



## Loretta Malintoppi\*

Year of call: 1987 (Rome)

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\*Called 1987 (Rome Bar)

*"One of her key strengths is her forensic ability to absorb all the details and then very quickly work out what the key issues in dispute are – she does not get lost in detail."* The Legal 500 Asia Pacific 2022

Global Arbitration Review (GAR) Award for *"Best prepared and most responsive arbitrator"*, 2021

An Italian lawyer by training, Loretta has an LLM from Georgetown University Law Centre in Washington DC and is dually qualified, at the Rome and Paris Bars. Loretta has also been registered to practise in Singapore since 2012.

Ranked in Chambers Asia- Pacific 2024 Most in demand Arbitrators as '*a highly regarded arbitrator known for handling high-profile cases*.' Loretta sits as arbitrator in arbitrations under a variety of arbitration rules, including International Centre for Settlement of Investment Disputes ("ICSID"), International Chamber of Commerce ("ICC"), The United Nations Commission on Trade Law ("UNCITRAL"), Singapore International Arbitration Centre ("SIAC"), London Court of International Arbitration ("LCIA"), Stockholm Chamber of Commerce ("SCC"), Milan Chamber of Arbitration (CAM) and Dubai International Arbitration Chamber ("DIAC"). Loretta also regularly appears as counsel and advocate in State-to-State disputes before the International Court of Justice and in ad hoc inter-State arbitrations. Aside from her native Italian, Loretta is fluent in English, French and Spanish and conducts procedures in all of these languages.

Prior to focusing on her career as arbitrator, Loretta acted for twenty-five years as counsel and advocate in international commercial arbitration with a major international law firm based in Paris. Her practice was particularly focused on public international law matters, infrastructure projects, oil and gas concessions, international sales contracts, disputes arising out of shareholders agreements, and construction projects under FIDIC contracts.

Loretta was a Member for Italy of the ICC International Court of Arbitration from 2000 to 2009 and a Vice-President of the ICC Court from 2009 until June 2015. Loretta was nominated as ICCA Vice-President in 2022 for a term of two years, and has been a member of the Governing Board of ICCA from 2017 to 2021. She also sits as a member of the Council of the CAM, the International Arbitration Committee of the Korean

Commercial Arbitration Board (KCAB International), the Arbitration Committee of the British Virgin Islands International Arbitration Centre (BVI IAC) and the Council of the ICC Institute of World Business Law. She is also a Member of the Governing Board for the Centre for International Law (CIL) of the National University of Singapore (NUS). Loretta was designated by the Chairman of the Administrative Council of the World Bank to the ICSID List of Arbitrators.

## Areas of expertise

International Commercial Arbitration (Arbitrator)

Public International Law (Arbitrator)

Public International Law (Arbitrator and Counsel)

## Arbitrators

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Loretta's experience as arbitrator in international commercial arbitration, includes acting as Sole Arbitrator, presiding arbitrator and party-appointed arbitrator in numerous international commercial arbitrations over the last thirty years. She sat as arbitrator and chair in arbitral proceedings under a variety of rules, including: International Chamber of Commerce ("ICC"), London Court of International Arbitration ("LCIA"), Singapore International Arbitration Centre ("SIAC"), Dubai International Arbitration Chamber ("DIAC"), Stockholm Chamber of Commerce ("SCC") and Milan Chamber of Arbitration ("CAM").

The cases concern disputes arising from a variety of international transactions (including automotive industry disputes, construction contracts, infrastructure projects, international sale of goods, agency, oil and gas, pharma and life sciences, procurement, shareholders' agreements, and distribution), with particular regard to disputes involving States and State entities.

Procedures conducted in English, French, Italian and Spanish.

## International Commercial Arbitration (Arbitrator)

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### Cases of note

- **Pharma and life sciences** - President in an ICC case between six Hong Kong and Taiwan companies as claimants and two German companies as respondents regarding a settlement agreement and supply agreement for the sale and manufacturing of pharmaceutical products (applicable law: Republic of China (Taiwan) law);
- **Supply of goods** - Sole Arbitrator in an ad hoc case (SIAC acting as fund-holder) between a Singapore company and two Indonesian companies regarding the supply of goods (applicable law: Singapore law);
- **Oil and gas** - Co-arbitrator in an LCIA arbitration between two Eastern European companies concerning the supply of petroleum products (applicable law: English law);
- **Oil and gas** - Co-arbitrator in an LCIA case between a Hong Kong company and a PRC company concerning the sale of crude oil (applicable law: English law);
- **Engineering, construction and projects** - President in an ICC case between a Thai company and a Korean company regarding a project for the engineering, procurement and construction of a phenol and acetone plant (applicable law: Thai law);
- **Oil and gas** - President in an ICC case between two UAE companies regarding a pipeline project (applicable law: UAE law);
- **Joint venture dispute** - President in an ICC case between one Singapore company and six Korean companies as claimants and a Korean State-owned entity as respondent regarding a joint venture for the development of an urban construction project (applicable law: Korean law);

- **Oil and gas** - Co-arbitrator in an ICC case between a Canadian company and two Eastern European State entities concerning onshore operations in oilfields (applicable law: English and Swiss law);
- **Oil and gas** - Sole Arbitrator in an ad hoc case (SIAC acting as fund-holder) between three Indonesian companies (one claimant, two respondents) regarding the supply of pipelines (applicable law: Indonesian law);
- **Construction, infrastructure and projects** - Co-arbitrator in an ICC case between two Eastern European companies and an Austrian company concerning a construction project (applicable law: English law);
- **Procurement and manufacturing** - Co-arbitrator in a multi-party ICC arbitration concerning the termination of three connected agreements for procurement and manufacturing in the shipping industry (applicable law: Italian law);
- **Commercial contracts** - Sole Arbitrator in a SIAC case concerning a sales agreement between a Singaporean company and an Indian company (applicable law: Indian law);
- **Construction, infrastructure and projects** - President of the tribunal in an ICC arbitration between a German company and a Korean company concerning a construction project in Korea for the installation of a logistical automation system for a regional postal centre (applicable law: Swiss law);
- **Automotive industry** - President of the tribunal in a SIAC arbitration between a Korean company and a German company concerning a contractual dispute in the automobile sector (applicable law: not specified);
- **Healthcare procurement** - President of the tribunal in an LCIA arbitration between a Chinese company and a UK Ministry concerning the medical sector (applicable law: English law).

## Recommendations

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- *"Loretta Malintoppi of 39 Essex Chambers regularly sits as an arbitrator in the Latin America and Asia-Pacific regions, where she impresses sources with her 'fantastic grasp of the facts' in her cases. One commentator appreciates the manner in which 'she commands the room', while another finds her to be 'extremely diligent.'"* Chambers Global 2021;
- *"One of her key strengths is her forensic ability to absorb all the details and then very quickly work out what the key issues in dispute are – she does not get lost in detail."* The Legal 500 Asia Pacific 2022.

## Memberships

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- Member of the following institutional panels of arbitrators: ICSID (designated by the Chairman of the Administrative Council in 2017), IDRC, SIAC, HKIAC, KLRCA, BVI IAC, CIETAC and KCAB;
- Founding Member of the Singapore Branch of the International Law Association ("ILA"); and Member of the Council of the Branch;
- Member of the ILA Committee on rules of procedure of international courts and tribunals;
- Member of the American Society of International Law;
- Vice-President of the International Court of Arbitration of the International Chamber of Commerce ("ICC") from 1 July 2009 to 30 June 2015;
- Italian Alternate Member of the International Court of Arbitration of the ICC, 2000-2009.

## Honorary Appointments

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- Member of the Governing Board for the Centre for International Law ("CIL") of the National University

member of the Governing Board for the Center for International Law (CIL) of the National University of Singapore ("NUS");

- Vice-President (until 1 April 2024) and member of the Governing Board of the International Council for Commercial Arbitration ("ICCA");
- Member of the Council of the ICC Business Institute;
- Member of the Council of the Milan Chamber of Commerce (CAM);
- Member of the International Arbitration Committee of the Korean Commercial Arbitration Board (KCAB International);
- Member of the Arbitration Committee of the British Virgin Islands International Arbitration Committee (BVI IAC);
- Member of the ICC Commission on Arbitration;
- Former co-Chair of the ICC Commission on Arbitration's Task Force on Production of Electronic Documents in International Arbitration;
- Former member of the Special Drafting Committee of the ICC Task Force on Arbitration Involving States or State Entities;
- Member of the ICC Latin American Arbitration Group.

## Qualifications

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### Education

- Georgetown University Law School, Washington, D.C., 1986. LL.M. (Common Law Studies), Fulbright Scholar. Coursework included: International Finance, Corporations, International Trade Law, Anti-Trust, International Transactions, International Commercial Arbitration;
- The Hague Academy of International Law, The Netherlands, June-July 1981. Academy Scholarship, Program of Lectures in Public International Law;
- University of Rome, Italy, 1979. Laurea in Giurisprudenza (Juris Doctor), Magna Cum Laude.

### Languages

- Italian, mother tongue
- French, fluent
- English, fluent
- Spanish, fluent

### Scholarships and prizes

- Fulbright scholar, one-year grant for studying in the United States, 1986

## Additional Information

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### Publications

- *Schreuer's Commentary on the ICSID Convention*, Third Revised Edition, General editor Stephan W. Schill, co-editors Christoph Schreuer, Loretta Malintoppi, August Reinisch and Anthony Sinclair, Cambridge University Press, September 2022;
- *The ICSID Convention: A Commentary*, Second Edition, by Christoph Schreuer, Loretta Malintoppi, August Reinisch and Anthony Sinclair, Cambridge University Press, 2009;
- *Investment Protection in Southeast Asia: A Country-by-Country Guide on Arbitration Laws and Bilateral Investment Treaties*, editor, with Charis Tan, Martinus Nijhoff, 2017;

- "L'arbitre fait du chaos une force a l'aune de l'impartialité, de l'indépendance et de l'immunité", *Revue de l'arbitrage* 2024 no. 2;
- "Don't Shoot the Sheriff: The Threat of Legal Claims Against Arbitrators and Arbitral Institutions", *Arbitration International*, 2021, 37, pp. 487–501;
- "L'arbitrato in materia di investimenti davanti ad istituzioni arbitrali diverse dall'ICSID", co-authored with Pierfrancesco Rossi, *Trattato di Diritto dell'Arbitrato* Prof. Mantucci (ed.), Volume XIII, *L'arbitrato negli investimenti internazionali* (2020);
- "The Application of Mandatory Rules by Arbitral Tribunals Under Singapore Law: A Need for Greater Certainty?" co-authored with Alvin Yap, in *Singapore Arbitration Journal*, Vol. 1, November 2019 pp. 55-82;
- "Challenges of Arbitrators in International Investment Arbitration; Still Work in Progress?" co-authored with Alvin Yap, in *Arbitration Under international Investment Agreements; A Guide to the Key Issues* Katia Yannaca-Small ed., 2nd edition, Oxford University Press, 2018;
- "Inter-State Arbitration of Disputed Sovereignty and Maritime Delimitation Issues", paper delivered at the ICCA Congress 2016, *ICCA Congress Series* 2017, pp. 45-76;
- "Fact-Finding and Evidence before the International Court of Justice (Notably in Scientific-Related Disputes)", *Journal of International Dispute Settlement*, 2016, 7 (2), pp. 421-444;
- "A Cautionary Tale: the Singapore and Hong Kong Chapters of the Astro v First Media Saga", *Les Cahiers de l'Arbitrage* 2015-4;
- "Is there an 'Asian Way' for Investor-State Dispute Resolution?", *KLRC Newsletter* 19, July-September 2015;
- "Challenges of Arbitrators: Lessons from the ICC", co-authored with Andrea Carlevaris, in *Challenges and Recusal of Judges and Arbitrators*, C. Giorgetti ed., Brill 2015;
- "The Non-Disputing State Party in Investment Arbitration: An Interested Player or the Third Man Out?", co-authored with Hussein Haeri, in *Practising Virtue, Inside International Arbitration*, D. Caron, S. W. Schill, A. C. Smutney, E. E. Triantafilou, Oxford University Press, 2015;
- "Living in Glass Houses? The Debate on Transparency in International Investment Arbitration", co-authored with Natalie Limbasan, *Bahrain Chamber for Dispute Resolution, International Arbitration Review*, Vol. 1, May 2015, N. 2, p. 31;
- "La procédure arbitrale devant le CIRDI et hors CIRDI: une comparaison", *Droit international des investissements et arbitrage trans-national*, Ch. Leben ed., Pedone, 2015;
- "Regards croisés sur la mise en oeuvre des techniques interprétatives de la norme internationale – Les techniques interprétatives du CIRDI", *Revue Générale de Droit International Public*, Vol. 115, 2011, N° 2;
- "The Algiers Accords and the Iran-US Claims Tribunal (1981)", *World Arbitration Reporter* (WAR), 2d edition, JurisNet LLC 2011;
- "Unlawful interference with international arbitration by national courts of the seat in the aftermath of *Saipem v Bangladesh*", co-authored with Luca Radicati di Brozolo, in *Liber Amicorum Bernardo Cremades*, La Ley, 2010;
- "Provisional Measures in Recent ICSID Proceedings: What Parties Request and What Tribunals Order", in *International Investment Law for the 21st Century: Essays in Honour of Christoph Schreuer*, Oxford University Press, 2009;
- "Independence, Impartiality and Duty of Disclosure in Investment Arbitration", in *Oxford Handbook of International Investment Law*, P. Muchlinski, F. Ortino and C. Schreuer eds., Oxford University Press, 2008;
- "Methods of Dispute Resolution", co-authored with A. Reinisch, in *Oxford Handbook of International*

*Investment Law*, P. Muchlinski, F. Ortino and C. Schreuer eds., Oxford University Press, 2008;

- “Methods of Dispute Resolution in Inter-State Litigation: When States go to Arbitration Rather Than Adjudication”, *The Law and Practice of International Courts and Tribunals*, Vol. 5, 2006;
- “*La jurisprudencia arbitral de la CCI relativa a los contratos de Estadõ*”, in *Revista de Arbitragem e Mediação*, Ano 1, n.2, maio-agosto de 2004, p. 186;
- Editor, *International Litigation in Practice Series*, Martinus Nijhoff Publishers;
- Member of the editorial board, *The Law and Practice of International Courts and Tribunals*, Martinus Nijhoff Publishers;
- Member of the editorial advisory board, *Journal of World Investment and Trade*.

## Teaching Positions and Speaking Engagements

- Faculty Member of the Roma Tre University Certificate in International, Commercial and Investment Arbitration, 8th edition, 2021;
- Lecturer on international investment arbitration at the Singapore International Arbitration Academy 2014;
- Senior lecturer on international investment arbitration in the Master Degree on economic law at Science Po Law School, Paris, 2010-2012;
- Regular lecturer at the Master on Arbitrage & Commerce international of the *Faculté de droit et de science politique of the Université de Versailles – Saint-Quentin*;
- Regular guest lecturer at the *Université de Nanterre* (Paris X);
- Lecturer at the *Université de droit, d’économie et des sciences sociales de Paris* (Paris II), 1988-1990, course on Italian law;
- Frequent guest lecturer in the Law Schools of the Universities of Verona, Padova, Treviso and Catania;
- Frequent speaker at conferences and seminars on public international law, investment arbitration and international commercial arbitration.

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