

VIAC – Questionnaire for Arbitrators

1. Name:

Pascal Hollander

2. Citizenship:

Belgian

3. Contact information:

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LinkedIn:

4. Current position:

Partner

5. Education:

- University of Brussels - Licence en droit (Lic. Jur.) - 1984

- University of Pennsylvania Law School - LL.M. - 1986

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?
ICC = 55 (18 president + 9 sole arbitrator + 18 coarbitrator + 10 counsel)
Other Institutional Proceedings = 35 (6 + 5 + 12 + 12) (LCIA, CEPANI, SCC, Swiss Rules, WIPO)
Ad hoc: 16 (9 + - + 4 + 3)
Domestic: 25 (7 + 2 + 10 + 6)
Total: 131 (40 + 16 + 44 + 31)
- How often have you acted as Chairman?
40
- How often have you acted as Sole Arbitrator?
16
- How often have you acted as Co-Arbitrator?
44
- How often have you acted as Counsel?
31
- How often have you acted in a different function (e.g. Administrative Secretary)?
Never

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

7.1. Teaching activities

Professor of Arbitration Law at the School for Professional Education of the Brussels (French speaking) Bar

7.2. Conferences (on arbitration-related topics)

- The impact of the CDC Hydrogen Peroxide judgment on present and future arbitration agreements - SCC-CEA Joint Conference on EU Competition Law and Arbitration, Stockholm, 28 April 2017
- Alternative Dispute Resolution (Mediation, Arbitration, The advantages and disadvantages) - International Symposium on Franchising, Royal Garden Hotel London, 17 March 2017
- Arbitration and Commercial Distribution: A Marriage of Fire and Water? - ICC-YAF Conference Turin, 4 November 2016
- Can I lie about the facts before the Arbitral Tribunals in the light of the IBA guidelines on party representation? - IADC International Corporate Counsel College, Brussels, Belgium, 14 October 2016
- Comparative study of the public policy and arbitrability exceptions under Article V(2) of the New York Convention - IBA Annual Conference Washington 18-23 September 2016, session of 20 September 2016 14:30 pm
- Comparative Enforcement of Awards – Latest Developments - 19th Annual IBA Arbitration Day, Shanghai (China), 4 March 2016
- CHOOSING THE RIGHT FORUM FOR YOUR CLIENT’S DISPUTE - CEPANI40 Fall Conference, Brussels, 20 October 2015
- Global Dispute Resolution - American Bar Association Forum on Franchising, New Orleans (USA), 16-17 October 2015
- New York Convention public policy as a ground for denying enforcement of awards and recent general developments - International Bar Association (IBA) 2015 Annual Conference, Vienna (Austria), 6 October 2015
- Aspects de droit international privé et d’arbitrage de la distribution commerciale - Conférence Jeune Barreau, Brussels
- The law applied to arbitrability by arbitral tribunals - Annual Conference of the International Bar Association, Tokyo, October 2014
- Multiple Jurisdictions Clauses in International Contracts - Annual Conference of the International Bar Association, Tokyo, October 2014
- Développements récents concernant les conflits de lois et l’arbitrage dans les contrats de distribution commerciale - Actualités en droit de la distribution, Louvain-la-Neuve, 10 October 2014
- Emergency arbitration in practice: How it works? Does it work? - CEPANI 40, Brussels, 7 October 2014
- The emergency arbitrator - “International Arbitration today: first principles, current practice, latest trends”, IBA Toronto (Canada), 29-30 May 2014
- Confidentiality of Arbitration - 10 Years of Swiss Rules (of Arbitration), Basel (Switzerland), 31 January 2014
- Increased efficiency of CEPANI arbitration - CEPANI, Brussels, 24 October 2013
- Fundamentals of International Franchising: Dispute Resolution - ABA (American Bar Association) Forum on Franchising, Orlando, Florida, USA, 16 October 2013
- Arbitration of International Franchising and Distribution Disputes - IBA (International Bar Association) Conference, Boston, USA, 10 October 2013
- The choice of applicable law and competent jurisdiction: advices for good contract drafting - Brussels Distribution Conference, Brussels, 5 October 2013

- Strategies in court litigation, arbitration and applicable law in international distribution - IDI (International Distribution Institute) Conference, Munich, Germany, 14-15 June 2013

7.3. Publications (in the field of arbitration):

- « Report on the Concept of 'Arbitrability' under the New York Convention », 11 *Dispute Resolution International* 1 (2017), p. 47.
- « Report on the Public Policy Exception in the New York Convention », 10 *Dispute Resolution International* 1 (2016), p. 35.
- « Choosing the right forum for your client's dispute » in *What Counsel in Arbitration can do, must do and must not do?*, Bruylant, 2015, p. 41.
- « Conflits de lois et de juridictions et questions touchant à l'arbitrage en matière de contrats de distribution commerciale », in *Regards croisés sur la distribution : concession, agence et franchise*, Larcier, 2015, p. 127.
- Confidentiality under Art. 44 Swiss Rules », in *10 Years of Swiss Rules of International Arbitration* (N. Voser, Ed.), ASA Special Series No. 44, p. 83.
- « Applicable law, jurisdiction and arbitration issues affecting international distribution agreements », in *Commercial Distribution*, Larcier, Brussels, 2014, p. 329.
- « Développements récents concernant les conflits de juridictions et de lois et l'arbitrage en matière de contrats de distribution commerciale » in *Actualités en matière de rédaction des contrats de distribution*, Bruylant, 2014, p. 81.
- «The New Belgian Arbitration Law », *Les Cahiers de l'Arbitrage – The Paris Journal of International Arbitration*, 2013-4, p. 1013.
- « Aspects de droit international privé (européen) du contrat d'arbitre et du contrat d'organisation d'arbitrage », *B-Arbitra*, 2013-2, 405.
- « Commentaire des articles 23 (« Instruction de la cause) et 38 (« Disposition supplétive ») du nouveau Règlement d'arbitrage du CEPANI », *CEPANI Newsletter* 74, April 2013
- «The CEPANI 2013 Arbitration Rules», *Les Cahiers de l'Arbitrage – The Paris Journal of International Arbitration*, 2013-1, p. 231
- « G. Keutgen & G.A. Dal, L'arbitrage en droit belge et international - tome II : Le droit international », *Annales de Droit de Louvain*, 2012-4, 461 (Book Review)
- « Choice of Law, Venue and Jurisdiction, Arbitration v. Litigation », in *2012 International Journal of Franchising Law* 6, p.3 (co-authored with Kerry L. Bundy & Marco Hero).
- « La vérité par la parole ? », in *Hommage à Guy Keutgen*, Bruylant, 2012, pp.425-438.
- « La transposition de la Directive Médiation (2008/52/CE) du 21 mai 2008 en Belgique », *Les Cahiers de l'Arbitrage – The Paris Journal of International Arbitration*, 2012-2, 331.
- Chapter « Belgium » in *IBA Arbitration Committee 2012 Arbitration Guide*, (co-authored with Maarten Draye).
- « L'importance des preuves orales dans la procédure arbitrale », *Journal des Tribunaux (J.T.)*, 2011, p. 41.
- « La preuve par témoins en arbitrage : aspects de droit belge et considérations déontologiques et pratiques sur le rôle de l'avocat dans l'établissement de la preuve par témoins », in *L'administration de la preuve en matière d'arbitrage*, Bruylant (Bruxelles), 2009, p. 137.
- « Questions de droit international privé et d'arbitrage touchant à la distribution commerciale », in *Le droit de la distribution*, Anthemis, 2009, p. 271
- "Arbitrators' Bias because of Previous Appointments: a Civil Law Perspective", in *Transnational Dispute Management (TDM)*, 2008, vol. 5, issue 4
- « L'arbitrabilité des litiges relatifs aux contrats de distribution commerciale en droit belge », in *L'arbitrage et la distribution commerciale*, Bruylant (Bruxelles), 2005.
- « Evidentiary Privileges in International Arbitration – Belgium », [2000] 3 *Arbitration and ADR* 13.
- « Arbitrability of Disputes Relating to Distribution Agreements under Belgian Law », 1 *International Business Law Journal* (1998) 86

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

- Vice-chair of the International Bar Association (IBA)'s Arbitration Committee (2017-2018)
- Chair of the International Bar Association (IBA)'s Subcommittee on Recognition and Enforcement of Arbitral Awards (2015-2016)
- Member of the Board of Directors of CEPANI (the Belgian Centre for Arbitration and Mediation)
- Member of the ICC Commission on Arbitration and ADR and of its Task Forces on Emergency Arbitration and on Probative Value of Witness Evidence
- Member of ICC, LCIA, CEPANI
- Arbitrator listed on the panels of arbitrators of the Singapore International Arbitration Centre (SIAC), Kuala Lumpur Regional Centre for Arbitration (KLRCA), Dubai International Arbitration Centre (DIAC), British Virgin Islands International Arbitration Centre (BVI IAC)

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 – Dutch

10. In which legal system have you trained?

Belgian law

11. What is your main jurisdiction of practice?

Belgium

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

- Commercial Distribution (Distributorship, Franchising, Commercial Agency, Trade Practices & Trademarks)
- Corporate law (shareholders disputes; post-M&A disputes)
- Construction & Engineering

13. Date of birth:

24 November 1961

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.

Brussels, 21 November 2017