

Gabriele Ruscalla

Counsel, International Court of arbitration
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Present / Past Professional Experiences

- **ICC International Court of Arbitration, Counsel** (November 2015 – present), Paris
- **Max Planck Institute for International, European and Regulatory Procedural Law, Senior Research Fellow** (September 2014 – October 2015), Luxembourg
- **Shearman & Sterling LLP's International Arbitration Group, Associate** (April 2012 – August 2014), Paris
- Traineeships at the Shearman & Sterling's International Arbitration Group (Paris, September 2011 - March 2012), at the Department of International Legal Services of the European Patent Office (Munich, February-May 2009) and at the Trade and Economic Office of the Mission of Italy to the UN and WTO (Geneva, September-December 2008)

Education

- **Bocconi University, Ph.D. International Law & Economics (May 2015)**
Thesis: 'Transnational Public Policy in International Arbitration'. Director: Prof. G. Sacerdoti
- **Université Paris 1 Panthéon-Sorbonne, Columbia University School of Law, Sciences PO Paris, Research Master Global Business Law and Governance (July 2010)**
International Commercial Arbitration, International Investment Law, International Contracts, WTO Dispute Settlement, Transnational Litigation, WTO and Climate Change
Dissertation: 'Legal Aspects of Production-Sharing-Agreements in Azerbaijan and Turkmenistan'
- **University of Milan, MSc International Relations and International Law (July 2008)**
International Economic and Environmental Law, Private International Law, Diplomatic Law, International Economics
Dissertation: 'The Energy Charter Treaty and the Protection of Foreign Investments'
- **University of Milan, BA International and European Studies (February 2006)**

Languages

Italian, English, French

Nationality

Italian

Speaking Engagements

- 'Independence, impartiality and duty of disclosure in international commercial arbitration', Bocconi University, 2011
- The Investor-to-State Dispute Settlement (ISDS) Mechanism of the Transatlantic Trade and Investment Partnership Agreement (TTIP), Max Planck Institute Luxembourg, 11 December 2014
- 'A Look Inside: The Application of *In Whose Name* to Investment Litigation', Workshop "In Whose Name? A Public Law Theory of International Adjudication", Max Planck Institute Luxembourg, 30 April 2015
- 'The Protection of Commercial Interests in the East and South Seas Disputes: Status Quo and Possible Improvements', 2015 ILA-ASIL Asian-Pacific Research Forum "Integrating the Asia-Pacific: Why International Law Matters?", Taiwan, 25-26 May 2015
- 'The Application of *In Whose Name* to Investment Litigation', Workshop 'In Whose Name? On the Functions, Authority and Legitimacy of International Adjudication', The Asser Institute, The Hague, 7-8 September 2015
- 'The Role of the ICC in the investor-State arbitration regime', International Law Association – Italian Branch and University of Milan, Milan, 19 November 2015
- 'Why Are We so Afraid of "Contractual Transparency"? The Case of International Investment Contracts', International Conference 'Transparency vs Confidentiality in International Economic Law: Looking for an Appropriate Balance', Ravenna Law School, Ravenna, 20 November 2015
- 'Multi-party, Multi-contract Arbitration: How to deal with it', Joint Colloquium Cea-40 & CEPANI 40, Brussels, 20 February 2016
- 'Le traitement du contentieux dans le Traité de partenariat transatlantique de commerce et d'investissement', Le TTIP - Partenariat Transatlantique de Commerce et d'Investissement. Enjeux et perspectives pour le droit du commerce international, Association internationale du droit économique, Collège d'Europe, Bruges, 15 April 2016
- 'Scrutiny of Awards by the Court', ICC Italy – Arbit, ICC International Court of Arbitration, Paris, 29 April 2016
- 'The ICC Arbitration Practice in Oil-and-gas Matters', Conference 'What Energy Union?', Bocconi University, Milan, 30 April 2016
- 'The New ICC Transparency Policies', White & Case LLP, Paris, 12 May 2016
- 'Transparency in Institutional Arbitration', ICC Young Arbitrators Forum 'Selected Issues on Transparency in International Arbitration', European University Institute, Florence, 20 May 2016
- 'La revisione del lodo nel Regolamento CCI', Convegno 'Terzo Rapporto annuale sull'arbitrato - Impugnazione e revisione del lodo arbitrale', Palazzo Montecitorio, Rome, 27 May 2016
- 'The ICC arbitration practice', Meeting with the ICC Switzerland National Committee, ICC Headquarters, Paris, 1 July 2016
- 'The Emergency Arbitrator Proceedings under the ICC Rules', ICC Workshop of the International Academy for Arbitration Law', ICC Headquarters, Paris, 7 July 2016
- 'The ICC arbitration practice', Meeting with the ICC Austria National Committee, ICC Headquarters, Paris, 2 September 2016
- 'Private Arbitration: The International Chamber of Commerce (ICC) Arbitration Rules', AIDV International Conference 'Legal Tools for the Protection of Local Wineries in a Global Market', Siena, 16-18 September 2016

- 'Meeting the Institutions: hands on seminar on the formation of arbitral tribunals with ICC, CAM, AIA', Certificate in International Commercial and Investment Arbitration: Theory and Practice', University Roma 3, Rome, 28 September 2016
- 'The Emergency Arbitrator and Interim Measures in the ICC International Court of Arbitration's Practice', AIA-Young ICCA Skills Training Workshop 'Interim Measures and Emergency Arbitration in Practice', Gianni, Origoni, Grippo, Cappelli & Partners, Rome, 28 October 2016
- 'The ICC Practice in Disputes over Distribution Agreements', ICC Young Arbitrators Forum 'Distribution and Arbitration', University of Turin, Turin, 4 November 2016
- Moderator, ICC Young Arbitrators Forum 'What Next in Investment Arbitration? Topical Issues on Jurisdiction and Standing', Shearman & Sterling LLP, Paris, 20 February 2017
- 'Increasing Transparency in Commercial & Investment Arbitration – A Welcome Reform? For the motion (commercial arbitration), Cambridge Arbitration Day, Cambridge University, Cambridge, 18 March 2017
- 'Insight into the ICC Revised Rules', ICC Switzerland Colloquium, Zurich, 19 April 2017
- 'La pratique de la CCI en matière de financement par des tiers', Conférence 'La résolution de l'Ordre des avocats de Paris du 21 février 2017 sur le financement des procédures d'arbitrage par des tiers : la déontologie à l'épreuve de la pratique', Palais de Justice, Paris, 27 April 2017
- 'Le Secrétariat de la Cour', Petit-déjeuner débat du Club Français de l'Arbitrage International, ICC France, Paris, 19 May 2017
- 'Regulating Third Party Founders', Conference 'Third Party Founding in US & Europe', Université Paris Dauphine, Stanford Law School et University of Tilburg, Paris, 21 September 2017
- 'Meeting the Institutions: hands on seminar on the formation of arbitral tribunals with ICC, CAM, AIA', Certificate in International Commercial and Investment Arbitration: Theory and Practice', University Roma 3, Rome, 26 September 2017
- 'Organización de las etapas del proceso decisorio' Conference '*Dabo tibi ius*: El proceso decisorio en el arbitraje internacional', Club Español del Arbitraje – Capítulo Italiano, Naples, 6 October 2017
- Moderator, ICC Young Arbitrators Forum 'Unlawfully Obtained Evidence: Search for the Truth vs. Procedural Abuse', Naples, 6 October 2017
- 'Privilege and Third Party Founding', Norton Rose Fullbright and Queen Mary Conference 'ICCA-QMUL Report on Third Party Founding', London, 8 November 2017
- 'The ICC Experience', ICC Young Arbitrators Forum 'The Arbitrator's Duty to Disclose Potential Conflicts', Zurich, 8 December 2017
- 'Procédure accélérée CCI: Quels avantages et différences avec le règlement classique de la CCI?', Conférence Option Finance 'Les Rencontres de l'Arbitrage et du Contentieux – 4^{ème} édition, Paris, 30 January 2018
- 'L'arbitrage et le commerce du vin et spiritueux', Seminar of Paris Very Young Arbitration Practitioners (PVYAP), Paris, 20 February 2018
- Moderator Panel 'Euro-vision: a year in review', 2nd ICC European Conference, Paris, 9 April 2018
- 'The ICC Experience in Arbitrations involving Third Party Funding', Seminar 'Litigation Funding: Monetization of Judgments and Arbitral Awards', Legance, Rome, 1 June 2018
- "Le rôle de la Cour de la CCI en Asie", presentation to the Delegation of the Foreign Ministry of Vietnam, Paris, 14 September 2018
- 'Meeting the Institutions: hands on seminar on the formation of arbitral tribunals with ICC, CAM, AIA', Certificate in International Commercial and Investment Arbitration: Theory and Practice', University Roma 3, Rome, 26 September 2018

- 'Third Party Funding from a Civil Law, Common Law and Middle Eastern Perspective' and 'Best Practices in International Arbitration', Arbitration Week End, Centre for Advanced Research in Dispute Settlement, Damodaram Sanjivayya National Law University, Vizag, India, 29-30 September 2018

Lectures in Universities

- 'The protection of foreign investments under the Energy Charter Treaty', University of Milan, Milan, 2011 and 2012
- Lecturer, 'International Investment Law and Arbitration', Université Catholique de Lille, Fall Semester 2015
- 'The ICC Statistics', Ph.D. Research Project between HEC and ICC, Sciences PO, Paris, 8 March 2016
- 'The *Truly* Global Arbitration Institution: the ICC International Court of Arbitration. Historical Evolution and Modern Practice', Université Paris IX Dauphine, Paris, 18 March 2016
- 'Emergency Relief under the ICC Rules', LL.M. HEAD Law School, ICC Headquarters, Paris, 18 April 2016
- 'The Fundamentals of the ICC Arbitration', Certificate of Advanced Studies Program, University of Neuchâtel, University of Lucerne, and Swiss Arbitration Academy, Neuchâtel, 23 April 2016
- 'The ICC Arbitration Procedure: Rules and Practices', LL.M. International Trade Law, UN International Training Center, ILO, and University of Turin, Turin, 2-3 June 2016
- 'Emergency Arbitrator', Workshop on the ICC Practice, Arbitration Academy 2016, ICC Headquarters, Paris, 7 July 2016
- 'Constitution and Re-constitution of Arbitral Tribunals under the 2012 ICC Arbitration Rules', Master 'Droit des Affaires', Université de Versailles Saint-Quentin-en-Yvelines, ICC Headquarters, Paris, 14 November 2016
- 'Emergency Arbitrator Proceedings under ICC Rules', Master Global Law, Sciences PO Paris, ICC Headquarters, Paris, 25 November 2016
- 'The Control of the Arbitrators (Confirmation, Appointment, Challenge, Replacement): Practical Aspects', LL.M. 'International Dispute Settlement', Université de Genève and The Graduate Institute of International and Development Studies, ICC Headquarters, Paris, 29 November 2016
- 'The Structure of the ICC International Court of Arbitration and the Main Features of its Rules', LSESU Arbitration Association, London School of Economics and Political Science, London, 5 December 2016
- 'The ICC Arbitration Procedure: Rules and Practices', LL.M. International Trade Law, UN International Training Center, ILO, and University of Turin, Turin, 22-24 May 2017
- 'Emergency Relief under the ICC Rules (Emergency Arbitrator proceedings, interim and conservatory measures), LL.M. HEAD Law School, ICC Headquarters, Paris, 7 June 2017
- 'The Award (interim / partial on jurisdiction / final). Scrutiny process: practical examples', ICC Summer Course, ICC Headquarters, Paris, 13 July 2017
- 'Constitution of the arbitral tribunal and challenges against arbitrators', Workshop on the ICC Practice, Arbitration Academy 2017, ICC Headquarters, Paris, 19 July 2017
- 'Delivery and Carriage of Goods. Passing of Risks. Incoterms (2010). Bill of Lading', LL.M. International Trade Law, UN International Training Center, ILO, and University of Turin, Turin, 10-11 April 2018

- Lecturer on 'Jurisdictional Issues, Multi-Contract and Multi-Party Arbitrations under ICC Arbitration Rules' and member of the Working Group for the Sciences Po TADS LLM - ICC program, LLM Transnational Arbitration Dispute Settlement, Sciences PO, 23-24 April 2018
- 'The ICC Arbitration Procedure: Rules and Practices', LL.M. International Trade Law, UN International Training Center, ILO, and University of Turin, Turin, 14-15 May 2018
- 'Prima facie jurisdiction, multiple parties, multiple contracts and consolidation', LL.M. HEAD Law School, ICC Headquarters, Paris, 16 May 2018
- 'L'expérience CCI en matière de contrats internationaux de construction', DU International Construction Contracts, Université Paris 2 Panthéon-Assas, Paris, 18 May 2018
- 'Award Writing and Scrutiny', Paris LL.M. of Queen Mary University of London, Paris, 21 June 2018
- 'Prima facie jurisdiction, multiple parties, multiple contracts and consolidation', ICC Summer Course on International Commercial Arbitration, ICC Headquarters, Paris, 3 July 2018

Publications

- *Conciliazione nell'arbitrato degli investimenti*, in Trattato di Diritto dell'Arbitrato, Vol. XII - Arbitrato degli investimenti internazionali (Edizioni Scientifiche Italiane) [forthcoming]
- 'Note to the Italian Corte di Cassazione's Decision No. 23893 of 24 November 2015. The Impact of UN Sanctions on the Effects of an Arbitration Agreement: The Italian Approach', JOURNAL OF INTERNATIONAL ARBITRATION [forthcoming]
- 'The Protection of Commercial Interests in the East and South China Seas Disputes: Status Quo and Possible Improvements', CHINESE (TAIWANESE) JOURNAL OF INTERNATIONAL LAW AND AFFAIRS [forthcoming]
- 'From environmental obligations to climate change: new frontiers for international arbitration', Corporate Disputes Magazine (Apr-Jun 2016 Issue)
- *Interview on the Impact of the Trade Chapter of the Transatlantic Trade and Investment Partnership on the Harmonization of Industry Regulatory Standards*, VDI Nachrichten, 13 November 2015
- *Procedural Fairness in the Civil Law Tradition*, in PROCEDURAL FAIRNESS IN INTERNATIONAL COURTS AND TRIBUNALS (F. Fontanelli and A. Sarvarian eds., 2015)
- *Reaction Paper to the Draft Report of ICCA-ASIL Task Force on Issue Conflicts in International Arbitration*, 10 March 2015, Max Planck Luxembourg Working Paper
- 'Transparency in International Arbitration: Any (Concrete) Need to Codify the Standard?', 3(1) GRONINGEN JOURNAL OF INTERNATIONAL LAW 1 (2015)
- 'United States – Certain Country of Origin Labeling Requirements, ARB-2012-1/26, WTO Arbitration under Article 21.3(c) of the Understanding on Rules and Procedures Governing the Settlement of Disputes', 22(1) ITALIAN YEARBOOK OF INTERNATIONAL LAW 341 (2012)
- 'The harmonization of international commercial contract law: the case of international distribution agreements', BOCCONI SCH. L. STUDENT-ED. PAPERS, No. 2011-07/EN (2011)