



## Prof.Dr. Guido Carducci

Year of call:

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### Practice Summary

#### (Paris, London, Rome)

Law Professor, University Paris Est / Attorney-at-law, Rome  
International Tenant and Arbitrator at 4-5 Gray's Inn Square, London, Chartered Arbitrator,  
FCIArb  
Vice-Chair, International Arbitration and Litigation Committees, American Bar Association  
Former Chief, International Standards Section, UNESCO (HQ Paris)  
Ph.D in International Contracts Law (Univ.Paris II) and in Comparative  
Contract Law (Univ.Rome I), Diploma Hague Academy of International Law

#### Acts as Arbitrator, Legal Expert (Witness) and Counsel in

- a. commercial, company, regulatory, banking, sport law
- b. investment, energy, infrastructure and treaty law
- c. art and cultural property law

**Works in:** International Law, European Union Law, French, Italian, English and US Law

#### Bar Admissions

**Italy:** Member of the Rome Bar, admitted before supreme courts (*Avvocato, Patrocinante in Cassazione*)

**France:** Eligible for membership in the Paris Bar based upon academic position (currently not *Avocat*)

**UK:** Registered European Lawyer in England and Wales (works in English law, in conjunction with a Barrister in court proceedings)

**International Tenant and Arbitrator at 4-5 Gray's Inn Square, London**

**Law Professor in Paris** 1999-Present (*Maître de Conférences des Facultés de droit (Hors classe)*) University Paris Est, Post-Ph.D HDR). Courses taught over the years: Contract, Commercial, Company, Bankruptcy, Art Law, Conflict of Laws, International Arbitration and Business Law, EU Commercial and Competition Law

**Professor (or Lecturer) in American and English Business Law**, University Paris I, (33 h. course) 2015-Present

**Visiting Professorships** at the Universities of Paris II (Assas-Panthéon) (2017), Miami (2012), Hong Kong (2018), Rome (Luiss) (2013), International Hellenic University (Thessaloniki, Greece (2013-17) in: International Investment and ICSID Arbitration, International Energy Arbitration, Transnational Commercial Law, International Art and Cultural Property Law, Governing International Contracts in Comparative Conflict of Laws and Uniform Law

Former External Academic Advisor: Banking Law, Dispute Resolution, Consumer Law, City University of Hong Kong

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## Memberships

ABA (Chicago), ICC (Paris), LCIA (London), CIArb (London), CFA (Paris), AFA (Paris), AIA (Rome), IAI (Paris), CEA (Madrid), International Arbitration Club (London)

Vice-Chair of the American Bar Association's International Arbitration and Litigation Committees

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## Working Languages

- English
  - French
  - Spanish
  - German
  - Italian
  - (Fair Portuguese)
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## Legal Education, Specialisation, Ph.D

French Ph.D (*Docteur en droit*, University Paris II) on the Sources of International Contracts Law and Related Disputes before Courts and Arbitral Tribunals

Italian Ph.D (*Dottore di Ricerca*, University Rome I) on Mandatory and Overriding Mandatory Rules in Comparative Contract Law (Domestic & International Contracts)

Postgraduate Specialisation: DEAs/Master II in: Private Law - Private and Business International Law - International Law, EU Law (Universities Paris I and Paris II)

Full (4 year) French (*Maîtrise*) and Italian (*Laurea*) legal education (Universities of Paris II and Rome II)

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## Experience

### Experience as Appointed International Arbitrator:

- in commercial law (various types of disputes), company (share purchase), energy (usage rights of transit capacity), sport law (commercial, doping);
- main issues: termination, enforceability of contract, breach, force majeure, determination of substantive and conflict of laws rules, appropriate interim measures, admissibility of new evidence, default party, etc.
- multilingual arbitrations: conducted as sole arbitrator bilingual proceedings and issued awards in English and Spanish
- appointed by: parties, arbitration institutions, President of the Chartered Institute of Arbitrators (Appointing Authority)
- arbitrations conducted under the following rules: ICC, UNCITRAL, European Court of Arbitration, Court of Arbitration for Sport, Milan Chamber of Commerce

**Experience as Independent Legal Expert (Witness)** in international arbitration and litigation. Wide range of issues in international private law (jurisdiction, conflict of laws, overriding mandatory rules, etc.), commercial law (various contracts, enforceability of arbitration agreements, etc.), economic and investment law (natural resources, etc.), public law (sovereign immunity, State responsibility)

**Experience as Legal Counsel:** i) legal practice, counsel work; ii) transactional work; iii) representation before: a) international tribunal/board, b) national courts; iv) ADR and enforcement of foreign awards

**Experience as Law Professor: see above**

**Experience in the Negotiation and Drafting of International Contracts:** Sale, Supply, Transport, Bank Guarantees

**Experience in Treaty-making and Implementation and in Art and Cultural Property Law as Chief of the International Standards Section,** United Nations Educational, Scientific and Cultural Organization (Paris Headquarters, 2002-08)

Main responsibilities with respect to 192 Member States:

- international standard-setting and treaty-making (legal expert for the intergovernmental negotiation)
- implementation of multilateral treaties on the protection of artefacts, cultural property (tangible and intangible, peacetime and armed conflict situations), underwater cultural heritage (shipwrecks etc.), restitution of (stolen/looted/illegally exported) art and property, State responsibility, 1954, 1970, 2001 UNESCO Conventions, Declaration on intentional destruction of cultural heritage
- drafting and negotiating the Draft Declaration of Principles Relating to Cultural Objects Displaced in Connection with the Second World War (a challenging negotiation in a most legally complex and politically sensitive area, as reflected inter alia in looted art disputes and arbitrations in the international art market)
- responsible and legal expert to the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (22 Member States)

**Further Experience in Treaty-making:** Delegate and legal expert for Italy in the negotiation of the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage. Precipitator (English/French) during the intergovernmental negotiation of uniform law treaties at the Hague Conference of Private International Law (1991-95) and UNIDROIT (1995)

**Experience as Mediator between Governments**

Between the Greek and the UK Governments concerning the Parthenon Marbles in the British Museum and before the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property

### **International Panels of Arbitrators**

Currently Member: ICDR (New York), CIArb (London), WIPO (Geneva), CAS (Lausanne), HKIAC (Hong Kong), JCAA (Tokyo), ACICA (Sidney), CRCICA (Cairo), KLRCA (Kuala Lumpur), CMAP (Paris), French-German Chamber of Commerce (Paris)

Formerly Member: Arbitrator and Conciliator in the World Bank ICSID Panels (2007-2016, Washington D.C.) designated by Italy / Singapore International Arbitration Centre (SIAC)

### **Regular Speaker in Conference on International Arbitration Law and Practice**

#### **International Chamber of Commerce, Paris:**

Member of three ICC Commissions: Arbitration and ADR; Competition; Commercial Law and Practice

Member of the ICC Institute of World Business Law, Arbitrator under ICC Rules, article published in the ICC International Court of Arbitration Bulletin (2011, II, p.31), some 30 years ago Intern at the ICC International Court of Arbitration

**Chartered Institute of Arbitrators, London:** Chartered Arbitrator, Fellow, Member of Faculty (CIArb Trainer in international and domestic arbitration) and of the Arbitration Subcommittee

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## **Publications**

Two Monographs

Arbitration in France: Law and Practice (750 pages, Oxford University Press)

International Art Restitution Claims: Conflict of Laws, UNESCO and UNIDROIT Conventions, EU Directive (480 pages, LGDJ, Paris)

40 Articles published in 4 languages and in leading journals (list available at [carducci-arbitration.com](http://carducci-arbitration.com)):

International Law: Private, Public, Economic Law (*American Journal of International Law*, *Revue générale DIP*, *Clunet Journal de droit international*, *Rivista di diritto internazionale*, etc.)

International Commercial and Investment Arbitration (*American Review of International Arbitration*, *ICSID Review*, *New York Dispute Resolution Journal*, *Arbitration International*, *Revue de l'arbitrage*)

Comparative Contract and Commercial Law / International Art and Cultural Property Law

Reviews of international law, arbitration and conflict of laws, monographs (Gary Born, Redfern and Hunter, etc.) regularly published in *Clunet Journal de droit international* (Paris)

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## **Awards & Honors**

Diploma, Hague Academy of International Law

Elected Vice-Chair, International Arbitration and Litigation Committees, American Bar Association

Awarded Chartered Arbitrator status, the Chartered Institute of Arbitrators, London

Appointed independent legal expert for the European Union in comparative conflict of laws for the elaboration of Regulation (EU) No 650/2012 of 4 July 2012 on international successions (jurisdiction, applicable law, recognition

and enforcement of decisions)

Winner, Research Fellowships (1993-1996) granted by the Max Planck Institute for Comparative Private and Private International Law (Hamburg, Germany), French and Italian Governments

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