

ANNA DE LUCA Attorney at law and (contract) professor at Università Bocconi, Via Roentgen 1 Milan (Italy)

RESUMÉ

PERSONAL DETAILS

Name: Anna De Luca
Office Address: Università Bocconi
Via Roentgen 1
20136 Milan (Italy)
Home Address: Via Pilo 10
20129 Milan (Italy)
Telephone: +390258365592 (office)
e-mail: anna.deluca@unibocconi.it;
anna.deluca.pasquali@gmail.com

Anna De Luca is an international economic law scholar and practitioner specialized in international investment law & arbitration, European trade and investment policy and treaties, European internal market and Energy Law. She has been practising in the field of investment arbitration since 2007. Since 2016 she is a member of the ICSID panel of conciliators and of the list of arbitrators at the Bucharest International Arbitration Court. She regularly lectured on international investment law at Bocconi, where she worked as a research fellow in international law from November 2010 to October 2014.

She has authored many articles and works on International Investment and Trade Law, International Arbitration, and European investment policy, published in international law journals and volumes (Yearbook on International Investment Law & Policy The Journal of World Investment & Trade, The Italian Yearbook of International Law, Columbia FDI Perspectives, and The International Economic Law Yearbook published by the Japanese Association of International Economic law). She is co-editor of *General interests of Host States in International Investment Law*, Cambridge University Press, 2014. Her most recent International publications focus on Trade and Investment Law & Energy, Investment Arbitration & Finance and Banking, and Investor-State Arbitration and the law of State responsibility. She is a frequent speaker at international conferences and seminars on international arbitration, and investment law and trade matters.

She also acts as Liaison Office for the Italian Association for Arbitration (Associazione Italiana per l'Arbitrato, AIA) within a Collaboration Agreement concluded by the Italian Ministry of Economic Development with the AIA in 2015. The 2015 Collaboration Agreement concerns European investment policy and treaty-making issues. As liaison office she provides technical opinions on draft provisions of the trade and investment agreements under discussion to the Italian authorities in the interest of the AIA, when requested.

PRACTICE IN INTERNATIONAL ARBITRATION AND TREATY LAW

27 Nov.- 1 Dec. 2017 Member of the Italian Delegation to the Vienna Session of the UNCITRAL Working Group III, Investor-State Dispute Settlement Reform.

ANNA DE LUCA	Attorney at law and (contract) professor at Università Bocconi, Via Roentgen 1 Milan (Italy)
August 2016	Member of the list of arbitrators at the Bucharest International Arbitration Court.
February 2016	Member of the ICSID panel of conciliators.
Dec. 2015-Feb. 2016	Legal study, authored together with Prof. Giorgio Sacerdoti, for a Tobacco company on “The relationship between new developments under the Framework Convention on Tobacco Control and other dispute settlement mechanisms.”
Jan. 2015-today	Liaison Office for the AIA (Associazione Italiana per l'Arbitrato) within the 2015 Collaboration Agreement between the AIA and the Italian Ministry of Economic Development (MISE) on European investment policy and treaty-making issues.
Nov. 2011 – today	Counsel for the Claimants in the ICSID arbitration proceedings <i>Marco Gavazzi and Stefano Gavazzi v. Romania</i> , ICSID Case No. ARB/12/25.
2007 – 2012	Legal Assistant to Prof. Giorgio Sacerdoti (former Judge at the Appellate Body of the WTO) in his capacity as chairman of the ICSID Arbitration Tribunals in the cases: 1) <i>Continental Casualty Company vs. Argentina</i> , ICSID Case No. ARB/03/9; 2) <i>Total S.A. vs. Argentine Republic</i> , ICSID Case No. ARB/04/1.

ACADEMIC AND RESEARCH POSITIONS

Dec. 2016-Feb. 2017	Visiting professor and research scholar at Nagoya University, Japan.
May 2016	Member of the ILA Committee on “Rule of Law and International Investment Law”: Topics assigned: Consistency/predictability in decision-making, Sufficiency of the control mechanisms, and desirability of an appellate stage.
Nov. 2014-today	(Contract) professor of international law and EU law at Bocconi University.
Sept.-Dec 2014	Research Fellow at <i>the Energy Charter Secretariat</i> working on the topic of the remedies available to investors under the Energy Charter Treaty.
Aug.- Sept. 2013	Advanced Researcher at the Centre for Studies and Research in International Law and International Relations of The Hague Academy of International Law within the 2013 Research Programme on <i>The Legal Implications of Global Financial Crises</i> : member of the English-speaking group under the direction of Dr. Michael Waibel.
Oct. 2010- Nov. 2014	Research Fellow in International Law at Bocconi University.
2003-2007	PhD fellow at the Department of International Studies (Facoltà di Scienze politiche), Università degli Studi di Milano.

ANNA DE LUCA Attorney at law and (contract) professor at Università Bocconi, Via Roentgen 1 Milan (Italy)

EDUCATION

January 2009 Admitted to the Italian Bar.

March 2007 Legal training in investment law and arbitration with Prof. Giorgio Sacerdoti.

March 2007 Università degli Studi di Milano
Philosophy Doctor (Ph.D.) degree in International Law. Subject matter of the dissertation: “L’arbitrato degli investimenti esteri: la giurisdizione dei tribunali ICSID” (“Investment Arbitration: the Jurisdiction of ICSID Tribunals”) Supervisors: Prof. Manlio Frigo (University of Milan), Prof. Giorgio Sacerdoti (Università Bocconi, Milan), and Prof. Luigi Fumagalli (University of Milan).

Dec. 2002 – Dec. 2005 Training in commercial and civil law at Capparelli-Lima Legal Firm in Palermo (Jan. 2005-Dec. 2005)
Training in administrative law at De Cesaris-Demaria jr Legal Firm in Milan (Dec. 2002 - Jan. 2005)

November 2002 Università degli Studi di Milano: Laurea in giurisprudenza (Law degree). Thesis on International Law: “La compromettibilità delle controversie nell’arbitrato commerciale internazionale” (Arbitrability of Disputes in International Commercial Arbitration) Supervisor: Prof. Riccardo Luzzatto.

MEMBERSHIP

Member, ILA (International Law Association), Italian Branch: member of the ILA Committee on “Rule of Law and International Investment Law”
Member, ESIL (European Society of International Law)
Member of the Editorial Committee of the “Rivista dell’arbitrato” (March 2012-today)
Member of the Editorial Committee of “Diritto del Commercio Internazionale” (as of January 2015)

LANGUAGES

Italian (mother tongue)
English (fluent)
Spanish (working knowledge)

Annex I SELECTED PUBLICATIONS; Annex II CONFERENCES ORGANIZED AND ATTENDED IN 2014-2017

ANNA DE LUCA Attorney at law and (contract) professor at Università Bocconi, Via Roentgen
1 Milan (Italy)

Annex I SELECTED PUBLICATIONS

Anna De Luca, "Investor-state arbitration as a 'sub-system' of State responsibility", *International Economic Law* No. 26, 2017, pp. 27-51 (published annually by the Japan Association of International Economic Law);

Anna De Luca, with Seline Trevisanut, "What Energy Union? An Introduction", *European Investment Law and Arbitration Review*, 2017, vol. 2, pp. 167-180;

Anna De Luca, "Bank Rescue Measures Under International Investment Law: What Role for the Principle of Causation?", in R. Hofmann, S. Schill, C. Tams, *International Investment Law and the Global Financial Architecture*, Elgar 2017, pp. 211-239, also available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2834766;

Anna De Luca, 'ILA National Report on the Domestic Rule of Law: Italy', dated April 2017, soon available on the ILA website;

Anna De Luca, "Lodo favorevole alla Spagna a conclusion del primo degli investment arbitrations sorti da impianti fotovoltaici: un precedente rilevante?" [The first ECT-based award on solar power in favour of Spain: what is its presidential value?] *Diritto del Commercio Internazionale*, 2016, pp. 250-275;

Anna De Luca, "Direct effect of EU's investment agreements and the Energy Charter Treaty in the EU", *Eurojus*, 15 November 2016 available at: <http://rivista.eurojus.it/direct-effect-of-eus-investment-agreements-and-the-energy-charter-treaty-in-the-eu/>;

Anna De Luca, "The EU and Member States: FDI, Portfolio Investments, Golden Powers and SWFs", in F. Bassan (ed.), *Research Handbook on Sovereign Wealth Funds and International Investment Law*, Edwards Elgar Publishing, 2015, pp. 178-205;

Anna De Luca, "Renewable energy in the EU, the Energy Charter Treaty, and Italy's Withdrawal Therefrom", *TDM-Transnational Dispute Management*, Vol. 12 Issue 3, May 2015;

Anna De Luca, "Non-Pecuniary Remedies under the Energy Charter Treaty", *Energy Charter Secretariat. Knowledge Centre* 2015, ISSN: 2406-4513, available at: http://www.energycharter.org/fileadmin/DocumentsMedia/Occasional/Non-Pecuniary_Remedies_under_the_ECT.pdf;

Anna De Luca, "Umbrella Clauses and Transfer Provisions in the (Invisible) EU Model BIT", *The Journal of World Investment & Trade*, 2014, pp. 506 – 533;

Anna De Luca, with Giorgio Sacerdoti, "Chapter 21, Italy", in L. W. Newman and C. Ong (Eds.), *Interim Measures in International Arbitration*, JurisNet, LLC 2014, pp. 437-451;

Anna De Luca, "[Withdrawing incentives to attract FDI: Can host countries put the genie back in the bottle?](#)," *Columbia FDI Perspectives* No. 125, July 7, 2014;

Anna De Luca, "Indirect Expropriations and Regulatory Takings: what Role for the "Legitimate Expectations" of Foreign Investors?," in G. Sacerdoti, P. Acconci, M. Valenti, **A. De Luca**, *General*

ANNA DE LUCA Attorney at law and (contract) professor at Università Bocconi, Via Roentgen
1 Milan (Italy)

interests of Host States in International Investment Law, Cambridge University Press, 2014. pp. 58-75;

Anna De Luca, "BIT Transfer Provisions in times of financial crisis", *The Italian Yearbook of International Law* XXIII (2013), pp. 113-130;

Anna De Luca, "Integrating non-trade objectives in the oncoming EU investment policy: What policy options for the EU?," in T. Takács, A. Dimopoulos and A. Ott (eds.), *Linking trade and non-commercial interests: the EU as a global role model?*, CLEER Working Papers 2013, pp. 65-81;

Anna De Luca, "The Legal Framework for Foreign Investments in the EU: The EU Internal Market Freedoms, the Destiny of Member States' BITs, and Future European Agreements on Protection of Foreign Investments", in L. Trakman & N. Ranieri, *Regionalism in International Investment Law*, Oxford University Press, 2013, pp. 121-162;

Anna De Luca, "La competenza dell'Unione europea sugli investimenti esteri", Torino: Giappichelli editore, 2012;

Anna De Luca, "Collective Actions in ICSID arbitration: the *Argentine bonds case*", *The Italian Yearbook of International Law* XXI (2011) 211-239;

Anna De Luca, "New developments on the scope of the EU Common Commercial Policy under the Lisbon Treaty, Investment liberalization vs. investment protection?" in K. P. Sauvant (ed.), *Yearbook on International Investment Law & Policy 2010/2011*, Oxford University Press, 2012, pp. 165-215;

Anna De Luca, "Violazione del principio del contraddittorio e annullamento ICSID: il caso Fraport AG Frankfurt c. Repubblica delle Filippine" (Violation of due process and ICSID annulment: the case Fraport AG Frankfurt Airport Services Worldwide v. Philippines), *Rivista dell'arbitrato*, 2011, pp. 165-215;

Anna De Luca, "I requisiti di nazionalità degli investitori persone fisiche ai fini della giurisdizione ICSID," *Rivista dell'arbitrato*, 2009, pp. 739-837;

Anna De Luca, "L'arbitrato internazionale treaty-based sugli investimenti esteri" (Investment treaty-based arbitration), *Comunicazioni e studi*, vol. XXIII, 2007, pp. 977-1086.

ANNA DE LUCA Attorney at law and (contract) professor at Università Bocconi, Via Roentgen 1 Milan (Italy)

Annex IV CONFERENCES ORGANIZED AND ATTENDED IN 2014-2017

- 14 Dec 2017 Speaker at the international seminar *Current Issues in International Commercial and Investment Arbitration*, organized by the American Chamber of Commerce in Romania (AmCham Romania) and the Bucharest International Arbitration Court (BIAC), Bucharest. Topic: What is the future of intra-EU BITs?
- 19 June 2017 Speaker at the World Trade Institute Conference *Is a Multilateral Investment Treaty Needed?* in Berne, Switzerland. Topic: “Of True problems and fake myths: Is the Multilateral Investment Court a panacea?”.
- April 2017 Speaker at the Vienna Workshop 2017 organized by the ILA Committee on “Rule of Law and International Investment Law”. Presentation of the ILA Report on the Domestic Rule of Law: Italy.
- Jan. 27 2017 Speaker at the Kobe Seminar on International Investment Law 2017 entitled *Struggle with the Public Aspects of ISDS: Controversy and Future Model*, Kobe University (Japan). Topic: “The Investment Court System in the new generation of EU agreements: advantages and drawbacks”.
- Jan. 20 2017 Guest speaker at the Seminar on *The New Generation of EU Trade and Investment Agreements*, Waseda University, Tokyo (Japan). Topic: “The EU Investment Court System”.
- Jan. 13 2017 Guest speaker at the Special Seminar on *Public interest in international investment law and arbitration*, Nagoya University. Topic: “Protecting the host state's public interests: recent trends in investment case-law and treaty practice”.
- Jan. 12 2017 Speaker at the Faculty of Law of Doshisha University, Kyoto (Japan). Topic: “Recent Developments of the EU’s investment policy”.
- Oct. 16 2016 Speaker at the JAIEL (The Japan Association of International Economic Law) Symposium, Otaru, Hokkaido (Japan). Assigned paper: “Investor-state arbitration as a ‘sub-system’ of State responsibility”.
- Sept. 30-Oct. 1 2016 Speaker (selected) at the ASIL Biennial Conference *Making International Economic Law Work: Integrating Disciplines & Broadening Policy Choices*, Georgetown Law’s IIEL, Washington DC. Paper presented: “Bank rescue measures under international investment law: what role for the principle of causation?”.
- April 29-30 2016 Organizer of (and speaker at) the Bocconi International Conference *What Energy Union?* The programme of the Conference is available at: <https://www.unibocconi.it/wps/wcm/connect/ev/Eventi/Eventi+Bocconi/What+Energy+Union>
- July 13 2015 Speaker at the *Italian Ministry of Economic Development (MISE) Meeting: Dialogo pubblico sul meccanismo ISDS. Nuove proposte della Commissione Europea per il meccanismo ISDS nel TTIP* (MISE, Rome). Assigned Topic:

ANNA DE LUCA Attorney at law and (contract) professor at Università Bocconi, Via Roentgen 1 Milan (Italy)

ISDS, BITs, e la Repubblica Italiana.

- May 29 2015 Speaker (invited) at the *ICC/YAF Conference: International Arbitration and EU Law, The 21st century wars of the roses* (Barcelona). Assigned Topic: "ISDS, the EU, and foreign investors".
- March 26 2015 Speaker (invited) at the *European Society of International Law (ESIL) Seminar: Direct Effect of International Investment Agreements in the EU?* (Energy Charter Secretariat, Brussels). Assigned Topic: "Direct effect of the EU's investment agreements and of the Energy Charter Treaty in the EU".
- Nov. 13-15 2014 Speaker (selected) at the *American Society of International Law Biennial Research Conference: Reassessing International Economic Law and Development: New Challenges for Law and Policy*. Assigned Topic: "Bank rescue measures under international investment law between the 'old' international principle of causation and newly emerged international prudential standards on bank resolution and recovery".