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LL.M, PhD

Full Professor of International law
Member of the Bars of Bologna and New York
Qualified to plead at Italian High Courts
Knight of Merit of the Italian Republic

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PERSONNEL

Date of birth: February 26, 1964
Citizenship: Italian
Status: Single

CURRENT POSITIONS

ACADEMIA

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| Since November 2011 | Full Professor of International Law, Faculty of Economics, Catholic University of the Sacred Heart, Italy (Rome office)
Responsible for the Legal Area ALTEMS Higher Education School, Catholic University of the Sacred Heart |
| Since Autumn 2012 | Director of the ALTEMS Master in Legal Expert for Healthcare (now renamed: Competences and Legal Services in Health), Catholic University of the Sacred Heart |
| Since Spring 2020 | Professor In charge of the course European and International Trade Law, UNINT, Faculty of Economics (course shared with Vincenzo Zeno Zencovich) |
| From Spring 2019 | Faculty Member Summer School on International Trade Law, European University of Rome |

CONSULTANCIES

- 2003 - present **Senior Legal Expert** for reform projects.
Projects for Technical Assistance by the World Bank (STC) on reform of the legal and regulatory framework, at national or regional level, mainly in the commercial and financial sectors, directly as a consultant to the Bank World or as a consultant of the local Government. Similar consultancy activities for other (multilateral or regional) international organizations.
- 2003 - present **External consultant** to the Legal Service, Ministry of Foreign Affairs and International Cooperation (MAECI), in particular for trade and commercial matters; coordinator of the UNCITRAL, UNIDROIT and The Hague Conference Working Groups, as well as member of the defense team of Italy for investment arbitrations currently in progress (supporting the State Attorneys' team)

APPOINTMENTS

- February 2014 - present **Chairperson** of WG I on Micro, Small and Medium-size Enterprises (MSMEs), UNCITRAL
- 2017 - present **Italian Delegate** to UNCITRAL WG III for the reform of the ISDS and to ICSID for the updating of ICSID Rules
- 2007- present **National Correspondent** to CLOUT UNCITRAL (Case Law on UNCITRAL Texts database)
- 2019 - present **Arbitrator** OSCE Court on Italian appointment (mandate 2019-2024; from 2013 to 2018 alternate arbitrator)
- 2016 - present **Expert** included in the list of ICSID conciliators and arbitrators on Italian appointment
- 2011 - present **Expert** included in the list of DSB - WTO panelists (for trade in goods and services and intellectual property) of Italian appointment
- 2018 - present **Member** of the Arbitration and ADR Committee ICC Italy
Italian delegate at the ICC Commission on Arbitration and ADR (international)
- 2019 - present **Member** of the IILA Administrative Court (Italian-Latin American Institute)

- 2017 - present **Member** of the Editorial Board (Rome section) of the review "*Diritto del Commercio Interazionale*", Giuffr 
- 2017 [creation date] - present **Member** of the Academic Forum on ISDS (world forum of academic experts on international investment arbitration established in support of UNCITRAL WG III)
- 2020 - present **Member** of the Academic Council of the Institute for Transnational Arbitration (ITA)
- April 2020 - present **Permanent invitee** of the COVID-19 Commission of the Accademia Nazionale dei Lincei
- July 2020 - present **Member of the Expert Panel** of the Advisory Group COVID-19 of the InterAcademy Partnership (IAP)

LEGAL PROFESSION

- April 2019 - present **Of counsel** Law Firm Gattai, Minoli, Agostinelli, Partners (following a merger with Mazzoni, Regoli e Associati law firm)

PREVIOUSLY

ACADEMIA

- May 2008 - October 2011 **Full Professor** of International Law, Faculty of Law, University of Salento, Italy
- May 2005 - May 2008 **Professore Straordinario** International Law, Faculty of Law, University of Salento, Italy
- 2005-2009 **Deputy Director** of the Euro-Mediterranean Law and Politics Sector, Post Graduate School ISUFI, Lecce
- 2002- 2009 **Director** of the School of Advanced International Studies, ISUFI Lecce
- 2006- 2009 **Professor** in charge of International Trade Law, Faculty of Economics, Catholic University of the Sacred Heart, Rome
- 2000-2005 (May) **Associate Professor** of commercial law, Faculty of Law, University of Salento, Italy – in charge of the course on International trade law

- 1997 - 2011 **Jean Monnet Chair** of Community commercial law, Faculty of Law, University of Salento
- 2003- 2004 **Professor** in charge of International Trade Law, Faculty of Economics, Catholic University of the Sacred Heart, Piacenza
- 2002-2004 **Faculty Member** of the Institute for Law and Finance (ILF), Goethe Universität, Frankfurt (in charge of courses on EU competition law)

PROFESSION

- 2003 (Sept.) - March 2019 **Of counsel**, Mazzoni, Regoli Law Firm, Milan - Rome, Italy
- 2017 (March) – 2020 (April) **Member of the Board of Directors** of FinecoBank (independent director)
- 2001-2003 (July) **Legal expert** - European Central Bank - General Directorate of Payment Systems, Securities Settlement Policy Division, Frankfurt, Germany
- 1998-2000 **Referendaire and Chef de Cabinet** - Judge P. Mengozzi, Court of First Instance of the European Communities, Luxembourg
- 1994-1998 **Associate**, Mazzoni e Associati Law Firm, Milan, Italy.
- 1991-1994 **Associate**, Cleary, Gottlieb, Steen & Hamilton, Brussels, Belgium
- 1987-1988 **Associate**, Consultancy Firm on International Contracts by Prof. M. Bonora, Bologna, Italy

OTHER ASSIGNMENTS

- 2015-2016 **Member** of the UNIDROIT Informal Expert Group for the preparation of the UNIDROIT Legislative guide on Intermediated Securities (2017)
- July 2014 - July 2015 **Vice-President** of the UNCITRAL Commission (for the Western Countries Group)
- 2012-2013 **Chief** of the Italian delegation for negotiations on UNIDROIT Principles and Rules on Close-out netting

2006-2009	Chief of the Italian delegation for negotiations on the UNIDROIT Convention on Securities held with intermediaries
1996- 2012	Member of the editorial board of <i>Contratto e Impresa/Europa</i> , CEDAM
1994- 2014	Coordinator of the course on Competition law held by Prof. Mario Siragusa, Catholic University of the Sacred Heart, Milan
Spring 1997-1999	Consultant , Committee on the Euro, Ministry of the Treasury (assistant to the President)
Summer 1997	Member of the Working Group on the WTO, The Hague International Academy
Summer 1996	Legal advisor of the European Monetary Institute, Frankfurt. (Predecessor of the ECB)
1993-1994	Member of the CEPS Working Party on Cross-Border Payments and Clearing in Europe (Center for European Policy Studies, Brussels, Belgium).
1990-1991	Stagiaire - European Commission, DG XV, Brussels, Belgium
Summer 1990	Auditor , The Hague Academy of International Law
1989-1992	Member of the editorial board of <i>I Martedì Europa</i> , Bologna.
1988-1989	Secretary , International Graduate Students Association, Harvard Law School.
Spring 1989	Research Assistant Prof. David Kennedy in Community Law, Harvard Law School.
1984-1986	City Secretary of the <i>Jeunesse Européenne Fédéraliste</i> , Bologna.

PROFESSIONAL STATUS AND EDUCATION

- **Doctor of Law, LL.M, PhD**
- **Attorney** (member of the Bologna Bar since 1992 and of the New York Bar since 1991)
- *Patronage in Italian High Courts* since 2011

- 1989-1993 **PhD** with distinction - European University Institute (IUE), Florence, Italy - Thesis: " A legal framework for the payments system in the European Union". Scholarship of Cassa di Risparmio di Firenze (granted to first of candidates) .
- 1988-1989 **LL.M.** Harvard Law School, Cambridge, MA - International Rotary Foundation Scholar. Final thesis: " Legal Problems on Mistake, Fraud and Finality in Wire Transfer: A Comparative Analysis " .
Courses: Corporation Law (R. Clark); Payment systems (H. Scott); Antitrust (Judge Breyer) - auditor; Negotiation (R. Fischer, Sander); Conflict of laws (K. Laenartes).
- 1983-1987 **Law Degree** - University of Bologna, Italy - 110/110 with honors (max score)
Thesis in Community law (Prof. P. Mengozzi): "Article 85 of the EEC Treaty and the rule of reason" (in Italian).
- March 2008 **Degree in economics** - University of Bologna, Italy
Thesis in International Economics (Prof. G. Basevi) on Sovereign insolvency (in English)

LANGUAGES

- Italian (mother tongue)
- English
- French
- Spanish
- German
- Arabic (beginner)

MAIN PUBLICATIONS

BOOKS

A. MAZZONI and M.C. MALAGUTI, *Diritto del Commercio Internazionale – Fondamenti e Prospettive*, Giappichelli 2019 [the book will also be published in Spanish (Tirant Lo Blanch), English (Springer) and German (Nomos), to be out by end 2020]

M.C. MALAGUTI and G. SALVATI, *La Responsabilità sociale d'impresa - Percorsi interpretativi tra casi e materiali di diritto internazionale, dell'Unione europea ed italiano*, Wolters Kluwer Cedam 2017

M.C. MALAGUTI, *Crisi dei mercati finanziari e diritto internazionale*, Giuffrè 2003

M.C. MALAGUTI and L. RADICATI DI BROZOLO, *Codice dell'Euro e dell'Unione Monetaria*, Giappichelli 2002

M.C. MALAGUTI, *The Payments System in the European Union: Law and Practice*, Sweet & Maxwell 1997

EDITORIALWORKS

M.C. MALAGUTI, L. OGLIO & S. VANONI (ed by), *Politiche antitrust ieri, oggi e domani*, Giappichelli 2018

G. DORIA & M.C. MALAGUTI (ed by), *Ragioni della scienza, ragioni della carità*, Libreria Editrice Vaticana 2016

E. BILOTTI, D. FARACE and M.C. MALAGUTI (ed by), *Cultura giuridica per un nuovo umanesimo*, Libreria Editrice Vaticana 2015

M.C. MALAGUTI, B. BOSSONE, S. CAFARO and S. DI BENEDETTO (ed by), *Legitimacy and Efficiency in Global Economic Governance*, Cambridge Scholars Publishing 2013

C. IBBA, A. MAZZONI and M.C. MALAGUTI (ed by), *Le società pubbliche*, Collana Diritto Commerciale Interno ed Internazionale – Sezione Raccolta di Studi, Giappichelli 2011

M.C. MALAGUTI and S. DI BENEDETTO (ed by), *Scientific evidence in International and European Law*, Argo 2010

M.C. MALAGUTI (ed by), *Riflessioni in tema di governance*, Argo 2008

M.C. MALAGUTI (ed by), *ICC and international cooperation in light of the Rome Statute*, Argo 2007

ARTICLES IN REVIEWS

A. PETRANGELI, M. SILVI, M.C. MALAGUTI, *Why and how to upgrade the Italian Model BIT*, Riv. Comm. Int. 2/2017, 389-395.

M.C. MALAGUTI, *Riforme strutturali e vincoli internazionali*, Moneta e Credito, vol. 69 No 274 June 2016, pp. 149-163

M.C. MALAGUTI, *The Taking of Property by the State: 'Expropriation by Litigation' under International Investment Law Versus Protection of Property under the ECHR in the Yukos Saga*, Diritti Umani e Diritto Internazionale, Vol. 9, No 2 (May/August), 2015, pp. 337-364

M.C. MALAGUTI, *I valori della concorrenza e del mercato nell'Unione Europea: da Roma, a Maastricht, a Lisbona*, Moneta e Credito, vol. 68 No 272 December 2015, pp. 401-418

M.C. MALAGUTI, *Review of A. Ligustro and G. Sacerdoti, "Problemi e Tendenze del Diritto Internazionale dell'Economia, (Editoriale Scientifica 2011)*, Moneta e Credito, vol. 65 n. 258, July 2012, pp. 163-173

M.C. MALAGUTI, *Review of M. Giovanoli & D. Devos, "International Monetary and Financial Law – The Global Crisis" (Oxford 2010)*, Common Market Law Review, June 2011

M.C. MALAGUTI, *Fiducia e mercati finanziari, ApertaContrada*, ed by F. Satta e P. Ciocca, www.apertacontrada.it, January 2009

M.C. MALAGUTI, *Dall'«open method of coordination» al governo europeo dell'economia*, Il Ponte, vol. LXV, n.5, Firenze 2009

M.C. MALAGUTI, *Sovereign Insolvency and International Legal Order*, International Community Law Review, Vol. 11, No 3, 2009

M.C. MALAGUTI, *Restrictive Business Practices in International Trade and the Role of the World Trade Organization*, Journal of World Trade 1998

M.C. MALAGUTI, *Trasferimenti elettronici di fondi a confronto con il diritto della concorrenza: necessità e limiti della cooperazione interbancaria*, Contratto e Impresa, 1995

M.C. MALAGUTI, *Articolo 30 e misure di effetto equivalente: una rivoluzione nel diritto comunitario? Rivista italiana di diritto pubblico comunitario*, 3-4/1994

M.C. MALAGUTI, *La legge 2 gennaio 1991, n. 1 (la legge sulle SIM) è veramente incompatibile con il diritto comunitario sulla libera prestazione di servizi?*, *Contratto e Impresa*, 1993

M.C. MALAGUTI, *Legal issues in connection with electronic transfers of funds*, *Law, Computers & Artificial Intelligence*, Vol. 1, No. 3, 1992

M.C. MALAGUTI, *I trasferimenti elettronici di fondi in Italia*, *Contratto e Impresa*, 1991

M.C. MALAGUTI, *I limiti soggettivi di efficacia dei patti parasociali*, *Contratto e Impresa*, 1990

M.C. MALAGUTI, *Il futuro del trust in Italia*, *Contratto e Impresa*, 1990

M.C. MALAGUTI, *Il «franchising» davanti alla Corte di Giustizia delle Comunità Europee*, *Rivista Trimestrale di Diritto e Procedura Civile*, 1988

CONTRIBUTIONS IN BOOKS

M.C. MALAGUTI, *Il divieto di aiuti di stato (Capitolo V)*, in A. GIORDANO (ed by), *Il diritto tributario nello spazio giuridico europeo ed internazionale. Itinerari di diritto sostanziale e processuale*, Giuffrè Francis Lefebvre 2020, pp. 71-97.

M.C. MALAGUTI, *Sovereign Debt and Protection of Creditors in the European Union through the Lenses of Most Recent Case Law*, in *Festschrift in honour of Herbert Kronke on the occasion of his 70th birthday*, Giesecking 2020, pp. 309-319.

M.C. MALAGUTI, *Fintech e piattaforme digitali nel settore finanziario tra concorrenza e regolazione* in G. FINOCCHIARO & V. SALCE (ed by), *Fintech: diritti, concorrenza, regole*, Zanichelli 2019, pp. 55-82.

M.C. MALAGUTI, *La Responsabilità Sociale dell'Impresa nel prisma delle attività di mediazione e monitoraggio dei Punti di Contatto Nazionale. Alcune prime riflessioni*, in M. CASTELLANETA & F. VESSIA (ed by), *La Responsabilità Sociale d'Impresa tra diritto societario e diritto internazionale*, ESI 2019, pp. 291-314.

M.C. MALAGUTI, *Conversione forzosa di Titoli di Stato e tutele del creditore nel diritto dell'Unione: tra immunità dalla giurisdizione dello Stato e natura non commerciale della materia*, in A. ZANOBETTI et al. (ed by), *Liber Amicorum Angelo Davì, La vita giuridica internazionale nell'età della globalizzazione*, (Vol. II) ES 2019, pp. 1041-1058.

M.C. MALAGUTI, *L'esperienza dell'arbitrato nell'ambito della finanza internazionale*, in CONSOB Quaderni Giuridici "Tutela degli investitori e dei clienti degli intermediari e ADRs", febbraio 2018, pp. 17-22.

- M.C. MALAGUTI & A. MAZZONI, *Le Politiche Antitrust in Italia e nell'Unione tra Bilanci e Prospettive*, in M.C. MALAGUTI, L. OGLIO & S. VANONI (ed by), *Politiche antitrust ieri, oggi e domani*, Giappichelli 2018
- M.C. MALAGUTI, *"Sviluppo" e diritto internazionale dell'economia*, in E. Triggiani, F. Cherubini, I. Ingravallo, E. Nalin & R. Virzo (ed by), *Dialoghi con Ugo Villani* (Vol. II) Cacucci editore 2017
- M.C. MALAGUTI, *Implications for the financial sector of challenges coming from international trade law involving future trade agreements between the EU and the UK*, in ECB Legal Publications "Shaping a new legal order for Europe: a tale of crises and opportunities", 2017, pp. 216-223.
- M.C. MALAGUTI & G.G. SALVATI, *Excesses in the remuneration of directors of limited companies and the UNIDROIT Principles*, in AA.VV., *Eppur si muove: The age of Uniform law. Essays in honour of Michael Joachim Bonell, to celebrate his 70th birthday*, UNIDROIT Publ. 2016 pp. 611-621
- M.C. MALAGUTI, *Le sfide che non possiamo ignorare*, in G. DORIA & M.C. MALAGUTI (ed by), *Ragioni della scienza, ragioni della carità*, Libreria Editrice Vaticana 2016
- M.C. MALAGUTI, *Amicus curiae e tutela del public interest: spazi per una nuova cultura giuridica?* in E. Bilotti, D. Farace and M.C. Malaguti (ed by), *Cultura giuridica per un nuovo umanesimo*, Libreria Editrice Vaticana 2015 pp. 223-250
- M.C. MALAGUTI, *I Pagamenti Internazionali*, in F. Delfini and G. Finocchiaro (ed by), *Diritto dell'Informatica*, UTET 2014
- M.C. MALAGUTI, *Per un ripensamento della nozione di "sviluppo" nel diritto internazionale dell'economia*, in G. Dalla Torre e C. Mirabelli (ed by), *Verità e Metodo in Giurisprudenza*, Libreria Editrice Vaticana 2014, pp. 371-396
- M.C. MALAGUTI, *Se a fallire sono gli Stati*, in A. Ligustro & G. Sacerdoti (ed by), *Problemi e tendenze del diritto internazionale dell'economia, Liber amicorum in onore di Paolo Picone*, Editoriale Scientifica 2011, pp. 213 - 230
- M.C. MALAGUTI, *Assetti societari e diritto della concorrenza – Percorsi accidentati del principio di parità di trattamento tra impresa pubblica ed impresa privata*, in C. Ibba, A. Mazzoni and M.C. Malaguti (ed. by), *Le società pubbliche*, Collana Diritto Commerciale Interno ed Internazionale – Sezione Raccolta di Studi, Giappichelli 2011, pp. 26-56
- M.C. MALAGUTI, *A New Financial Supervisory Architecture for Europe: Towards New Paradigms for Governance?* in AA.VV., *Scritti in onore di Ugo Draetta*, Editoriale Scientifica 2011, pp. 343-363.

- M.C. MALAGUTI, Voce *Comitato Economico e Sociale*, in F. Preite and A. Gazzanti Pugliese di Cotrone, *Trattato di Diritto Internazionale Privato e Comunitario* (ed by), UTET 2011
- M.C. MALAGUTI, Voce *Corte dei Conti Europea*, in F. Preite and A. Gazzanti Pugliese di Cotrone, *Trattato di Diritto Internazionale Privato e Comunitario* (ed by), UTET 2011
- M.C. MALAGUTI, *The ECB, ESCB and the «Eurosistema». A New Paradigm between the Centre and the Peripheries*, in D. Preda & D. Pasquinucci (ed by), *The Road Europe Travelled Along – The evolution of the EEC/EU Institutions and Policies*, PIE Peter Lang 2010, pp. 151-164
- M.C. MALAGUTI, “*Amicus curiae* e tutela del *public interest* - Potenzialità dell’istituto alla luce della giurisprudenza in controversie in materia di investimenti tra Stato e privati”, in L. Rossi e E. Baroncini (ed by), *Rapporti tra ordinamenti e diritti dei singoli - Studi degli allievi in onore di Paolo Mengozzi*, Editoriale Scientifica 2010, pp. 475 - 491
- M.C. MALAGUTI, *Brevi riflessioni sui moderni criteri di unificazione del diritto alla luce della disciplina sui titoli detenuti presso intermediari*, in G. Venturini e S. Bariatti (ed by), *Nuovi strumenti di diritto internazionale privato*, Liber Fausto Pocar, Giuffrè 2009
- M.C. MALAGUTI, *Can the Nuremberg Legacy serve any Purpose in Understanding the Modern Concept of “Complementarity”?*, in M. Politi e F. Gioia (ed by), *The International Criminal Court and National Jurisdictions*, Ashgate 2008
- M.C. MALAGUTI, *Un’agenzia europea del debito pubblico? Brevi riflessioni sui profili giuridici ed istituzionali*, in S. Cafaro (ed by), *Il governo dell’economia in Europa*, ES 2008
- M.C. MALAGUTI, *Article 88 of the Rome Statute: «horizontal» versus «vertical» cooperation*, in M.C. Malaguti (ed by), *ICC and international cooperation in light of the Rome Statute*, Argo 2007
- M.C. MALAGUTI, *Circolazione dei Capitali (Dir. Com.)*, in S. Cassese (ed by), *Dizionario di Diritto Pubblico*, Vol. II, Giuffrè 2006
- M.C. MALAGUTI, *Politica economica e monetaria (Dir. Com.)*, in S. Cassese (ed by), *Dizionario di Diritto Pubblico*, Vol. V, Giuffrè 2006
- M.C. MALAGUTI, *The Role of Standards in Governing Financial Markets’ Stability: a Glance throughout International Cooperation and EMU Economic Governance* in F. Torres, A. Verdun, C. Zilioli e H. Zimmermann (ed by), *Governing EMU*.

Economic, Political, Legal and Historical Perspectives, European University Institute Publications, Firenze 2004

M.C. MALAGUTI, *Controlli societari, società di revisione e responsabilità dei revisori nei sistemi di common law* in *Atti del Convegno su "Controlli Societari e Governo dell'impresa"*, Giappichelli, 1999

M.C. MALAGUTI, *Il trust* in F. Galgano (ed by.), *Atlante di diritto privato comparato* Zanichelli, 1992 (also in English and Spanish). New editions in 2006 and 2011

WORKING PAPERS

M.C. MALAGUTI, *Payment System Regulation for Improving Financial Inclusion*, Center for Global Development Policy Paper No 70 (December), Washington 2015

M.C. MALAGUTI and A. GUERRIERI, *Multilateral Interchange Fees Between Competition and Regulation (a look to the issue after the last developments of European SEPA, Australian Reserve Bank policies and United States new legislation on financial consumers protection)*, CEPS Research Papers, Brussels 2014

M. CIRASINO and M.C. MALAGUTI, *From Remittances to M-payments: Understanding "Alternative" Means of Payment within the Common Framework of Retail Payments System Regulation*, Financial Infrastructure Series Payment Systems Policy and Research, World Bank 2012

T.B. MUSUKU, M.C. MALAGUTI, A.M MASON, and C. PEREIRA, *Lowering the Cost of Payments and Money Transfers in UEMOA*, Africa Trade Policy Notes, No 23, World Bank 2011

B. BOSSONE, S. CAFARO, R. DE GIORGI, N. DE LISO, S. DI BENEDETTO, M.C. MALAGUTI and L. MAGGIO (The Group of Lecce), *Time for Overhauling the Global Economy – A proposal to the members of the G-20*, June 2010

M.C. MALAGUTI, *The Payment Services Directive: Pitfalls between the Acquis Communautaire and National Implementation*, CEPS Research Report, Brussels 2009

B. BOSSONE, S. CAFARO, R. DE GIORGI, N. DE LISO, S. DI BENEDETTO, M.C. MALAGUTI and L. MAGGIO (The Group of Lecce), *Reforming Global Economic Governance – A proposal to the members of the G-20*, Argo, February 2009 (original in English, translated into Italian, French, German, Spanish, Portuguese, Arabic, Chinese and Russian)

B. BOSSONE, S. CAFARO, R. DE GIORGI, N. DE LISO, S. DI BENEDETTO, M.C. MALAGUTI and L. MAGGIO (The Group of Lecce), *Strengthening the Rule*

of Law in Global Governance – A proposal to the members of the G-20,
September 2009

D. RUSSO, T. HART, M.C. MALAGUTI e C. PAPANASSIOU, *Governance of Securities Clearing and Settlement Systems* ECB Occasional Paper N° 21, November 2004

M.C. MALAGUTI, *A new approach to Interbanking Cooperation. The application of EC Competition Rules to the Payments Market*, CEPS Research Report 1996