



RADICATI DI BROZOLO
SABATINI
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Prof. Massimo V. Benedettelli

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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

Since October 2014, Massimo is name partner of ArbLit, a law firm specialized in international arbitration and cross-border litigation.

From 1st July 2018 till 30 June 2024, upon designation of the ICC World Council, Massimo has been a member of the ICC Court of Arbitration. From 1st July 2024 he has been called to serve as a member of the ICC Commission on Arbitration and ADR.

Massimo is the scientific coordinator of GLAM, the Master Program on Global Litigation and Arbitration Management organized by the Università degli Studi di Milano.

Full professor (*professore ordinario*) of International Law at the Department of Law of the University "Aldo Moro", Bari, Italy until 2023 (having received tenure in 1994), Massimo is currently Fellow of Business Law and Director of the program on *International Arbitration and Risk Management* at SDA Bocconi, Milan, Italy



RADICATI DI BROZOLO
SABATINI
BENEDETTELLI
TORSELLO

and professor of practice at the Department of Law of the Bocconi University, Milan, Italy, where he lectures on *Dispute Resolutions in a Globalized World*. Throughout his academic career he also taught Private International Law, International Economic Law, EU Law and European Commercial Law.

In January 2022 upon invitation of the Curatorium of the Academy of International Law of The Hague he gave a course at the Peace Palace on “Powers in International Arbitration Between Party Autonomy, Arbitral Authority and State Sovereignty”.

Massimo's academic and professional interests focus on international arbitration, investment law, international company law, international insolvency law and European law. He is the author of books (including the first ever written treatise in English on international arbitration in Italy) and articles published on Italian and international law reviews and is the co-editor of a Commentary on arbitration law and practice in Italy. His areas of interest focus on international arbitration law, private international law (in the fields of companies, insolvency and financial markets), public international law and European law (see the 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 (as 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 companies (as 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 (as 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.

Constantly involved in scholarly work and academic projects, Massimo is a member of the editorial board of *Rivista dell'arbitrato*, *Rivista di diritto societario* and *Diritto del commercio internazionale*, three leading journals. He is also an Associate Faculty Member of the European Doctorate in Law and Economics organized by the Universities of Bologna, Hamburg and Rotterdam.

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

Until July 2018 Massimo led 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, where he was a partner from 1996 until November 2001, date on which he left the firm to join Freshfields.



RADICATI DI BROZOLO
SABATINI
BENEDETTELLI
TORSELLO

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 PCA Rules, the SCC 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 jurisdictions and have featured procedural and substantive laws of different jurisdictions, as well as public international law.

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 cross-border litigation on issues of Italian law, arbitration law, conflicts of law, international company law and EU law.

Besides his professional and academic commitments, Massimo is actively involved in professional and institutional bodies including the ICC (member of the Court of Arbitration), the International Law Association (member of the Committee on International Arbitration), the Europäisches Rechts Akademie of Trier (member of the Board of Trustees) and the Atlanta Center for International Arbitration and Mediation in Georgia (member of the Arbitration Council), 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.



RADICATI DI BROZOLO
SABATINI
BENEDETTELLI
TORSSELLO

PUBLICATIONS

Arbitration

BOOKS

Powers In International Arbitration: Between Party Autonomy, State Sovereignty and Arbitral Authority, forthcoming in Hague Academy of International Law, *Recueil des cours*

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

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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 (Gieseking), 2020, pp. 1329-1342.

Il (risolvibile) puzzle del rapporto tra arbitrato internazionale e insolvenze transfrontaliere nel diritto europeo, in *CRISI TRANSFRONTALIERA DI IMPRESA: ORIZZONTI INTERNAZIONALI ED EUROPEI* (a cura di A. Leandro, G. Meo, A. Nuzzo), 2018, pp. 199-213, in *Rivista dell'arbitrato*, 2018, pp. 439-457.

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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.



RADICATI DI BROZOLO
SABATINI
BENEDETTELLI
TORSELLO

Patti parasociali ed arbitrato estero: sul possibile equilibrio tra autonomia societaria ed autonomia compromissoria, in *Rivista delle Società*, 2017, pp. 631-651.

Applying the UNIDROIT Principles in International Arbitration: An Exercise in Conflicts, in *Journal of International Arbitration*, 2016, pp. 653-686.

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Public International Law



RADICATI DI BROZOLO
SABATINI
BENEDETTELLI
TORSELLO

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contributing to P. Picone, B. Conforti, *LA GIURISPRUDENZA ITALIANA DI DIRITTO INTERNAZIONALE PUBBLICO - REPERTORIO 1960-1987*, Naples, (Ed. Scientifica), 1988.

Sull'applicazione extraterritoriale delle misure di embargo degli Stati Uniti relative al 'gasdotto siberiano', in *Riv. dir. int.*, 1984, pp. 529-574.

European Union Law

BOOKS

IL GIUDIZIO DI EGUAGLIANZA NELL'ORDINAMENTO GIURIDICO DELLE COMUNITÀ EUROPEE, Padua (CEDAM), 1989, pp. I-XVII e 1-465.

ARTICLES

Profili internazionalprivatistici della disciplina comunitaria dei mercati finanziari: la Direttiva MiFID tra conflitti di legge e conflitti di giurisdizione, in ASSOGESTIONI (ED.), *LA ATTUAZIONE DELLA MIFID IN ITALIA*, Bologna (Il Mulino), 2009, pp. 69-118.

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