

# PROF. DR. GIOVANNI ZARRA LL.M.

ADJUNCT PROFESSOR OF INTERNATIONAL LAW AND INTERNATIONAL LITIGATION  
ADMITTED TO THE ITALIAN BAR

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## EDUCATION – ACADEMIC CAREER

### UNIVERSITÀ DEGLI STUDI FEDERICO II – NAPLES

MAY 2019 - PRESENT

- **Adjunct Professor** of International Law and International Litigation.
- Previously **Assistant Professor** of Private International Law and International Litigation from December 2016 to May 2019.

### MAX-PLANCK-INSTITUT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT - HAMBURG

MAY 2019 - PRESENT

- **Visiting scholar** in private international law working on “Imperativeness in private international law”.

### UNIVERSITÀ DEGLI STUDI FEDERICO II – NAPLES

JUNE 2013– JUNE 2016

- **Ph.D.** in International Dispute Resolution. **Lecturer** in International Law, International Commercial Law and Private International Law  
Mark: The thesis has been awarded the “Dignità di pubblicazione come monografia” (Dignity of publication as a monograph)
- COURSES OF SPECIALIZATION: International Arbitration, Private International Law, International Commercial Dispute Resolution and International Commercial Law.
- THESIS: “*Managing Parallel Proceedings in Investment Arbitration*”.
- SUPERVISORS: Prof. Massimo IOVANE and Prof. Loukas A. MISTELIS

### QUEEN MARY UNIVERSITY OF LONDON

SEPTEMBER 2013 TO SEPTEMBER 2014

- **LL.M.** in International and Comparative Dispute Resolution  
Mark: **Distinction**. Awarded as **Top QMUL Arbitration Student** for 2014 year.
- COURSES OF SPECIALIZATION: International and Comparative Dispute Resolution, International Commercial Litigation and Conflicts of Law and International Trade and Investment Dispute Settlement. AUDITING: International Shipping Law.
- THESIS: “*The Arbitrability of Disputes Arising from INTRA-EU BITs*”.
- SUPERVISOR: Prof. Loukas A. MISTELIS

### INTERNATIONAL ACADEMY FOR ARBITRATION LAW – PARIS

JULY 2012

- **Certificate of attendance**
- COURSES OF SPECIALIZATION: International Commercial Arbitration, International Investment Law, Parallel Proceedings in International Arbitration, Arbitration in China, Korea and Japan, Arbitration in Africa, ICC Arbitration, ICSID Arbitration.
- TEACHERS: Prof. William PARK, Prof. Michael W. REISMAN, Prof. Gabrielle KAUFMANN-KOHLER.

### UNIVERSITÀ DEGLI STUDI DI NAPOLI FEDERICO II – NAPLES

JULY 2012

- **Laurea Magistrale in Giurisprudenza**  
**Mark: Magna cum laude and distinction**
- COURSES OF SPECIALIZATION: **Public and Private international Law, Civil and Commercial Law, Administrative Law, EU law.**
- THESIS: “*The Law Applicable in International Investment Disputes*”.
- SUPERVISOR: Prof. Massimo IOVANE

## WORK EXPERIENCE IN LAW-FIRMS

### E. MORACE & CO. – NAPLES

JULY 2019 – PRESENT

- OF COUNSEL in international arbitration and public/private international law matters.

### CHIOMENTI – ROME

FEBRUARY 2016 – DECEMBER 2016

- AREA OF PRACTICE: International arbitration, Private international law, International commercial litigation, Public International Law.
- MAIN ACTIVITIES: Managing international arbitrations, both commercial and investment, both as a party and as assistant to arbitrators. Managing international commercial litigations. Managing cases of State immunity and litigations involving States and State entities.
- SUPERVISOR: Prof. Avv. Andrea GIARDINA (Counsel).

## STUDIO LEGALE LAURO – NAPLES

SEPTEMBER 2014 TO 29 FEBRUARY 2016

- AREA OF PRACTICE: International arbitration, Private international law, International commercial law, Shipping Law, Commercial law, M&A.
- MAIN ACTIVITIES: Managing international arbitrations, drafting contracts, memorandums and letters of advice (for clients and counterparts), studying the case law and researching in the field of private international law and international commercial law. Organizer of the *Shipping and the Law* Conference for 2014 and 2015 editions.
- SUPERVISORS: Francesco S. LAURO (*Partner*), Ernesto ARDIA (*Partner*), Giannicola FORTE (*Partner*), Giuseppe DE SANTO (*Partner*).

## HOGAN LOVELLS – ROME

OCTOBER 2012 TO OCTOBER 2013

- AREA OF PRACTICE: M&A, Corporate law, Insolvency and Restructuring Law.
- MAIN ACTIVITIES: Preparing first draft of contracts, memorandums and letters of advice (for clients and counterparts), studying the case law and researching in the field of corporate law, bankruptcy and restructuring.
- SUPERVISORS: Ernesto APUZZO (*Partner*); Alessandra DIMA (*Senior Associate*); Francesco R. GALLO (*Senior Associate*).

## GIANNI ORIGONI GRIPPO CAPPELLI & PARTNERS – ROME

JULY 2012 TO OCTOBER 2012

- AREA OF PRACTICE: Mergers and Acquisitions, Equity Capital Market and Regulatory, Energy.
- MAIN ACTIVITIES: due diligences, company by-laws, investment and shareholder agreements.
- SUPERVISOR: Francesco PUNTILLO (*Partner*).

### LANGUAGE SKILLS

- NATIVE LANGUAGE: **Italian**
- OTHER LANGUAGE: **English** – Proficient User (Level: C2), Cambridge ILEC (International Legal English Certificate) June 2012.
- OTHER LANGUAGE: **French** – Full reading capacity and A2 in Speaking.
- OTHER LANGUAGE: **Spanish** – Full reading capacity.

### COMPUTER SKILLS

- Excellent command of Windows OS; Mac OS; **MS Office (Word, Excel, Power Point)**; legal databases (e.g. Pluris, Dejure, Kluwer Arbitration).

### ADDITIONAL INFORMATION

- Strong determination, flexibility, enthusiasm for professional activities, capable of good public relations and teamwork.
- Admitted as visiting professor at the Hamburg Max Planck Institute for Private International Law for the months August and September 2019.
- Member of the ISDS Academic Forum of the Centre for International Dispute Settlement - University of Geneva
- Regularly appointed as **expert by the Italian Ministry of Foreign Affairs** in matters concerning international investment law and arbitration (since 16 February 2017).
- Founder and Co-Chair of "**AIA-Arbit below 40**" the Italian Under 40 Arbitration Group under the auspices of AIA (Associazione Italiana per l'Arbitrato) and ArbiT (Italian Forum for Arbitration and ADR).
- Member of the Executive Board (Giunta) of the Department of Law since April 2019.
- Member of the Committee appointed for the management of the course of study in Law of the University of Naples Federico II since January 2019.
- Member of the *European Society of International Law*.
- Member of the *Italian Society of International Law*.
- Member of the *Associazione Italiana dell'Arbitrato (AIA)*.
- Member of "*The Young International Arbitration Group – The London Court of International Arbitration*".
- Member of the *ICC Young Arbitration Forum*.
- Member of the Italian Branch of the International Law Association (ILA)
- In charge of the organization of the Shipping and the Law conference in Naples for 2014 and 2015 editions.
- Has given lectures at **LUISS** University Guido Carli in International Organizations.
- Lecturer at the **Ph.D. course** of "Diritto dell'economia" at University of Naples Federico II.
- Attendance of the course in **EXPERT NEGOTIATION SKILLS** held by Prof. Harsha Fernando (MIT) at QMUL, February 2014.
- Studied Classic Guitar at the Conservatory San Pietro a Majella, Naples.
- **Notary Trainee** during the last six months of university at Studio Notarile Laurini, Malatesta, De Bellis under the supervision of Prof. G. Laurini.
- Charter Member and President of *Rotary Club Campania-Napoli*.
- Member of *Rotaract Club Napoli Ovest*, where assumed the roles of Vice Governor of the District 2100 (twice), President of the Club and several others.
- Student Representative for the 2005/2006 and 2006/2007 years at the Liceo Statale G. Mercalli di Naples.

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### LIST OF PUBLICATIONS:

*Il ricorso alle anti-suit injunctions per risolvere i conflitti internazionali di giurisdizione ed il ruolo dell'international comity*, in Rivista di diritto internazionale privato e processuale n. 3/2014, 561 and ff.

*The Arbitrability of Disputes Arising from Intra-EU BITs*, in The American Review of International Arbitration, n. 4/2014, 573 and ff.

*Il nuovo regolamento Bruxelles I-bis ed il problema dell'esclusione dell'arbitrato*, published on 5 december 2014 in GiustiziaCivile.com.

*Il principio del favor arbitrati e le convenzioni arbitrali patologiche nei contratti commerciali internazionali*, in *Rivista dell'arbitrato*, 1/2015, 138 and ff.

*Conflitti di giurisdizione e bilanciamento dei diritti nei casi di diffamazione a mezzo internet*, in *Rivista di diritto internazionale*, 4/2015, 1234 and ff.

*L'esecuzione dei lodi arbitrali annullati presso lo Stato della sede secondo l'art. V, comma 1, lettera (e) della New York Convention: verso un'uniformità di vedute?*, in *Rivista dell'arbitrato*, 3/2015, 561 and ff.

*Case note to Italian Corte di Cassazione n. 21085/2015*, in *Italian Yearbook of International Law 2015*.

*Book review to S. Di Benedetto: "International Investment Law and the Environment"*, in *Italian Yearbook of International Law 2015*.

*Rinuncia preventiva ai mezzi di impugnazione contro lodi arbitrali internazionali ed art. 6 CEDU*, in *Giurisprudenza Italiana*, 2016.

*Rinuncia preventiva all'impugnazione dei lodi arbitrali internazionali e compatibilità con l'art 6 della Convenzione europea dei diritti dell'uomo*, in *Rivista dell'arbitrato*, 2016, 302 and ff.

MONOGRAPH: *Parallel Proceedings in International Investment Arbitration*, joint publication by Eleven International Publishing, The Hague, and G. Giappichelli, Torino, 2016. *The monograph has been already cited in the ICSID Decision Eskosol v. Italy, ICSID Case No. ARB/15/50, Decision on Respondent's Application Under Rule 41(5), 20 March 2017, fn. 248; it is also one of the few scholarly works on which UNCITRAL based the paper on "Concurrent proceedings in international arbitration" (A/CN.9/015, of 24 March 2017, part of the analysis of the reforms to ISDS), fn. 6; also cited in the 2018 IBA Report on "Consistency, efficiency and Transparency in Investment Arbitration". Book reviews by Antonio Crivellaro (in *Diritto del Commercio Internazionale*, 2017) and Lorenzo Gradoni (Italian Yearbook of International Law, 2017).*

*The Doctrine of Punitive Damages and International Arbitration*, in *Diritto del Commercio Internazionale* 4/2016, 963 and ff.

*Orderliness and Coherence in International Investment Law and Arbitration: An Analysis Through the Lens of State of Necessity*, in *Journal of International Arbitration* 4/2017, p. 653 ff.

*Right to Regulate, Margin of Appreciation and Proportionality: Current Status in Investment Arbitration in Light of Philip Morris v. Uruguay*, in *Brazilian Journal of International Law*, 2/2017, p. 95 ff.

*The Interference of ICSID Provisional Measures with National Criminal Proceedings*, in *Italian Yearbook of International Law 2016, 2017*, p. 83 ff.

*The Relevance of State Interests in Recent ICSID Practice*, in *Italian Yearbook of International Law 2016, 2017*, p. 487 ff.

*L'ordine pubblico attraverso la lente del giudice di legittimità: in margine a Sezioni Unite 16601/17*, in *Diritto del commercio internazionale*, 3/2017, p. 714 ff..

*Corruption in International Investment Arbitration: In Defence of the "Zero Tolerance" Approach*, in *Diritto del commercio internazionale* 4/2017, p. 1037 ff.

*Constitutional Review of Foreign Law: The Relevance of Substantive Concerns*, in *Rivista di diritto internazionale privato e processuale* 4/2017.

*The New Investor-State Dispute Settlement Mechanisms Proposed by the EU and the Geneva Centre for International Dispute Settlement. A Step Forward or a Hasty Reform?*, in *Studi sull'Integrazione Europea*, 2/2018, p. 389 ff.

*The Issue of Incoherence in Investment Arbitration: Is There Need for a Systemic Reform?*, in *Chinese Journal of International Law*, 1/2018, p. 137 ff.

*Autonomia negoziale e norme inderogabili secondo il regolamento «Roma I»*, in *Rassegna di diritto civile*, 1/2018, p. 229 ff.

*Arbitrato internazionale e ordine pubblico*, in *Il giusto processo civile*, 2/2018, forthcoming.

*The annulment of the negative jurisdictional ruling in GPF v. Poland. Did the English Judge go too far?*, in *Diritto del commercio internazionale*, 3/2018, p. 807 ss.

*L'illegittimità del divieto d'accesso alle unioni civili per le coppie eterosessuali: dalla svolta della Corte Suprema inglese alla necessità di ampliare l'ambito applicativo della legge Cirinnà*, in *Diritto delle successioni e della famiglia*, 2/2018, forthcoming.

*Investment Arbitration in 2017: Towards Adulthood?*, in *Italian Yearbook of International Law* 2017, 2018 p. 391 ss.

*The Enforceability of Arbitral Awards Deriving From Intra-EU Investment Agreement. Reflections on Treaty Law Issues and on the EU's Unsustainable Position*, in *Diritto del Commercio Internazionale*, 2018, p. 891 ss.

*L'illegittimità del divieto d'accesso alle unioni civili per le coppie eterosessuali: dalla svolta della Corte Suprema del Regno Unito alla necessità di ampliare l'ambito applicativo della legge Cirinnà*, in *Diritto delle successioni e della famiglia*, 2018, p. 1024 ss.

*La (in)validità della clausola arbitrale FIFA (e UEFA) alla prova delle corti belghe. Il caso Seraing ed i suoi potenziali effetti*. RASSEGNA DI DIRITTO ED ECONOMIA DELLO SPORT, 2018, p. 457-474

MONOGRAPH: *Ordine pubblico interno e internazionale tra caso concreto e sistema ordinamentale*, ESI, Naples, 2019

*The ASEAN Comprehensive Investment Agreement approach to Due Process: Does Arbitral Case Law Matter?*, in J. Nakagawa (ed.), *Asian Perspectives on International Investment Law*, Routledge, 2019, pp. 200-220.

*Lo sfuggente articolo 3, paragrafo 3, del regolamento Roma I: tra autonomia delle parti e salvaguardia degli interessi statali*, SIDI Blog, 2019.

*L'applicabilità dei trattati a protezione degli investimenti al caso della Crimea*. RIVISTA DI DIRITTO INTERNAZIONALE, 2019, p. 454-489

*International Arbitration 2018: Back to Basics?*. ITALIAN YEARBOOK OF INTERNATIONAL LAW, 2019, p. 413-453

*The Constitutional Review of Foreign Arbitral Awards*. In: LIBER AMICORUM ANGELO DAVÌ *La vita giuridica internazionale nell'età della globalizzazione*, Editoriale Scientifica, 2019

*"Scelta" e "adattamento" alla prova del diritto internazionale privato del XXI secolo. L'attualità del pensiero di Giorgio Cansacchi*. In: Giorgio Cansacchi. *Scelta e adattamento delle norme straniere richiamate*. p. 9-22, Edizioni Scientifiche Italiane, 2019

*Arbitrato e ordinamento giuridico della Città del Vaticano: Spunti di riflessione*. In: *Diritto Vaticano e diritto secolare. Autonomia e rinvii tra ordinamenti giuridici*. p. 171-186, Libreria Editrice Vaticana, 2019

*Sulla compatibilità di misure restrittive, adottate in Italia e nella Regione Campania per contenere l'epidemia di COVID-19, con gli articoli 5 e 2 del Protocollo n. 4 CEDU*. DIRITTI UMANI E DIRITTO INTERNAZIONALE, 2020

*La Carta Sociale Europea tra unitarietà dei diritti fondamentali, Drittwirkung e applicazione da parte dei giudici interni*. ANNALI DELLA SISDIC, 2020, p. 19-49

*La CEDU e le misure restrittive per fronteggiare l'emergenza in Italia*. In (Staiano ed.) *NEL VENTESIMO ANNO DEL TERZO MILLENNIO Sistemi politici, istituzioni economiche e produzione del diritto al cospetto della pandemia da Covid-19*. p. 495-516, Editoriale Scientifica, 2020

*International Investment Treaties as a Source of Human Rights Obligations for Investors*. In (Buscemi et al. eds.) *Legal Sources in Business and Human Rights*. p. 52-73, Brill, 2020

- THE INTERFACE BETWEEN INVESTMENT ARBITRATION AND THE “OUTSIDE WORLD”: AN ANALYSIS THROUGH THE PRISM OF 2019 CASE LAW. Italian Yearbook of International Law, 2020, pp. 395-421

## **SPEECHES AND CONFERENCES**

*Pathological Arbitration Clauses*, in ICC YAF on “*The Arbitration Agreement*”, Naples 15 May 2015

*Argentinian Crisis and Fragmentation of International Investment Law*, in *Stato Accogliente/Stato Respingente: il caso argentino*, University of Naples Federico II, 12 November 2015

*L'arbitrato nella disciplina delle convenzioni internazionali*, Corso di arbitrato marittimo organizzato dal Consiglio dell'ordine degli avvocati di Salerno e dal Propeller Club di Salerno, Salerno, 6 May 2016.

*Parallel Proceedings in International Investment Arbitration*, in Annual Conference of the European Society of International Law (Interest Group on International Courts and Tribunals), Riga, 7 September 2016

*Contract and Treaty Claims: Influences on Applicable Law*, in ICC YAF on “*Applicable Law in Investment Arbitration*”, held at LUISS University, Rome, 12 May 2017.

*Corruption in Investment Arbitration: In Defense of the Zero Tolerance Approach*, in “Below 40” Event of the Annual Conference of the Capitolo Italiano of the Clube Espanol de Arbitraje, Joint Event with ICC YAF and Arbit, held in Naples on 6 October 2017.

*Parallel Proceedings in Investment Arbitration: How to Deal With That?*, in TDM – Young OGEMID Virtual Symposium on Parallel Proceedings in International Arbitration, held on 9-18 October 2017.

Invited at the Italian Ministry of Foreign Affairs on 16 February 2017 and 6 November 2017 to discuss the projects of a new Multilateral Investment Court and the new Italian Model BIT.

*Investor-State dispute settlement mechanisms in the new EU FTAs. A step forward or a hasty reform?*, speech at Brunswick European Law School (BELS) / Fakultät Recht, 12 December 2017

*Arbitrato internazionale e ordine pubblico*, in Convegno dell'Associazione dei Dottorandi di Diritto Privato, Università degli Studi del Sannio, 18 December 2017

*L'applicabilità dei BIT ai territori occupati tra sovranità illegittima e controllo effettivo: il caso della Crimea*, Università degli Studi di Milano, Department of Political Sciences, 28 November 2018

*Functions of provisional measures in international commercial arbitration*, conferenza “*Provisional Measures Issued by International Courts and Tribunals*”, Università degli Studi del Sannio, 14 December 2018

*I rapporti tra Ucraina e Russia. Il ruolo della nato*. Chairman and speaker on “*La tutela degli investimenti in Crimea*”. Università Federico II di Napoli, 22 marzo 2019

*Investimenti internazionali e protezione dei beni culturali*. Speech at the conference “*Arte paesaggio identità*” held at the University of Naples Federico II on 8 April 2019.

Fair and Equitable Treatment, ASEAN and EU perspectives. Carnelutti Studio Legale, 25 September 2020

La Carta Sociale Europea e i principi generale del diritto europeo. LUMSA University of Rome, 24 November 2020

Il regime di enforcement della Convenzione di New York del 1958. Seminar at Chiomenti Studio Legale, 5 December 2019

La teoria di Roberto Ago e il diritto internazionale privato contemporaneo. University of Turin, 31 January 2020

La giurisdizione nel diritto internazionale privato europeo. University of Naples, 11 February 2020 (Lecture to PhD Candidates)

Litigating Covid-19. ILA Webinar held on 28 May 2020.

## **PRIZES**

“Premio SIDI 2017” (prize of the Italian Society of International Law) for the article *The Doctrine of Punitive Damages and International Arbitration*

Award as Top Student in International Arbitration at the QMUL LLM 2013/2014 on the basis of the dissertation on “The Arbitrability of Disputes Arising From Intra-EU BITs”.

## **EDITORIAL BOARDS**

Member of the Editorial Board of the (Class A) Italian Journal “*Diritto del Commercio Internazionale*” since April 2017.

Member of the Scientific Committee of the Book Series “Quaderni di Diritto dei Trasporti e degli Scambi Internazionali”, edited by Edizioni Scientifiche Italiane, Naples, Italy, since January 2017.

Director of the Book Series “Cultura giuridica e scambi internazionali” (Legal culture and international flows), edited by Edizioni Scientifiche Italiane, Naples, Italy, since March 2018.

Member of the Scientific Committee of the “Trattato di Diritto dell'Arbitrato” edited by Prof. Daniele Mantucci, ESI, Naples, forthcoming.

## **PARTICIPATION IN PHD BOARDS**

Member of the Board of the PhD course in “*Law and Economics*” of the University of Naples Federico II since 2017 (supervision of Mr. Enrico Massa since 15 January 2019 and Ms. Giuliana Lampo since 25 January 2020).

## **ORGANIZATION OF INTERNATIONAL SCIENTIFIC CONFERENCES**

In charge of the entire organization of the ICC YAF on “The Arbitration Agreement”, held in Naples on 15 May 2015.

Member (and vice president) of the Organizing Committee of the 2017 Annual Conference of the European Society of International Law, Naples 7-9 September 2017.

Member of the Organizing Committee of the presentation of the OECD Report on the Italian Economy held at the University Federico II of Naples on 3 April 2019.

International Law Association Biennial Conference in Naples (8 November 2019) on “The Role of International Arbitration in the Evolution of International Law”.