

VIAC – Questionnaire for Arbitrators

1. Name: Mercédeh AZEREDO DA SILVEIRA

2. Citizenship: Swiss/Brazilian

3. Contact information:

Address: AZHA Avocats – Attorneys-at-Law
49 rue du Rhône
1204 Geneva
Switzerland

Telephone: +4122 702 09 80

Fax: -

E-Mail: m.azedodasilveira@azha.ch

Website: www.azha.ch

LinkedIn: <https://www.linkedin.com/in/mercedeh-azeredo-da-silveira-76b8277/>

4. Current position:

Founding Partner, AZHA Avocats – Attorneys-at-Law
Lecturer, Sciences Po Law School

5. Education:

Ph.D., University of Geneva (*summa cum laude*, 2013)

LL.M., Columbia Law School (Harlan Fiske Stone Scholar, 2005)

Licence en droit, University of Geneva (2001)

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?
Over 40 arbitrations under most major sets of arbitration rules including the ICC Arbitration Rules, the Swiss Rules of International Arbitration, the LCIA Arbitration Rules, the SCC Arbitration Rules, the ICSID Arbitration Rules and the UNCITRAL Arbitration Rules
- How often have you acted as Chairman?
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- How often have you acted as Sole Arbitrator?
5 times
- How often have you acted as Co-Arbitrator?
4 times
- How often have you acted as Counsel?
Over 20 times
- How often have you acted in a different function (e.g. Administrative Secretary)?
Over 10 times

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

- Publications (see also <https://azha.ch/publications/>):

Book

- *Trade Sanctions and International Sales: An Inquiry into International Arbitration and Commercial Litigation* (Kluwer Law International, 2014)

Chapters

- *The Impact of Extraterritorial and Secondary Sanctions on Contractual Obligations* (co-authored with Prof. Cedric Ryngaert), in CAMBRIDGE HANDBOOK OF SECONDARY SANCTIONS AND INTERNATIONAL LAW, Rom Ruys, Cedric Ryngaert and Felipe Rodriguez Silvestre eds (CUP, in press)
- *Enhanced Transparency: Threat to Arbitration or Pro-Arbitration Endeavor?*, in 'PRO-ARBITRATION' REVISITED, Elora Neto Godry Farias, Gino Rivas, Gustavo Favero Vaughn, Mateo Verdías Mezzera and Kabir Dugal eds (Juris, 2023) pp. 391-396
- *Economic Sanctions, Force Majeure and Hardship*, in ICC INSTITUTE DOSSIER XVII: HARDSHIP AND FORCE MAJEURE IN INTERNATIONAL COMMERCIAL CONTRACTS – DEALING WITH UNFORESEEN EVENTS IN A CHANGING WORLD (November 2018) pp. 161-211
- *Economic Sanctions and Contractual Disputes between Private Operators*, in RESEARCH HANDBOOK ON U.N. SANCTIONS AND INTERNATIONAL LAW, Larissa van den Herik ed. (Edward Elgar Publishing, 2017) pp. 330-376
- *Transgression of the Arbitrator's Authority: Article V(1)(c) of the New York Convention* (co-authored with Dr Laurent Lévy), in ENFORCEMENT OF ARBITRATION AGREEMENTS AND INTERNATIONAL ARBITRAL AWARDS – THE NEW YORK CONVENTION 1958 IN PRACTICE, Emmanuel Gaillard and Domenico di Pietro eds (Cameron May, 2008) pp. 639-678
- *Le transfert d'entreprises en droit suisse*, in TRANSFERTS D'ENTREPRISES – LES ENJEUX SOCIAUX, Viviane Stulz ed. (EFE Editions Formation Entreprise, 2004) pp. 457-469

Articles

- *Economic Sanctions, Counter-Measures and Investment Claims Against the Russian Federation: A Battle on Multiple Fronts* (co-authored with Prof. Yulia Levashova), ICSID REVIEW, Vol. 00, No. 00 (2023) pp. 1-5
- *Impartiality v. Substantive Neutrality: Is the Mediator Authorized to Provide Legal Advice?*, DISPUTE RESOLUTION JOURNAL, Vol. 62, N. 1 (February-April 2007) pp. 26-33; republished in TRANSNATIONAL DISPUTE MANAGEMENT, Vol. 5, N. 4 (July 2008)
- *Termination of Contract under the Principles of European Contract Law*, VINDOBONA JOURNAL OF INTERNATIONAL COMMERCIAL LAW AND ARBITRATION, Vol. 10, N. 1 (2006) pp. 123-144
- *Termination of Contract under the Principles of European Contract Law – A Comparative Study*, ELECTRONIC LIBRARY ON INTERNATIONAL TRADE LAW AND THE CISG, <http://www.cisg.law.pace.edu/cisg/biblio/silveira.html> (2006) (35 pages)
- *Anticipatory Breach under the United Nations Convention on Contracts for the International Sale of Goods*, NORDIC JOURNAL OF COMMERCIAL LAW, N. 2/2 (2005); also available in the ELECTRONIC LIBRARY ON INTERNATIONAL TRADE LAW AND THE CISG, <http://www.cisg.law.pace.edu/cisg/biblio/azeredo.html> (60 pages)

Case comments and other publications

- *The EU's Eighth Package of Sanctions Against Russia and the Potential Ramifications of a Blanket Ban on Legal Advisory Services* (co-authored with Stephan den Hartog), KLUWER ARBITRATION BLOG (1 November 2022)
- *The EU's Clarification on Access to Arbitration in its Seventh Package of Sanctions Against Russia: Trivial or Consequential?* (co-authored with Stephan den Hartog), KLUWER ARBITRATION BLOG (16 August 2022)
- *Investment Claims Against Russia in the Economic Sanctions Era* (co-authored with Prof. Yulia Levashova), KLUWER ARBITRATION BLOG (31 May 2022)
- *DNO and others v. Ministry of Oil and Minerals of Yemen and others* – Judgment of the Paris Court of Appeal, 5 October 2021, JUS MUNDI (March 2022)

- *US Secondary Sanctions Against Russia: Amidst Rising Tensions, Are Arbitral and Financial Institutions at Risk?* (co-authored with Stephan den Hartog), KLUWER ARBITRATION BLOG (11 December 2021)
- *US Secondary Sanctions Against Iran: Why Arbitral and Financial Institutions Should Be Cautious* (co-authored with Stephan den Hartog), KLUWER ARBITRATION BLOG (11 November 2021)
- *Asset Freezes and the Payment of Advances on Costs: Are the Proceedings Bound to End Before They Have Even Begun?* (co-authored with Stephan den Hartog), KLUWER ARBITRATION BLOG (19 October 2021)
- *Economic Sanctions, Exchange Control Regulations and the Like: Black Sheep Among the Provisions of the Lex Contractus?*, KLUWER ARBITRATION BLOG (14 July 2015)
- *In Commercial Arbitration, Should Arbitrators Be Exclusively at the Service of the Parties?*, KLUWER ARBITRATION BLOG (6 May 2015)
- *Brussels' Sanctions Against Russia and Moscow's Retaliatory Measures Through the Eyes of the Arbitrator*, KLUWER ARBITRATION BLOG (26 September 2014)
- *Les sanctions économiques prises contre Moscou réduites à leur fonction dénonciatrice* (co-authored with Prof. Régis Bismuth), LE MONDE (9 September 2014)
- **Teaching** (see also <https://azha.ch/dr-mercedeh-azeredo-da-silveira/#dmas-teaching-experience>):
 - Sciences Po Law School, Lecturer, *Economic Sanctions and International Arbitration* (since 2020)
 - The European Law Students' Association (ELSA), Lecturer, *International Commercial Arbitration* (2017)
 - University of Geneva Law School, Guest Lecturer, *Trade Sanctions and International Sales* (2013 and 2014)
 - Fordham University School of Law, Guest Lecturer, *Authority of Arbitral Tribunals to Assess the Legitimacy of Economic Sanctions* (2010)
 - European Legal Studies Center, Columbia Law School, Guest lecturer, *Authority of Arbitral Tribunals and Domestic Courts to Give Effect to Trade Sanctions and Circumstances in Which Such Measures May Be Taken into Account* (2009)
 - Columbia Law School, Guest Lecturer, *Legal Effects of Economic Sanctions on International Contracts* (2009)
- **Recent speaking engagements** (non-exhaustive list, see also <https://azha.ch/dr-mercedeh-azeredo-da-silveira/#dmas-recent-speaking-engagements>):
 - Lexology, Live Masterclass (*Economic Sanctions and International Arbitration: Overcoming the Challenges*, online, 2022)
 - ASA Conference and General Meeting: Sanctions and Their Impact on International Arbitration (*Sanctions and Arbitration: Challenges at the Crossroads Between Political Strategy and Dispute Resolution*, Bern, 2022)
 - University of Luxembourg, Sanctions in the Light of Russia's Invasion of Ukraine: What's New in Law and Practice? (*Economic Sanctions and Contractual Disputes*, Luxembourg, 2022)
 - Ordre des avocats de Genève, Webinaire: Sanctions internationales (*Sanctions économiques et contrats commerciaux*, online, 2022)
 - AZHA Avocats & Akivis Law Group PLLC, Colloquium on Economic Sanctions (*Economic Sanctions and Contractual Disputes*, Geneva, 2020)
 - 3rd Annual GAR Live Event (*How to Deal with Economic Sanctions?*, Vienna, 2019)
 - 38th ICC Institute Annual Conference on Hardship and Force Majeure in International Commercial Contracts (*Economic Sanctions, Force Majeure and Hardship*, Paris, 2018)

- Omnia Strategy LLP Training Workshop (*Economic Sanctions and Contractual Disputes*, London, 2018)
- 7th Annual GAR Live Event (*Sanctions – A Triangular Look*, London, 2017)
- International Law Association, Training Workshop on Economic Sanctions (*Trade Sanctions and International Arbitration*, Bonn, 2016)
- Academy of European Law (ERA), International Law and European Union Law – Harmony and Dissonance in International and European Business Law Practice (*Sanctions at the Crossroads of Public and Private International Law*, Trier, 2015)
- Heuking Kühn Lüer Wojtek, Attorneys-at-Law, Economic Sanctions (*Economic Sanctions and Commercial Transactions*, Düsseldorf, 2015)
- London Center of International Law Practice, International Sanctions in Practice: Legal and Business Implications (*Economic Sanctions, International Arbitration and Commercial Disputes*, London, 2015)
- Russian Arbitration Association, Sanctions in Arbitration (*Sanctions and Arbitration*, Moscow, 2014)

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

Registered on the LCIA Database of Arbitrators (since 2022)
 Registered on the HKIAC's List of Arbitrators (since 2022)
 Registered on the SCIA Panel of Arbitrators (since 2022)
 Switzerland's appointee to the ICSID Panel of Conciliators and Arbitrators (since 2021)
 Registered on the List of Arbitrators of the ICC Swiss Commission of Arbitration and ADR (since 2021)
 Member of the International Law Association (since 2014)
 Member of the Association suisse de l'arbitrage (ASA) (since 2005)
 Member of the Ordre des avocats de Genève (ODA) (since 2002)
 Member of the Fédération suisse des avocats (FSA) (2005-2009)
 Member of the London Court of International Arbitration (LCIA) European Users' Council (2006-2007)

9. Languages

Mother tongue: French

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 and French

10. In which legal systems have you trained?

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Civil Law | <input checked="" type="checkbox"/> Common Law | |
| <input type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law | <input checked="" type="checkbox"/> Swiss Law |
| <input type="checkbox"/> Czech Law | <input type="checkbox"/> Polish Law | <input type="checkbox"/> Ukrainian Law |
| <input type="checkbox"/> German Law | <input type="checkbox"/> Slovakian Law | <input type="checkbox"/> European Law |

Other _International law_____

11. What is your main jurisdiction of practice?

Switzerland

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

Switzerland

Paris, Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 (2013-2016)

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

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

14. Date of birth: 12 January 1980

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

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>.

11 September 2023

Date