

# VIAC – Questionnaire for Arbitrators

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**2. Citizenship:** Austria

**3. Contact information:**

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**4. Current position:**

Partner Dechert (Paris, France), Adjunct Professor at the University of Vienna

**5. Education:**

University of Vienna (venia legendi et docendi for public international law, 1997); University of Vienna (Doctor iuris, 1992); University of Vienna (Magister iuris, 1990)

**6. Practiced experience in arbitration**

- How many arbitrations have you participated in (domestic/international); under which Rules?

I have acted as counsel or arbitrator in more than 55 international arbitrations under ICSID, UNCITRAL, ICC, LCIA, SCC and VIAC Rules as well as in *ad hoc* arbitrations.

- How often have you acted as Chairman? 2
- How often have you acted as Sole Arbitrator? 3
- How often have you acted as Co-Arbitrator? none
- How often have you acted as Counsel? more than 50 arbitrations.
- How often have you acted in a different function (e.g. Administrative Secretary)? none

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

Selected Publications

Books

- Der fehlerhafte Rechtsakt im Gemeinschafts- und Unionsrecht [Defective Legal Acts in EU Law] (1999), Vienna/New York

- Die Durchsetzung von Erga Omnes Verpflichtungen vor dem Internationalen Gerichtshof [The Enforcement of Erga Omnes Obligations Before the International Court of Justice] (1994), Hamburg

### Articles

- Issues relating to Challenging and Enforcing Arbitration Awards – ICSID Awards, The Guide to Challenging and Enforcing Arbitration Awards, J. William Rowley, Emmanuel Gaillard, Gordon E. Kaiser (eds) (2019)
- Investment Treaty Arbitration as a Tool to ‘Enforce’ Arbitral Awards?, The European Middle Eastern and African Arbitration Review 2015 (September 2015)
- Protection of Sovereign Wealth (book review), ICSID Review (April 2014)
- Role of Investors’ Legitimate Expectations’ In Defense of Investment Treaty Claims, Yearbook on International Investment Law & Policy 2013-2014
- Protection and Admission of Sovereign Investment under Investment Treaties, Chinese Journal of International Law, Volume 10 (2011)
- How Bilateral Investment Treaties Can Protect Foreign Investors in the Arab World or Arab Investors Abroad, Journal of International Arbitration, Volume 25, N°2 (2008).
- State Succession and the Liquidation of a UK Licensed Bank, Banker’s Law, Volume 1, N°4 (2007)
- How Better Investment Treaties May Help China Investors, IFLR (March 2006)
- State Immunity and Arbitration, ICC International Court of Arbitration Bulletin, Volume 14 (Fall 2004)
- How Bilateral Investment Treaties Can Protect Japanese Investors, Journal of the Japanese Institute of International Business Law (2004)
- Free Movement of Goods and the Protection of Trademarks – Current Issues concerning Repackaging, Relabelling and Rebranding in ECT law, The Journal of World Intellectual Property, Volume 5 (2002)
- The Rechtswirkungen von Sicherheitsratsresolutionen im österreichischen Recht [The Legal Effects of UN Security Council Resolutions in Austrian Law’], Juristische Blätter (1995)
- Die Inexistenz als Angriffs- und Verteidigungsmittel vor dem EuGH and EuG [Inexistent Legal Acts in Proceedings before the European Courts], Europäische Zeitschrift für Wirtschaftsrecht, Volume 2 (1995)
- Part Two of the International law Commission’s Draft Articles on State Responsibility, German Yearbook of International Law, Volume 37 (1994)
- The Legal Régime of Erga Omnes Obligations in International Law, Austrian Journal of Public International Law, Volume 46, No. 2 (1994)

### Lectures

- Advanced research seminars in international responsibility and international dispute settlement at the law faculty of the University of Vienna (2004 – present)

- Course on investment treaty arbitration at the Université Paris Ouest Nanterre Law Défense (visiting professor, 2013)

#### Selected Speeches and Presentations

- ASA Annual Conference 2020: Clear Path or Jungle in Commercial Arbitrators' Conflicts of Interest?, Zurich, February 7, 2020
- The Boundaries of Investment Treaty Arbitration: The Use of Trade and European Human Rights Law in Investor-State Disputes, conference on the release of Prof. José E. Alvaraz's book "The Boundaries of Investment Arbitration," London, December 11, 2019
- Evolution of Investment Law in Treaty Making and Arbitral Practice, Comment from Counsel's Perspective, 10 Year Anniversary Conference of the International Investment Law Centre Cologne, May 16, 2019
- 30 Years of Investment Treaty Arbitration: An Engine for the Development of General International Law for Good and for Bad, MIDS Lecture, Geneva Center for International Dispute Settlement, May 7, 2019
- Transforming Institutions in Investor-State Dispute Settlement, Harvard Law School, March 24, 2018
- The Current Status of "Treaty Shopping" and Denial of Benefits Clauses, 7th Investment Treaty Arbitration Conference, Prague, October 26, 2017
- Parallel proceedings in international commercial and investment arbitrations, 2nd UNCITRAL Asia Pacific Judicial Conference on International Law, Hong Kong, October 18, 2017
- International Energy Charter Forum on "Investment Protection Charter Standards Under the Energy Charter Treaty, is there a need to clarify?," Brussels, June 17, 2017
- Forging the Path in Asia: The Draft SIAC Rules on Investment Arbitration, SIAC Congress 2016, Singapore, May 25, 2016
- The reaction to contemporary jurisprudence – time to move from hegemony and fragmentation to harmonisation?, panel chair, 2015 GAR Live Washington D.C. on April 27, 2015
- Are Contracting States successfully clawing back investment treaty protections?, panel chair, 2014 GAR Live Frankfurt, June 5, 2014
- Utilization of Investment Treaties to Compel or Effectively Reverse the Enforcement of Commercial Awards, <sup>(11)</sup><sub>SEP</sub> 2014 Columbia Arbitration Day, March 28, 2014
- Legitimate Expectations, Seminar "The Litigation of Public Law Concepts in Investor-State Arbitration – Practical and Theoretical Considerations" organized by the British Institute of International and Comparative Law, London, May 10, 2013
- Prospects for Reform of the New York Convention of June 10, 1958, seminar "Recognition and Enforcement of Arbitral Awards," jointly organized by the ICC International Court of Arbitration, UIA Arbitration Commission and ArbIt, the Italian Forum for International Arbitration and ADR, Rome, September 30, 2011

- Corruption, Fraud, Illegality Issues In Investment Arbitration – ‘Como Espada y Escudo’, Yale Law School – Latin American Legal Studies Breakfast Roundtable – International Investment Arbitration in the Latin American Context, New York, NY, April 12, 2012
- Investment Treaty Arbitration from the Perspective of the Host State, Meeting of the Asian African Legal Consultative Organization, “Promoting International Law,” United Nations, New York, NY, November 1, 2011

### Lectures

- Advanced research seminars in international responsibility and international dispute settlement at the law faculty of the University of Vienna (2004 to present)
- Course on investment arbitration at the Université Paris Ouest Nanterre La Défense (2013)

### **8. Membership in arbitral institutions / functions in arbitral institutions/organizations:**

- Vienna International Arbitral Centre, Board member
- Court of Arbitration of the Singapore International Arbitration Centre (SIAC), Chair of the committee responsible for drafting the 2017 SIAC Investment Arbitration Rules
- International Law Association
- German Society of International Law
- European Society of International Law
- American Society of International Law

### **9. Languages**

Mother tongue: German

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

**10. In which legal systems have you trained?**

- X Civil Law  Common Law
- X Austrian Law  Hungarian Law  Swiss Law
- Czech Law  Polish Law  Ukrainian Law
- German Law  Slovakian Law  X European Law

Other \_\_\_\_\_

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

Investment treaty arbitration and other public international law matters

**12. In which jurisdictions are you admitted to the bar?**

France, Austria (currently suspended)

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

- Antitrust/Unfair competition  Damages  Insolvency  Power plants
  - Aviation  Distribution  Insurance  Private Intern. Law
  - Banking & Finance  Domain name disputes  Intellect. property (IP) X Public Intern. Law
  - Capital markets  Employment X ISDS/ Foreign invest.  Real estate
  - CISG  Energy  Joint ventures  Shipping
  - Civil fraud disputes  Engineering  Licensing  Sports
  - Commercial disp. / transactions  Entertainment  Life sciences  State/Public contracts
  - Commodity market  Healthcare & Pharmac.  Maritime arbitration  Technology
  - Company/Corporate/M&A  Hotel/Gastro./Tour.  Media  Telecommunication
  - Construction  Inform. technology (IT)  Mining  Transport
  - Contract law  Infrastructure  Natural resources
- X Other Sovereign debt

**14. Date of birth:** July 4, 1968

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X I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

X I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

19/11/2020  
Date