

## VIAC – QUESTIONNAIRE

**1. Name:**

De Berti, Giovanni

**2. Date of birth:**

20.12.1939

**3. Citizenship:**

Italian

**4. Contact information:**

De Berti Jacchia Franchini Forlani

Via San Paolo, 7

20121 Milano, Italy

Tel. +39 02 725541

Fax +39 02 7255 4700

email [g.deberti@dejalex.com](mailto:g.deberti@dejalex.com)

[www.dejalex.com](http://www.dejalex.com)

**5. Current position:**

Partner

**6. Education:**

Milan State University (LL.D., cum laude, 1962)

Council of Legal Education, London (1967 / 1969)

**7. Practiced experience in arbitration:**

Since 1974, acting as attorney, party-appointed arbitrator, sole arbitrator and president of arbitration tribunals in proceedings of the Chamber of Arbitration of Milan, Chamber of Arbitration of Public Works, European Court of Arbitration, International Centre for Dispute Resolution (ICDR), International Court of Arbitration of the International Chamber of Commerce, Italian Arbitration Association, Swiss Chamber of Commerce in Italy and in *ad hoc* domestic and international arbitration proceedings.

Recent arbitration or arbitration related *appointments* include:

- Party appointed arbitrator in dispute relating to termination for breach of agreement for sale of real property (2009 – 2010)
- Chairman of arbitral tribunal in construction contract dispute relating to building of blocks of dwelling houses, delay in delivery, defects in performance, payments of additional works (2009 - 2010)
- Sole arbitrator in construction contract dispute relating to setting up of chemical plant in France (2008/2010)
- Party appointed arbitrator in a post-acquisition dispute concerning undisclosed existence of mortgages on buildings transferred with the deal (2008)
- counsel to a Chinese company in the glass industry in judicial proceedings before Italian Courts against an Italian supplier of glass manufacturing machinery, with special reference to the validity of an arbitration clause providing for arbitration in Singapore (2008)
- party appointed arbitrator in a dispute concerning the termination of a car dealership agreement between a multinational car manufacturer and an Italian distributor (2006/2007)
- president of arbitral tribunal in a dispute concerning the management of investment funds by a financial services group (2006/2007)
- counsel to a multinational food group before the Italian Court of Appeals, for the setting aside of an arbitration award in a case relating to the termination of a distribution agreement in Italy (2005/2006)

- chairman of arbitral tribunal in a dispute between a multinational steel group and an Italian distributor in relation to the termination of a distribution agreement and the assessment of damages (2005)
- counsel in a CIETAC (China International Economic and Trade Commission) arbitration in Shanghai in a dispute between an Italian supplier and a Chinese purchaser of chemical products (2005)

**How many arbitrations have you participated in**

Domestic: approx. 30

International: approx. 15

**Under which Rules?**

Chamber of Arbitration of Milan

Chamber of Arbitration of Public Works

European Court of Arbitration

International Centre for Dispute Resolution (ICDR)

International Chamber of Commerce

Italian Arbitration Association (AIA)

Swiss Chamber of Commerce in Italy

How often have you acted as Chairman?

10

How often have you acted as Sole Arbitrator?

10

How often have you acted as Co-Arbitrator?

10

How often have you acted as Counsel?

15

How often have you acted in a different function (e.g. Administrative Secretary)?

0

**8. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**

Recent *publications* include:

Contributions for *Arbitration, Italy* to the Newsletter of the International Law Office, in <http://www.internationallawoffice.com>, namely:

*New rules for Milan Chamber of Arbitration*, August 2010

*Where East meets West: the Italy-China Business Mediation Centre*, June 2010

*ECJ finds Italian rules on mandatory mediation consistent with EU law*, April 2010

*Enforcement of Foreign Award Issued by Tribunal of Two Arbitrators*, November 2009

*New Law on Implementing EU Mediation Directive*, July 2009

*Milan Chamber of Arbitration and the Mediterranean Project*, February 2009

*Milan Chamber of Arbitration Expands International and Online Mediation Services*, January 2009

*Surveys Reveal Further Spread of Arbitration and Mediation*, June 2008

*Arbitration Procedure for Identical Arbitration Clauses in Related Contracts*, November 2007

*Arbitration Clauses in Insolvency Context*, August 2007

*Inability to Present a Case: Grounds for Contesting a Foreign Award?*, March 2007

*Supreme Court Rules on Default Appointment of Arbitrators*, October 2006

*The Growth of Mediation*, July 2006

*Overview of Italian Law on Arbitration*, April 2006

*Italy-China Mediation Centre Opens in Milan*, February 2006

*The Model Mediation Agreement of the Chartered Institute of Arbitrators*, in (2010) 76 *Arbitration*, 136-144

*Developing the mediation market: What should the profession be doing*, in A. Hudson-Tyremen and others (ed.), *CI Arb's Mediation Compendium*, London, 2009

*Risoluzione delle controversie: Italia e Cina scelgono le vie alternative*, Family Office, Ed. Le Fonti, N. 3, luglio-settembre 2008

*The European Draft Directive on Mediation*, Juriste International, 2005-2, p. 53

*Arbitration and Mediation in Italy*, in The Metropolitan Corporate Counsel, August 2002

Recent **speaking** and **teaching engagements** on arbitration, negotiation and mediation, include:

- *Summer School on Domestic and International Mediation*, State University of Milan, Abbiategrasso, 1-4 September 2010
- *Corso di formazione di mediatori, "Teoria e tecnica della mediazione"* (Mediators Training Course, Mediation Theory and Practice), Milan Bar Mediation Institution, 9 luglio 2010
- *"Avvocati e giudici nella conciliazione"* (Lawyers and Judges in Mediation), Milan Bar Mediation Institution, 15 June 2010
- *"Il professionista in conciliazione"* (Professionals in Mediation), Milan Bar Mediation Institution, 7 April 2010
- *"Gli avvocati e la mediazione"* (Lawyers and Mediation), Milan Bar Mediation Institution, 19 November, 10 December 2009
- *"Avvocati e giudici nella conciliazione"* (Lawyers and Judges in Mediation), Milan Bar Mediation Institution, 23 April, 7 and 22 May 2009
- "Corso di conciliazione per avvocati con 15 anni di iscrizione all'albo" (Mediation Training Course for Lawyers with 15 years of Listing), Milan Bar Mediation Institution, 5 marzo 2009
- *"The Use and Abuse of the Caucus and other Mediators' Tricks"*, and *"Does the Future belong to Court-annexed or Court-connected Mediation"*, World Forum of Mediation Centres, Lausanne, 31 January, 2009
- *"Il ruolo dei difensori delle parti nella conciliazione"* (Role of Party Counsels in Mediation), Milan Bar Mediation Institution, Milan, 28 October, 18 November 2008
- *"The view from civil law jurisdictions - Varied experiences and moving targets"*, CIARB Mediation Symposium, London, 24 September, 2008
- *"Arbitrato e conciliazione: due modi di risolvere le controversie, anche rotariane"* (Arbitration and Mediation: two ways of Resolving Disputes, also Rotarian), Rotary Club Milan North West, Milan, 11 September 2008
- *"Court Referred Mediation on the Continent"*, 5<sup>th</sup> Annual Mediation Seminar, CIARB London Branch, London, 2 July, 2008
- *"Risoluzione delle controversie – Italia e Cina scelgono le vie alternative"* (Dispute resolution – Italy and China choose alternative means), Le Fonti Publisher, Milan, 18 June, 2008
- *"L'arbitrato commerciale internazionale"* (International Commercial Arbitration), Milan Law School Alumni Association, 13 June, 2008
- *Mediator*, Mock Mediation, Mediation Training Course, Milan Bar Mediation Institution, 6 June, 2008
- *"Il ruolo del conciliatore, delle parti e dei loro avvocati"* (Role of Mediator, Parties and Party Counsels), European Court of Arbitration, Genoa, 27 May 2008
- *"Il ruolo degli avvocati nella conciliazione"* (Lawyers' Role in Mediation), Milan Bar Mediation Institution, 15 April, 2008
- *"International Dispute Resolution"*, Workshop in *"Legal Aspects of Doing Business with China"*, UIA – ACLA Seminar, Milan, 12 April, 2008
- *"Conflict Prevention"*, World Forum of Mediation Centres, Milan, 28-29 March, 2008
- *Arbitrator and Coach* (Milan Bocconi University team), Willem C. Vis Arbitration Moot, Vienna, March 2008
- *"Decision making process by the arbitral tribunal (Revised draft Uncitral Arbitration Rules)"*, VIAC-UNCITRAL 2008 Conference, Vienna 13 March 2008
- *Arbitrator*, Willem C. Vis Arbitration Moot (East), Hong Kong, March 2008
- *Mediator*, 3rd ICC International Commercial Mediation Competition, Paris, February 2008
- *"La mediazione nella tradizione e nei rapporti italo-cinesi"* (Mediation in the tradition and Italo-Chinese relations), IPSOA Publisher, Milan, 22 November, 2007
- *"L'avvocato come conciliatore e l'avvocato come assistente della parte in conciliazione"* (The Lawyer as Mediator and as Party Counsel in Mediation), Bologna Bar Foundation, 12 December, 2007
- *"Storie di conciliazione"* (Mediation stories), Judges and Mediation Seminar, Milan Law Courts, Milan, 4 October, 2007

- “*La Conciliazione come strumento di risoluzione alternativa delle controversie*” (Mediation as an alternative dispute resolution instrument), Milan Chamber of Commerce, 4 July, 2007
- *Arbitrator and Coach* (Milan Bocconi University team), Willem C. Vis Arbitration Moot, Vienna, March-April 2007
- “*Consulente e mediatore nell’incontro di conciliazione*” (Adviser and Mediator in Mediation Proceedings), Milan Chamber of Arbitration Seminars, March 2007
- *Baggage Blue (Mock) Mediation* (Role player), CI Arb – Associazione Italiana Arbitrato, Rome, 24 November, 2006
- “*Neutralità e imparzialità nella gestione dei conflitti*” (Neutrality and Impartiality in Conflict Management), Milan Chamber of Arbitration, 20 October, 2006
- “*Il Centro di Conciliazione commerciale italo-cinese: un progetto di collaborazione*” (The Italy-China Business Mediation Centre: a Project of Cooperation), Fondazione Italia-Cina, Rome, 6 June 2006
- *Arbitrator and Coach* (Milan Bocconi University team), Willem C. Vis Arbitration Moot, Vienna, April 2006
- “*Chi utilizza la conciliazione*” (Who are the Consumers of Mediation?), Italian National Council of Notaries, Milan, 17 March, 2006
- “*La gestione delle controversie in Cina: dal contenzioso alla conciliazione*” (Managing Conflicts in China: from Litigation to Mediation), La Repubblica Publisher, Milan, 9 March, 2006
- “*Litigation, arbitration and mediation in Italy*”, Shanghai Bar Association, Shanghai, 24 November, 2005
- “*La conciliazione nelle public utilities: potenzialità e vantaggi*” (Mediation in Public Utilities: Capacities and Advantages), Milan Chamber of Arbitration, 26 October, 2005
- “*Comparison between VIAC Rules and Milan Rules*”, in Seminar: *30 Years VIAC, New Austrian Arbitration Law, New VIAC Arbitration Rules*, Vienna International Arbitration Centre (VIAC), 20 October 2005
- “*Il conciliatore e l’arbitro. Esperienze a confronto*” (Mediator and Arbitrator. Comparison of Experiences), Milan Chamber of Arbitration, 21 September, 2005
- “*Un ponte verso la Cina - Risoluzione delle controversie – Italia e Cina scelgono le vie alternative*” (A Bridge towards China - Dispute resolution – Italy and China choose alternative means), Bocconi University, Milan, 14 September, 2005
- “*The European Union Draft Directive*”, Bucharest, Romania, 25 June 2005
- “*Indipendenza, imparzialità, neutralità nell’arbitrato*”, European Court of Arbitration, Lake Como, 18 June, 2005
- “*Seminario Informativo per Professionisti*” (Information Seminar for Professionals). Milan Chamber of Arbitration, 21 April, 2005
- Mediator, *Mock Mediation*, Milan Chamber of Arbitration, 24 March, 2005
- “*The European Union Draft Directive*”, World Forum of Mediation Centres, Amsterdam, 4 March 2005
- Mediator, *Mock Mediation*, Milan Chamber of Arbitration, 21 October, 2004
- “*Il ruolo del consulente nella conciliazione*” (Adviser’s Role in Mediation), Milan Chamber of Arbitration, 12 February, 2004
- Moderator, “*The Marriage of Arbitration and ADR, Are the Institutions meeting the Needs?*”, LCIA Symposium, London, 26 September 2003
- “*La conciliazione sotto il profilo giuridico*” (Mediation under the law), European Court of Arbitration, Milan, 26 March, 2004

## 9. Membership in arbitral institutions / functions in arbitral institutions/organizations:

Chartered Institute of Arbitrators (CI Arb), Member (Practice & Standards Committee; Chairman, Mediation Sub-Committee); Fellow (Mediation); European Branch, Committee Member  
European Court of Arbitration

International Centre for Dispute Resolution (ICDR)

Italian Arbitration Association (AIA)

Italo-Swedish Chamber of Commerce (Assosvezia), Vice President of the Arbitration Council

Swiss Arbitration Association (ASA)

Swiss Chamber of Commerce in Italy, Member of the Arbitration Rules Commission

***Arbitrators' Lists***

Chamber of Economy of Montenegro  
Chartered Institute of Arbitrators (CI Arb), Member  
International Centre for Dispute Resolution (ICDR)  
Italo-Swedish Chamber of Commerce (Assosvezia)  
Swiss Chamber of Commerce in Italy  
Vienna International Arbitral Centre (VIAC)

**10. Languages:**

**Mother tongue:**

Italian

**Working languages** (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language):

English

French

**11. In which legal system have you trained?**

Italy

England and Wales

**12. What is your main jurisdiction of practice?**

Italy

**13. Special expertise or specializations (please list a maximum of three):**

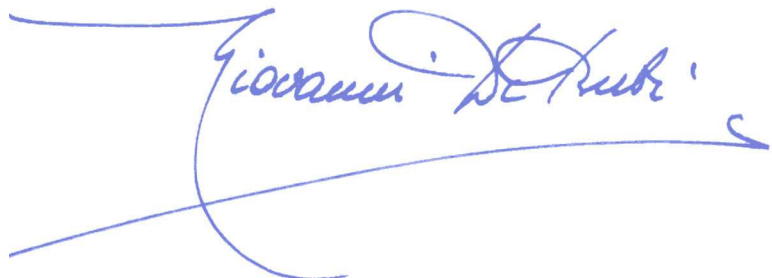
Commercial

Construction

Merger & Acquisition

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons and may be put on VIAC's website.

Milan, 30 October 2010



Giovanni De Rubis