

# VIAC – Questionnaire for Arbitrators

1. Name: Leonid Shmatenko

2. Citizenship: German

3. Contact information:

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4. Current position:

**Associate**, Peter & Kim (Geneva, Switzerland), **Visiting Lecturer** at the National Law University of Ukraine "Yaroslav Mudryi" (Kharkiv, Ukraine)

5. Education:

Years of study	Name of University	Specialisation / faculty
2012-today	Henrich-Heine University of Düsseldorf	PhD in Public International Law
2013-2015	Appellate Court of Düsseldorf	Legal Clerkship
2008-2009	Henrich-Heine University of Düsseldorf	Anglo-American Law
2006-2011	Henrich-Heine University of Düsseldorf	Private International Law

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?  
**30+ cases** (ICC, ICSID, UNCITRAL, DIS, SCC, Swiss Rules, Hamburg Chamber of Commerce, *ad hoc*)
- 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?  
**0**
- How often have you acted as Counsel?  
**25 cases** (ICC, ICSID, UNCITRAL, DIS, SCC, *ad hoc*)
- How often have you acted in a different function (e.g. Administrative Secretary)?  
**8 as Tribunal Secretary** (ICC, DIS, Swiss Rules, Hamburg Chamber of Commerce, *ad hoc*)

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

**40+ publications and 10+ speaker engagements on international commercial arbitration and investor-state arbitration**

Significant publications:

- Leonid Shmatenko, Konstantin Christie, Mino Han, LNG Contract Adjustments in Difficult Times: The Interplay between Force Majeure, Change of Circumstances, Hardship, and Price Review Clauses, in: OGEL Special Issue on "Changing LNG Markets and Contracts", 2020.

- Leonid Shmatenko, Stefan Möllenkamp, Blockchain und Kryptowährungen, in: Hoeren / Sieber / Holznel (Hrsg.), Handbuch Multimedia-Recht, 2019.
- Leonid Shmatenko, David K. Shaverdov, Gesunde Regulierung? - Lebensmittel und Alkohol im Einheitskleid - Zur Vereinbarkeit von verpackungsbezogenen Maßnahmen für ungesunde Lebensmittel und Alkohol mit Art 17 Abs 2 Charta der Grundrechte der Europäischen Union, in Zeitschrift für Europarecht, Internationales Privatrecht und Rechtsvergleichung (ZfRV), Heft 6, 2018, pp.244-258.
- Leonid Shmatenko, Zur einseitigen Aufhebung einer Schiedsklausel in der Ukraine, in: Wirtschaft und Recht in Osteuropa (WiRO) Issue 8, 2018, pp. 235-240.
- Leonid Shmatenko, David K. Shaverdov, Packaging-Related Measures for Alcohol and Unhealthy Food and their Impact on Trademarks – The Perspective of Article 17(2) CFRE, in : Zeitschrift für das gesamte Lebensmittelrecht - ZLR (German Journal of Food Law), Heft (Issue) 3, 2018, pp. 315-335.
- Leonid Shmatenko, Sergey Alekhin, Corruption in Investor-State Arbitration – It Takes Two to Tango, in: New Horizons of International Arbitration, A.V. Asoskov, A.I. Muranov, R.M. Khodykin (eds.), 2018, pp. 150-179.
- Leonid Shmatenko, Dr. Svitlana Bevez, Arbitrability of Corporate Disputes in Ukraine, in: Swiss Arbitration Association (ASA) Bulletin, Vol. 36, No. 1, 2018, pp. 53-76.
- Leonid Shmatenko, Dr. Svitlana Bevez, Die Schiedsfähigkeit gesellschaftsrechtlicher Streitigkeiten in der Ukraine, in: SchiedsVZ (German Arbitration Journal), No. 6, 2017, pp. 300 et seqq.
- Leonid Shmatenko, Tobacco Control in Europe: The Potential for Plain Packaging, In: Andrew Mitchell / Tania Voon / Cathrine Gascoigne (Eds.), International Legal Dimensions of Tobacco Control, Edward Elgar, 2014, pp. 187-208.
- Leonid Shmatenko, Oberstes Spezialisiertes Gericht für Zivil- und Strafsachen der Ukraine – Urteil vom 10 Oktober 2012 – Die Auslegung des anerkennungsrechtlichen ordre public in der Ukraine, Praxis des internationalen Privat- und Verfahrensrechts (IPRax) 2013, pp. 449-450 and 473-474.
- Leonid Shmatenko, An Overview of Kazakhstan’s Investment Laws and its Investor-State Arbitral Awards, in: XXX/4 International Law Quarterly (ILQ) 25 - 33 (2013).
- Leonid Shmatenko, Shpetim Bajrami, Schiedsverfahrensrecht der Republik Kosovo, in: Zeitschrift für Europarecht, Internationales Privatrecht und Rechtsvergleichung (ZfRV) 2013, pp. 132-141.
- Leonid Shmatenko, Die bilateralen Investitionsschutzabkommen Russlands, in: Eastlex 2013, pp. 100-104.
- Leonid Shmatenko, Regulatory Measures through Plain Packaging of Tobacco Products in the Light of International Trade Agreements, in: Alexander J. Belohlávek / Nadežda Rozehnalova (Eds.), Czech Yearbook of International Law, Vol. IV, 2013, Juris Publishing, Inc., 2013, pp. 27-48.
- Leonid Shmatenko, Is lex mercatoria jeopardizing the Application of Substantive Law in International Arbitration?, in: Alexander J. Belohlávek / Nadežda Rozehnalova (Eds.), Czech (& Central European) Yearbook of Arbitration, Volume III, 2013, Juris Publishing, Inc., 2013, pp. 89-108.
- Leonid Shmatenko, Julia Markov, Wirtschaftsgerichtsbarkeit und Schiedsgerichtsbarkeit in der Ukraine, in: In: Friedrich-Christian Schroeder / Martin Fincke / Dieter Pfaff (Eds.), Jahrbuch für Ostrecht, C.H. Beck Verlag, Vol. 53, 2012, pp. 207-233.

Speaking engagements (selected):

- **Panelist: Law and Order-Exploring and Understanding the Regional Regulatory and Legal Landscape,** Asia Esports Forum, Taipei, 6/7 November 2018.
- **Panelist: The Host State’s Regulatory Freedom and Investors’ Legitimate Expectations** Young ICCA and Young IMAConference on Investment Treaty Arbitration: Selected Issues Around the 2018 FDI Moot CaseSt. Petersburg, 2 November 2018.
- **Moderator: Panel 2 -Protecting your project in the CIS region,** SABE (Section of Lawyers from Foreign Bars of the Geneva Bar Association), JCC (Joint Chamber of Commerce Switzerland-CIS/Georgia), CCIIG (Geneva Chamber of Commerce, Industry and Services), GO East! –Your Business Project in the CIS –The Legal Aspects, Geneva, 30 October 2018.
- **Speaker: Corruption in Investor-State Arbitration – A Two-Way Street** Russian Arbitration Day 2018, Specific Types of International Arbitration, Moscow, 30 March 2018.
- **Speaker: Anerkennung und Vollstreckung ausländischer Urteile und Schiedssprüche in der Ukraine** German-Russian Lawyers’ Association (DRJV) in co-operation with DIS, VIAC and DIS40 Streitbeilegung im Geschäftsverkehr mit Russland und den GUS-Staaten Frankfurt am Main, 3 March 2017.

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

- Deutsche Institution für Schiedsgerichtsbarkeit e.V. (DIS)
- Deutsche Initiative Junger Schiedsrichter (DIS-40)
- Young ICCA
- Russian Arbitration Association 40 (RAA40)
- Russia-CIS Arbitration Network
- Ukrainian Arbitration Association (UAA)
- Ukrainian Bar Association (UBA)
- Young International Arbitration Group (YIAG)
- Groupe ASA des Jeunes Praticiens de l’Arbitrage (ASA Below 40)
- ICC Young Arbitrators Forum (ICC YAF)
- The Young Austrian Arbitration Practitioners (YAAP)
- Düsseldorf Moot Association e.V. (DMA)

**9. Languages**

Mother tongues: **German and Russian**

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):

Language	Level of proficiency
<b>English</b>	<input type="checkbox"/> Native <input checked="" type="checkbox"/> Sufficient to conduct proceedings and draft an award <input type="checkbox"/> Able to read the case materials
<b>French</b>	<input type="checkbox"/> Native <input checked="" type="checkbox"/> Sufficient to conduct proceedings and draft an award as a co-arbitrator <input type="checkbox"/> Able to read the case materials
<b>Spanish</b>	<input type="checkbox"/> Native <input checked="" type="checkbox"/> Sufficient to conduct proceedings and draft an award as a co-arbitrator <input type="checkbox"/> Able to read the case materials
<b>Ukrainian</b>	<input type="checkbox"/> Native <input type="checkbox"/> Sufficient to conduct proceedings and draft an award <input checked="" type="checkbox"/> Able to read the case materials and draft an award as a co-arbitrator

**10. In which legal systems have you trained?**

- X Civil Law  Common Law
- Austrian Law  Hungarian Law X Swiss Law
- Czech Law  Polish Law X Ukrainian Law
- X German Law  Slovakian Law  X European Law
- Other Russian Law

**11. What is your main jurisdiction of practice?**

Investment treaty arbitration and international commercial arbitration under different applicable laws (Swiss law, German law, French law, Swedish law, Korean law, Ukrainian law, NY law, CISG)

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

Germany, Geneva (Switzerland)

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

- Antitrust/Unfair competition  Damages  Insolvency  Power plants
- Aviation  Distribution  Insurance X Private Intern. Law
- Banking & Finance  Domain name disputes  Intellect. property (IP) X Public Intern. Law
- Capital markets  Employment X 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
- X Company/Corporate/M&A  Hotel/Gastro./Tour.  Media  Telecommunication
- Construction  Inform. technology (IT)  Mining  Transport
- Contract law  Infrastructure X Natural resources
- X Other: Disputes with parties from Central & Eastern Europe (especially CIS countries)

**14. Date of birth: 26 April 1987**

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".

X I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

X 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>.

Geneva, 22 July 2020

Date

and

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Signature