

VIAC – Questionnaire for Arbitrators

1. **Name:** Dietmar Czernich

2. **Citizenship:** Austria

3. **Contact information:**

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4. **Current position:**

Senior Partner at CHG Czernich, Rechtsanwälte,
Professor for International Contract Law and Dispute Resolution

5. **Education:**

Master of Laws, New York University School of Law

Doctorate in Law, University of Innsbruck

Diploma in International Commercial Arbitration, CI Arb, London

Advanced Degree in International Private Law, University of Tübingen

6. **Practiced experience in arbitration**

- How many arbitrations have you participated in (domestic/international); under which Rules?
ICC, Swiss Rules, ZPO
- How often have you acted as Chairman?
3 Cases
- How often have you acted as Sole Arbitrator?
1 Cases
- How often have you acted as Co-Arbitrator?
3 Cases
- How often have you acted as Counsel?
2 Cases
- 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):**

7.1. Lectures

Recent Jurisprudence of the Austrian Supreme Court in Arbitral Matters, Vaduz 2017
Panelist Vienna Arbitration Days, Vienna 2016 (In Search of Predictability in Arbitration)
Liechtenstein Arbitration Law under the New York Convention, 2014

7.2. Publications

- The Theory of Separability in Austrian Arbitration Law: Is it on stable Pillars ?, *Arbitration International* 2017, 100;
- Austrian Standard Handbook on Arbitration (with M. Schauer and A. Deixler-Hübner, in print)
- Handbook on Choice of Forum and Arbitration Clauses in International Commerce (with R. Geimer, 2017);
- The Law Applicable to the Arbitration Agreement, *Austrian Yearbook on International Arbitration*, 2015, 130;
- Applying the Hague Principles on Choice of Law in International Contracts in International Arbitration, FS Schnyder (2017);
- Recognizing Court Decisions vacating Arbitral Awards: A re-birth of bilateral Treaties on the Enforcement of Judgements in Europe, FS Geimer II (2017), 45;
- Arbitration Clauses in Testaments, in Schurr/Umlauf, FS Bernhard Eccher (2017), 275ff;
- Waiving the Right to challenge the Award under Austrian Law, *JB1* 2016, 69;
- The Jurisprudence of the Supreme Court in Arbitral Matters, *ÖJZ* 2016, 1000;
- Determining the Applicable (substantive) Law in Arbitration, *wbl* 2016, 301;
- Shareholder and third Party Beneficiary in Arbitration Proceedings, in: Schurr (Hrsg), *Handbuch Asset Protection* (2015);
- The International M&A Transaction before the Arbitrator, *GeS* 2014, 63.
- Arbitration Agreements in Austrian Corporations, *SchiedsVZ* 2014, 86
- The Consumer in the Arbitration Agreement: Applicable Law, *RdW* 2014, 251
- Vacating an Arbitral Award for Lack of Due-Process under Austrian Law, *JB1* 2014, 295;
- Determining the Proper Law in Arbitration: National Conflicts of Law or Rome-I Regulation ? *wbl* 2013, 554;
- The New York Arbitration Convention and Arbitration involving Trusts and Foundations, *LJZ* 2012, 59
- No Need for the Translation of Foreign Arbitral Awards, *RdW* 2012, 649
- Liechtenstein under the New York Arbitration Convention, *News & Jus* 2012, 17
- The Law Applicable to the Arbitration Agreement in Transnational Contracts, *ZVglRWiss* (111), 2012, 429
- The New Liechtenstein Law on Arbitration, *RIW* 2012, 751
- Commentary to the New York Arbitration Convention (2007)
- Choice of Law Clauses in International Arbitration, *wbl* 2004, 458
- Jurisprudence of the Austrian Supreme Court in Arbitration Cases, *ÖJZ* 2016, 1000.
- Mandatory Provisions before the Arbitral Tribunal and the Rome-I Regulation, *RIW* 2016, 701.
- Determining the Applicable Law in International M&A Transactions, in: Althuber/Schopper, *Handbuch Unternehmenskauf* (2014)
- Choice of Law Agreements in Austrian Conflicts of Law, *ZfRV* 2013, 157;
- Aspects of Transnational Trusts in Liechtenstein, *LJZ* 2006, 110
- Austrian Corporate Law and the US Notary Public, *GesRz* 2002, 19
- Collaterals in International Banking, *ÖBA* 2000, 361
- Commentary to the Rome Contracts Convention (2001)
- The Rome Convention: New International Private Law for Transnational Contracts in Austria, *ÖJZ* 1998, 681
- Convention on the International Sale of Goods (CISG): Adapting the Choice of Law to the Needs of the Parties, *Wbl* 1997, 230
- Commentary to the Brussels Convention on International Jurisdiction and Enforcement of Judgments in Europe (1st Ed. 1997, 2nd Ed. 2003, third Ed. 2009, fourth Ed 2015)
- New Aspects in Austrian-American Litigation by the Hague Choice of Forum Convention, *wbl* 2012, 309;
- International Procedural Law in Trusts and Estates, in *Gruber/Kalss/Müller/Schauer*, *Trusts and Estates* (2010)
- Lex Solutionis in the European International Civil Procedure (*wbl* 2002, 337)
- Austrian-American Transnational Dispute Settlement, *JB1* 2002, 613
- Enforcing Foreign Judgments and Awards in the people's Republic of China, *RIW* 1995, 650,
- Enforcing Austrian Judgments in the United States of America, *wbl* 1995, 10
- European Law of Jurisdiction and Private International Law for Transnational Banking Contracts (*ÖBA* 1998, 661)
- Legal Problems of Transnational Retail Banking in the European Union, *ÖBA* 2006, 873
- Developments of Austrian Commercial Law after the Accession to the European Union, *RIW* 2000, 265

- New Aspects of Transnational Dispute Settlement after the Accession of Austria to the European Judgments Convention (JBl 1998, 745)
- Enforcing Foreign Awards in the People's Republic of China, RIW 1995, 650

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

Fellow Chartered Institute of Arbitrators
Austrian Arbitration Association
Liechtenstein Arbitration Association
International Association of Defense Lawyers (IADL)
Scientific Association on International Civil Procedure
New York Bar Associate Arbitration Section
German Institution of Arbitration
Chinese European Arbitration Centre

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 system have you trained?

Austria, Germany, New York Law

11. What is your main jurisdiction of practice?

Austria

12. Special expertise or specializations (please list a maximum of three):

Corporate Law/M&A, International Sales Law (CISG), Joint Ventures

13. Date of birth:

3 January 1968

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons and may be put on VIAC's website.

Date and signature