well as in international arbitrations.

In 1990 he joined as an associate Chiomenti Studio Legale, one of the most prestigious Italian firms, where he was a partner from 1996 until November 2001, date on which he left the firm to join Freshfields.

One of Italy's main arbitration specialists, throughout his career Massimo has acted as counsel or sat as chairman, sole or party-appointed arbitrator in several international and domestic arbitrations. His experience includes acting in proceedings under the ICC Rules, the UNCITRAL Rules and the Arbitration Rules of the Milan Chamber of Arbitration, as well as in ad hoc arbitrations in connection with an array of matters such as EPC/construction contracts, post M&A disputes, joint ventures, energy, telecommunications, intellectual property and international investments. The arbitrations in which he has been involved have been seated in a variety of places (Milan, Paris, Brussels, Zurich, Geneva, Istanbul, Sanaa, Baghdad, Buenos Aires) and have featured procedural and substantive laws of different jurisdictions (Italy, France, Switzerland, Turkey, England, Iraq, Brazil, Argentina) as well as public international law.

As a former member of Freshfields' leading international arbitration practice, and before at Chiomenti, Massimo has assisted top national and international clients in connection with high-profile international arbitrations and sat as an arbitrator in highly-sensitive matters.

Moreover, as a former corporate lawyer, Massimo has been involved in some of the major Italian privatizations, in large infrastructure projects in the oil&gas and renewable energy sectors, in real estate portfolios transactions, thereby gaining a deep M&A and financing experience which he fruitfully brings to bear on his international arbitration and adjudication practice.

Massimo has also acted as advisor or counsel in international litigation and adjudication, including before the European Court of Human Rights. Moreover, he acts as an expert in arbitration and transnational litigation on issues of Italian law, arbitration law, conflicts of law, international company law and EU law.

As a recognized scholar, Massimo is the author of two books and of various articles published on the most prestigious Italian and international law reviews, and is the co-editor of an authoritative Commentary on arbitration law and practice in Italy, his areas of interest focusing on international arbitration law, private international law, European law, public international law and international company law (see attached list of Publications).

In light of his scholarly qualifications and professional experience Massimo has advised various public and private institutions, including the Commission of the European Union (member of the Group of Experts entrusted with an analysis of the interplays between EU law and Member States' law on commercial arbitration ahead of the reform of Regulation no. 44/2001), Assonime, the Italian association of listed



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companies (member of a working group set up to study the impact of EU Law on Italian company law and financial markets law), the Italian National Council of Notaries Public (drafter, together with a professor of company law, of a bill later relied upon by the Italian Government for the implementation of the EU X company law Directive on cross-border mergers).

Massimo is also regularly invited as a speaker or lecturer at conferences, workshops, courses and seminars organized by leading academic and professional institutions around the world, including the New York University Law School, the Max Planck Institute Luxembourg, the International Bar Association, Bocconi University, the University of Sao Paulo, the Universidad de Concepción del Uruguay, the Europäisches Rechts Akademie of Trier, the Europäisches Juristentag, Francarbi, the International Chamber of Commerce, the Associazione Italiana di Arbitrato, the Milan Chamber of Arbitration and the Bank of Italy. From November 2016 he spent his sabbatical academic year as a visiting professor at the School of Law at Queen Mary University, Lincoln's Inn Fields campus.

Constantly involved in scholarly work and academic projects, Massimo is a member of the editorial board of *Rivista di diritto societario* (interno, internazionale, comunitario e comparato) and of *Diritto del commercio internazionale*, two leading journals in the areas of company law and international trade law. He is also an Associate Faculty Member of the European Doctorate in Law and Economics organized by the Universities of Bologna, Hamburg and Rotterdam.

Besides his professional and academic commitments, Massimo is actively involved in professional and institutional bodies including the Commission on Arbitration and ADR of the ICC, the International Law Association (member of the Committee on International Arbitration), and the Europäisches Rechts Akademie of Trier (member of the Board of Trustees) and the Arbitration Council of ACIAM, the Atlanta Center for International Arbitration and Mediation, based in Atlanta, Georgia. Massimo is also overseas honorary member of ComBar, the London-based Specialist Bar Association for commercial barristers advising the international business community.

According to *Global Arbitration Review Who's Who Legal*, Massimo Benedettelli is one of Italy's "most prominent arbitrations specialists", acting in dispute resolution proceedings relating to a range of industries including construction contracts, joint ventures, energy, intellectual property and international investments.



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PUBLICATIONS

Arbitration

BOOKS

INTERNATIONAL ARBITRATION IN ITALY, Alphen Aan Den Rijn (Kluwer International), 2020, pp. I-XII, pp. 1-730.

(with C. CONSOLO e L. RADICATI DI BROZOLO, (ed.)), COMMENTARIO BREVE AL DIRITTO DELL'ARBITRATO NAZIONALE ED INTERNAZIONALE, Padua (Kluwer Italia - CEDAM), 2017, pp. XLIX-1335 (second edition).

ARTICLES

Harmonization and Pluralism in the New York Convention: Balancing Party Autonomy and State Sovereignty, in C. Benicke, S. Huber (ed.), NATIONAL, INTERNATIONAL, TRANSNATIONAL: HARMONISCHER DREIKLANG IM RECHT. FESTSCHRIFT FÜR HERBERT KRONKE, Bielefeld (Giesecking), 2020, pp. 1329-1342.

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International Arbitration of Corporate Disputes: A Workable Balance Between Two Dimensions of Party Autonomy, in ICCA Congress Series, EVOLUTION AND ADAPTATION: THE FUTURE OF INTERNATIONAL ARBITRATION, Alphen Aan Den Rijn (Kluwer International), 2020, pp. 985-1009.

The European Convention on Human Rights and Arbitration: the EU Law Perspective, in F. Ferrari (ed.), THE IMPACT OF EU LAW ON INTERNATIONAL COMMERCIAL ARBITRATION, New York (NYU Press), 2017, pp. 479-535.

Sull'arbitrato societario "internazionale", in Rivista dell'arbitrato, 2017, pp. 299-326.

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'Pensiero debole' nell'arbitrato commerciale internazionale e comunitarizzazione del diritto dell'arbitrato, in *Dir. comm. int.*, 2012, pp. 305-325.

'Communitarization' of International Arbitration: A New Spectre haunting Europe? in *Arbitration International*, 2011, pp. 583-622.

(with L. RADICATI DI BROZOLO), L'Italia e l'arbitrato internazionale, in *Corr. giur.*, 2011, pp.136-143.

Ordinamento comunitario e arbitrato commerciale internazionale: favor, ostilità o indifferenza?, in N. BOSCHIERO, P. BERTOLI (ed.), *VERSO UN "ORDINE COMUNITARIO DEL PROCESSO CIVILE. PLURALITÀ DI MODELLI E TECNICHE PROCESSUALI NELLO SPAZIO EUROPEO DI GIUSTIZIA*, Napoli (Ed. scientifica), 2008, pp. 111-129.

Arbitrato, borse-valori ed internazionalizzazione dei mercati finanziari, in *Riv. soc.*, 1999, pp. 1323-1343.

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(with M. LAMANDINI (ed.)), *Diritto societario europeo internazionale*, Turin (UTET), 2017, pp. I-XXI, 1-790.

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(with A. LEANDRO), Commento al Capo XI del Libro V del codice civile "Delle società costituite all'estero" (artt. 2507-2510), in E. GABRIELLI (ed.), *COMMENTARIO AL CODICE CIVILE*, Turin, 2015, pp. 1677-1694.

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Le fusioni transfrontaliere, in P. ABBADESSA, G. PORTALE (ed.), IL NUOVO DIRITTO DELLE SOCIETÀ, Turin (UTET), 2007, Vol. IV, pp. 365-393.

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Sul rapporto fra diritto comunitario e diritto italiano della concorrenza (riflessioni in margine al disegno di legge n. 3755 ed al regolamento comunitario sulle concentrazioni, in Foro it., 1990, IV, cc. 199-235.

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