

VIAC – Questionnaire for Arbitrators

- 1. Name:** Dr. Moritz Keller
- 2. Citizenship:** German
- 3. Contact information:**
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Germany
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Website: www.cliffordchance.com
LinkedIn:
- 4. Current position:** Partner
- 5. Education:**
2009 Admission to the German Bar as *Rechtsanwalt*
2006 – 2008 *Referendariat*, Higher Regional Court,
Frankfurt am Main, Germany
2004 - 2007 Ph.D. (Dr. iur.), University of Gießen, Germany
2003 - 2004 Master of Laws, University of Wisconsin (Madison), USA
1998 – 2003 Law degree, University of Gießen, Germany
- 6. Practiced experience in arbitration**
- How many arbitrations have you participated in (domestic/international); under which Rules?
70+ (ICSID, ICC, UNCITRAL, DIS, Swiss Rules, Austrian Chamber etc.)
 - How often have you acted as Chairman?
0
 - How often have you acted as Sole Arbitrator?
2
 - How often have you acted as Co-Arbitrator?
2
 - How often have you acted as Counsel?
70+
 - How often have you acted in a different function (e.g. Administrative Secretary)?
0

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

Publications:

- Dr. Moritz Keller u. Hans-Patrick Schroeder: Aufhebung eines Schiedsspruchs bei Nichtigkeit der Schiedsvereinbarung wegen missbräuchlicher Klauseln zulasten des Verbrauchers auch bei Geltendmachung der Nichtigkeit erst im Aufhebungsverfahren (Anmerkung zu EuGH, Urteil v. 26.10.2006 – Rs. C-168/05: Mostaza Claro ./ Centro Móvil Milenium SL), (Art. 6 RL 93/13/EWG 1/07) (EWiR 2007, 215-216)
- Dr. Moritz Keller u. Dr. Günther Horvath: Die Schiedsregeln der Stockholmer Handelskammer, in Torggler, Helwig (Hrsg.): Schiedsgerichtsbarkeit. Praxishandbuch (2007) (p. 447)
- Dr. Moritz Keller: Gerichtsstand bei Internet-Streitigkeiten (Anmerkung zum Urteil LG Krefeld 1 S 32/07 v. 14.09.2007) (Kommunikation & Recht 2007, 662-663)
- Dr. Moritz Keller u. Dr. Christian Duve: Zur Schiedsfähigkeit von GmbH-Beschlussmängelstreitigkeiten (Anmerkung zu BGH, U. v. 06.04.2009 – II ZR 255/08) (Neue Juristische Wochenzeitschrift 27/2009, 1966-1967)
- Dr. Moritz Keller u. Carsten Wendler López: Is there a common approach to provisional measures? – An overview of ICSID Case Law (Zeitschrift für Schiedsverfahren 4/2011, 183-194)
- Dr. Moritz Keller: Anmerkung zu Irmgard Marboe, Calculation of Compensation and Damages in International Investment Law; Oxford (2009) in: Herrmann (Hrsg.): European Yearbook of International Economic Law; Springer (2013) (p. 559)
- Dr. Moritz Keller u. Dr. Felix Netzer: Finanzmarkt, Banken und Streitbeilegung – ein Fall für die Schiedsgerichtsbarkeit? (Betriebsberater 23/2013, 1347-1354)
- Dr. Moritz Keller u. Smaranda Miron: Message from Frankfurt – The Higher Regional Court of Frankfurt speaks on the Relationship between EU Law and International Investment Law (Journal of Transnational Dispute Management 2013, Vol. 10/2)
- Dr. Moritz Keller u. Dr. Moritz Schmitt: Kommentar zu Verordnung BIT-Übergangs-VO (Nr. 120) und EU-BIT-Verfahrens-VO (Nr. 121) in Krenzler, Hermann, Niestedt EU-Außenwirtschafts- und Zollrecht (Loseblatt)
- Dr. Moritz Keller u. Dr. Sunny Kapoor; Climate Change Litigation – Civil Liability for Greenhouse Gas Emissions (European Energy and Environmental Law Review 5/2020, 49-57)
- Dr. Moritz Keller and Erik Leikin: A Taxing Endeavour: Addressing the Tax Consequences of Investment Arbitration Awards (Journal of International Arbitration 37/2020, 191-208)
- Dr. Moritz Keller u. Dr. Michael Walbert: Der Geschäftsführer im Haftungsprozess, Kurzüberblick über Schiedsverfahren in: Walbert (Hrsg.), Haftung von leitenden Angestellten und Geschäftsführern, Manz (2020) (p.67)
- Dr. Moritz Keller: Introduction - An Overview of Institutional Efforts in: Hobe/Scheu (Hrsg.): Evolution, Evaluation and Future Developments in International Investment Law; Nomos (2021) (p. 147)
- Dr. Moritz Keller u. Sebastian Lutz-Bachmann: Quo Vadis Energiecharta? (BB 48, 2021, I)

- Dr. Moritz Keller, Tim Schreiber, Dr. Paul Hauser, Sarah Lemoine: Presenting Evidence in Briefs (GAR, 03.09.2021)
- Dr. Moritz Keller, Dr. Sunny Kapoor u. Jacqueline Momah: Climate Change Litigation: The Types of Disputes, the Legal Challenges and the Role,of Arbitration (SchiedsvZ 2022, 13)
- Dr. Moritz Keller, Dr. Paul Hauser u. Karandeep Khanna: Balancing Procedural Flexibility with the Parties' Right to Equal Treatment under the 2021 ICC Rejoinder Rules (SchiedsvZ 2/2022, 68-72)
- Dr. Moritz Keller u. Dr. Caroline Kittelmann: 'Outlook from a Practitioner Perspective' in: Scheu (Hrsg.), Creation and Implementation of a Multilateral Investment Court, Nomos (2022)
- Dr. Moritz Keller u. Sebastian Lutz-Bachmann: Einigung auf eine Reform der Energiecharta - neuer Schwung für notwendige Investitionen? (BB 2022, I)
- Dr. Moritz Keller u. Lukas Tepke: Beweisaufnahme in der internationalen Schiedsgerichtsbarkeit - Die Einführung illegal beschaffter Beweise unter Art 9.3 IBA Rules in: Der Gesellschafter (GesRZ), Festheft für Günther Horvath zum 70. Geburtstag (2022)
- Dr. Moritz Keller (Hrsg. und Autor): EU Investment Protection Law: Chapter Eight of CETA, the Vietnam and Singapore Free Trade Agreements and EU Regulations 1219/2012, 912/2014 and 2019/452, CH Beck (2023)
- Dr. Moritz Keller u. Dr. Sunny Kapoor; Climate Change Litigation Der Klimawandel und die Haftungsrisiken für Finanzinstitute (WM 2023, 1205 - 1210)

Newspaper articles

- "Freshfields: Streit um Auslandsinvestments – mehr Verfahren nach Investitionsschutzabkommen", recht.extrajournal.net, 11.10.2011
- "Schiedsverfahren unter der Lupe", Wirtschaftsblatt, 18.03.2015, S. 11
- "Investitionsschutzabkommen: Theorie und Praxis mit Schiedsgerichten", Salzburger Nachrichten, 21.04.2015, S. 13
- "Brüssel fährt mit Investitionsschutz in die Sackgasse", Wirtschaftsblatt, 18.03.2016, S. 2
- "Investorenschutz hat in den letzten 60 Jahren gut funktioniert", Wirtschaftsblatt, 11.07.2016, S. 3
- "Schutzlose Investoren", Handelsblatt, 02.06.2020, S. 12
- "Mitgliedstaaten kündigen Abkommen: Ist der Investitionsschutz in der EU am Ende?", Legal Tribune Online, 03.06.2020
- "Presenting Evidence in Briefs" (mit Dr. Paul Hauser u. Sarah Lemoine), GAR. 03.09.2021
- "Neue Runde im Konflikt um Investitionsschutz", Börsenzeitung, 09.10.2021
- "PL Holdings gegen Polen: Ersatzschiedsklauseln unwirksam: EuGH bleibt bei harter Linie", Legal Tribune Online, 28.10.2021
- "Banks haven't even tackled the first question on climate", Financial Times 23.02.2022

- "Finanzsektor drohen Klimaklagen" (mit Dr. Sunny Kapoor), Börsenzeitung, 21.01.2022
- "Erfolg für Klimaschützer: Investitionsschutz für Kohle, Öl und Gas soll wegfallen", Handelsblatt Online, 25.06.2022
- "Bankensektor droht Klimaklagewelle", (Mit Dr. Sunny Kapoor), Börsenzeitung, 28.04.2023

Speaking engagements

- UNCTAD workshop / Minsk, Belarus / 28-30 September 2015 / Regional Training Course on IIAs: Reforming the International Investment Regime / educating CEE-CIS State officials in investment treaty law and arbitration
- Joint UNCITRAL-LAC Conference on Dispute Settlement / Ljubljana, Slovenia / 24 March 2015 / "What role may an arbitral tribunal play in relation to settlement?"
- DIS40 München Workshop: Ideen zur Reform der DIS-Schiedsgerichtsordnung / Munich, Germany / 26 July 2016 / „Wieviel Transparenz benötigt die Schiedsgerichtsbarkeit?“
- 13th ICC Miami Conference / Miami, U.S.A / 1-3 November 2015 / "Arbitration in Banking and Finance Disputes – Derivatives and Structured Finance"
- The Vienna Investment Arbitration Debate / Vienna, Austria / 3 June 2016 and 9 June 2017 / Co-Organizer and Moderator
- Armenia Arbitration Days / Yerevan, Armenia / 14-15 October 2016 / "Rules of Ethics for Arbitrators" and "Arbitration in Austria" / acting as international expert for the Council of Europe and the European Commission
- Council of Europe / Kiev, Ukraine / 23 January 2017 / Workshop and conference "Support to the implementation of judicial reform in Ukraine" / "Functioning of arbitral institutions"
- ICC YAF / Düsseldorf, Germany / Energy Disputes / 14 March 2017 / "Arbitration under long-term PPAs" / Panelist
- DAV Turkey, 3rd International Arbitration Congress / Istanbul, Turkey / 29 September 2017 / Session chair – Strategic investment treaty considerations – valuation and quantum in investment arbitration, international arbitration and Turkey
- Women in arbitration and international law / Vienna, Austria / 21 October 2017 / Discussion event (together with ArbitralWoman and the ERA Pledge) / Organizer and host
- ICC YAF / Vienna, Austria / 6 November 2017 / Introduction to IP Arbitration / Organizer and host
- Energy Community / Vienna, Austria / 17 November 2017 / RES Support and Arbitration / "The renewable energy sector and arbitration – what will the future look like?"
- Energy Community / Vienna, Austria / 4 December 2017 / Competition Law in the Energy Sector / "Competition Law and Arbitration"
- Council of Europe, Arbitration Outreach Seminar / Yerevan, Armenia / 13 March 2018 / International perspective on arbitration (user preferences) / Arbitrating Corporate Disputes
- XI Belgrade Arbitration Conference / Belgrade, Serbia / 16 March 2018 / Ethical Rules in Arbitration

- Economic Chamber Macedonia, Modern Times in arbitration: Initiatives and Perspectives / Skopje, Macedonia / 20 April 2018 / Exiting BITs and ICSID – Implications and Outlook
- 3rd Vienna Investment Arbitration Debate / Vienna, Austria / 22 June 2018
- 5th London Gas & LNG Forum / 5-6 September 2018 / Energy Stream Oil & Gas Strategies
- 14. Jahrestreffen Gesprächskreis "Aktuelle Entwicklungen im Investitionsschutzrecht und seiner Durchsetzung / 14 November 2018 / Deutsche Investoren in der EU – Neue Strategien für Investitionsschutz
- Frankfurt Gas Forum / Frankfurt, Germany / 12 December 2018 / German-American Relations and the Nord Stream 2 Pipeline / Risks in the U.S. – German Gas Business and Trade Relationship
- ERA Annual Conference on EU Trade and Investment Law / 8- 9 November 2018 / Achmea and the Unwinding of Intra-EU BITs in the Practice of Member States and Investment Arbitration Panels
- ICC and DRBF Conference / Sofia, Bulgaria / 28 September 2018 / Practical Issues in Construction Dispute Resolution and Dispute Avoidance / Arbitration Trends in Central and Eastern Europe
- ICC Prague Arbitration Day 2019/ Prague, Czech Republic / 15 March 2019 / Taking Evidence in International Commercial Arbitration: CEE Specifics
- Dutch Arbitration Association / Amsterdam, The Netherlands / 21 May 2019 / The new 2018 Dutch Model BIT text: An evolution or revolution?
- 4th Energy Community Dispute Resolution Forum 2019 / Vienna, Austria / 20 September 2019 / Recent Investment Arbitration Cases
- 4th Vienna Investment Arbitration Debate / Vienna, Austria / 11 October 2019 / Host and Panel Moderator
- Legal 500 Commercial Arbitration Summit Germany / Frankfurt, Germany / 12 February 2020 / Co-host and Panel Moderator
- Tel Aviv Arbitration Days / Tel Aviv, Israel / 2-3 March 2020 / Speaker
- Flame conference / Amsterdam, Netherlands / 3 – 5 November 2021/ Speaker
- EFILA Annual Conference / Amsterdam, Niederlande / 9. Juni 2022 / Panelmoderation "ISDS Ban in the EU - what options remain?"
- Österreichische Völkerrechtstage / Passau, Deutschland / 10. Juni 2022 / Panelmoderation: "Kernfragen des allgemeinen Völkerrechts vor internationalen Gerichten und Schiedsgerichten"
- Legal 500 Commercial Arbitration Summit Germany 2022 / Frankfurt am Main, Deutschland / 7. Juli 2022 / Organisator und Gastgeber
- 5. Vienna Investment Arbitration Debate / Wien, Österreich / 8. September 2022 / Gastgeber und Panelmoderator
- ARIAS Conference 2022 / Köln, Deutschland / 23. September 2022 / "Klimawandel und Litigation"
- 12th Investment Treaty Arbitration Conference, Czech Ministry of Finance / 20. Oktober 2022 / Panelist: "The ICSID Rules Amendment and its Implications"

- ERA Annual Conference on EU Trade and Investment Law 2022 / remote / 9. Dezember 2022 / Speaker: "The Last Battle? Intra-EU Investment Arbitration under the Energy Charter Treaty ECT"
- ASA Winter Conference 2023 / 3 February 2023 / Zürich / Panelist: "ESG and arbitration – challenges and opportunities"
- EFILA Annual Conference 2023 / 16 March 2023 / Madrid / Panel chair: "Climate Change and Investment Arbitration"
- Flame Annual Conference 2023 / 3 May 2023 / Amsterdam / Panel chair: Diversification and fostering alternative supply routes: replacing Russian gas and hitting 2030 targets

Other activities:

- Standing member, Appointing Committee of the German Arbitration Institute (DIS)
- Lecturer in International Arbitration, University of Passau, Germany
- Lecturer in International Arbitration, University of Frankfurt am Main, Germany
- Visiting Professor, University of Wisconsin (Madison) Law School

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

- ArbAut;
- ASA;
- DIS;
- EFILA;
- Frankfurt Arbitration circle;
- IAI;
- ICCA;
- ICC Commission on Arbitration and ADR;
- ICC Commission on Energy and Environment;
- ICC Germany e.V.;
- VIAC

9. Languages

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

14. Date of birth: 13.07.1978

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>.

14 November 2023

Date