

Domenico Di Pietro

Partner – Miami and London

Mr. Di Pietro resided and practiced international arbitration in four different jurisdictions as diverse as Italy, England & Wales, Japan, and the United States. Mr. Di Pietro has acted in over 100 international arbitrations worldwide 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 disputes governed by the UNIDROIT Principles and Public International Law.

He has academic affiliations in the field of international arbitration with some of the most prestigious universities worldwide including New York University School of Law where he was twice a visiting scholar, Queen Mary, University of London, University of Rome “Roma Tre”, and University of Rome “Las Sapienza”. He is a prolific writer, and some of Mr. Di Pietro’s publications have been cited by the leading courts in several civil law and common law jurisdictions.

RELEVANT EXPERIENCE IN INTERNATIONAL DISPUTES

Mr. Di Pietro has participated as counsel in a number of ground-breaking or highly significant international disputes. Below is a selection:

INVESTMENT ARBITRATION CASES

Mr. Di Pietro has advised on the protection of foreign investments under bilateral investment treaties and multilateral treaties such as the Energy Charter Treaty. He has acted on several major investment arbitrations arising out of Bilateral Investment Treaties and investment contracts. Experience includes the following:

- A dispute between a South American State and a European investor in relation to a concession for the maintenance of national gas networks.
- A dispute between a South American State and a European investor in relation to a concession for the operation of the national water system.

- 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.
- A dispute between a South American State and European investors in a dispute related to defaulted financial instruments.
- A dispute relating to the expropriation of a farming business in South America.
- Two disputes brought by US investors against a South American State for the expropriation of a financial institution before ICSID and the Permanent Court of Arbitration.
- A dispute between an Asian investor in a Northern European country for a breach of fair and equitable treatment.

COMMERCIAL ARBITRATION CASES

Acted as counsel in arbitrations with seats in over 15 different countries relating to a broad variety of industries and practices under the aegis of the ICC, SCC, AAA, ICDR, 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. Noteworthy experience includes:

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.
- ICC Arbitration between an international JV and an Asian State agency for the construction of a new metropolitan railway in the country's capital.

- ICC dispute arising out of a Joint Venture for the construction of a railway.

ENERGY AND REGULATORY

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 French operator of electricity grids and an Italian shipper relating interconnection fees.
- ICC arbitration relating to a dispute between a Swiss operator and an Italian purchaser for the transportation of green-certified electricity.
- ICC arbitration relating to a dispute arising out of a force majeure event preventing the delivery of electricity from Switzerland to Italy.
- CAM arbitration relating to a dispute arising out of a force majeure event preventing the delivery of electricity from Switzerland to Italy.
- 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.
- ICC Arbitration for the consolidation of airfares in Europe between a European airline and a UK consolidator.

CORPORATE AND COMMERCIAL

- HKIAC arbitration relating to a dispute arising out of a contract for the development and delivery of earth-moving heavy machinery.
- ICC arbitration relating to a dispute between a European JV and another European JV arising out of a contract for the construction and delivery of railroad engines and cars.
- CAM arbitration between a Chinese Company and an Italian Company arising out of a contract for the delivery of turbines.
- ICC arbitration proceedings between a Danish Company and an Italian Company arising out of a contract for the sale of defece equipment.

- Swiss Chambers arbitration for relating to a Share purchase agreement between an English party and Chinese party.
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SHIPBUILDING ARBITRATIONS

- Dispute for the breach of a contract entered into by a European State and a consortium of European companies for the construction of stealth battleships (SCC).
 - Dispute for the breach of a contract entered into by a European State and a consortium of European companies for the construction of frigates (ICC).
 - Dispute for the breach of a contract entered into by an Italian shipbuilder and a Russian private party for the construction of a 200ft yacht (ad hoc).
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SPORT ARBITRATION

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.

ARBITRATOR APPOINTMENTS

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, Sweden, and France.

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

PUBLICATIONS

BOOKS AND BOOK CHAPTERS AS AUTHOR

- *The Definition of Investor in Investment Arbitration* (with Kevin Cheung) Handbook of International Investment Law and Policy, Julien Chaisse editor, 2020.
- *Introduction to the Umbrella Clause*, in *International Investment Arbitration in a Nutshell*, Franco Ferrari and Bryan King editors, 2020.
- *The Enforcement of Foreign Arbitral Awards: Main Recent Developments and Perspectives*, in *Transnational Construction Arbitration Key Themes in the Resolution of Construction Disputes*, Renato Nazzini editor, 2018.
- *Party Autonomy and Public Policy: Awards by Consent in Limits to Party Autonomy in International Commercial Arbitration*, Franco Ferrari editor, 2016.
- *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*, Giorgio Sacerdoti with Pia Acconci, Mara Valenti, Anna De Luca (eds) 2014 (with Federico Ortino).
- *Forum Shopping and Enforcement of Foreign Arbitral Awards: Notes on Public Policy in Forum Shopping in the International Arbitration Context*, Franco Ferrari editor, Sellier 2013.
- *Filing and sending of the acts* *The Chamber of Arbitration of Milan Rules: a Commentary*, Ugo Draetta editor, 2012.
- *Time limits* in *The Chamber of Arbitration of Milan Rules: a Commentary*, Ugo Draetta editor 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”, Loukas Mistelis and Stavros Brekoulakis editors, 2009.
- *Arbitration Clauses “Per Relationem”* in “Enforcement of Arbitration Agreements and International Arbitral Awards - the New York Convention 1958 in Practice” Emmanuel Gaillard and Domenico 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”, Emmanuel Gaillard and Domenico Di Pietro editors, 2008.
- *Arbitration in Italy*, in “A Comparative Study on International Commercial Arbitration”, Nuray Eksi editor, 2007.
- *La Protezione Internazionale degli investimenti esteri e l'arbitrato ICSID*, in “Il Codice degli Arbitrati, Angelo Buonfrate, Chiara Giovannucci Orlandi, 2006.
- *Riconoscimento ed esecuzione dei lodi stranieri*, in Il Codice degli Arbitrati, Angelo Buonfrate, Chiara Giovannucci Orlandi editors, 2006.
- *Arbitrability and the New York Convention*, in “Arbitrability, International and Comparative Perspectives”, Loukas Mistelis and Stavros Brekoulakis, 2006.
- 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”, Ian Blackshaw et al., editors, 2006.
- *Applicable Law Under Article 42 of the ICSID*, in “International Investment Law and Arbitration: Leading Cases from the ICSID, NAFTA, Bilateral Treaties and Customary International Law”, Todd Weiler editor, 2005.

- *Arbitrato Commerciale Internazionale* in “I Nuovi Contratti Nella Prassi Civile e Commerciale”, Paolo Cendon editor, 2004.
- *Bonds*, in “I Nuovi Contratti Nella Prassi Civile e Commerciale”, Paolo Cendon editor, 2004.
- “Enforcement of International Arbitration Awards – The New York Arbitration Convention of 1958”, 2001 (with Martin Platte).
- *I Contratti Internazionali dei Consumatori*, in “Il Diritto Privato nella Giurisprudenza Civile e Commerciale”, Paolo Cendon editor, 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”, Paolo Cendon editor, 2001.

PUBLICATIONS AS EDITOR

- *Enforcement of Arbitration Agreements and International Arbitral Awards - the New York Convention 1958 in Practice*, 2008 (with Emmanuel Gaillard).

PUBLICATIONS AS COMMENTATOR

- Oxford University Press, *Investment Claims Website*

ARTICLES

- *Témoignages sur des expériences à l'étranger pour Le Grand Juriste*, in *Le Petit Juriste*, 2015.
- *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 (with Martin Platte).

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.

PRESENTATIONS

- Webinar, New York University School of Law, Responsible Third Party Funding, International Arbitration, June 7, 2021.
- Webinar, FIU and MIAS on remedies after the award is issued, November 16, 2020.
- Webinar - Arbitrato semplificato e arbitraggio, Milan Chamber of Arbitration, 22 July, 2020.
- Webinar - The importance of soft law and standard contracts in commercial arbitration and litigation. CCLS – QMUL, 19 June 2020.
- Retrospective Analysis and Future Legacy of the Vienna Convention on the Law of Treaties, Washington Foreign Law Society, Washington D.C. 6 November 2019.
- UNCITRAL Anniversary Lecture on the New York Convention, Kiev, October 2018.
- Independence and impartiality of arbitrators, School of Arbitration at Queen Mary College, University of London, December 2007.
- Opening Lecture: The Foundations of International Arbitration, Certificate on International Commercial and Investment Arbitration, University of Rome, Roma Tre, 25 September 2017.
- Arbitration of Sport Disputes: General Principles of Law Applied by CAS Tribunals, Italian Olympic Committee School of Sport, 22 September 2017, Rome.
- Security for Costs in Investment Arbitration, AIA seminar, Rome, June 2017.
- 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, 12 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.

MEMBERSHIP & ASSOCIATIONS

- International Arbitration Institute
- Arbit, the Italian Forum for Arbitration and ADR – Co-founder
- Worshipful Company of Arbitrators – City of London - Freeman
- ICC Commission on Arbitration and ADR 2012-2016
- ICC Institute of World Business Law 2012-2016
- Vilnius Court of Commercial Arbitration – Panel of Arbitrators
- Cyprus Eurasia Dispute Resolution and Arbitration Center, CEDRAC – Court Member

EDUCATION

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

LANGUAGES

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