

VIAC – Questionnaire for Arbitrators

1. Name: Prof. Dr. Christian Borris

2. Citizenship: German

3. Contact information:

Address: Im Zollhafen 6, 50678 Cologne/Germany

Telephone: +49 (0)221 716 13 000

Fax: +49 (0)221 716 13 009

E-Mail: borris@borris.legal

Website: www.borris.com

LinkedIn: Borris Hennecke Kneisel

4. Current position:

Founding Partner Borris Hennecke Kneisel

5. Education:

University of Cologne / University of Miami School of Law/USA

6. Practiced experience in arbitration

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

Domestic arbitrations:

International:

Rules: ICC / DIS / SIAC / Swiss Rules / UNCITRAL / Handelskammer HH / SCC / Danish Institute of Arbitration / ad hoc

- How often have you acted as Chairman? **45**

- How often have you acted as Sole Arbitrator? **12**

- How often have you acted as Co-Arbitrator? **43**

- How often have you acted as Counsel? **> 90**

- How often have you acted in a different function (e.g. Administrative Secretary)?

Assistant to the President of the Iran United States Claims Tribunal 1987-1989

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

See attached list of publications

Honorary Professor and Lecturer on international arbitration at the University of Cologne, Germany

Regular Guest Lecturer, International Dispute Resolution Master Lecture Series, Humboldt-Universität zu Berlin, Germany

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

ASA, DIS

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): **German / English**

10. In which legal systems have you trained?

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

Other _____

11. What is your main jurisdiction of practice? Germany

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

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)
- Public Intern. Law
- Capital markets
- Employment
- 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
- Other _____

14. Date of birth: 05.06.1956

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".

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

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>.

Date and Signature

PROF. DR. CHRISTIAN BORRIS, LL.M

List of publications

- Die UNIDROIT Principles of International Commercial Contracts in der Praxis internationaler Schiedsgerichte [UNIDROIT Principles of International Commercial Contracts in the practice of international arbitral tribunals], Festschrift für Roderich C. Thümmel zum 65. Geburtstag, Walter de Gruyter GmbH, Oktober 2020
- „Schiedsgerichtsbarkeit und D&O-Versicherung“, in: recht und schaden, 6/2020, p. 316 et seq.
- „§ 17. Verfahren nach der mündlichen Verhandlung“ (p. 471-478) and „§ 28. Besondere materielle Rechtsgebiete und Schiedsgerichtsbarkeit – II. Gesellschaftsrecht“ (p. 930-943), in: Praxishandbuch Internationale Schiedsverfahren, C.H. Beck 2019, edited by: Salger/Trittmann
- „Gesellschaftliche Streitigkeiten in der Schiedspraxis“ [Corporate Disputes in Arbitration Practice], SchiedsVZ 2018, Heft 4, S. 242-246
- Die „Schiedsfähigkeit“ von Beschlussmängelstreitigkeiten in der Personengesellschaft – Zum Beschluss des BGH vom 6.4.2017 („Schiedsfähigkeit III“), NZG 20/2017, p. 762-767
- DIS-Regelung bezüglich der Beilegung von gesellschaftsrechtlichen Streitigkeiten, p.269-276, Regulacja DIS dotycząca rozstrzygania sporów korporacyjnych, p.87-94, in: Gesellschaftsrechtliche Streitigkeiten in der Praxis der Schiedsgerichtsbarkeit – polnische und deutsche Perspektiven, Spory korporacyjne w praktyce arbitrażowej – perspektywa polska i niemiecka (Hrsg.: Witold Jurcewicz, Karl Pörnbacher, Cezary Wiśniewski), Verlag: C.H. Beck 2017
- “Collective Arbitration: The European experience – Germany and the DIS Supplementary Rules for Corporate Law Disputes (DIS-SRCoLD)” in “Class and Group Actions in Arbitration”, DOSSIERS ICC Institute of World Business Law, Edited by Bernard Hanotiau and Eric A. Schwartz, 2016, p. 80 et seq.
- “Escrow Arbitration“ – A New Concept in Post M&A Dispute Settlement, in “Festschrift für Siegfried H. Elsing“, Werner F. Ebke, Dirk Olzen, Otto Sandrock (ed.), 2015, p. 41 et seq.
- Symbols, Customs and Other Curiosities in the Hearing Room, in: Stories from the Hearing Room: Experience from Arbitral Practice – Essays in Honour of Michael E. Schneider, Bernd Ehle and Domitille Baizeau (eds.), 2015, p. 31 ff.

- Schiedsgerichtsbarkeit und alternative Streitbeilegung in Japan (with Dominik Kneer), KSzW 2.13, p. 162 et seq.
- Arbitrability of Corporate Law Disputes in Germany, International Arbitration Law Review, Journal 5, 2012, p. 161 et seq.
- New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards – Commentary – edited by Reinmar Wolff, C. H. Beck Hart Nomos (2012), [commentary on Article V (with Rudolf Hennecke)]
- Arbitrability of Corporate Law Disputes in Germany, in: “Onderneming en ADR“ (edited by Prof.mr. C.J.M. Klaassen, Prof.mr. G. van Solinge, Mr. H.M. de Mol van Otterloo, Mr. P.E. Ernste), Kluwer 2011, p. 55 et seq.
- Die Schiedsfähigkeit gesellschaftsrechtlicher Streitigkeiten in der Aktiengesellschaft [Arbitrability of Corporate Law Disputes in Stock Corporations], NZG 13/2010, p. 481 et seq.
- Die “Ergänzenden Regeln für gesellschaftsrechtliche Streitigkeiten“ der DIS (“DIS-ERGeS“) [The Supplementary Rules for Corporate Law Disputes of the German Institution of Arbitration], SchiedsVZ 2009, p. 299 et seq.
- Demystifying the Settlement of Disputes in China – Roundtable Discussion on CIETAC Practice, Tagungsbericht in: Global Arbitration Review, Volume 4, Issue 4, p. 40
- Streiterledigung bei (MAC-)Klauseln in Unternehmenskaufverträgen: ein Fall für “Fast-Track“-Schiedsverfahren [Dispute Resolution relating to (MAC-) Clauses in M&A transactions: a case for “Fast-Track“-Arbitration], BB 2008, p.294 et seq.
- Das Kriterium der Einhaltung von Vorschriften nationalen Rechts in ICSID-Schiedsverfahren – Anmerkungen zum Schiedsspruch in der Sache Fraport v. Philippines [Compliance with Provisions of Domestic Law in ICSID-Arbitrations – Note on the Arbitral Award in Fraport vs. Phillipines] (with Rudolf Hennecke), SchiedsVZ 2008, p. 49 et seq.
- Fraport AG Frankfurt Airport Services Worldwide v. Republic of the Philippines – Compliance With National Laws: A Jurisdictional Requirement under BITs? (with Rudolf Hennecke), TDM News Digest, issue #17, week 36, 4 September 2007
- Final Offer Arbitration from a Civil Law Perspective – How to Play Baseball in a Soccer Country, in: Journal of International Arbitration, Kluwer Law International, vol. 24(3) 2007, p. 307-317
- Abfassung von Schiedsklauseln und Ausgestaltung des Schiedsverfahrens in Streitigkeiten aus gesellschaftsrechtlichen Vertragsverhältnissen [Drafting of Arbitration Clauses and the Conduct of Arbitrations in Corporate Law Dispu-

tes], in: Böckstiegel/Berger/Bredow (Hrsg.), Die Beteiligung Dritter an Schiedsverfahren, Schriftenreihe der Deutschen Institution für Schiedsgerichtsbarkeit, Bd. 16, 2005

- Nochmals: Vollstreckbarkeit von Schiedssprüchen und materiellrechtliche Einwendungen des Schiedsbeklagten – Anmerkung zu den Beschlüssen der OLGs Köln, Düsseldorf, Dresden und Koblenz [Again: Enforceability of Arbitral Awards and Substantive Law Defenses of the Respondent], SchiedsVZ 2005, p. 254 et seq. (with Lutz Schmidt)
- Vollstreckbarkeit von Schiedssprüchen und materiellrechtliche Einwendungen des Schiedsbeklagten [Enforceability of Arbitral Awards and Substantive Law Defenses of the Respondent], SchiedsVZ 2004, p. 273 et seq. (with Lutz Schmidt)
- Entscheidungen im einstweiligen Rechtsschutz [Interim Measures in Arbitration], in: Deutsche Institution für Schiedsgerichtsbarkeit, DIS-Materialien IX, Der Schiedsspruch, Bonn, 2002
- Streiterledigung beim Unternehmenskauf [Dispute Resolution in M&A Transactions], in: Recht der Internationalen Wirtschaft und Streiterledigung im 21. Jahrhundert, Liber Amicorum Karl-Heinz Böckstiegel, herausgegeben von Robert Briner, L. Yves Fortier, Klaus Peter Berger, Jens Bredow, 2001, p. 75 et seq.
- The Reconciliation of Conflicts Between Common Law and Civil Law Principles In The Arbitration Process, published in: Conflict and Legal Cultures in Commercial Arbitration, S. Frommel and B. Rider (eds.), London 1999
- Mini-Trial, in: Deutsche Institution für Schiedsgerichtsbarkeit, DIS-Materialien V, Alternative Dispute Resolution (ADR), Bonn 1999
- Common Law and Civil Law: Fundamental differences and their impact on Arbitration, in: The Journal of the Chartered Institute of Arbitrators, Volume 60, Number 2, May 1994; also published in: Arbitration and Dispute Resolution Law Journal [1995]
- Schiedsverfahren nach den UNCITRAL-Schiedsregeln [Arbitral Proceedings under the UNCITRAL-Arbitration Rules], Sammelband mit Veröffentlichungen einer Reihe von Vorlesungen in Sofia/Bulgarien, Mai 1994
- Voraussetzungen für die Wirksamkeit von Schiedsvereinbarungen – Praktische Probleme im deutschen Recht [Requirements for the Validity of Arbitration Agreements – Practical Problems under German Law], Sammelband mit Veröffentlichungen einer Reihe von Vorlesungen in Sofia/Bulgarien, Mai 1994
- Schiedsgerichtsbarkeit [Arbitration], Beitrag in: Deutsche Rechtspraxis, (Hrsg.: Burkhard Messerschmidt), C.H. Beck 1991

- Die UNCITRAL-Schiedsregeln in der Praxis des Iran-United States Claims Tribunal [The UNCITRAL Arbitration Rules in the Practice of the Iran-United States Claims Tribunal], in Jahrbuch für die Praxis der Schiedsgerichtsbarkeit, Bd. 2 (Hrsg.: Ottoarndt Glossner zusammen mit dem Deutschen Ausschuss für Schiedsgerichtswesen). Verlag Recht und Wirtschaft Heidelberg 1988
- Die internationale Handelsschiedsgerichtsbarkeit in den USA: Rechtsgrundlagen, zwingendes Recht, Anerkennung und Vollstreckung von Schiedssprüchen [International Commercial Arbitration in the USA: Legal Framework, Mandatory Law, Recognition and Enforcement of Arbitral Awards], Schriftenreihe Internationales Wirtschaftsrecht, Bd. 6 (Hrsg.: Prof. Dr. Karl-Heinz Böckstiegel), Heymanns 1987
