



VIAC VIAC

# ANNUAL REPORT 2020

**Vienna International Arbitral Centre**

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# PREFACE



The year 2020 was a difficult and tough one with many challenges also for VIAC. We had to adapt to a new reality after the Covid-19 pandemic hit us unexpectedly in early 2020. The effects of the coronavirus were felt by all of us, and our thoughts are with those who were most affected.

At VIAC, we are grateful that as a team we were able to manage last year pretty well. Fortunately, thanks to our digital infrastructure and, in particular, our electronic case management, we have adapted quickly and continued our work without major interruptions.

Arbitration institutions around the world joined forces to support the international arbitration community and to contribute to stability and foreseeability in an unstable environment. We have aimed on ensuring pending cases to continue without massive breakdowns and parties having their cases heard without undue delay. We continually assisted and encouraged parties and tribunals to reach out to VIAC and to consult guidelines and information.

Business not only needs a solid and reliable dispute resolution mechanism in these times but must also explore other ways of tackling the situation. In this respect, mediation has seen an uprise as business partners acknowledge that they must sit together, at least virtually, and find a joint solution in order to avoid putting long-term business relationships at risk. Increasingly, VIAC is supporting parties with a special mediation initiative.

Various events had to be cancelled or were replaced by multiple webinars. They provided an opportunity to connect and exchange views and ideas without in person meetings. For the first time since its inception, the oral hearings of the Vis Moot in Vienna had to be called off and were held remotely.



Remote hearings have since become daily business and will stay with us for some time. Practical and legal issues had to be addressed in this context, with the pandemic acting as accelerator. We were forced to step out of our comfort zones, explore new practices and to try previously underutilized paths. Time and cost are two main factors that have been discussed in arbitration forever. With all the new features we are now familiar with, perhaps, a new era has begun. We will not shy away from entering the new era, accepting its challenges.

We would like to express our sincere appreciation for the trust you have placed in us. We hope that in 2021 we will see you back in Vienna in person. Still, we need to be patient, adapt further to the situation and remain flexible.

We hope you enjoy reading VIAC's 5<sup>th</sup> Annual Report.

*Günther J. Horvath*  
President of the VIAC-Board

*Alice Fremuth-Wolf*  
Secretary General of VIAC

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# HIGHLIGHTS

## Vienna Protocol



As it became increasingly evident that conducting in-person hearings would be at the very least questionable for quite some time, VIAC, under the

lead of Board members Patricia Netal and Franz Schwarz, released “The Vienna Protocol – A Practical Checklist for Remote Hearings”, which may be used for arbitration proceedings administered by any institution and provides useful guidance for parties, counsel, and arbitrators when holding hearings in times of Covid-19.

The Vienna Protocol can be found [here](#).

## Joint Statement by Arbitration Institutions

In the wake of the Covid-19 outbreak, arbitral institutions all over the world received many questions and concerns from tribunals and parties. In an effort to provide clarity and guidance, several institutions decided to issue a joint statement in April 2020 where those questions were tackled and clarified. This joint statement has not only been a strong sign of cohesion within the arbitration community, but has also served as a leading example that in difficult times, solidarity and cooperation are necessary in order to minimize the negative effects of the pandemic.

The full text of the joint statement can be found [here](#).

## VIAC’s Mediation Initiative

In a time when the world's economy is facing an unprecedented challenge due to the coronavirus crisis, VIAC has launched a mediation initiative for domestic entrepreneurs who have experienced contractual problems with other companies due to Covid-19. VIAC serves as a hub for companies to find suitable mediators who work within a pre-established framework. VIAC has waived any administration fees for these mediations until the end of 2020 and will continue this initiative in 2021. As a byproduct of helping (Austrian) entrepreneurs through these challenging times, it has raised awareness for mediation as a cost-effective and effective means of dispute resolution. The start of the initiative also coincides with the Singapore Convention on Mediation which entered into force on September 12<sup>th</sup>, enabling the parties to enforce and invoke settlement agreements across borders more easily.

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## 11<sup>th</sup> Vienna Arbitration Days

On February 21<sup>st</sup> and 22<sup>nd</sup>, the Vienna Arbitration Days (VAD) 2020, Austria's leading arbitration conference co-organized by VIAC, took place as one of the last in-person events in the historic Palais Niederösterreich in the heart of Vienna, on the topic "**Arbitration and Public Law**". Former member of the VIAC Board and current member of the International Advisory Board Richard Kreindler delivered the keynote speech.



On the second day, the traditional World Café panel format offered participants the opportunity to participate in small group discussions on a variety of topics. The moderators particularly addressed the tension between the private and public interests in international arbitration and public policy. The World Café was organized by Legal Counsel Johanna Kathan-Spath on behalf of VIAC.

## VIAC Breakfast Webinars

As a substitute for our events that had to be canceled or postponed due to Covid-19, VIAC initiated a new webinar series, which has been a huge success with more than 150 participants. VIAC hosted the first interactive breakfast webinar on April 30<sup>th</sup>, where a panel consisting of Secretary General Alice Fremuth-Wolf, Susanne Gropp-Stadler from Siemens AG, and international arbitration expert Jan Heiner Nedden discussed the topic "**Arbitration in Times of Covid-19 – Challenges and How to Tackle Them**". The discussion was moderated by Vice President Franz Schwarz. More breakfast webinars followed on topics such as legal, technical, and practical considerations on virtual hearings and the freshly released Vienna Protocol

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# VIAC: NEW FACES AND EXPERTISE

## New VIAC Board Members

At the end of 2019, the term of the VIAC Board expired. New board members were appointed by the Extended Presiding Committee of the AFEC in October for the 2020-2022 period. They took up their offices as of January 1<sup>st</sup>.

In the inaugural board meeting on January 16<sup>th</sup>, Günther Horvath was elected president, and Nikolaus Pitkowitz and Franz Schwarz were elected vice presidents.

## New Members of the VIAC International Advisory Board

The VIAC Board elected the new members with a term of office from 2020-2022 in January 2020.

VIAC's [International Advisory Board](#) now consists of thirty international arbitration experts from all over the world who assist the Board in an advisory capacity.

## New Members of the VIAC Domestic Advisory Board

In 2020, VIAC welcomed Prof. Christian Koller and Ms. Ruth Ladeck as new members to the [Domestic Advisory Board](#), established in 2019 to reflect VIAC's further areas of activities in domestic arbitration.

## New Members of the VIAC Mediation Board

The [Mediation Advisory Board](#) of VIAC that was established in 2019 is now comprised of 15 honorable members.

## New Members of the VIAC Secretariat

In summer 2020, our assistant Susanne Heinrichsberger left the VIAC Secretariat to meet new opportunities in another department of the AFEC. VIAC thanks Susanne for her commitment and her work at the Secretariat.

We warmly welcome Beatrix Wendt as new assistant to the team who assists our Legal Counsel in case management in administrative matters.

VIAC also welcomes Silvana Mratinkovic as the new apprentice as of September 2020. Our former apprentice, Eda Ergin, completed her third year of apprenticeship in another department of the AFEC.

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# VIAC'S MEASURES CONCERNING COVID-19

## Continuous Availability of our Services

The pandemic and the first full lockdown took us all by surprise, but the VIAC Secretariat quickly adapted to the new situation. Due to electronic case management tools, which were introduced in 2019, the Secretariat remained fully operational. Hence, VIAC ensured seamless case administration without any delays while safeguarding the VIAC staff, who were allowed and encouraged to work from home.

## Submission of Documents

We encouraged parties to submit all written submissions and any supporting documentation, including witness statements and expert reports, by electronic means, acc. to Article 12 para. 2 Vienna Rules. Arbitrators and Mediators were also encouraged to use electronic copies of case-related documents.

## Service of the Award

To prevent possible issues regarding postal service or DHL, Article 36 para 5 of the Vienna Rules was clarified with effect on April 1<sup>st</sup>, stating that the VIAC Secretariat may send a copy of the arbitral award in electronic form in certain instances.

A summary of an article on the new version of Article 36 can be found (in German) [here](#).

## In-person and Remote Hearings

Regarding in-person or remote hearings, parties and arbitrators were, and still are, advised to contact their case managers well in advance of any such planned hearing in order to assess the situation.

The AFEC offers a specially equipped room for video-conferencing that can be rented for remote hearings. In addition, should an in-person hearing be feasible, advanced testing of all participants can be organized.

In any case, careful planning is essential, and the VIAC Secretariat offers assistance in all aspects.

With “The Vienna Protocol – A Practical Checklist for Remote Hearings”, useful guidance for parties, counsel, and arbitrators is provided when holding hearings in times of Covid-19.

Further information can be found on our website on a specially dedicated page:

[Measures re Covid-19 - Vienna International Arbitral Centre \(viac.eu\)](#)

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# IN-PERSON EVENTS IN 2020

The past year was marked by many cancellations and postponements of already set-up and organized events. VIAC was able to (co-) organize and participate in some in-person events during January and February, especially the **Vienna Arbitration Days** (for details see above in the section "Highlights"). Even after the pandemic had made it impossible to hold in-person events, numerous webinars were (co-) organized to maintain the academic exchange and keep the arbitration communities updated on current developments.

## Lecture Series "Dispute Resolution in Austria "



VIAC was part of an event series in which the study project "Dispute Resolution in Austria" was introduced, and Austrian entrepreneurs were informed about the manifold possibilities to solve a dispute. With Domestic Advisory Board members Lisa Beisteiner and Christian Koller in the lead, Legal Counsel Johanna Kathan-Spath, Klaudia Dobosz, and Stephan Karall discussed the practical differences between litigation, arbitration, and mediation in three events hosted in Innsbruck, Graz, and Klagenfurt.

## Visit of Moot-Court Teams

VIAC is always happy to welcome interested students and practitioners from all over the world to VIAC to present the institution and rules to them. In 2020, such visits were unfortunately rare, but nevertheless a great pleasure.



On February 12<sup>th</sup>, Legal Counsel Johanna Kathan-Spath and Stephan Karall welcomed moot-court teams from the Vienna University of Economics and Business, and the Universities of Graz, Innsbruck, and Linz. Following a lecture on institutional arbitration, the students had the opportunity to practice in the VIAC hearing rooms.

## Winter School of the Austrian Arbitration Academy

Shortly before the first lockdown in Austria, the Austrian Arbitration Academy's Winter School took place in-person from February 18<sup>th</sup> to 22<sup>nd</sup> at the Dachgeschoss at Juridicum, offering young practitioners insight and hands-on training in international arbitration.

The Austrian Arbitration Academy was opened by Giuditta Cordero-Moss, Professor at the University of Oslo, on the topic "The balance between party autonomy and court control and its effects on arbitrability".

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## **Young ITA-YAAP Joint Conference**

On February 20<sup>th</sup>, Legal Counsel Klaudia Dobosz participated on behalf of VIAC in the young ITA-YAAP joint conference at the Hotel de France in Vienna. Ms. Dobosz joined a panel together with Maria Grisenko, Markus P. Beham, and Joseph Schwarz on the topic “Different Perspectives on the Publication of Awards”.

## **Joint Seminars of CAM, DIS, SCC, and VIAC in Rome and Vienna**

On February 20<sup>th</sup>, Secretary General Alice Fremuth-Wolf participated in a joint seminar between CAM, DIS, SCC, and VIAC in Rome, moderated by Paolo Marzolini. Together with the three Secretary Generals of CAM, SCC, and DIS, Stefano Azzali, Annette Magnusson, and Francesca Mazza, she shared her experience on how to balance speed and quality in arbitral proceedings.

The event, previously scheduled for Vienna, was conducted remotely on 6th November, where the four Secretary Generals discussed how to balance speed & quality in changing times. It provided a look behind the scenes at how these four leading institutions deal with this challenge during the Covid-19 pandemic, which places particular demands on all stakeholders in the arbitral process. Vice President Franz Schwarz moderated the webinar.

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# WEBINARS AND OTHER ONLINE EVENTS

Besides VIAC's successful Breakfast Webinar series, Secretary General Alice Fremuth-Wolf and members of the VIAC Board remained active during the lockdown, organized and moderated a plethora of webinars, and discussed relevant issues beyond Covid-19 in those online events.

## 1<sup>st</sup> VIAC Breakfast Webinar

On April 30<sup>th</sup>, Vice President Franz Schwarz moderated a panel featuring Secretary General Alice Fremuth-Wolf, Susanne Gropp-Stadler, and Jan Heiner Nedden on the topic "Arbitration in Times of Covid-19 – Challenges and How to Tackle Them".

## 2<sup>nd</sup> VIAC Breakfast Webinar

On May 14<sup>th</sup>, VIAC hosted its second Breakfast Webinar on the Topic "Hearings – Legal and Practical Challenges and Considerations". Vice President Franz Schwarz once again moderated the panel. Secretary General Alice Fremuth-Wolf, Christina Täuber, Johanna Büstgens, and Ulrike Gantenberg led the discussions.

## CI Arb's online event

On May 28<sup>th</sup>, Secretary General Alice Fremuth-Wolf joined a panel on the topic "Remote dispute resolution: A momentary adjustment for social distancing or the way of the future?" organized by CI Arb.

## Webinar with Arzinger on Arbitration and State Courts in Times of Economic Crisis

On June 4<sup>th</sup>, Arzinger hosted a webinar on "Arbitration and State Courts in Times of Economic Crisis: jurisdictional comparison (Ukraine, Russia, Kazakhstan)" in cooperation with VIAC. The panel, consisting of VIAC's Secretary General Alice Fremuth-Wolf, Anna Grishchenkova, Oksana Karel, and Artem Timoshenko, was moderated by Dr. Markian Malskyy. It discussed, among others, the possibility of an increase in disputes in the post-Covid period due to breaches of many contracts and if such instruments as mediation will become more popular. Gregor Postl, Regional Manager for Eastern Europe and Central Asia at Advantage Austria shared his view on what the post-Covid era will bring to the Eastern European businesses in terms of cooperation with Austrian companies and what role arbitration and litigation plays in improving cooperation.

## 3<sup>rd</sup> VIAC Breakfast Webinar

On June 10<sup>th</sup>, VIAC hosted its 3<sup>rd</sup> Breakfast Webinar. Maria Hauser-Morel, James Menz, Alexander Demuth, and VIAC Secretary General Alice Fremuth-Wolf discussed the topic "Virtual Hearings and How to Tackle Complex Technical Issues", while Vice President Franz Schwarz moderated the panel.

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## **Webinar with Allen & Overy**

On June 16<sup>th</sup>, VIAC and Allen & Overy invited to participate in a joint webinar on "Covid-19: Arbitration at the VIAC and Austrian Law Disputes". First, Secretary General Alice Fremuth-Wolf outlined VIAC's response to the pandemic. After, she and the other panelists Marko Szucsich, Susanne Heger, and Olena Perepelynska discussed the possible effects of Covid-19 on contracts governed by Austrian law and the possible issues when conducting arbitration proceedings during these times. International Advisory Board member Andrey Panov moderated the panel.

## **4<sup>th</sup> VIAC Breakfast Webinar**

On July 2<sup>nd</sup>, for the 4<sup>th</sup> Breakfast Webinar series, Board Members Franz Schwarz and Patricia Netal, together with Secretary General Alice Fremuth-Wolf, presented the recently released Vienna Protocol to the arbitration community. The Vienna Protocol is a practical checklist for remote hearings, which was designed by the VIAC.

## **Paris Arbitration Week**

On July 5<sup>th</sup>, Secretary General Alice Fremuth-Wolf attended a panel as part of the Paris Arbitration Week, discussing the topic "Do's and Don'ts When Choosing a Seat and Enforcing in CEE/Russia/CIS: State of Play" together with Crina Baltag, Lecturer in International Arbitration at Stockholm University, Maria Hauser-Morel, counsel at Hanefeld in Paris, and Michael McIlwrath, global litigation counsel at Baker Hughes GE in Florence.

## **UNCITRAL Panel Series**

On Day 5 of the UNCITRAL Panel Series "COVID-19's Impact on International Dispute Resolution" on July 15<sup>th</sup>, Secretary General Alice Fremuth-Wolf joined a panel on the topic "Measures taken by arbitral institutions to respond to the Covid-19 crisis" together with ICC Secretary General Alexander Fessas, the Director of CRCICA Ismail Selim, KCAB Secretary General Sun Hyun Lim, and CIETAC Secretary General Chengjie Wang. International Advisory Board member James Castello moderated the panel.

## **XII ABA Conference on the Resolution of CIS-Related Business Disputes**

On September 16<sup>th</sup>, the ABA International Law Section partnered with the Russian Arbitration Association to host its 12<sup>th</sup> Annual Conference on The Resolution of CIS-Related Business Disputes.

Secretary General Alice Fremuth-Wolf was a panelist in the opening plenary session on the topic "What was the past year's most significant legal development for CIS disputes practitioners?". Alice Fremuth-Wolf talked about the clarifications on Russian arbitration legislation – including the arbitrability of corporate disputes – issued by the Council for the Development of Arbitration at the Russian Ministry of Justice upon the joint request of the Hong Kong International Arbitration Centre and the Vienna International Arbitration Centre.

## **Webinar with EPAM on "Vienna Meets Moscow"**

On September 22<sup>nd</sup>, EPAM hosted an online discussion in association with VIAC on the topics "Austria as a seat of arbitration, the importance of VIAC being

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licensed as permanent arbitration institution in Russia and third party-funding options". The panel included Alice Fremuth-Wolf on behalf of VIAC, Stefan Kröll, Board Member Stefan Riegler, Partner and head of the European Desk at Egorov Puginsky Afanasiev & Partners Ilona Zekely, and Jonathan Barnett. Evgeny Rashchevsky, partner at Egorov Puginsky Afanasiev & Partners, moderated the panel discussions.

### **360° ADR - Midweek Talk**

On September 30<sup>th</sup>, Secretary General Alice Fremuth-Wolf together with George Lim, Chairman of SIMC, kicked-off the 360° ADR - a Midweek Talk Series on the topic "Moving on from Covid-19 with Mediation Initiatives in Vienna and Singapore." The series is organized and moderated every other week by Mediation Advisory Board member Amelie Huber-Starlinger. Alice Fremuth-Wolf, on behalf of VIAC, and George Lim SC, on behalf of SIMC, discussed how businesses can get back on track amid the Covid-19 pandemic.

### **Sorainen Arbitration Series**

On September 18<sup>th</sup>, the first interview in the Sorainen Arbitration Series was released. In this interview, Alice Fremuth-Wolf shares the advantages of VIAC, explains why VIAC decided against certain elements as an additional appellate mechanism for emergency arbitration, and slightly opens the curtain to show the digital future of VIAC. The interview can be found online [here](#).

### **Webinar on Resolving Finance Disputes Through Arbitration organized by Freshfields**

On October 2<sup>nd</sup>, Secretary General Alice Fremuth-Wolf joined a panel, moderated

by Friedrich Jergitsch, discussing the decision in *Portigon AG v Spain*, which made it possible for project finance lenders to rely on investment treaty protections. The effects of Brexit on the enforceability of English court judgements in the European Union were also discussed. The other panelists were Domestic Advisory Board member Christian Koller, Christian Büchelhofer, Robert Němec, Đorđe Novčić, and Horvai-Hillenbrand Peter.

### **Virtual Arbitration Conference**

On November 4<sup>th</sup>, Urs Weber-Stecher opened the conference, organized by Gabriel Arbitration Dispute Resolution, with his keynote speech on "Disruption of Supply Chains: How to Decide all Claims in One Go?". Following the keynote, a panel consisting of Secretary General Alice Fremuth-Wolf, Andrea Meier, and Georg Naegeli, moderated by Simon Gabriel, discussed the topic from different jurisdictional angles and answered questions the participants asked via Q&A Chat.

### **Legal Tech Conference 2020**

On November 11<sup>th</sup>, Secretary General Alice Fremuth-Wolf participated in a panel at the very first fully remote legal tech conference on the topic "Justiz 2050 radikal gedacht".

### **Live Interview with MOST**

On November 19<sup>th</sup>, Secretary General Alice Fremuth-Wolf gave an interview to MOST, an information platform behind the bi-annual conference on the resolution of "East-West Disputes", regarding CIS-related disputes. The issues addressed were the shortly before published decision from the Austrian Supreme Court on remote hearings in arbitration proceedings, the roles and advantages of

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VIAC in resolving CIS-related disputes, and practical learnings for counsel and arbitrators given the recent Covid-related developments. The questions were asked by the two moderators, Olga Hamama and Dmitry Marenkov.

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# VIAC'S LICENSE IN RUSSIA

## Russian Council Issues Response to HKIAC-VIAC Joint Request for Clarifications

As of July 2019, VIAC was the first European arbitral institution to have received a government permit to operate as a foreign arbitration institution in Russia ("PAI status"). This registration is crucial to ensure enforcement of VIAC awards in the Russian Federation. Besides VIAC, only the HKIAC had yet obtained a permit as a foreign arbitral institution in April 2019.

VIAC's PAI status has significant consequences under Russian law. Recognizing that users would benefit from clarification regarding some areas of Russian law, on February 10, 2020 VIAC and HKIAC submitted a Joint Request for certain clarifications to the Russian Ministry of Justice and Council for the Development of Arbitration at the Russian Ministry of Justice. The Joint Request sought clarifications in respect of issues concerning (i) corporate disputes, (ii) procurement disputes, (iii) domestic disputes, (iv) the differences between arbitrations administered by a PAI and ad hoc proceedings, and (v) the consequences of a PAI administering an arbitration that it is not authorized to administer.

On May 27<sup>th</sup> the Council issued its response to the Joint Request (unofficial English translation [here](#)). Whereas it reflects the opinion of the Working Group No. 2 on Foreign Arbitral Institutions of the Council and does not bind courts or government bodies in a particular dispute it still provides a valuable interpretation of the addressed issues.

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# PUBLICATIONS

## **“Objections to Confirmation and Challenges to Arbitrators under the VIAC Rules” - Romanian Arbitration Journal**

In January, Deputy Secretary Elisabeth Vanas-Metzler and Legal Counsel Silvia Freisehner published an article on the topic “Objections to Confirmation and Challenges to Arbitrators under the VIAC Rules” in the Romanian Arbitral Journal 2019/4. The article can be found online [here](#).

## **Interview for Russian Magazine Commercial Arbitration**

In March, an interview with VIAC Secretary General Alice Fremuth-Wolf was published in Russian in Commercial Arbitration, a magazine established and published by the Chamber of Commerce and Industry by the Russian Federation. The full interview can be found [here](#).

## **Vienna Protocol**

In June, VIAC released a checklist for remote hearings, which aims to provide guidance for arbitrators and all parties in determining whether the conduct of a virtual hearing is reasonable and appropriate. It also encourages applying sensible checks on the use of remote hearings and aims to facilitate the smooth conduct of a virtual hearing. The Vienna Protocol can be found [here](#).

## **Podcast with Sigmund Freud University**

In June, VIAC Legal Counsel Stephan Karall was invited to give an interview at the Sigmund Freud University in Vienna, talking about arbitration in Austria and VIAC’s work as an arbitral institution. The interview can be reheard [here](#) and [here](#).

## **Report on the Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings**

In July, the Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings released its report, the eighth volume of the International Council for Commercial Arbitration (ICCA) Reports Series. The report publishes recent statistics on the appointments of female arbitrators and outlines best practices and opportunities to promote gender diversity in international dispute resolution. Alice Fremuth-Wolf is one of the task force members and provided data and statistics regarding gender diversity in VIAC proceedings.

The Cross-Institutional Task Force, assembled in 2019, brings together representatives of 17 leading international arbitration institutions, law firms, and gender diversity initiatives to publish and analyze recent statistics on the appointment of female arbitrators, as well as to identify opportunities and best practices to promote gender diversity in international arbitration. The report can be found [here](#).

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## Interview with “Konfliktdynamik”

In December, Secretary General Alice Fremuth-Wolf gave an interview to Anne-Karin Grill on the topic “Konfliktmanagement in Krisenzeiten, Die Mediationsoffensive der Internationalen Schiedsinstitution der Wirtschaftskammer Österreich”.

## Handbuch Gesellschafterstreit

The article, co-authored by VIAC Deputy Secretary General Elisabeth Vanas-Metzler and Legal Counsel Johanna Kathan-Spath, entitled “Gesellschaftsrechtliche Streitigkeiten in Schiedsverfahren – Schwerpunkt Mehrparteienverfahren” (on multiparty proceedings in arbitration), will be published as part of the book “Handbuch Gesellschafterstreit” by Verlag Österreich in the spring of 2021. The publication’s editors are Nikolaus Adensamer and Johannes Mitterecker.

## Strong Media Presence with LinkedIn Accounts and Newsletters

VIAC’s media presence continues to be very strong. With regular LinkedIn feeds and 13 newsletter editions in 2020, VIAC keeps its users updated on exciting events and developments.

If you have not done so, please follow us on Linked .

... and [subscribe](#) to VIAC’s Newsletter!

# 2020 STATISTICS

## Number of Cases Received in 2020 and Aggregated Amount in Dispute

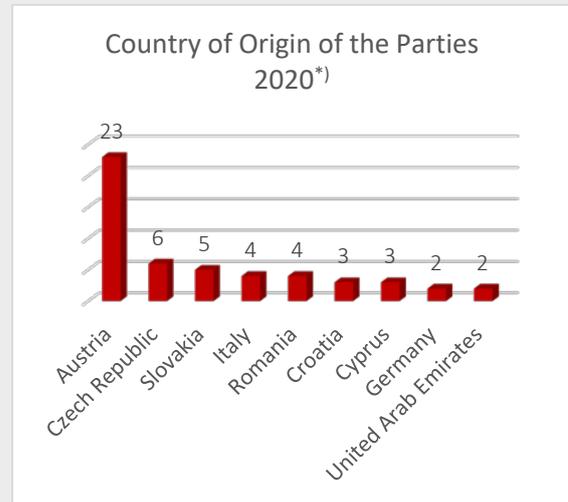
In 2020, VIAC opened 40 new domestic and international arbitration and mediation cases, which is a decrease compared to the number of 2019. This development during this special year is due to the fact that during the lock-down periods, parties were more reluctant to initiate new cases; it also reflects the situation in our region where governments instituted immediate measures to ease the effects of the pandemic.

Despite the slight decrease in the number of cases compared to the previous year and the average from the last five years, the number of international cases maintained stable. The difference stems in particular from domestic arbitration, as the high number of new cases in 2018 resulted *inter alia* from the takeover of domestic arbitration cases from the regional Economic Chambers.

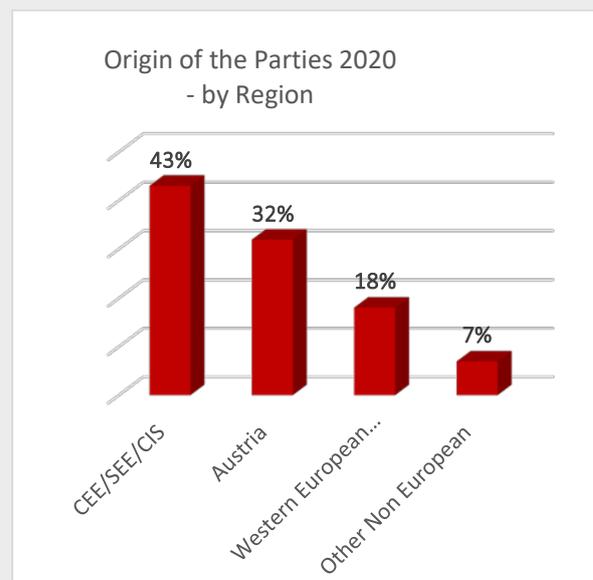
As of December 31<sup>st</sup>, 41 cases were pending with an aggregate amount in dispute of approx. EUR 430 million. A high number of cases was closed last year due to (presumed) settlements, some even before the appointment of the arbitral tribunal.

Of the new cases received in 2020, the lowest amount in dispute was approx. EUR 24,000, whereas the max. amount in dispute was about EUR 11 million.

## Nationality of Parties

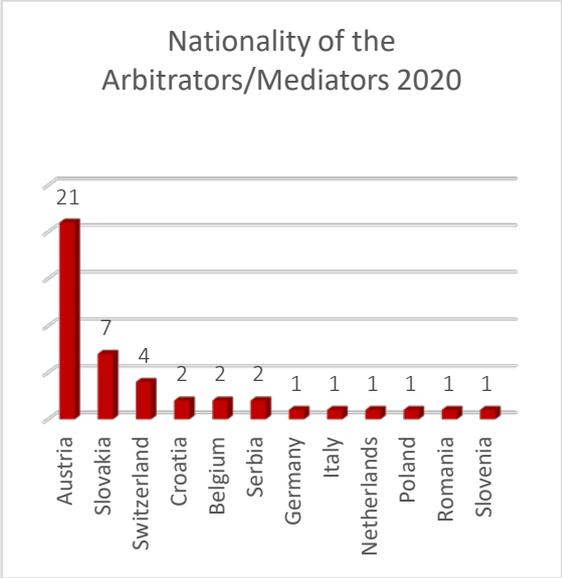


The statistics once more confirm VIAC's standing as an institution with a particular stronghold in Central and Eastern Europe, with 43% of all parties stemming from the CEE/SEE/CIS region. This is an increase of more than  $\frac{1}{4}$  from last year's percentage (34% in 2019). Despite the fact that around one third of the parties come from Austria, the majority of our international cases do not involve an Austrian party at all.

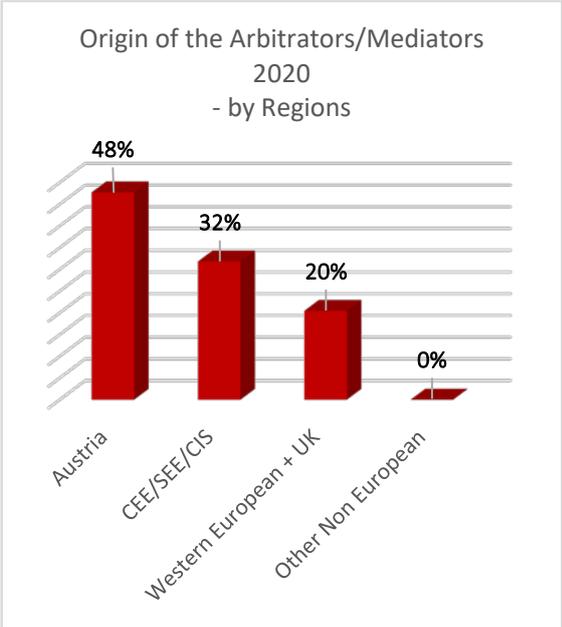


### Nationality of Arbitrators

It is noteworthy that arbitrators/mediators acting in VIAC proceedings in 2020 were from 12 different nationalities.



About a third of the arbitrators were nationals of CEE/SEE/CIS countries, reflecting VIAC’s importance in this region. The high(er) number of arbitrators/mediators from Austria may be explained by the fact that in the vast majority of cases, the place of arbitration was in Austria, and an arbitrator familiar with the *lex arbitri* was therefore chosen.



### Nature of Disputes

The nature of disputes shows a wide variety. In 2020, commercial contracts made up the most significant part (32%), followed by business ownership (26%), wholesale & retail trade (13%), and construction and manufacturing (each 7%). The other disputes were related to technology, intellectual property, healthcare, transportation, and professional services (each 3%).

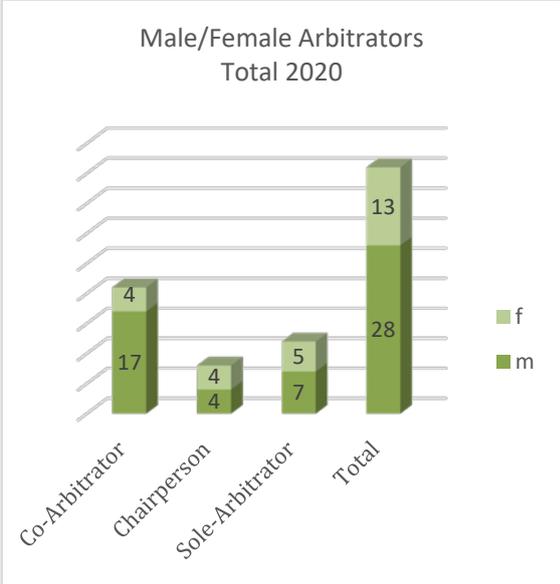
### Sole Arbitrator/Tribunals



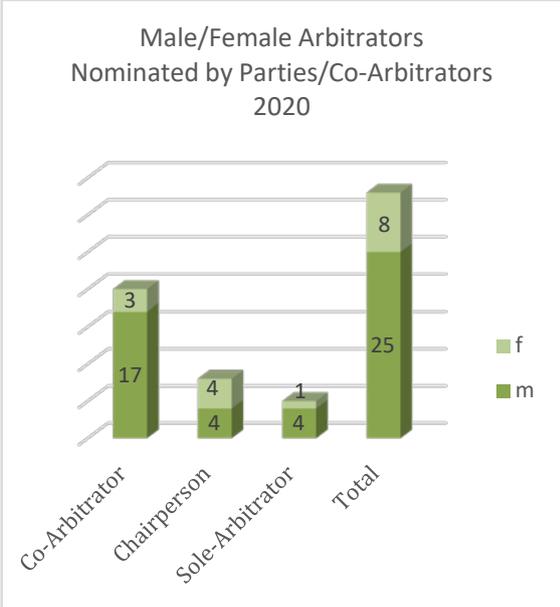
In the cases received in 2020, the ratio between tribunals and sole arbitrators was almost 1:1.

### Gender Ratio

Promoting diversity in arbitration is still an important goal for VIAC. We are particularly delighted that the percentage of female arbitrators has more than doubled from 16% in 2019 to 32% in 2020.

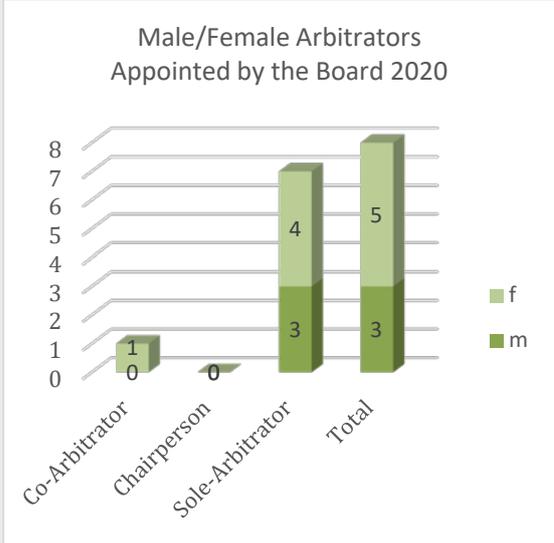


It is a welcome development that the ratio between female and male chairpersons nominated by co-arbitrators was equal in 2020. Still, parties are lagging behind when nominating female candidates, which can be seen by the figures for sole arbitrators and co-arbitrators.



Because women are still underrepresented in arbitral tribunals, the VIAC board

continually strives to create a certain balance and to support skilled female arbitrators. Accordingly, 62% of the arbitrators appointed by the board in 2020 were female.



If you want to find more data on gender diversity in arbitral appointments and proceedings, please find the Cross-Institutional Task Force Report [here](#) or the link to our Gender Diversity tab [here](#) on our website.

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# OUTLOOK FOR 2021

VIAC has ambitious plans for new projects and activities in 2021 and is eager to finalize ongoing projects.

## **Draft VIAC Investment Arbitration and Mediation Rules**

VIAC has almost finalized its work on new investment arbitration and mediation rules. With this, VIAC endeavors to enter a new field and will announce and publish the rules in the first half of the year.

## **The New VIAC Portal – File-Sharing Platform**

VIAC will launch its own file-sharing platform in the first quarter of 2021, allowing parties and arbitrators to work fully digitally. This platform was specially developed by a renowned IT-solutions company in close cooperation with VIAC to meet all demands of arbitral proceedings and to ensure the highest standards in usability and data security.

## **Working Groups, Private Clients, and Construction Law**

VIAC has put in place two working groups to draft tailor-made solutions for private client disputes, including inheritance law and the area of construction law.

The Private Client Working Group, chaired by Michael Nueber and assisted by VIAC Legal Counsel Stephan Karall, consists of

members of the Domestic Advisory Board, VIAC Board, renowned law professors, and representatives of notary publics. One of its aims is to develop an annex to the Vienna Rules that will serve the special needs of **inheritance law disputes**. The goal is to present the first results to the arbitration community in the course of the upcoming year.

The Construction Working Group, chaired by Florian Haugeneder and assisted by VIAC Legal Counsel Veronika Macha, consists not only of legal advisors but also representatives from the most influential construction companies in Austria. It aims to raise awareness about the benefits of alternative dispute resolution in the **construction industry**. After the first online meetings to brainstorm and exchange ideas, an action plan was developed. The goal is to present the first results and campaigns in the next year.

## **Selected Arbitral Awards Volume 2**

In 2015, VIAC published a collection of abstracts of arbitral awards and decisions from the past 40 years. Cases, which bear fascinating legal issues, were chosen for this book. In addition, arbitration experts commented these cases with annotations on important issues concerning procedural and substantive law.

In 2021, VIAC will publish an update with more selected arbitral awards.

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# ORGANIZATION / ABOUT US

## VIAC SECRETARIAT IN 2020



**Alice Fremuth-Wolf, LL.M. (LSE)**  
*Secretary General*

Alice Fremuth-Wolf has been Secretary General of VIAC since January 2018. She joined the VIAC Secretariat in 2012 as Deputy SG. Having studied law at Vienna University (Mag. iur. 1995, Dr. iur. 2002), Utrecht University (1994), and the London School of Economics and Political Science (LL.M. 1998), she served as assistant professor at the Department of Civil Procedure Law at the Law Faculty of Vienna University. Before opening her own practice in 2004, she worked with major Austrian law firms and acted as party representative and arbitrator in international commercial arbitration cases. Alice Fremuth-Wolf has authored articles and books on arbitration and currently also serves as a lecturer at the Law Faculty of Vienna University, where she was coach of the Vienna team for the Willem C. Vis International Commercial Arbitration Moot from 2004-2009. She is a trained mediator and co-organizer of the IBA-VIAC CDRC. She speaks German, English, French, and Spanish.



**Elisabeth Vanas-Metzler, LL.M. (Harvard)**  
*Deputy Secretary General*

Elisabeth Vanas-Metzler has been Deputy Secretary General of VIAC since January 2018. She joined the VIAC Secretariat in October 2017. Elisabeth Vanas-Metzler studied law at Vienna University (Mag. iur. 2003, Dr. iur. 2008), Geneva University (2002), and Harvard Law School (LL.M. 2007). She served as research assistant at the Department for Business and Commercial Law at the Law Faculty of Vienna University. Later, she worked with renowned international law firms in Vienna and Bogotá (Colombia), first as an associate and then as an attorney-at-law. Her practice focused on dispute resolution and in particular international commercial arbitration, including experience as a party representative, administrative secretary, and arbitrator. Elisabeth Vanas-Metzler has been very active in this field, including the Willem C. Vis Moot, publications, lectures and memberships. She speaks German, English and Spanish.



**Klaudia Dobosz**  
*Legal Counsel*

**Klaudia Dobosz** has been part of the VIAC team since January 2018 and assists the VIAC Secretariat as Legal Counsel and Case Manager. She studied law at Vienna University. After finishing her legal practice at Austrian courts, she worked as an associate at a renowned Viennese law firm and assisted in preparing a well-known commentary on the Austrian Arbitration law. She speaks German, English, and Polish.



**Silvia Freisehner**  
*Legal Counsel*

**Silvia Freisehner** has been part of the VIAC team since January 2019 and assists the VIAC Secretariat as Legal Counsel and Case Manager. Ms. Freisehner studied law and Slavic studies and completed her legal practice at Austrian courts. She speaks German, English, Czech, Russian, and Spanish.



**Stephan Karall**  
*Legal Counsel*

**Stephan Karall** has supported the Secretariat since January 2019 as Legal Counsel and Case Manager. He studied law at Vienna University. He had already gained experience in arbitration and corporate law during his studies by working at a renowned Viennese law firm. After finishing his studies and legal practice at Austrian Courts, he worked as an associate for law firms in Austria. He speaks German, English, and Spanish.



**Johanna Kathan-Spath**  
*Legal Counsel*

**Johanna Kathan-Spath** studied law in Graz, Austria, and Antwerp, Belgium, and obtained special education in mediation. She has performed several traineeships, including renowned law firms and legal training at the Viennese state courts. She speaks German, English, and Russian. As of October 2019, Ms. Kathan-Spath is also part of the LL.M. program “International Legal Studies” at the University of Vienna, focusing on international dispute resolution and international economic law. She has been working at VIAC since October 2019.



**Veronika Macha (part-time)**  
*Legal Counsel*

**Veronika Macha** graduated from law school in Vienna in 2005. In 2011, she joined the AFEC and served as Legal Counsel, specializing in public law. Before joining the AFEC, she served several years in different legal departments of public entities. After these first steps, Veronika Macha worked as an associate for a law firm. Veronika Macha’s native language is German. She speaks English and Italian. She has been part of VIAC’s team since April 2019.



**Susanne Schindler**  
*Senior Assistant and  
Webmaster*

**Susanne Schindler** has supported the VIAC team since the beginning of 2013. She is in charge of the VIAC website and newsletter as well as all administrative matters, business trips, and internal accounting. She speaks German and English.



**Beatrix Wendt**  
*Assistant*

**Beatrix Wendt** has supported the case managers as an assistant since June 2020. She has been working at the AFEC since 2002. She is also responsible for the organization of hearing rooms on the premises of the AFEC.



**Silvana Mratinkovic**  
*Apprentice*

**Silvana Mratinkovic** has assisted the VIAC Secretariat since September 2020 as an apprentice in her 2nd year. She speaks German and English.

Throughout 2020, we had the opportunity to give one young arbitration practitioner the chance to dive into the work of an arbitral institution. Ms. B borka Asztalos supported VIAC's team while simultaneously gaining valuable insights into the world of arbitration. Applicants can address their application to the VIAC-Secretariat at [office@viac.eu](mailto:office@viac.eu).

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## VIAC BOARD 2020 – 2022

Composition of the VIAC Board for the 2020-2022 period:



**Günther J. Horvath**  
Dr. Günther J. Horvath  
Rechtsanwalt GmbH  
*President*



**Nikolaus Pitkowitz**  
Graf & Pitkowitz  
Rechtsanwälte GmbH  
*Vice President*



**Franz T. Schwarz**  
Wilmer Cutler Pickering  
Hale and Dorr LLP  
*Vice President*



**Werner Melis**  
*Hon. President*



**Anton Baier**  
*Hon. Member*



**Claudia Annacker**  
Cleary Gottlieb Steen  
& Hamilton LLP



**Georg Kathrein**  
Austrian Ministry of  
Justice



**Patricia Netal**  
KNOETZL HAUGENEDER  
NETAL Rechtsanwälte GmbH



**Paul Oberhammer**  
Professor at  
University of Vienna



**Alexander Petsche**  
Baker & McKenzie  
Diwok Hermann Petsche



**Dietmar W. Prager**  
Debevoise & Plimpton LLP



**Lucia Raimanova**  
Allen & Overy LLP



**Stefan Riegler**  
WOLF THEISS Rechtsanwälte  
GmbH & Co KG



**Friedrich Rüffler**  
Professor at  
University of Vienna



**Erich Schwarzenbacher**  
Austrian Supreme  
Court



**Nathalie Voser**  
rothorn legal



**Irene Welser**  
CERHA HEMPEL  
Hon. Professor at  
University of Vienna

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## VIAC INTERNATIONAL ADVISORY BOARD 2020

Composition of the VIAC International Advisory Board for the 2020-2022 period:

Ms. Diana Akikol <a href="#">CV</a>	Mr. Richard Kreindler <a href="#">CV</a>
Mr. Alexey Anischenko <a href="#">CV</a>	Mr. Stefan Kröll <a href="#">CV</a>
Mr. Davor Adrian Babić <a href="#">CV</a>	Mr. Sean (Sungwoo) Lim <a href="#">CV</a>
Mr. Alexander J. Bělohávek <a href="#">CV</a>	Mr. Martin Magál <a href="#">CV</a>
Mr. Klaus Peter Berger <a href="#">CV</a>	Mr. Michael Moser <a href="#">CV</a>
Mr. Markus Burgstaller <a href="#">CV</a>	Ms. Irina Nazarova <a href="#">CV</a>
Mr. James E. Castello <a href="#">CV</a>	Mr. Andrey Panov <a href="#">CV</a>
Mr. Jalal El Ahdab <a href="#">CV</a>	Mr. Vladimir Pavić <a href="#">CV</a>
Mr. Josef Fröhlingsdorf <a href="#">CV</a>	Mr. Karl Pörnbacher <a href="#">CV</a>
Ms. Ulrike Gantenberg <a href="#">CV</a>	Ms. Catherine Rogers <a href="#">CV</a>
Mr. Manfred Heider <a href="#">CV</a>	Ms. Maxi Scherer <a href="#">CV</a>
Mr. Duarte Henriques <a href="#">CV</a>	Ms. Dorothee Schramm <a href="#">CV</a>
Mr. Werner Jahnel <a href="#">CV</a>	Mr. Hi-Taek Shin <a href="#">CV</a>
Mr. Zhao Jian <a href="#">CV</a>	Mr. Herfried Wöss <a href="#">CV</a>
Ms. Veronika E. Korom <a href="#">CV</a>	Ms. Julia Zagonek <a href="#">CV</a>

## VIAC DOMESTIC ADVISORY BOARD 2020

The Domestic Advisory Board of VIAC is comprised of the following 22 honorable members:

Ms. Nora Aburumieh <a href="#">CV</a>	Mr. Gernot Murko
Mr. Christian Aschauer <a href="#">CV</a>	Mr. Martin Mutz <a href="#">CV</a>
Mr. Philip Aumüller	Mr. Florian Neumayr <a href="#">CV</a>
Ms. Lisa Beisteiner <a href="#">CV</a>	Mr. Michael Nueber <a href="#">CV</a>
Mr. Dietmar Czernich <a href="#">CV</a>	Ms. Ulrike Paukner <a href="#">CV</a>
Mr. Markus Fellner <a href="#">CV</a>	Mr. Martin Platte
Mr. Georg Graf	Mr. Michael Pressl <a href="#">CV</a>
Mr. Christian Koller <a href="#">CV</a>	Mr. Manfred Puchner <a href="#">CV</a>
Ms. Ruth Ladeck <a href="#">CV</a>	Mr. Hubertus Schumacher
Ms. Christiane Loidl	Mr. Nikolaus Vavrovsky <a href="#">CV</a>
Mr. Dietmar Lux <a href="#">CV</a>	Ms. Brigitta Zöchling-Jud <a href="#">CV</a>

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## VIAC MEDIATION ADVISORY BOARD 2020

The Mediation Advisory Board of VIAC is comprised of the following 15 honorable members:

Mr. Claudio Arturo [CV](#)

Mr. Reinhard Dittrich [CV](#)

Mr. Herbert Drexler [CV](#)

Mr. Sascha Ferz [CV](#)

Ms. Ulrike Frauenberger-Pfeiler [CV](#)

Ms. Karin Gmeiner

Ms. Anne-Karin Grill [CV](#)

Mr. Michael Hamberger [CV](#)

Ms. Amelie Huber-Starlinger [CV](#)

Ms. Christine Mattl [CV](#)

Ms. Margarete Miel

Mr. Stephan Prayer [CV](#)

Ms. Michaela Steinwender [CV](#)

Ms. Natascha Tunkel [CV](#)

Ms. Miryan Weichselbaum-Gharibo

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**VIAC the premier international arbitration institution  
in Central and Eastern Europe.**

For further information, please visit the [VIAC homepage](#).

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