

VIAC – Questionnaire for Arbitrators

1. Name: ZDENĚK NOVÝ

2. Citizenship: The Czech Republic

3. Contact information:

Address: Arménská 15, 625 00 Brno, The Czech Republic

Telephone: +420731617841

Fax: -

E-Mail: info@novylegal.com , zd.novy@seznam.cz

Website: <https://www.novylegal.com/anglicky-jazyk/>

LinkedIn: [linkedin.com/in/zdenek-novy-3a300630](https://www.linkedin.com/in/zdenek-novy-3a300630)

4. Current position:

Attorney-at-law/Assistant professor in international law

5. Education:

Doctor juris in public international law (MUNI, Brno 2020); Certificate in International Commercial and Investment Arbitration (Roma Tre 2018); LLM in International, European and Comparative Laws (EUI, Florence 2013); PhD in private international law (MUNI, Brno 2012); master in law and legal science (MUNI, Brno 2006).

6. Practiced experience in arbitration

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

Arbitration Court attached to the Economic Chamber of the CR and Agricultural Chamber of the CR (10); ICC (3); ICSID (1); LCIA (1); PCA (1); SCC (2); UNCITRAL Arbitration Rules (3).

- How often have you acted as Chairman?

0

- How often have you acted as Sole Arbitrator?

0

- How often have you acted as Co-Arbitrator?

11

- How often have you acted as Counsel?

10

- 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 (selected):

- Nový, Zdeněk (co-author). *Part II. Case Studies. Cases 1 to 12*. In: Aurelia Colombi Ciacchi, Chantal Mak and Zeeshan Mansoor. *Immoral Contracts in Europe* (Intersentia 2020).
- Nový, Zdeněk. *Význam nálezů smíšených arbitrážních komisí pro rozhodování v mezinárodní investiční arbitráži* [The Relevance of Mixed Claims Commissions' Awards for Decision-Making in International Investment Arbitration]. In: Šturma, Pavel, Trávníčková, Zuzana (eds.) *Pokojné řešení sporů v mezinárodním právu* (Czech Society for International Law 2020) 133-134.
- Nový, Zdeněk and Barbara Warwas. *The Recent Developments of International Arbitration in the European Regulatory Space*. In: Lucila de Almeida, Marta Cantero Gamito, Mateja Djurovic, Kai Peter Purnhagen. *The Transformation of Economic Law Essays in Honour of Hans-W. Micklitz*. (Hart Publishing 2019) 247-270.
- Nový, Zdeněk. *Mezinárodní investiční arbitráž a vláda práva v hostitelských státech*. *Právník*, 2019, vol. 158, no. 10 909-933 [International Investment Arbitration and the Rule of Law in Host States].
- Nový, Zdeněk, *State Responsibility for Breaches of Standards of Investment Protection committed by Bankruptcy Courts and Trustees* (2019) 2 *Transnational Dispute Management* 1-23.
- Nový, Zdeněk and Drličková, Klára, *Role veřejného zájmu v mezinárodní obchodní a investiční arbitráži* [The Role of Public Interest in International Commercial and Investment Arbitration] (C. H. BECK 2017) 297 p.

- Nový, Zdeněk, *Lis Pendens between International Investment Tribunals and National Courts*. In: Šturma, Pavel (ed.) *Czech Yearbook of Public and Private International Law* (Czech Society for International Law 2017) 536-549.
- Nový, Zdeněk, *Evolutionary Interpretation of International Treaties*. In: Bělohávek, A. J., Rozehnalová, N. (eds.) *Czech Yearbook of International Law: Application and Interpretation of International Treaties* (Lex Lata 2017) 205-240.

- **Conferences and workshops:**

Peaceful Settlement of International Disputes: Arbitration,

in: Global Studies International Week

(University of Salamanca, Spain)

The Court of Justice of the European Union as a Humpty Dumpty:

the Concept of Domestic Law according to the Opinion 1/17,

in: Days of Law 2019 Conference

(Faculty of Law, MUNI, Brno, The Czech Republic).

The Legal Effects of Bilateral Investment Treaties' Provisions

referring to the New York Convention,

in: Foreign Arbitral Awards Conference, 60 Years of the New York Convention

(Andalucia Loyola University, Sevilla, Spain).

Tzv. Brexit a mezinárodní investiční arbitráž

[The so-called Brexit and International Investment Arbitration],

in: Days of Law 2016 Conference

(Faculty of Law, MUNI, Brno, The Czech Republic);

The Resolution of Investment Disputes in the EU Draft TTIP,

in: The ELSA-WTO Workshop

(Faculty of Law, MUNI, in cooperation with the WTO).

Public Policy under the New York Convention and the Brussels I Regulation

(In the Light of the Opinion of Advocate General in the Gazprom case),

in: 10th Anniversary of the Journal of Private International Law Conference

(University of Cambridge, The United Kingdom).

Execution Immunity as a Denial of Justice in International Investment Arbitration,

in: International Law as a Mechanism for Justice

(University of Essex, The United Kingdom);

Contemporary Challenges to International Commercial and Investment Arbitration

(Faculty of Law, MUNI, in cooperation with The Arbitration Institute of the Stockholm

Chamber of Commerce).

- **Teaching at the University:**

- courses in public international law, international investment and commercial arbitration
(MUNI, Brno 2009=)

- **Coach/arbitrator in various moot court competitions:**

- The Foreign Direct Investment Moot; The Willem C. Vis Moot; The WTO Law Moot; The Phillip Jessup Moot Court (2010-)

- **The practice relevant to international arbitration:**

International investment law and arbitration; law of international treaties; law of the European Union (Competition law; consumer law; investor protection /MIFID II/; private international law; co-authoring of a “rejoinder” in a preliminary ruling procedure before the Court of Justice of the European Union concerning a definition of “consumer” in cross-border investing into financial instruments); international commercial arbitration (including enforcement of awards and “defences” thereto under Convention on the Recognition and Enforcement of Foreign Arbitral Awards); international sales under the United Nations Convention on Contracts for the International Sale of Goods; international insolvency; international law of transport; international art law and the law of cultural heritage; state responsibility for breaches of domestic and

international law; legal aspect of public auctions; international auditing and tax law; the legal aspects of the post-Brexit situation.

- **International investment arbitration (selected):**

applicability of a most-favoured-nation clause to a dispute resolution provision in another investment treaty; the Achmea objection; *lis pendens* between investment arbitration and national courts; creeping and 'judicial' expropriation; abuse of process; quantum of damages; attribution of an act of bankruptcy trustee to a state; a denial of justice claim; police powers doctrine; shareholder claims; investor's legitimate expectations in case of changes in zone planning by a municipality.

- Practical experience with the laws of the following states:

Austria; Canada; Cyprus; Czechia (home jurisdiction); France; Germany; Israel; Italy; Luxembourg; Slovakia; The Netherlands; Slovakia; United Kingdom; United States.

- **Legal Expert in hard and high-profile cases involving a cross-border element (2014-).**

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

- Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic (Arbitrator)
- Association Suisse d'Arbitrage (Member below 40)
- Court of Arbitration for Art (Arbitrator)
- Czech Bar Association (Attorney-at-law)
- Czech Society for European and Comparative Law (Member)
- Czech Society for International Law (Member)
- Deutsche Institution für Schiedsgerichtsbarkeit (Member below 40)
- Transnational Institute of Arbitration (Member below 40)
- Vienna International Arbitral Centre (Practitioner)

9. Languages

Mother tongue:

- Czech

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):

- Czech
- English
- Italian

Others: French, German, Polish, Slovak

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 _International Law_____

11. What is your main jurisdiction of practice?

The Czech Republic

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

The Czech Republic (2013=)

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

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

Contract law Infrastructure Natural resources

Other ___The Law of Outer Space_____

14. Date of birth:

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 May 2021_____

Date