

DOMENICO DI PIETRO

Nationality

Italian

Job position

Counsel, Bryan Cave LLP, London

Professional qualifications

Qualified in England and Wales (Solicitor) and in Italy (Avvocato)

Academic activity

- Lecturer, *International Arbitration* (taught in English), Undergraduate syllabus, University of Rome, "Roma Tre"
- Past Fellow, New York University School of Law, Center for Transnational Law and Arbitration

Professional Activity

Advised and acted as counsel in several international arbitrations arising out of contracts governed by English, Italian, Argentine, USA U.C.C., New York, Portuguese, Chinese, Spanish, French, Egyptian, Jordanian, Argentine, Philippine and Swiss law as well as the UNIDROIT Principles and Public International Law.

Selected cases by type of arbitration

Foreign investment arbitration

Advised on the protection of foreign investments under bilateral investment treaties and multilateral treaties such as the Energy Charter Treaty.

Acted in and advised on several major investment arbitrations arising out of Bilateral Investment Treaties and investment contracts. Experience includes the following.

- Advising on a dispute between a South American State and a European investor in relation to a concession for the maintenance of national gas networks
- Advising on and acting in a dispute between a South American State and a European investor in relation to a concession for the operation of the national water system
- Advising on and acting in a dispute between a South American State and a North American investor in relation to a dispute arising out of a concession for the operation of the national gas network
- Advising on and acting in a dispute between a South American State and European investors in a dispute related to defaulted financial instruments
- Advising a European Party on a dispute relating to the expropriation of a farming business in South America

International commercial arbitration

Acted in international disputes relating to several industries and practices under the aegis of the ICC, SCC, HKIAC, BAC, Swiss Rules, Madrid Arbitration Chamber, VINCA, VCCA, BAC, Milan Chamber of Arbitration as well as in ad hoc proceedings under the UNCITRAL Arbitration Rules. Experience includes the following.

- Representing a telecommunication multinational in a post-M&A dispute in Brazil (ICC)

- Representing a European party in a dispute relating to an agreement for the supply of green power (ICC).
- Representing a South American party in an arbitration relating to a distributorship agreement with an Italian party (Madrid Chamber)
- Representing a European company in UNCITRAL ad hoc proceedings against an international organisation.
- Represented a Portuguese party in an arbitration brought by an English distributor (ICC)

Asian client practice

- Advised Asian clients on a wide range of disputes including:
- Arbitration before the Chamber of Commerce of Lugano (Swiss Arbitration Rules) assisting a leading Asian company in connection to a dispute arising out of a Share Purchase Agreement
- Arbitration before the Hong Kong International Arbitration Center assisting a leading Asian company involved in the construction of excavating machines
- Assisting an Asian company in several court proceedings for the stay of actions brought in breach of arbitration agreements
- Assisting an Italian electronics company in mediation proceedings before the Beijing Arbitration Commission in a dispute with an Asian supplier.
- Arbitration before the Milan Chamber of Arbitration assisting a leading Asian company involved in the construction of turbines
- Assisting a leading Asian company in post M&A proceedings against an Irish company

International construction arbitration

Acted in several arbitrations arising out of major construction projects. Experience includes the following disputes.

- Proceedings (ICC) arising out of a contract for the construction of a new magnesium oxide plant in the Dead Sea
- ICC proceedings arising out of a dispute in relation to remediation works on land reclaimed from the Mediterranean Sea
- Ad Hoc proceedings between a JV and an Asian State arising out of a dispute in relation to the construction of a road in Asia
- Institutional proceedings (Stockholm) between a European JV and a European State arising out of a contract for the construction of stealth battleships

European Merger and Regulatory Arbitration

Acted in several disputes relating to the application of domestic and international regulations in the energy and communication sectors. Acted inter alia in:

- ICC arbitration relating to a dispute between a national operator of electricity grids and a foreign shipper relating interconnection fees
- ICC arbitration between two international broadcasting companies arising out of the alleged breach of undertakings to the European Commission in order to obtain clearance of EU merger proceedings

International sport arbitrations

Acted in several “headline” sports disputes before the Court of Arbitration for Sport (CAS). Also acted in sport disputes before the ad hoc division of CAS at the

- 2004 Athens Olympic Games
- 2008 Beijing Olympic Games

Acted in the two following sport-related ad hoc commercial arbitrations:

- dispute arising out of a sponsorship agreement related to an international tennis tournament
- dispute arising out of a supply agreement in connection with a European hockey championship.

Activity as arbitrator

Acted as chairman, sole arbitrator and co-arbitrator in numerous arbitral proceedings both ad hoc and under the rules of several institutions with seat in different countries including Italy, Switzerland and England.

Subject matters of arbitrated disputes include, among other things, construction projects, consultancy agreements, chemical JVs, sport regulatory actions, post-merger claims, oil & gas pricing, renewable energy.

Activity as in-house counsel

From October 2014 to December 2016 worked in the legal department of Marubeni Corporation in Tokyo, Japan

Recent Conferencing and Lecturing

- The Development of Arbitration in Relation to Disputes Involving a Public Party, School of International Arbitration and Brazilian Arbitration Committee seminar, London 4 April 2017
- Policies for the Settlement of International Commercial Disputes, Osaka, December 2016
- Party Autonomy vs Efficient Case Management, ASA Conference, 12 February 2016, Rome
- *Burden of Proof in International Arbitration*, ICC UK Conference, 30 September 2014, London
- *Drafting Arbitration Agreements*, Certificate in International Commercial and Investment Arbitration, University of Rome “Roma Tre”, 16 September, Rome
- *The Sources of International Arbitration*, Certificate in International Commercial and Investment Arbitration, University of Rome “Roma Tre”, 15 September, Rome
- ICC - YAF event, *Intercultural success: what, how, who and why?* Rome, June 2014
- L'arbitrato: un percorso formativo, *La Domanda di Arbitrato e la domanda riconvenzionale* Camera Arbitrale di Milano, 19 June 2014
- *Expert Reports in International Arbitration*, 29th SIA-ICC Joint Colloquium of Arbitrators, 31 March 2014, London
- *I Vantaggi di una Procedura Istituzionale nella Esecuzione del Lodo*, Camera Arbitrale di Venezia, 19 Ottobre 2013, Venezia
- *Interim Measures in International Arbitration: Practical Approaches Interim Relief: What, Why, When, How?* New York University School of Law, New York, 7 October 2013
- *Significance of the New York Convention in Practice* Tips for Conducting a Successful Arbitration, Camera Arbitrale di Milano, Milan, 3 October 2013
- *The Drivers for the Next 20 Years: Investment Arbitration* Retrospective and Prospective – 20 Years of Ciarb European Branch, 19 April 2013, Tremezzo, Como.

- *Contract Interpretation in Arbitral Practice*, 28th Annual Joint ICC/SIA Symposium of Arbitrators, 8 April 2013 Paris
- *Dissenting Opinions in International Arbitration*, Arbitration Forum of the Center for Transnational Litigation and Commercial Law, New York University, 25 March 2013, New York
- *Enforcement of Awards Set Aside at the Place of Origin*, Columbia Arbitration Day 8 March 2013, New York
- *Forum Shopping and Enforcement of Foreign Arbitral Awards: Notes on Public Policy*, Forum Shopping in the International Arbitration Context, New York University School of Law, New York 2 March 2013
- *Arbitrability of corporate disputes*, ICC Russia, 7 December 2012, Moscow, Russia.
- *State immunity and the New York Convention*, ARBIT Conference, 15 November 2012, Milan
- *Quality of Arbitral Proceedings and Interpretation by Domestic Courts*, University of Latvia, Riga, 5 October 2012
- *Enforcement of international arbitral awards*, ICC PIDA Training, Paris, 27 September 2012
- *The Modernization of Arbitration Rules: A Senseless Competition or An Inevitable Exercise?*, Latin American Conference on Arbitration 2012 (CLA), Medellin, Colombia, 28 June, 2012.
- *Cross examination in international arbitration*, Chamber of Arbitration of Milan, 15 May 2012
- *La cross examination in arbitrato*, Associazione italiana per l'Arbitrato, Roma, 16 May 2012.
- *The Law Applicable to Foreign Investment Disputes*, NYU School of Law's Association for International Arbitration, 25 October 2011.
- *Il Procedimento Arbitrale*, Camera di Commercio di Firenze, 27 September 2011
- *BIICL-ITF, Current Issues in Investment Treaty Arbitration: Treaty Shopping vs Treaty Planning & The EU as a New Actor* Rome, June 2011
- *What law for international commercial arbitration?* New York University, March 2011.
- *Transparency in International Arbitration, Confidentiality vs transparency in arbitration: where are we coming from, and where are we leading to?* Milan February 2011
- ICC Colloquium on Arbitration and Sport, Paris, September 2010
- *Fourteenth ITF Public Conference Do not pass Go: Jurisdictional and other objections available to respondent State*, London, May 2010
- *Applicable Laws Under the New York Convention 1958, Conflicts of Law in International Arbitration*, University of Verona and New York University, March 2010
- *The Protection Of Foreign Investments Under Public International Law*, Bologna University, 27 February 2010
- *The Law Applicable to Investment Disputes New York*, New York University 4 February 2010
- *Arbitrato, Le Tecniche, Parte speciale, Camera Arbitrale Nazionale e Internazionale di Milano*, 22 January 2010
- *International Arbitration Practice And Investment Arbitration: Selected Problematic Issues*, Fundação Getúlio Vargas Law School - São Paulo 16 December 2009

- *International Investment Law-Contemporary Problems Of A New Era In International Law*, Buenos Aires, Facultad de Derecho, December 2009
- *ArbIt International Conference International Arbitration: Make It Faster And More Effective*, Rome, September 2009
- Arbitration Chambers of Milan and Florence, seminar on validity of arbitration clauses, Florence, 2009
- Columbia Law School, *The Law Applicable to Investment Disputes New York*, 2009
- School of International Arbitration, Alumni's Inaugural Conference The Application of the New York Convention After 50 Years, London 2008
- University of Beijing, Investment Arbitration, Beijing, 2008
- CCH Wolters Kluwer Seminar, Dispute Resolution in International Trade Shanghai, 2008
- Vilnius Court of Commercial Arbitration, The Recognition and Enforcement of International Arbitral Awards, Vilnius 2008
- Frankfurt International Arbitration Centre, Round-table — Access to Travaux Préparatoires in Investment Treaty Arbitration, Frankfurt, 2008
- University of Washington School of Law and Università "Roma Tre", trainer, *Preparing for Advocacy in Arbitration*, Rome 2008
- Loyola Law School and Università di Bologna Joint LLM Program, *Recognition and Enforcement of Foreign Arbitral Awards*, Bologna 2008
- Vienna International Arbitration Center and UNCITRAL 2008 Conference: *Should the New York Convention be supplemented?* Vienna 2008
- United Nations Economic Commission for Latin America and the Caribbean, Training Course on International Investment Agreements, Expert Instructor, Santiago de Chile 2007
- Istanbul Chamber of Commerce International Conference on International Arbitration, *The Energy Charter Treaty*, Istanbul 2007
- CCH Wolters Kluwer Seminar, *Dispute Resolution in International Trade*, Beijing, 2007
- IBA Annual Conference, Investment Treaty Arbitration Workshop, *State of Necessity in Investment Arbitration*, Singapore 2007
- ADR Center Arbitration Master Class, Rome 2007
- ADR Center Conference on *Preventing and Managing International Commercial Disputes*, Rome 2007
- Italian National Bar Association (Consiglio Nazionale Forense) Seminar on *Foreign Investment Protection and International Arbitration*, Summer Course, London, 2007
- Columbia Law School and School of International Arbitration, Queen Mary University of London *Joint Colloquium on Mandatory Provisions in International Arbitration*, New York 2007
- London, Queen Mary College, *International Trade and Investment Dispute Settlement* 2007
- Arbitration in the Baltic States: Contemporary Issues, Chairman, Panel on Investment Arbitration, Riga, Latvia, 2007
- IBA Annual Conference, Chicago, Investment Arbitration Treaty Workshop, *The Relationship between the New York Convention and the Washington Convention*, 2006

- Italian National Bar Association (Consiglio Nazionale Forense) Seminar on *Foreign Investment Protection and International Arbitration*, Summer Course, London, 2006
- State Chancery of Latvia – Riga, *Topicalities in International Commercial Arbitration*, 2006
- London, Queen Mary College, *International Trade and Investment Dispute Settlement*, 2006
- University of Amsterdam, *Arbitration of Sports Disputes*, 2006
- London, Investment Treaty Forum, British Institute of International Comparative Law – *Indirect Expropriation in Investor-State Arbitration* 2006
- London, Investment Treaty Forum, British Institute of International Comparative Law – *The Use of Precedents in Investment Arbitration*, 2005
- London, Hawksmere’s In-house lawyers’ seminar on *International Arbitration and International Dispute Resolution*, 2005
- London, BSLG Seminar, 2005
- London, EFFC Round Table, 2005
- London, International Legal Training Seminar, The Law Society
- Utrecht, The Netherlands, The Asser Institute Seminar
- University of Padua, Seminar on International Arbitration
- University of Bologna, Seminar on International Arbitration
- University of Verona, Seminar on International Arbitration
- London, Society of Advanced Legal Studies, Workshop on Arbitration

Publishing

Books and book chapters as author

- *The New York Convention 1958*, with Loukas Mistelis in *Concise International Arbitration*, Loukas Mistelis editor 2015
- *Italy's treaty practice and case law: what balance between investors' protection and general interests of states?* in *General Interests of the Host States in International Investment Law*, Cambridge University Press, 2014
- *Forum Shopping and Enforcement of Foreign Arbitral Awards: Notes on Public Policy* in *Forum Shopping in the International Arbitration Context.*, Sellier 2013
- *Filing and sending of the acts* The Chamber of Arbitration of Milan Rules: a Commentary JurisNet, LLC 2012
- *Time limits*. The Chamber of Arbitration of Milan Rules: a Commentary JurisNet, LLC 2012
- *New York 1958 Convention for the Recognition and Enforcement of Foreign Arbitral Awards*. World Arbitration Reporter Juris Publishing 2012
- *Applicable Laws Under the New York Convention*, in “Conflicts of Law in International Commercial Arbitration”, Franco Ferrari and Stefan Kroell editors 2011
- *The New York Convention 1958*, with Loukas Mistelis in *Concise International Arbitration*, Loukas Mistelis editor 2010
- *General Remarks on Arbitrability Under the New York Convention*, in “Arbitrability, International and Comparative Perspectives”, edited by L. Mistelis and S. Brekoulakis, 2009
- *Arbitration Clauses “Per Relationem”* in “Enforcement of Arbitration Agreements and International Arbitral Awards - the New York Convention 1958 in Practice” Gaillard and Di Pietro editors, 2008

- *The Substantive Scope of the New York Convention 1958: What Constitutes a Foreign Arbitral Award?*, in “Enforcement of Arbitration Agreements and International Arbitral Awards - the New York Convention 1958 in Practice” Gaillard and Di Pietro editors, 2008
- *Arbitration in Italy*, in “A Comparative Study on International Commercial Arbitration” Nuray Eksi ed. 2007
- *La Protezione Internazionale degli investimenti esteri e l'arbitrato ICSID*, in Il Codice degli Arbitrati UTET 2006 CAPITOLO XXII
- *Riconoscimento ed esecuzione dei lodi stranieri*, in Il Codice degli Arbitrati UTET 2006 CAPITOLO III
- *The Ad Hoc Division of the Court of Arbitration for Sport at the Athens 2004 Olympic Games*, in “The Court of Arbitration for Sport 1984-2004” Blackshaw, Siekmann and Soek editors, 2006
- *Applicable Law Under Article 42 of the ICSID*, in Weiler, ed., International Investment Law and Arbitration: Leading Cases from the ICSID, NAFTA, Bilateral Treaties and Customary International Law, 2005.
- *Arbitrato Commerciale Internazionale* in I Nuovi Contratti Nella Prassi Civile e Commerciale Cendon Editor, 2004
- *Bonds*, in I Nuovi Contratti Nella Prassi Civile e Commerciale, Cendon Editor, 2004
- “*Enforcement of International Arbitration Awards – The New York Arbitration Convention of 1958*” Cameron May, 2001, London
- *I Contratti Internazionali dei Consumatori*, in Il Diritto Privato nella Giurisprudenza Civile e Commerciale, Cendon editor UTET 2001
- *La Clausola Rebus Sic Stantibus, Hardship Clause e le Clausole di Adattamento Automatico del Contratto*, in Il Diritto Privato nella Giurisprudenza Civile e Commerciale, Cendon UTET 2001

Publications as Editor

- *Enforcement of Arbitration Agreements and International Arbitral Awards - the New York Convention 1958 in Practice*, Gaillard and Di Pietro editors, Cameron May Publishers, London, 2008

Publications as Commentator

- Oxford University Press, Investment Claims Website

Articles

- *The Use of Precedents in ICSID Arbitration. Regularity or Certainty?* Int.A.L.R. 3 2007
- *Arbitration Agreements and Arbitrato Irrituale in Italy After the New Italian Arbitration Law*, Int.A.L.R. 1/2007
- *State of Necessity in Investment Arbitration*, The European & Middle Eastern Arbitration Review, 2008
- *A Short Case Commentary on Indirect Expropriation and Most Favoured Nation Clause Interpretation*, Stockholm International Arbitration Review 2006:3
- *The Issue of Justiciability of Foreign Investment Arbitral Awards in Sedelmayer v Russia and OEPC v Ecuador*, Stockholm International Arbitration Review, 2005:2

- *Can You Challenge a BIT-Related Arbitral Award? The Increasingly Debated Issue of Justiciability of Foreign Investment Arbitral Awards Before Domestic Courts* IBA Newsletter, 2006
- *A Short Case Study on the Use of Precedents in Investment Arbitration*, IBA Newsletter, 2005
- *The Use of Precedents in ICSID Arbitration*, in “Used and Abused: The Role of Precedent in Investment Protection Arbitration”, British Institute of International Comparative Law, 2005
- *The Ad Hoc Division of the Court of Arbitration for Sport at the Athens 2004 Olympic Games – an Overview*, ISLJ, 2005
- *Principles of International Law in the Case Law of CAS*, ISLR, 2004
- *Incorporation of Arbitration Clauses by Reference* Journal of Int’l Arbitration, 2004
- *Are the Principles of the New York Convention applied consistently?* Society of Advanced Legal Studies, London, 2003
- *The Law Applicable to the Arbitration Agreement*, LCIA Newsletter 2001

Blogs

- *The Controversial Role of Dissenting Opinions In International Arbitral Awards*, Center for Transnational Litigation and Commercial Law, Transnational Notes, Reflections on Transnational Litigation and Commercial Law, October 2011
- *Applicable Law Under Article 42 of the ICSID Convention*, Center for Transnational Litigation and Commercial Law, Transnational Notes, Reflections on Transnational Litigation and Commercial Law, October 2011
- *Arbitral awards under the New York Convention: what are and what may be*, Center for Transnational Litigation and Commercial Law, Transnational Notes, Reflections on Transnational Litigation and Commercial Law, October 2011

Education

- LL.M, University of London, (Queen Mary College), 1999
- Juris Doctor, University of Rome “La Sapienza”, 1992

Languages

- Italian: mother tongue
- English: fluent
- French: reasonably proficient
- Spanish: read and understood
- Japanese: rudimentary knowledge

Memberships

- Freeman, Worshipful Company of Arbitrators, Corporation of London
- Investment Treaty Forum, British Institute of International Comparative Law
- British Italian Law Association
- International Bar Association
- ArbIt, Italian Forum for Arbitration and ADR
- ICC Commission for Arbitration and ADR
- ICC Institute for World Business Law