

VIAC – Questionnaire for Arbitrators

1. Name: Dr. Markus Burianski

2. Citizenship: German

3. Contact information:

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4. Current position: Partner

5. Education:

Rechtsanwalt, 2004

Dr.iur., University of Cologne, 2003

Second State Exam, Higher Regional Court of Cologne, 2003

LLM, University of Hull, 2000

First State Exam, University of Cologne, 1999

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules? (41 domestic, 35 international; ICC, DIS, SIAC, SCC, Swiss Rules, VIAC, ICSID, UNCITRAL)
- How often have you acted as Chairman?
2
- How often have you acted as Sole Arbitrator?
8
- How often have you acted as Co-Arbitrator?
4
- How often have you acted as Counsel?
62
- How often have you acted in a different function (e.g. Administrative Secretary)?
-

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

- "Germany"; Energy Disputes, Getting The Deal Through. Ed. Wood/Miller/Brogdon/Stebbing/Varnado/Ibrahimov. London, 2020 (with Thomas Burmeister)
- "Information guarantees in share purchase agreements – issues regarding factual requirements and legal consequences (Informationsgarantien in Unternehmenskaufverträgen – Tatbestands- und Rechtsfolgenprobleme)", NZG 3/2020, Issue 3, p. 92-98 (with Alexander C. Lang)
- "Suspending contractual performance in response to the coronavirus outbreak", February 2020 (with Mark Clarke, Maximilian Clasmeier and James Hart)
- "Damages for breach of an exclusive jurisdiction clause", January 2020
- "War Clauses: Friend (not Foe) of Force Majeure", August 2019 (with Christian Theissen)
- "Germany"; Energy Disputes, Getting The Deal Through. Ed. Wood/Miller/Brogdon/Stebbing/Varnado/Ibrahimov. London, 2019, Pages 55-59 (with Thomas Burmeister)
- "Dispute Resolution in Africa Mining Assets: Exploring the Arbitration Route", Into Africa 2018, Pages 37-39 (with Federico Parise Kuhnle)
- "Germany"; Energy Disputes, Getting The Deal Through. Ed. Wood/Miller/Brogdon/Stebbing/Varnado/Ibrahimov. London, 2018, Pages 35-39 (with Thomas Burmeister)
- "Challenges" to Party-Appointed Experts, SchiedsVZ 2017, Issue 6, Pages 269-277 (with Alexander C. Lang)
- "Taking Depositions in Germany for Use in US Courts", 2017 (with Sonja Dünwald)
- "Arbitration in Africa – Managing Risks in a Growing Market", Into Africa, April 2017, Pages 12-13 (with Federico Parise Kuhnle)
- "A commentary on the Pechstein decision of the BGH", LMK 201,6,381217, (co-author with Gero Pogrzeba)
- "The end of inter-EU disputes? It's in the hand of the ECJ", Dispute Resolution Online 2016, Vol.2, p. 6-8
- "The binding effect of arbitration agreements for factual acquirers of enterprises (Zur Bindung des Erwerbers an eine Schiedsvereinbarung zwischen dem bisherigen Geschäftsinhaber und einem Dritten im Fall einer rein tatsächlichen Fortführung eines Handelsgeschäfts)", Betriebsberater 2016, Issue 7, Pages 397-400
- "New York, Brussels - or both? Focus on the practical consequences of the ECJ's Gazprom decision (New York, Brüssel-oder beide? Im Blickpunkt: Praxisfolgen der „Gazprom“Entscheidung des EuGH)", Dispute Resolution Magazine, Issue 2, Pages 6-9, 2015 (with Daniel Eckstein)

- "Safeguard for foreign investors: A practical approach: investment protection and TTIp", Business Law Magazine, Issue 3, Pages 12-15, 2014 (with Hansel T. Pham and Sonja Dünwald)
- "Third Party Funding in International Arbitration – an overview (Neue Chancen, neue Fragen: Prozessfinanzierung in internationalen Schiedsverfahren – ein Überblick)", Dispute Resolution Online 2014, Issue 2, Pages 10–13 (with Alexander C. Lang)
- "A Mountain Too High: The Challenge of Setting Aside an Arbitral Award on the Basis of Fraud in Different Jurisdictions (Kaum zu überwinden: Die Herausforderung der Anfechtung eines Schiedsspruchs wegen Betrugs in verschiedenen Rechtsordnungen)", SchiedsVZ 2013, Issue 1, Pages 20-31 (with Alope Ray et al.)
- "An arbitration clause contained in executive board contracts should be set out in a separate document (Die Vereinbarung einer Schiedsklausel in Vorstandsverträgen in einem separaten Dokument ist unbedingt empfehlenswert)", Betriebsberater 2012, Issue 2, Pages 81-84 (with Verena Groß)
- "German data protection law in international arbitration - Applicability, conflicts and possible solutions (Deutsches Datenschutzrecht in internationalen Schiedsverfahren Anwendbarkeit, Konflikte und Lösungshinweise)", RDV, Issue 5, Pages 274-221, 2011 (with Martin Reindl)
- "The German General Equal Treatment Act (AGC) in arbitration proceedings - a question of faith? (AGG in Schiedsverfahren - eine Glaubensfrage?)", NJW Editorial, Issue 25, 2011
- "Paradigm shift with regard to issue preclusion. Commentary on the decision of the Federal Court of Justice of December 16, 2010 - III ZB 100/09 (Paradigmenwechsel beider Rügepräklusion. BB-Kommentar zu BGH, Beschluss vom 16.12.10 - III ZB LOO/O9lr", BB, Issue 6, Pages 336-339, 2011 (with Jan Skibelski)
- "The most-favored nation principle allows application of more relaxed formal requirements. Commentary on the decision of the Federal Court of Justice of June 8, 2010 - XI ZR 349108 (Meistbegünstigungsgrundsatz ermöglicht die Anwendung liberaler nationaler Formvorschriften. BB-Kommentar zu BGH, Urteil vom 08.06.2010 - XI ZR 349/08)", BB, Issue 49, Pages 2983-2987, 2010 (with Markus Langen)
- "Truth or dare? The Conflict Between E-discovery in International Arbitration and German Data Protection", SchiedsVZ, Issue 4, Pages 187-200, 2010 (with Martin Reindl)
- "Payment of a fine instead of a coercive penalty as a means to make the enforcement of delivery claims more effective (Ordnungsgeld statt Zwangsgeld - Effektivere Durchsetzung von Belieferungsansprüchen)", NJW, Issue 31, Pages 2248-2249, 2010 (with Andreas Klein)
- "International investment protection law - Determining who are the 'protected investors' in group structures (Internationales Investitionsschutzrecht - Die Bestimmung des geschützten „Investors" in Konzernstrukturen)", NZG, Issue 42, Page 52 et. seq., 2010 (with Patricia Nacimiento)

- "German Federal Court of Justice No Longer Permits the Recognition and Enforcement of Foreign Judgments Entered upon Arbitral Awards", Mealey's International Arbitration Report, Vol. 24, Issue 10, Pages 32-35, October 2009
- "Interim Measures Against Legal Acts of the European Communities - Abandon Every Hope, Ye Who Enter Here? (Vorläufiger Rechtsschutz gegen belastende EG-Rechtsakte - Lasset alle Hoffnung fahren?)", EWS, Pages 304-309, 2006

Speaking Engagements:

- "Investment Arbitration as a way to increase the size of the insolvency estate", 4 March 2021, client webinar
- 8th Conference "Universities, Entrepreneurship and Enterprise Development in Africa", Presentation on "Effective legal protection through arbitration – a success factor for SMEs", 20 February 2020, Sankt Augustin
- Panelist at "GDPR-International arbitration meets data protection: practical guidance for compliance", November 2018: Fordham International Arbitration and Mediation Conference, Fordham University, New York
- Presented "Force Majeure in International Arbitration: A Yemen Case Study", November 2018: NYU LAW, The center for transnational litigation, arbitration and commercial law, New York
- "The Impact of Digitalization on International Arbitration", 2017 DAJV conference; Frankfurt
- "Costs in international arbitration - tactical aspects of advance on cost", 2015 IBA Regional Day, Munich
- "Managing political and commercial risks by means of arbitration", 4th Managing Risk in Africa, Munich, 2015
- "Investment Arbitration in Africa – principles and perspectives, Investment Arbitration in Africa", Berlin, 2011

8. Membership in arbitral institutions / functions in arbitral institutions/organizations: ICC Commission on Arbitration and ADR, DIS, ICC, ICDR (on the roster of arbitrators), ICCA, ASA Below-40, Franco-German Chamber of Commerce (on the roster of arbitrators), UNCITRAL, SIAC, ICSID, VIAC

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, French

10. In which legal systems have you trained?

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

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

14. Date of birth: 5 September 1973

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>.

11 March 2021

Date and