

RESUMÉ

PERSONAL DETAILS

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Anna De Luca is an international economic law scholar and practitioner specialized in international investment law & arbitration, trade law, and European trade and investment policy and treaties. 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, European external relations, and trade law at Bocconi, where I 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. The Italian Association for Arbitration is a private organization, dedicated to the promotion of arbitration. The AIA also administers arbitration proceedings and publishes the authoritative arbitration journal *Rivista dell'Arbitrato*. As liaison office she provides technical opinions on draft provisions of the trade and investment agreements under discussion to the competent Italian authorities in the interest of the AIA, when requested.

PRACTICE IN INTERNATIONAL ARBITRATION AND TREATY LAW

- 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 opinion, authored together with Prof. Giorgio Sacerdoti, for Philip Morris 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 *Marco Gavazzi and Stefano Gavazzi v. Romania*, 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) *Continental Casualty Company vs. Argentina*, ICSID Case No. ARB/03/9; 2) *Total S.A. vs. Argentine Republic*, ICSID Case No. ARB/04/1.
- March-May 2007 Research assistant to Prof. Giorgio Sacerdoti in the framework of Sacerdoti’s Legal Opinion (dated May 2007) for the Claimant in *Jan de Nul N.V. and Dredging International N.V. vs. Arab Republic of Egypt*, ICSID Case No. ARB/04/13.

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 *the Energy Charter Secretariat* 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 *The Legal Implications of Global Financial Crises*: 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.

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.

1993 – 1996 Università degli Studi di Milano: student in Biology.

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)

Annex I PUBLICATIONS; Annex II RESEARCH PROJECTS; Annex III TEACHING EXPERIENCE; and Annex IV CONFERENCES ORGANIZED AND ATTENDED IN 2013-2017

Annex I 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*, forthcoming 2017;

Anna De Luca, "Bank rescue measures under international investment law", *The Hague Academy of International Law, Centre for Studies and Research*, forthcoming 2018;

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 conclusione 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 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, "L'azione collettiva in arbitrato ICSID in caso di controversie sul debito obbligazionario," in G. Adinolfi, M. Vellano, *La crisi del debito sovrano degli Stati dell'area euro*, Torino: Giappichelli Editore, 2013, pp. 199-223;

Anna De Luca, "Non Trade Values Protection and Investment Protection in EU Investment Policy" in T. Treves, F. Seatzu, and S. Trevisanut (eds.), *Foreign Investment, International Law and Common Concerns*, Routledge, 2013;

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 nozione di investimento illegale nella prassi arbitrale: il caso della corruzione," *Rivista dell'arbitrato*, 2013, pp. 259-288;

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, "L'arbitrato ICSID e l'azione collettiva: alcune osservazioni a margine del caso *Abaclat*," *Rivista dell'arbitrato*, 2012, pp. 159-226;

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, "Note on the Yearbook on International Investment Law & Policy 2008-2009: Foreign Investment Promotion and Protection vs. Host States Regulatory Powers", *The Journal of*

World Investment & Trade, 2010, pp. 1115-1121;

Anna De Luca, “Potenziali conflitti tra giurisdizione comunitaria e istanze arbitrali istituite sulla base di accordi di promozione e protezione degli investimenti: quali possibili soluzioni?,” A. Oddenino, E. Ruoizzi, A. Viterbo, F. Costamagna, L. Mola, L. Poli, *La funzione giurisdizionale nell’ordinamento internazionale e nell’ordinamento comunitario*, Atti dell’incontro di studio tra giovani cultori delle materie internazionalistiche – VII Edizione Torino 9-10 ottobre 2009, Napoli, Roma: Edizioni Scientifiche Italiane, 2010, pp. 117-140;

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’immunità degli Stati stranieri dalla giurisdizione civile”, in N. Ronzitti & G. Venturini, *Le immunità giurisdizionali degli Stati e degli altri enti internazionali* (Jurisdictional States’ and International Organizations’ Immunities), Padova: Cedam, 2008, pp. 15-27;

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

Annex II RESEARCH PROJECTS

- 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.
- April 2016 Coordinator, together with Seline Trevisanut (Utrecht University), of the research project ‘What Energy Union?’, and co-editor of the Special Section entitled “What Energy Union?” of the European Investment Law and Arbitration Review, forthcoming 2017.
- March 2016 Research project on the relationship between the WTO dispute settlement system and developments under the Framework Convention on Tobacco Control.
- 31 July 2015 Co-author of *The Investor-State Dispute Settlement (ISDS) clause in the Transatlantic Trade and Investment Partnership (TTIP), A study for the Italian Ministry of Economic Development and The Italian Trade Agency*, jointly prepared by the Associazione Italiana per l'Arbitrato (AIA) and Luiss.
- September 2011 Participation in the research project titled “Foreign Investment and Common Concerns: An International Law Perspective.” (Coordinator: Prof. Treves). Assigned Topic: "Non Trade Values Protection and Investment Protection in EU Investment Policy".
- June 2010-Dec. 2013 Participation in the research project titled “Balancing Investors' Protection vs States' Regulatory Competence in International Investment Law” (Coordinator: Prof. Giorgio Sacerdoti) in the framework of the national research titled “Limiting foreign investors’ protection vis-à-vis host States’ general actions in the public interest in the development of international law.” (Coordinator: Prof. Giorgio Sacerdoti) The final results of the project have been published in a CUP volume: Giorgio Sacerdoti (editor), Pia Acconci, Mara Valenti, **Anna De Luca** (co-Editors), *General interests of Host States in International Investment Law*, Cambridge University Press, 2014.
- 2006 – 2007 Participation in the research project on *Jurisdictional Immunities of States and International Organizations* (Coordinators: Prof. Gabriella Venturini and Prof. Natalino Ronzitti).

Annex Iii TEACHING EXPERIENCE

Dec. 2016- Feb. 2017	Visiting professor at the Graduate School of International Development, Nagoya University, Japan.
Sept.-Dec 2016	Course on International Trade & Investment Law at the School of Law, Bocconi University, Milan (Italy).
Oct. 2016	Course on Investment Law & Arbitration in the PhD program in International Law and Economics, Bocconi University, Milan (Italy).
Sept.-Dec. 2015	Course on Investment Law & Arbitration, and Trade Law in the PhD program in International Law and Economics, Bocconi University, Milan (Italy).
Nov. 9-13 2015	Instructor at “The week of Preferential Trade Agreements”, organized within the framework of the EU-MUTRAP project (University of Milan, and Bocconi University; organizer: Prof. Claudio Dordi). Subject-matter: Investment in PTAs, Investor-State Dispute Settlement.
May-June 2015	Course on Trade Law in the PhD program in International Law and Economics, Bocconi University, Milan (Italy).
Oct.-Dec. 2013	Course on Investment Treaty Arbitration in the PhD program in International Law and Economics, Bocconi University, Milan (Italy).
Oct.-Nov. 2012	Course on Investment Treaty Arbitration in the course of International Economic Dispute Settlement in the PhD program in International Law and Economics, Bocconi University, Milan (Italy).
March 2012	Course on Investment Treaty Arbitration in the PhD program in International Law and Economics at Bocconi University, Milan (Italy)
Feb.-June 2012	Adjunct Professor of European Union Law at Bocconi University, Milan (Italy).
Feb.-June 2011	Adjunct Professor of European Union Law at Bocconi University, Milan (Italy).
Jan. 2009-Jan. 2011	Adjunct Professor of International Health Law at the Medical School of University of Milan, (Italy).
April-May 2010	Course on Investment Treaty Arbitration in the PhD program in International Law and Economics, Bocconi University, Milan (Italy).
February 2008	Course on Investment Treaty Arbitration in the PhD program in International Law and Economics, Bocconi University, Milan (Italy).
March 2003-May 2004	Course on International Commercial Arbitration in the framework of the Master’s course in International Trade and Finance at the University of Milan, (Italy).

Annex IV CONFERENCES ORGANIZED AND ATTENDED IN 2013-2017

- 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: *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".
- Oct. 18 2014 Organizer of (and speaker at) the *Bocconi Workshop on Investment Protection in European Economic Partnership and Investment Agreements*. Speakers: Frank Hoffmeister (EU Commission, former Deputy Head of Cabinet in Commissioner De Gucht's Cabinet, International Trade), Stefania Rosini (Italian Ministry of Foreign Affairs, former Deputy Head of the Service for Legal Affairs, Diplomatic Disputes and International Agreements), Amedeo Teti (Italian Ministry of Economic Development, Director General, General Direction for Trade Policy), and Antonio Crivellaro (BonelliErede, Of Counsel).
- July 8 2014 Organizer of (and speaker at) the *Bocconi Seminar: Future Directions for International Investment Law*. Guest Speaker: Professor Christoph Schreuer (University of Vienna), Angelo Sraffa Department of Legal Studies, Milan (Italy).
- March 14-15 2014 Speaker (selected) at the *Frankfurt Investment Law Workshop 2014 "International Investment Law and the Global Financial Architecture: Sovereign Debt, Taxation and Financial Market Regulation"*, Goethe-Universität Frankfurt am Main on 14 and 15 March 2014. Assigned Topic: "International protection of creditors against state measures aimed at ensuring the stability of the financial and banking systems".
- Dec 2013-May 2014 Co-organizer of the *Public International Law Seminars on Trade and Investment* at Bocconi for the academic year 2013-2014.
- Nov. 25-26 2013 Speaker at the *Conference on The Anatomy of the Invisible EU Model BIT*, organized by Professors Reinisch and Bungenberg, University of Vienna. Assigned Topic: "Umbrella Clauses and Transfer Provisions".
- Nov. 20 2013 Organizer of (and discussant at) the *Bocconi Seminar on ICSID Arbitration*. Guest Speaker: Natali Sequeira (ICSID Secretariat), Angelo Sraffa Department of Legal Studies, Milan (Italy).
- Oct. 18 2013 Organizer of (and discussant at) the *Bocconi Seminar: Challenges of International Investment Arbitrators: How does it work, and does it work?* Guest Speaker: Professor Chiara Giorgetti (University of Richmond), Angelo

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Sraffa Department of Legal Studies), Milan (Italy).

Oct. 10-11 2013 Speaker at the *International Conference International investment agreements – aligning sustainable development with investment protection*, Freie Universität Berlin.

July 2013 Speaker at the Conference *International Investment Law: Recent Developments in Times of Economic Crisis*, University of Roma 3 – 29 November 2013. Assigned Topic: “Transfer provisions in times of financial crisis”.