

VIAC – Questionnaire for Arbitrators

1. Name: Hon.-Prof. Dr. Dietmar Czernich, LL.M. (NYU), FCIArb

2. Citizenship: Austria

3. Contact information:

Address: Bozner Platz 4, 6020 Innsbruck

Telephone: +43 512 567373

Fax: +43 512 567373-15

E-Mail: czernich@chg.at

Website: www.chgt.at

4. Current position:

Senior Partner, Professor

5. Education:

Doctorate in Law

Master of Laws, New York University

Diploma in International Arbitration (Oxford)

6. Practiced experience in arbitration

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

18, ICC, VIAC, HKIAC, Liechtenstein Rules, LCIA

- How often have you acted as Chairman?

3

- How often have you acted as Sole Arbitrator?

3

- How often have you acted as Co-Arbitrator?

3

- How often have you acted as Counsel?

7

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

2

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

See list enclosed

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

Swiss Arbitration Association (ASA)
Austrian Arbitration Association (ArbAut)
Chartered Institute of Arbitrators (London)
Liechtenstein Arbitration Association
German Institution of Arbitration (DIS)
Singapore International Arbitration Centre (SIAC)
New York State Bar Association
Wissenschaftliche Vereinigung für internationales Verfahrensrecht (e.V.)
Dubai International Arbitration Centre
Member of the National Board of the Vienna International Arbitral 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 systems have you trained?

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

Other Liechtenstein Law

11. What is your main jurisdiction of practice?

Austria, Liechtenstein

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

Austria, Liechtenstein

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

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Antitrust/Unfair competition | <input type="checkbox"/> xDamages | <input type="checkbox"/> Insolvency | <input type="checkbox"/> Power plants |
| <input type="checkbox"/> Aviation | <input type="checkbox"/> xDistribution | <input type="checkbox"/> Insurance | <input type="checkbox"/> xPrivate Intern. Law |
| <input type="checkbox"/> Banking & Finance | <input type="checkbox"/> Domain name disputes | <input type="checkbox"/> Intellect. property (IP) | <input type="checkbox"/> Public Intern. Law |
| <input type="checkbox"/> Capital markets | <input type="checkbox"/> Employment | <input type="checkbox"/> ISDS/ Foreign invest. | <input type="checkbox"/> Real estate |
| <input checked="" type="checkbox"/> CISG | <input type="checkbox"/> Energy | <input type="checkbox"/> xJoint ventures | <input type="checkbox"/> Shipping |
| <input type="checkbox"/> Civil fraud disputes | <input type="checkbox"/> Engineering | <input type="checkbox"/> xLicensing | <input type="checkbox"/> Sports |
| <input type="checkbox"/> xCommercial disp. / transactions | <input type="checkbox"/> Entertainment | <input type="checkbox"/> xLife sciences | <input type="checkbox"/> State/Public contracts |
| <input type="checkbox"/> Commodity market | <input type="checkbox"/> Healthcare & Pharmac. | <input type="checkbox"/> Maritime arbitration | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Company/Corporate/M&A | <input type="checkbox"/> Hotel/Gastro./Tour, | <input type="checkbox"/> Media | <input type="checkbox"/> Telecommunication |

- Construction Inform. technology (IT) Mining Transport
 xContract law Infrastructure Natural resources
 Other _____

14. Date of birth:

03.01.1968

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>.

18.05.2021

Date

LIST OF SPEECHES IN INTERNATIONAL ARBITRATION

- Due Process in International Arbitration, New York University 2019
- Arbitration in International Succession Cases, University of Zurich, 2019
- To Litigate or to Arbitrate – How Arbitration differs ? GLAMM 2017, London
- Arbitration and the Brussels Judgements Regulation – two planets ? German-Scandinavian Lawyers Association, Kiel 2017
- Procedural Rights of Arbitrators, Vienna Arbitration Circle, 2017
- In Search of Predictability in Arbitration, Vienna Arbitration Days 2016
- Panelist Three Countries Arbitration Conference Zurich 2015 (IBA Guidelines on Party Representation in International Arbitration)
- Liechtenstein Arbitration Law under the New York Convention, University Liechtenstein 2014
- The CISG before the Arbitrator, University of Liechtenstein, 2018.

SELECTED LIST OF PUBLICATIONS BY DIETMAR CZERNICH

I. INTERNATIONAL ARBITRATION

- The Law applicable to the Arbitration Agreement, *ecolex* 2019, 771;
- The Theory of Separability in Austrian Arbitration Law: Is it on stable Pillars ?, *Arbitration International* 2018, 463;
- Austrian Handbook on Arbitration (with M. Schauer and A. Deixler-Hübner, 2018
- 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, *JB* 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, JBl 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.

II. CONFLICTS OF LAWS

- 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

III. INTERNATIONAL LITIGATION

- 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, JBl 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
- Jurisdiction in rem under the European Judgment Convention, AnwBl 1996, 286

IV. EUROPEAN COMMUNITY LAW

- 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

V,
VARIOUS

Handbook on Austrian Contract law (2007, 2nd 2017, 3rd 2019)

25.3.2019