

VIAC – Questionnaire for Mediators

1. **Name:** NARDIN Michel

2. **Nationality:** Swiss

3. **Contact information**

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LinkedIn: Michel Nardin

4. **Education and professional experience (original profession; where did you study?):**

See my CV in the annex.

5. **Core area of current professional activity:**

Court Appointed Expert, Party Appointed Expert, Mediator, Dispute Board Member, Adjudicator.

Area of specialization: civil engineering, hydraulic and dam construction, road, water treatment plants and water supply, sewerage, irrigation, industrial plants, power plants, energy, infrastructure projects and buildings. Activities in Europe, Africa, Asia and the Middle East.

6. **Accreditation in the field of ADR (including relevant trainings and connected qualifications):**

- 6th ICC International Commercial Mediation Training Workshop – 2015
- 5th ICC International Commercial Mediation Training Workshop – 2014
- DRBF Dispute Board Advanced Training Workshop - 2014
- ICC Training “Settlement in Complex Commercial Disputes” – 2014
- 1st New ICC Mediation Rules Training Workshop – 2014
- FIDIC ICC Training Workshop “Duties and Responsibilities of the DAB under FIDIC Contract” - 2010
- DRBF DB Training Workshop “Dispute Resolution in Multicultural Environments” – 2009
- ICC PIDA Training “International Contract and Conflict Resolution” - 2005

7. **Practical experience in mediation**

- How many (international) mediations have you participated in:
 - Case N° 1: Single mediator, administered by the ICC, Power Plant – EPC Contract, Algeria/Japan, appraisal followed by a successful mediation, participation of lawyers and parties’ appointed experts
 - Case N° 2: Single mediator, Underground construction – EPC Contract, France/Switzerland, successful mediation including the drafting of an expert’s report, participation of parties’ appointed experts
- How often have you acted in a different function (e.g. consultant, expert)?
 - As Tribunal or Party appointed Expert: more than 50 cases
 - As Chairman of a Dispute Board: 2 cases
 - As Member of a Dispute Board: 3 cases
 - As Adjudicator: 3 cases

- As Claim Manager: 5 cases
- What other ADR-experience do you have?
 - Chairman of Dispute Board
 - Member of Dispute Board
 - Tribunal or Party appointed expert
 - Appraisal followed by a mediation
 - Chairman of experts' panel

8. Languages (including levels)

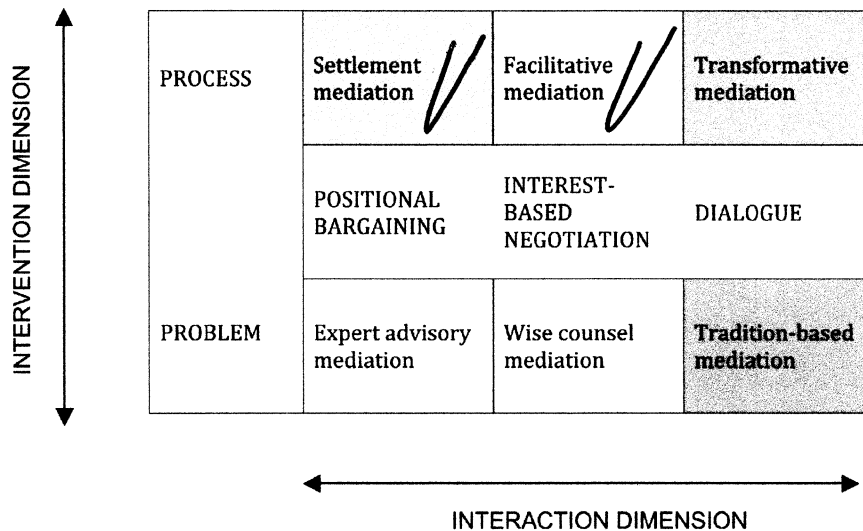
Mother tongue: French

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct mediation proceedings in this language): English, German

Basic knowledge: -

9. Style of mediation

Where do you see yourself? Please tick box as appropriate or indicate your preferred style.



© Alexander, Nadja (2011) "The Mediation Meta-Model - the realities of mediation practice," *ADR Bulletin*: Vol. 12: No. 6, Article 5. Available at: <http://epublications.bond.edu.au/adr/vol12/iss6/5>; see also here for a detailed description of the 6 mediation styles.

10. Please describe aspects of your personality which could be interesting to clients you are going to mediate; what would former clients emphasize in your work?

- Ability to understand the challenges of each party and their respective limits
- Active listening, confidentiality
- Ability to appreciate and to understand the true grounds of the dispute
- Diplomacy
- Ability to sequence the parties' path to agreement
- Clear methodology / agenda / flexibility
- Professional experience in the prevention and resolution of disputes
- Past professional experience as manager in the field of construction and industry

**11. Publications and other activities in ADR related matters
(e.g. training sessions, seminars, conferences, articles and others):**

Publications:

- 2009 “A Practical Approach to the FIDIC Principles” (Romanian Review of Arbitration 2009)
- 2014 “Programme, Delay and Extension of Time: A Practical Approach” (Construction Law Journal 2014)

Training sessions, seminar, and conferences:

- ICC FIDIC Conference “International construction Contracts & Dispute Resolution” – 2016
- DRBF 15th Annual International Conference “Dispute Boards: The Continental approach” – 2015
- FIDIC Multi-lateral Development Bank Conference - 2014
- IBC Construction Law Summer School – 2010
- DBF Symposium “The role of ADR & DB” - 2009
- ICC Training “Corporate & Arbitration” – 2007
- FIDIC ICC Conferences:
“International Construction Contracts and the Resolution of Disputes”- 2007 to 2014
- DRBF Dispute Board Annual International Conferences – 2008 to 2015
- ASA International Conferences 2006 - 2015
- Leading Arbitrators’ Symposium – 2010

12. Memberships in mediation institutions / functions in mediation institutions/organizations:

- Swiss Arbitration Association – ASA
- Member of the ICC Arbitration Commission – Switzerland
- Swiss Chamber of Technical and Scientific Forensic Experts – Swiss Experts, board member
- FIDIC Accredited Adjudicator
- Certified Expert ISO 17024/SEC 01.1 Cert. N° 0068
- Dispute Review Board Foundation – DRBF, Country representative for Switzerland
- Swiss Society of Engineers and Architects – SIA, accredited expert

13. Special expertise or specializations (*please list a maximum of three*) in your ADR-practice:

- Industrial mediation
- Expertise followed by a mediation and/or leading to a settlement agreement
- Prevention of dispute (standing dispute board)

14. Soft Skills (e.g. intercultural competences):

Large experience in dispute resolution between parties having different cultures and nationalities (activities in Europe, Africa, Asia and the Middle-East – see my CV)

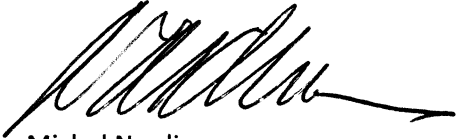
15. How do you ensure your professional quality (e.g. coaching, practice supervision, etc.?)

Frequent exchange of experience between the Partners of our firm
Assistance and/or supervision by another Partner
Certified Expert ISO 17024/SEC 01.1 Cert. N° 0068

Collaboration with sub-experts (own network of specialized experts)

16. Date of birth: 10th March 1953

I have completed this questionnaire to the above to the best of my knowledge and believe it is accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons or may be published on VIAC's website.

A handwritten signature in black ink, appearing to read 'M. Nardin', with a long horizontal stroke extending to the right.

Michel Nardin
St.-Sulpice/ Lausanne, 19th July 2016

Annex: 1 Curriculum Vitae M. Nardin

Michel R. NARDIN

ING.-DIPL. ETHZ / SIA – MSc – MBA

Certified Expert ISO 17024/SEC 01.1 Cert. N° 0068

FIDIC accredited Adjudicator

CURRICULUM VITAE

Formal Education:

- Swiss Federal Institute of Technology, Zurich (ETHZ), Switzerland, Dipl.-Ing. ETHZ / MSc. (1976)
- University of Lausanne - HEC Business School, Switzerland, MBA (1988)

Nationality: Swiss / born in 1953.

Languages: French, English and German.

Present Status:

- Senior Partner of PMG Consulting Engineers and Economists, a firm specialised in the prevention and resolution of disputes, arbitration, litigation, expertise, mediation, claims management and adjudication. Field of activity: building industry, civil engineering, hydraulic construction, transportation, infrastructure, industrial projects, power plants, production plants and project management of multidisciplinary projects.
- Dispute Board Member, Court Appointed Expert, Party Appointed Expert, Adjudicator, Mediator. Area of specialisation: civil engineering, hydraulic and dam construction, road, water treatment plants and water supply, sewerage, irrigation, industrial plants, power plants, energy, infrastructure projects and buildings. Activities in Europe, Africa, Asia and the Middle East.
- Member of the Swiss Arbitration Association – ASA
- Member of the ICC Arbitration Commission Switzerland
- FIDIC accredited Adjudicator
- Member of the Board of the Swiss Chamber of Technical and Scientific Forensic Experts – Swiss Experts
- Member of the Dispute Resolution Board Foundation – DRBF, Country Representative for Switzerland
- Certified Expert ISO 17024/SEC 01.1 – Cert. N° 0068
- Expert registered at the Swiss Society of Engineers and Architects – SIA
- ETHZ, alumni; University of Lausanne – HEC, MBA alumni

Some Key Assignments:

- | | |
|-------------|---|
| 2016 – 2019 | Member of a Combined Dispute Board - CDB: Barrage and hydroelectric plant – EPC contract, Egypt |
| 2015 – 2019 | Chairman of the Dispute Adjudication Board - DAB: Hydroelectric plant – Dam and Lake Project – FIDIC Contract, Lebanon |
| 2014 – 2016 | Party Appointed Expert: Chemical Plant, Decontamination, International Arbitral Tribunal, France / Switzerland |
| 2014 – 2016 | Court Appointed Expert: Gas Power Plant 800 MW, International Arbitral Tribunal Milan Chamber of Arbitration, Italy / China |
| 2014 – 2016 | Party appointed Expert: Oil & Gas Industry, Security Systems, EPC Contract, International Tribunal ICC, Algeria / France |
| 2012 – 2013 | Expert appointed by the ICC: Desalination Complex and Power Plant 300 MW, EPC Contract, Algeria / Japan |

2011 – 2013	Court Appointed Expert: Shopping and Leisure Mall (50,000 sqm GLA), International Arbitral Tribunal ICC, Turkey / Netherlands
2011 – 2014	Member of a Dispute Adjudication Board - DAB: Road construction, infrastructures and bridges – FIDIC Contract, Mozambique
2010 – 2012	Chairman of the Dispute Adjudication Board - DAB: Irrigation project, dam, canals, retention basins and hydraulic structures - FIDIC Contract, Mali
2010 – 2012	Court Appointed Expert: Rock wool production plant, International Arbitral Tribunal ICC, Kazakhstan / Germany
2010 – 2012	Chairman of the Experts Panel: Industrial plant, turnkey construction, International Arbitral Tribunal ICC, Turkey / Germany
2008 – 2014	Member of a Dispute Adjudication Board / DAB: Barwa City Project, turnkey construction of a new city – FIDIC Contract, Doha, Qatar
2009 - 2010	Court Appointed Expert: Real estate development, turnkey contract, International Arbitral Tribunal ICC, Eritrea / Qatar
2009 - 2010	Party appointed Expert: Residential complex, appraisal of extension of time (EOT) and associated costs, International Arbitral Tribunal, Romania / France
2009	Court Appointed Expert: Residential complex, structure deformation, Tribunal cantonal, Lausanne, Switzerland
2008 - 2009	Expert Consultant: Silicon plant, contract management, turnkey contractual packages, Qatar
2006 - 2008	Court Appointed Expert: Underground transport system, rolling stock, International Arbitral Tribunal ICC, France / Germany.
2008	Mediator: Underground commercial centre, extension of time (EOT) and associated costs, Geneva, Switzerland
2008	Court Appointed Expert: Rupture of high pressure system, penal claim, “Juge d’instruction de l’Arrondissement de Lausanne”, Switzerland
2008	Adjudicator: Residential complex, claims for additional costs, Fribourg, Switzerland.
2008	Expert Consultant: Road construction, claims management and expert opinion - FIDIC Contract, Mauritania / Brazil
2006	Court Appointed Expert: Industrial plant, appraisal of co-generation and steam production, International Arbitral Tribunal ICC, France / Belgium
2006 - 2007	Court Appointed Expert: Industrial plant, Tribunal Cantonal, Lausanne, Switzerland.
2006 – 2009	Party appointed Expert: Research and Development Centre, claims management and expert’s assessment, Geneva, Switzerland
2006 - 2007	Expert Consultant: Underground junction and motorway tunnel, claims management - FIDIC Contract, Slovenia
2006	Expert Consultant: Pumping station 190 MW and pressure piping, claims management, Algeria / Spain
2005	Expert Consultant: Motorway tunnel, claims management - FIDIC Contract, Slovenia

Past Professional Experience:

Over 35 years of experience as consulting/professional engineer and as contractor. Activities in large-scale international construction projects (hydraulic and dam construction, waste water treatment plants, sewerage systems, water supply, buildings, infrastructures, concrete and steel structures, power plants, industrial plants, etc.) in Europe, Africa, Asia and the Middle East.

Since 2005 Senior Partner of PMG Consulting Engineers and Economists.
Dispute Board Member, Expert, Adjudicator, Mediator, specialized in the prevention and resolution of disputes.

2000 – 2005 SGI Consulting Engineers SA – Geneva / Athens / Luxembourg.
CEO and Board Member.

Consulting engineer and expert, specialized in hydraulic structures, waste water treatment plants, sewerage, water supply, energy and hydro electrical power schemes, transport infrastructures (rail, roads, airports, harbours), structures (bridges, tunnels, buildings). Management of contracts with international financing institutions.

- 1998 – 2000 Swiss Life Group, Swiss Insurance Company – Zurich / Lausanne.
Director and Member of the Executive Board.
Real estate investment and management policy on the Swiss and international markets.
- 1988 – 1997 Implenia SA, General Contractor – Geneva / Lausanne (former Zschokke SA).
Director and Member of the Executive Board.
- Acquisition, negotiation and execution of turnkey contracts on the international and home markets – civil engineering, hydraulic constructions and buildings
- Promotion and execution of industrial complexes and real estate projects. Planning, management and execution of turn-key contracts. Technical/financial activities (contract and claims management) for public and private clients and implementation of financing solutions.
- 1982 – 1987 Geilinger SA, Steel Construction – Winterthur / Lausanne.
Branch Manager.
- Technical, financial and project management of industrials equipments in Europe and Nigeria. Various assignments in the fields of industrial and steel construction.
- “Curtain walls” Department: Project management of curtain walls / Office buildings market.
- 1979 – 1982 Giovanola Frères SA – Monthey, Switzerland
Project manager and professional engineer
- “Hydro power” Department: design of steel structures and high-pressure welded constructions in the hydro-electrical, industrial, reservoirs and silos sectors.
- “R &D” Department: design, development and coordination of devices (entertainment parks - USA). Development, design and calculation of spatial steel structures under fatigue stress.
- 1976 – 1979 ICR Maroc, Ingénieurs-conseils SA – Rabat, Morocco
Professional engineer.

Publications:

- 2009 “A Practical Approach to the FIDIC Principles” (Romanian Review of Arbitration 2009)
- 2013 “Programme, Delay and Extension of Time: A Practical Approach” (Construction Law Journal 2014)

Professional Affiliation:

- Swiss Arbitration Association- ASA
- Member of the ICC Arbitration Commission Switzerland
- Swiss Chamber of Technical and Scientific Forensic Experts – Swiss Experts
- Dispute Review Board Foundation – DRBF
- Swiss Society of Engineers and Architects – SIA