

Professor Luca G Radicati di Brozolo



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Luca G Radicati di Brozolo is the founding partner of Arblit, an arbitration and litigation boutique in Milan.

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.

Luca's current practice focuses on international arbitration and litigation.

He has vast experience in commercial and investor-State arbitration, as counsel and presiding, sole and party-appointed arbitrator in ad hoc and institutional domestic and international arbitrations in many different sectors and seats, and under a variety of rules and governing laws. He appears as an expert on Italian law, arbitration law, conflict of laws and jurisdictions and competition law in proceedings before arbitral tribunals (including in ICSID cases) and domestic courts.

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 and of the arbitral institutions of several Latin American countries. He is listed on the ICSID Panel of Arbitrators on the appointment of the Republic of Italy and is an alternate member of the FIA Driver Contract Recognition Board, a past member of the International Court of Arbitration of the ICC, past Vice-Chair of the Arbitration Committee of the International Bar Association (of which he is a past Vice-Chair) and was the co-rapporteur on three projects of the Committee on International Commercial Arbitration of the International Law Association.

Luca's arbitration practice builds on his vast experience as academic and practitioner. Before founding Arblit, he served as a member of the office of the Legal Advisor at the Bank for International Settlements in Basel, Switzerland (1978-1984) and for thirty years was a partner in two of the most prestigious Italian law firms (Chiomenti and BonelliErede) where his practice 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. He was one of the first, and for many years of the most active and reputed, competition lawyers in Italy and was particularly involved in the initial phase of privatizations and liberalizations in Italy and appeared regularly before Italian courts, including the Supreme Court, 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 telecoms regulator).

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Luca features prominently in the directories which classify him as a “Thought Leader” (Who’s Who Legal), a Leading Individual in Dispute Resolution (Legal 500) and a Most in Demand Arbitrator (Chambers and Partners) and have referred to him as “a top arbitrator and truly international”, “driven and passionate”, “dream arbitrator”, “an excellent academic and arbitrator”, “highly recommended for domestic and international arbitration”, “very competent and extremely balanced” with “an excellent reputation for insightful, value added work” and “very well known for investment disputes” and praised his “razor-sharp legal mind” and “impressive arbitration practice” and “no stranger to breaking new legal ground at ICSID”.

In addition to his tenured position at the Law School of the Catholic University of Milan (and prior to that in several other Italian universities), he has held a variety of teaching and research appointments, including as visiting professor at New York University Law School and as Lecturer at the Hague Academy of International Law where he held a special course on arbitration at the Private International Law Session of 2003 and the General Course of Private International Law “The Legal Framework of Transnational Commercial Transactions” at the 2018 session.

Expertise

Arbitrator - Investor State Arbitrations

Notable Arbitrator - Investor State Arbitrations cases

President of the tribunal in ICSID Case No. ARB(AF)/16/5, *América Móvil c. República de Colombia*.

President of the tribunal in ICSID Case No. ARB/18/7, *Corral Morocco Holdings v. Kingdom of Morocco*.

President of the tribunal in ICSID Case No. ARB/19/19, *IC Power Ltd and Kenon Holdings Ltd v. Republic of Peru*.

President of the tribunal in ICSID Case No. ARB/17/44, *The Lopez-Goyne Family Trust, et al. v. Republic of Nicaragua*.

President of the Annulment Committee in ICSID Case No. ARB/13/11, *Valores Mundiales, S.L. y Consorcio Andino S.L. c. República Bolivariana de Venezuela*.

President of the tribunal in an UNCITRAL arbitration between a U.S. investor and a country of the former Soviet Union (settled).

President of the tribunal in an ad hoc arbitration between a Tunisian investor and a North-African State.

Arbitrator appointed by the investor in an UNCITRAL arbitration between a former subsidiary of Yukos and Russia.

Arbitrator appointed by the investors in ICSID Case No. ARB/19/11, *Nationale-Nederlanden Holdinvest B.V. et al v. the Argentine Republic*.

Arbitrator appointed by the investor in ICSID Case No. ARB/21/35, *Vicat S.A. v. Arab Republic of Egypt* (settled).

Arbitrator - Commercial Arbitrations

Notable Arbitrator - Commercial Arbitrations cases

President of the tribunal in an LCIA arbitration on a transaction involving the issue of cryptocurrencies.

President of the tribunal in an ICC arbitration between an international mining group and a Latin American State relating to the tax treatment of a mining project.

President of the tribunal in an ICC arbitration relating to a project for the construction of a waste-to-energy plant between a European company and a Middle Eastern State (approximate amount EUR 200 million).

President of the tribunal in an ICC arbitration relating to an oil refinery joint venture in Costa Rica (approximate amount USD 115 million).

President of the tribunal in an ICC arbitration relating to a trans-European pipeline (approximate amount EUR 150 million).

President of the tribunal in an ICC arbitration relating to an agency agreement for the supply of military aircraft to a Middle Eastern country (approximate amount EUR 100 million).

President of the tribunal in an ICC arbitration between US investors and the national electricity company of West African country relating to a project for the improvement of the electricity sector (approximate amount USD 250 million).

President of the tribunal in an ICC arbitration relating to the earn-out under a Share Purchase Agreement between two European companies.

President of the tribunal in an ICC arbitration relating to a highway concession in Paraguay.

President of the tribunal in an ICC arbitration relating to a refinery in Peru (approximate amount USD 250 million).

President of the tribunal in an ICC arbitration relating to an oilfield in Albania (approximate amount USD 1 billion).

President of the tribunal in an ICC arbitration relating to a mining joint venture in Bolivia (approximate amount USD 90 million).

President of the tribunal under the rules of the Chambre Arbitrale Internationale de Paris in an arbitration relating to a highway concession in Peru (approximate amount EUR 50 million).

President of the tribunal in an arbitration administered by the Corte de Arbitraje de Madrid in a dispute between highway concessionaries in a European country (approximate value EUR 200 million; settled).

President of the arbitral tribunal in an UNCITRAL arbitration arising from an intra-European electricity supply contract.

President of the tribunal in an UNCITRAL arbitration arising from a refinery project in Ecuador.

President of the tribunal in an ICC arbitration relating to a share purchase agreement between a French and a Luxembourg companies (approximate amount USD 80 million).

President of the tribunal in an arbitration under the rules of the Danish Institute of Arbitration relating to the sale of marine engines.

President of the tribunal in an LCIA arbitration between a European State and the developer and concessionaire of major international airport (approximate amount EUR 27 million).

President of the tribunal in three parallel LCIA arbitrations concerning the validity and enforceability of a third-party funding agreement for an ICSID arbitration.

President of the tribunal in an ICC arbitration between a European manufacturer of railway rolling stock and an agent in a country of the far East.

President of the tribunal in a Cairo Regional Centre arbitration arising out of a crude oil supply agreement between a Cayman Islands company and a Swiss company (approximate value USD 140 million).

President of the tribunal in an ICC arbitration relating to a contract for the supply of copper wire rod between a Greek seller and an Algerian buyer.

President of the tribunal in a Milan Chamber arbitration arising from claims of breaches of non-compete obligations and unfair competition between crane manufacturers.

President of the tribunal in a Milan Chamber arbitration relating to the termination of an agreement between freight handlers.

President of the tribunal in an ICC arbitration arising from the termination of a commercial relationship for the distribution of medical equipment in a North African country.

President of the tribunal in a Swiss Chambers arbitration between a bank and several providers of monitoring, inspection, collateral management and supervision services.

President of the tribunal in a Danish Institute of Arbitration arbitration between a European insurance company and a Latin-American distributor.

President of the tribunal in an ICC arbitration between a manufacturer of airport handling equipment and an agent in a Middle Eastern country.

President of the tribunal in an ICC arbitration relating to a sale and purchase agreement of a company operating in the private security sector (settled).

Emergency arbitrator in an ICC arbitration concerning a dispute between shareholders of a concessionaire in the gambling sector in a West European country.

Sole arbitrator in a Stockholm Chamber arbitration relating to a distribution agreement of natural food products.

Sole Arbitrator in an ICC arbitration concerning a dispute arising from an alleged breach of a commercial agent agreement for the distribution of pharmaceutical products in a North African country.

Sole arbitrator in a Swiss Chambers arbitration between an international law firm and a client relating to the payment of a success fee in respect of representation in an international arbitration.

Co-arbitrator on five-member panel appointed by the ICC in a dispute between shareholders of a telecommunications company in Angola (claim USD 4 billion).

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Co-arbitrator appointed by the ICC in an arbitration relating to the supply of natural gas between Argentina and Chile (approximate amount USD 200 million).

Coarbitrator in an ICC arbitration between an electric power company and a state entity and a Latin American State relating to the calculation of energy tariffs.

Co-arbitrator in an ICC arbitration between an Italian contractor and a French principal relating to a project for the development of a hydrocarbon field (amount in dispute approximately € 1 billion).

Coarbitrator in a Lima Arbitration Chamber Arbitration relating to a post M&A dispute.

Co-arbitrator in an ICC arbitration between an Italian company and a French company relating to the lease of real estate for a tourist resort.

Co-arbitrator in an ICC arbitration between a manufacturer of homeopathic products and a distributor.

Co-arbitrator in an ICC arbitration over a dispute between the members of a consortium engaged in works on the Panama Canal (settled).

Co-arbitrator in an ICC arbitration in a dispute between two major manufactures of aircraft components.

Co-arbitrator in an ICC arbitration relating to a gas price dispute.

Co-arbitrator in a Milan Chamber arbitration relating a dispute between shareholders of a waste recycling company.

Co-arbitrator in an ICC arbitration relating to a dispute between and Italian subcontractor and a Russian contractor.

Co-arbitrator in an ICC arbitration relating to a dispute between a North African oil company and a consortium of French companies for the provision of security technology for a pipeline.

Co-arbitrator in a Milan Chamber arbitration relating a dispute between a fashion company and a distributor in a North-European country.

Co-arbitrator in an ICC arbitration relating to a consultancy agreement for oil exploration and production in a North African country.

Co-arbitrator in an ICC arbitration relating to a sale and purchase agreement for the shares of a company operating in the railway sector.

Co-arbitrator in an ICC arbitration relating to a long-term contract for the use of telecommunications infrastructure in Italy.

Co-arbitrator in a LCIA arbitration relating to a dispute between partners of a wind farm.

Co-arbitrator in an ICC arbitration relating to a dispute between a major airline and a supplier of aircraft equipment.

Co-arbitrator in a Milan Chamber arbitration between shareholders relating to the valuation of a company.

Co-arbitrator in a Milan Chamber arbitration between an Italian publisher and a German provider of editorial content.

Co-arbitrator in a Milan Chamber arbitration relating to the termination of an agreement between a fashion company and a designer.

Counsel - Investor State Arbitrations

Notable Counsel - Investor State Arbitrations cases

Representing Italian bondholders in two ICSID arbitrations against the Argentine Republic arising from the State's default (ICSID Case No. ARB/08/9, *Ambiente Ufficio and others v. Argentine Republic* and ICSID Case No. ARB/07/8, *Giovanni Alemanni and others v. Argentine Republic*).

Representing Saipem S.p.A. in an ICSID arbitration relating to the unlawful interference with an ICC arbitration by the state courts of the seat of arbitration (ICSID Case No. ARB/05/07, *Saipem S.p.A. v. The People's Republic of Bangladesh*).

Representing ten photovoltaic investors of different nationalities in six UNCITRAL arbitrations against the Czech Republic brought under the ECT and various intra-EU BITs (overall amount in dispute €100 million). In the largest of these proceedings (which are still ongoing) the investors prevailed on the merits.

Representing leading dredging companies in an ICSID arbitration against Egypt (ICSID Case No. ARB/04/13, *Jan de Nul N.V. and Dredging International N.V. v. Arab Republic of Egypt*).

Representing an Italian investor in an ICSID arbitration relating to the expropriation of a pipe plant in Georgia (ICSID Case No. ARB/05/23, *Ares International S.r.l. and Metalgeo S.r.l. v. Georgia*).

Representing two Italian construction companies in an ICSID arbitration relating to a project for the construction of a dam (ICSID Case No. ARB/05/3, *L.E.S.I. S.p.A. and ASTALDI S.p.A. v. République Algérienne Démocratique et Populaire*).

Counsel - Commercial Arbitrations

Notable Counsel - Commercial Arbitrations cases

Representing a leading German multinational group against a multibillion Euro claim in ICC proceedings brought by a European State in the defense sector.

Representing two leading Italian construction companies in a Panama-seated ICC arbitration brought by a Latin American company in a dispute relating to a hydroelectric project (amount in dispute €70 million).

Representing a railway contractor in a Paris-seated ICC arbitration relating to a FIDIC dispute against two East European public entities (amount in dispute approximately €25 million).

Representing an Argentine company in a Buenos Aires-seated ICC arbitration relating to the supply of machinery (amount in dispute €12 million).

Successfully defending four European energy companies in ICC proceedings in a € 14 million post-M&A dispute with a U.S. multinational group.

Successfully representing a joint venture of Italian companies in an Addis Ababa-seated European Development Fund arbitration against the Federal Democratic Republic of Ethiopia and the Republic of Djibouti concerning a project for the rehabilitation of a railway line (amount in dispute approximately €100 million).

Representing a joint venture between two Italian companies and a French company in an Addis Ababa-seated European Development Fund arbitration against the Ministry of Water, Irrigation and Electricity of the Federal Democratic Republic of Ethiopia concerning a project for the construction of a water network (amount in dispute approximately €30 million).

Representing an Italian construction company in a European Development Fund arbitration against a Haitian state entity relating to a road rehabilitation project, which ended in a settlement.

Successfully representing the investors in proceedings before the Swiss Federal Tribunal for the set-aside of an award in investor-State proceedings against the Czech Republic.

Assisting an Italian joint venture before Ethiopian courts in proceedings for the set-aside of an award we obtained in a European Development Fund arbitration against the Federal Democratic Republic of Ethiopia and the Republic of Djibouti.

Representing an Italian defense manufacturer in an ICC arbitration with a foreign company relating to a project for the development of advanced armament system Representing a utility in proceedings now before the Italian Supreme Court in a follow-on antitrust damages suit arising from a commitments decision of the Italian competition authority.

Representing a manufacturer of telecommunications infrastructure equipment in an ad hoc arbitration relating to a dispute with an Italian mobile telecoms operator.

Representing the seller in an ICC arbitration relating to an earn-out clause in a post-M&A dispute.

Representing a Spanish agent in a dispute with a manufacturer of railroad rolling stock in an ICC arbitration.

Education

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

International Bar / Court Appointments

- Called to the Milan Bar

Memberships

- Vice President of the LCIA
- Milan Bar
- Italian Supreme Court
- ICC International Court of Arbitration
- ILA – International Law Association, Committee on International Commercial Arbitration: Co-Rapporteur of the Reports on Ascertaining the Content of the Applicable Law in International Arbitration (adopted August 2008), on Confidentiality in International Arbitration (adopted August 2010) and on The inherent powers of

arbitrators.

- IBA – International Bar Association, Vice-Chair, Arbitration Committee (until 2012, Chair, Sub-Committee on the Recognition and Enforcement of Arbitral Awards)
- Milan Arbitrators' Club
- ALI – American Law Institute, Member of the Consultative Group on the Restatement (Third), International Commercial Arbitration
- Board of editors of Cahiers de l'Arbitrage /The Paris Journal of International Arbitration; Revue de l'arbitrage, Rivista dell'arbitrato; Revista de Arbitragem e Mediação; Cahiers de droit européen; Banca Borsa e Titoli di Credito; Diritto del Commercio Internazionale; Diritto dell'Unione Europea, Revista do IBRAC- Direito da Concorrência, consumo e comércio internacional
- Italian Arbitration Association
- Scientific Committee of the Italian Arbitration Association
- International Arbitration Institute
- Italian Branch of the International Law Association (Secretary of the Branch 2002-2013)
- Formerly: Group of Experts of the European Commission on the Interface between the Brussels I Regulation (Reg. 44/2001) and Arbitration; Monetary Committee of the International Law Association; Union Internationale des Avocats (EU law and private international law sections); Association européenne de droit bancaire et financier (Member of the Comité Scientifique) ; Groupe Système Européen de Banques centrales; Competition Law Section of the Italian Branch of the ICC; ICC Task Force on arbitrating competition law issues; Working Group on Arbitration of the Associazione Studi Legali Associati (ASLA)

Publications

Arbitration

- *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)

Conflicts of Law and Jurisdiction

- *Operazioni bancarie internazionali e conflitti di leggi*, Milan, Giuffrè, 1984

Public International Law

- *La giurisdizione esecutiva e cautelare nei confronti degli Stati stranieri*, Milan, Giuffrè, 1992.

Competition and Telecommunications Law

- *Il diritto comunitario delle telecomunicazioni – un modello di liberalizzazione di un servizio pubblico*, Torino, Giappichelli, 1999
- *Servizi essenziali e diritto comunitario* (as editor), Torino, Giappichelli, 2001
- *Il Mercato Unico dei Servizi* (as editor, with F. Bestagno), Giuffrè, 2007

- *Codice delle telecomunicazioni*, Torino, Giappichelli, 1998

Languages

- French
- German
- Italian
- Spanish