

VIAC – QUESTIONNAIRE

1. **Name:** Avv. Dr. Mauro Rubino-Sammartano

2. **Date of birth:** 16/01/1937

3. **Citizenship:** Italian

4. **Contact information:**

Address: 3, Viale Cassiodoro – 20145 Milan (Italy)

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5. **Current position:** Chartered Arbitrator, Senior Counsel

6. **Education:** J.D. Catholic University

7. **Practiced experience in arbitration:**

Since many years I have kept no record. I feel they are above 100, out of which many ad hoc. I have acted and act as Chairman, as Sole Arbitrator, as So-Arbitrator and as Counsel

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

(see enclosure)

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

President of the European Court of Arbitration

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): **French and English**

11. **In which legal system have you trained?** Italian and French

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

13. **Special expertise or specializations (please list a maximum of three):** Construction, Contract Law, Joint Ventures

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.

Date and signature

Milan, 12 January 2016



CURRICULUM VITAE OF



MAURO RUBINO-SAMMARTANO, born in Milan, Italy, on January 16, 1937; admitted in Milan (1961); Court of Cassation (1975); Paris (1986); Education at Catholic University of Milan (J.D., 1958). Visiting Professor, Commercial Arbitration Law, University of Milan, 1997-1998, Arbitration Law, University of Padua 2003-2004. 2005-2006; Lecturer, International Arbitration, University of Padua, 1987-1989; Honorary Member of the Sofia and Istanbul Bars. Associate tenant of Littleton Chambers, London, as an International Arbitrator

OFFICES HELD:

- President, European Court of Arbitration;
- President, Unione Camere Internazionali (Italian Section of International Attorneys);
- Vice-President, Conseil Méditerranéen d'Arbitrage;
- Honorary Investment Counsellor of Pakistan for Italy;
- Chartered Arbitrator (U.K.);
- *Président d'Honneur, Union Internationale des Avocats* (UIA);
- Chairman Emeritus, International Committee of the Milan Bar;
- *Président d'Honneur, Association Internationale des Juristes de langue Italienne* ;
- Honorary President of the European Society for Construction Law ;
- Founder of the Italian Society for Construction Law ;
- Co-Editor of *Foro Padano*;
- Vice-President, Italian Society for Construction Law;
- Council Member, International Bar Association (IBA);
- Vice Secretary of the Consular Corps of Milan;
- Chairman Emeritus, IBA's International Construction Projects;
- Secretary-General Emeritus of the Federation of European Bars.

PREVIOUS OFFICES:

- Recorder of Desio, 1964-1969;
- Deputy Judge (Court of Monza);
- Honorary Consul in Milan of the Islamic Republic of Pakistan;
- Chairman of SBL's International Sales and Related Commercial Transaction;
- SBL Council Member;
- Member, IBA Publication Committee;
- IBA Deputy Secretary General for Southern Europe (appointment not served, due to a simultaneous nomination as President of *Union Internationale des Avocats*, an office which has been held);
- Chairman, The Mediterranean and Middle East Institute of Arbitration.
- President of the European Society for Construction Law

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TEXTBOOKS: “*International Arbitration: Law and Practice*”, Kluwer, 2nd Ed. 2001; “*Il Diritto dell’Arbitrato*”, (Arbitration Law), Cedam, 6th Ed. 2011; “*Investment Arbitration – Substantive and Procedural Issues in Investments*”, Yearbook on International Arbitration, Vol. II, 2012, Roth/Geistlinger (gen. ds.), NWV Vienna; “*Arbitrato, Conciliazione e ADR*” (Arbitration, Mediation and ADR), Zanichelli, Ed. 2009 “*Appalti d’Opere e Contratti di Servizi*” (Construction Contracts and Contracts for Services), Cedam, 3rd Ed. 2006; “*Warranties in Cross Border Acquisitions*”, (Gen. Ed.) Graham & Trotman, London, 1994; “*Garanzie nella compravendita di pacchetti azionari e di imprese*”, Giuffrè, 2006; “*The Section on Italy of ‘Practitioner’s Handbook on International Arbitration’*”, (Weigand Ed.) Beck, 2002; “*Submitting and Presenting Evidence, The Arbitration Process*” (Gen. ed. Campbell), Kluwer, 2001; “*La soluzione delle controversie in materia di appalti*”, (The Disputes Resolution in Construction Contracts), “*L’appalto privato*”, (Ed. Costanza), Utet, 2000, 532; “*Public Policy in Transnational Relationships*” (Co-Gen. Ed.) Kluwer, 1991; “*Performance Bonds*” in “*International Business Transactions*”, (Eds. Campbell and Proksch), Kluwer, 1988; “*Drafting and Enforcing Contracts in Civil and Common Law Jurisdiction*” (Gen. Eds. K. Yelpaala, M. Rubino-Sammartano and D. Campbell) Kluwer, 1986; The Part on Civil Procedure in Italy of “*World Litigation Law and Practice*”, (Ed. Myrick) Matthew Bender, New York, 1985; “*Lack of Conformity and Various Reliefs in Sales of Moveable Goods to Italy*” in “*Survey of the International Sale of Goods*” (Eds. Campbell, Lafili and Gevurtz) Kluwer, 1985; “*Commercial Agency in Italy*” in “*Rights and Liabilities in Commercial Agency*”, Kluwer 1984; Commentary in “*Defects, Delay, Prices and Subcontracting in Civil Law*”, in “*Selected Problems of Construction Law: International Approach*”, University Press, Fribourg, 1983; “*Bibliographical Dictionary of the Library of the Milan Bar*”, Milan, Giuffrè, 1970 and various other publications.

ARTICLES ON ARBITRATION

Why a different arbitration may give better results, *Romanian Arbitration Journal*, 2011, No. 2; *Costs Awards in arbitration*, *J. Intl. Arb.*, 2011, Vol. 28, 113; *Prejudging in international arbitration: danger or excuse?*, *Yearbook on International Arbitration*, 2010, Vol.1; *The Procedural Rule: from instrument to obstacle to justice*, *Foro pad.* 2010, 3; *Third Generation Arbitration*, *The American Review of International Arbitration*, Vol. 20, No. 4; *The Fall of a Taboo - Review of the Merits of an Award by an Appellate Arbitration Panel and a Proposal for an International Appellate Court*, *J. Int. Arb.* 2003, 20(4): 387-392; *Substantive and procedural issues (and perspectives) in investment disputes*, *International Arbitration: Law and Practice*, 2nd edition Kluwer, 2001; *Camera Arbitrale per i Lavori Pubblici* (The Arbitration Court for Government Contracts), *Foro pad.* 2001, II, 107; id, *Transazione Assistita ovvero: dalla Mistica del Conflitto al Trionfo della Ragione* (Support for conciliation: from love for conflict to the triumph of reason), *Foro pad.* 2001, II, 121; *Vittoria di tappa. Arbitrato irrituale come processo: un sogno impossibile?* (Provisional success of the joint mandate to settle classified as court proceedings: an impossible dream), *Foro pad.* 2001, I, 42; *Sede dell’arbitrato in Italia: veramente l’ultimo legame con il territorio nazionale?* (Venue for arbitration proceedings in Italy as the last link with the territory?), *Foro pad.* 2000, III, 312; *Contratto in violazione di norme inderogabili e compromettibilità della controversia* (Contracts in breach of mandatory provisions and suitability of the dispute for arbitration), *Foro pad.* 2000, III, 355; id. *Invito-ordine alle parti a conciliare. Coraggio e precedenti oltremare* (Invitation-order to the parties to settle: courage and overseas court precedents), *Foro pad.* 1997, I, 411; id. *Termini perentori e diritti della difesa nel procedimento arbitrale* (Mandatory deadlines and due process in arbitration proceedings), *Foro pad.* 1996, I, 148.; id. *Developing Countries vis a vis International Arbitration*, *J. Intl. Arb.* 1996, Vol. 13, No. 1; *New International Arbitration Legislation in Italy*, *J. Intl. Arb.*, 1994, Vol. 11, No. 3; id. *The Channel Tunnel and the Tronc Commun Doctrine*, *J. Intl. Arb.*, 1993, Vol. 10, No. 3; *Amiable Compositeur (Joint Mandate to Settle) and*

Ex Bono et Aequo, *J. Intl. Arb.*, 1992, Vol. 9, No. 1; id. *Ruolo della legge procedurale della sede della procedura arbitrale* (The Lex Fori rule in arbitration proceedings), *Foro pad.* 1992, I, 201; id. *Arbitrato semplificato e arbitrato su documenti* (Simplified arbitration and documents-only arbitration), *Foro pad.* 1990, II, 35; id. *Divieto all'arbitro di nominare un consulente tecnico-giuridico, o incapacità dell'arbitro* (Prohibition on Arbitrator appointing a legal expert or unsuitability of the Arbitrator), *Foro pad.* 1990, I, 280; id. *L'arbitrato internazionale in giurisprudenza: sede in Italia e regolamento arbitrale non italiano* (Court precedents on international arbitration: venue in Italy and non Italian Arbitration rules), *Foro pad.* 1990, I, 4; *Is Arbitration to Be Just a Luxury Clinic?*, *J. Intl. Arb.*, 1990, Vol. 7, No. 3; *An International Arbitral Court of Appeal as an Alternative to Long Attacks and Recognition Proceedings*, *J. Intl. Arb.* 1989, 181; id. *Arbitrato internazionale ed arbitrato estero. Analisi e distinzioni* (International and foreign arbitration: analysis and distinctions), *Foro pad.* 1988, II, 203; id. *Arbitrato irrituale. Mandato a transigere e non ad accertare* (Joint mandate to settle and not to establish whether a claim is grounded), *Foro pad.* 1988, I, 406; *International and Foreign Arbitration*, *J. Intl. Arb.* 1988, Vol. 5, No. 3; id. *La prova nell'arbitrato internazionale* (Evidence in International Arbitration), *Foro pad.* 1987, II, 85; *Third Generation Arbitration. Appeals to a New Panel Within Arbitration Proceedings?*, *J. Intl. Arb.* 1987, Vol. 4, No. 1; id. *I mezzi di impugnazione del lodo rituale non esecutivo e la giurisprudenza* (Challenges to awards, which are not yet enforceable, and court precedents), *Foro pad.* 1986, I, 304; *Rules of Evidence in International Arbitration*, *J. Intl. Arb.*, 1986 Vol. 3, No. 2; id. *Il Référé Arbitral (Pre-Arbitral Referee)*, *Foro pad.* 1982, II, 35; id. *The Keban Arbitration, The Arbitration Journal*, 1980, 241; *Arbitrato con più parti* (Multiparty Arbitration), *Foro pad.* 1980, II, 75; *Arbitrati italiani, stranieri e internazionali – distinzione e analisi* (Italian, foreign and international arbitration: distinction and analysis), *Foro pad.* 1979, II, 9; *Arbitrato con più parti* (Multiparty Arbitration), *Rass. Arb.* 1980, n. 3. *Performance Bonds and Injunctions in International Contracts*, (It) *Foro pad.* 1979, I, 245. *Le Tronc Commun des Lois Nationales en Présence*, *Revue de l'Arbitrage*, 2, 133 (1987); *The role of the Engineer, Myth and Reality*, *International Business Lawyer*, 81 (1986); *Supplies by order of the Court* (It) *Foro Padano* I, 165 (1984); *The lack of conformity*, in “*A survey of the International Sales of Goods*”, Kluwer 1985; *Examination of Witnesses and Article of Proof* (It) *Foro Padano* II, 61 (1983); *Telex, Telecopier and Computer Messages* (It) *Foro Padano* I, 87 (1983); *Localisation of Credits, Effects of Foreign Nationalisations on Them, Law Applicable to Guarantees*, (It) *Foro Padano*, 139 (1983); *The Civil Law Approach to Evidence, The Arbitration Journal*, 331 (1983); *International Construction Agreements-Employer's Breach and Consequent Right of the Contractor to Withhold Delivery on Site*, *Intl. Bus. Law.*, 1943 (1983); *International Construction Agreements, Extent of the Owner's Interference and case Where the Agreement Become Null and Void*, *Intl. Bus. Law.*, 457 (1981) and *Foro Padano* 457 (1980); *Multi-Party Arbitration*, *Intl. Bus. Law.*, 436 (1981); *Injunction of International Contracts* (It) *Foro Padano* I, 245 (1979); *The Imminent United Nations Model Law, and Arbitral Rules of Evidence*, (It) *Foro Padano* (1984), II, c.100; *Nationality of awards and applicable substantive and procedural laws*, in *Arbitration Journal*, p. 47 (1982); *Evidence in Court Proceedings* (It) *Foro Padano* II, c.c., p.p. 87 et seq. (1986); *International and National Arbitration in Italy*, *Foro Padano* II, p.42 (1983); *The attacks against the award before it becomes enforceable and court decisions* (It), *Foro Padano* I, p. 300 (1986).

LANGUAGES: English, French and Italian.

PRACTICE AREAS: Contract Law; International Arbitration and Litigation; Construction; Mergers and Acquisitions; Sales of Goods, Major Tort Issues.

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HONOURS: Grand Cross (Order of the Merit, Portugal); High Officer (Order of the Merit, Italy); Cross of Honour (Order of St. Ramon, Spain); Silver Star (Austria).