



ANNUAL REPORT 2019

Vienna International Arbitral Centre

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CONTENT

Preface	ii
Highlights	1
VIAC: Gateway between East and West	4
Other Activities of VIAC in the Field of international Arbitration and Mediation	9
New in 2019	14
2019 Statistics	16
Outlook for 2020	18
Organization / About Us	20

PREFACE



We have the great pleasure to present VIAC's Annual Report for the year 2019. For VIAC this year was one of change and renewal. We could welcome international arbitration experts as new members of the VIAC Board and its International Advisory Board. At the same time we are thanking all who have left after many years of outstanding service with the institution. In addition we have created a Domestic Advisory Board and a Mediation Board to reflect VIAC's further areas of activities having come to life in 2019.

Our Secretariat is supported by four additional legal counsel: Silvia Freisehner, Stephan Karall, Johanna Kathan-Spath and Veronika Macha, who are responsible for case management, speaking engagements, publications, data protection and sanctions, our new domestic competences, and our mediation arm.

We completed the implementation of our electronic case management system to administer our cases paperlessly, and we are now working on a solution to provide parties and arbitrators a platform to be used for their exchange in VIAC arbitrations.

In July, VIAC was awarded status of PAI (Permanent Arbitration Institution) by the Ministry of Justice of the Russian Federation. It is now one of only two foreign arbitration institutions licensed to administer arbitrations seated in Russia.



We hope you enjoy reading VIAC's 4th Annual Report.

Günther J. Horvath
President of the VIAC-Board

Alice Fremuth-Wolf
Secretary General of VIAC

HIGHLIGHTS

VIAC Recognized as Permanent Arbitration Institution in Russia

Since September 2016, the Russian Arbitration Law requires all foreign and domestic arbitral institutions to obtain a Russian government permit. Without such permit, domestic institutions are banned altogether from administering arbitrations seated in Russia. So far, only five Russian institutions have been granted Permanent Arbitration Institution (PAI) status.

On June 18th, the Council for the Development of the Arbitration Process of the Ministry of Justice of the Russian Federation recommended granting VIAC the PAI status. As of July 11th, VIAC is now officially on the list of foreign arbitral institutions recognized as a PAI (as per order of the Russian Ministry of Justice No. 845-r issued on July 4th).

With this, VIAC is the first European arbitral institution to have received PAI status. This registration is crucial in order to ensure future enforcement of VIAC awards in the Russian Federation as decisions rendered in violation of the law run the risk of being non-enforceable in Russia.

If a foreign PAI wishes to also administer domestic disputes, it is required to establish a separate division in Russian territory. VIAC has chosen not to do so for the time being. In addition, VIAC has not yet adopted specialized “corporate arbitration rules” and is thus not eligible to administer certain corporate disputes.

Handbook on the Vienna Rules and the Vienna Mediation Rules 2018

The VIAC Handbook 2018 – Rules of Arbitration and Mediation – A Practitioner’s Guide was released in March 2019 in English and German during the Vienna Arbitration Days.

Well-known arbitration and mediation practitioners have authored this new guide and commented on the rules, which came into effect on January 1st, 2018. This guide provides a helpful and easily comprehensible overview of proceedings administered by VIAC. Designed for practitioners, the guide reproduces each article in its entirety and provides detailed comments and background information on the amendments.

Gender Diversity Conference



Together with the Young Austrian Arbitration Practitioners (YAAP) and the Austrian Arbitration Association (Arb|Aut), VIAC was pleased to welcome a highly topical panel on gender diversity at the management level – and the wide gap between rhetoric and reality at the AFEC on September 9th. Mariana Kühnel, Deputy Secretary General of the AFEC, gave the

opening speech and Daniela Bankier (former Head of Gender Equality and current Head of Programme and Financial Management, European Commission Directorate-General for Justice) delivered the keynote speech on the topic “Frauen in Führungspositionen: Anspruch und Realität in der Europäischen Union”.

11th Vienna Arbitration Days

On March 1st and 2nd, the Vienna Arbitration Days (VAD) 2019, Austria’s leading arbitration conference co-organized by VIAC, took place in the historic Palais Niederösterreich in the heart of Vienna, on the topic “Sciences and Innovation in Arbitration”. With 230 participants from 30 countries, it was a great success.

The conference started off with a welcome speech by the Secretary of UNCITRAL, Anna Joubin-Bret.

26th Willem C. Vis International Commercial Arbitration Moot

The 26th edition of the world-famous Student Arbitration Competition once again took place in Vienna the week before Easter and turned Vienna into a bustling place for arbitration practitioners. The Rules of the Hong Kong International Arbitration Centre (HKIAC) were the applicable arbitration rules in this year’s case. In order to give an introduction to HKIAC and its rules, VIAC organized a conference with representatives of HKIAC right before the Opening Ceremony (see below in the “Activities” section).

This year, Penn State University’s team succeeded in winning against the University of Ottawa. The tribunal was chaired by Teresa Cheng, Hong Kong Secretary for Justice, with Judith Walker and Ulrich Schroeter as co-arbitrators.

Vienna University’s team won 1st place of the Werner Melis award for the best Memorandum for Respondent.

HKIAC/VIAC Joint Conference

The HKIAC/VIAC Joint Conference took place at the AFEC right before the Opening Ceremony of the 26th Vis Moot in Vienna. Peter Leaver, Janet Walker, and Nikolaus Pitkowitz answered questions from the audience on “Concurrent Proceedings and Confidentiality”, “Impact of the Applicable Law to the Arbitration Agreement”, “Admissibility of Illegally Obtained Evidence”, and “Evidence and Legal Positions in Related Proceedings”. It was moderated by Secretary General of HKIAC, Sarah Grimmer.

VIAC-IBA Mediation and Negotiation Competition "CDRC Vienna 2019"

For the fifth time, the CDRC, which was organized in collaboration with VIAC and the International Bar Association (IBA), took place from July 6th through the 10th in Vienna. Students and dispute practitioners were invited to share their knowledge, and young negotiators and mediators were able to experience a unique opportunity for skill enhancement and engagement in consensual dispute resolution.

33 international university teams came together to demonstrate their skills, guided by their coaches and met with the feedback and support of selected international experts.

The Final Award Ceremony awarded 1st prize for negotiation to V.M. Salgaocar College of Law Goa, India, 2nd prize for negotiation to University of New South Wales, Australia, 3rd prize for negotiation to National Law School of India University,

Bangalore, India, 1st prize for mediation to University of Milan, Italy, and 2nd prize for mediation to University of São Paulo, Brazil.

3rd GAR Live Vienna 2019

The 3rd GAR Live Vienna took place on Friday, October 18th in the Christoph-Leitl Lounge on the top floor of the AFEC.

The conference attracted over 150 delegates from the region.



The keynote was delivered by Vladimir Pavic of the University of Belgrade on “Money- When It Should Matter More and When it Should Matter Less”. Following the closing remarks, all delegates were invited to a cocktail reception with a marvelous view from the rooftop of the AFEC.

VIAC: GATEWAY BETWEEN EAST AND WEST

ACTIVITIES RELATED TO ASIA

Cooperation Agreement with HKIAC

The HKIAC/VIAC Joint Conference provided an excellent opportunity to celebrate the existing friendship and cooperation between HKIAC and VIAC in a festive setting. The cooperation agreement was signed by Sarah Grimmer, Günther Horvath, and Nikolaus Pitkowitz on April 12th.



Visit from Hong Kong Secretary for Justice Teresa Cheng

Günther Horvath, Nikolaus Pitkowitz and Elisabeth Vanas-Metzler were pleased to welcome Hong Kong Secretary for Justice Teresa Cheng, and her delegation on April 23rd on the AFEC's premises to discuss issues of arbitration. It was agreed upon that Vienna and Hong Kong are very similar in their role in arbitration, as they are both bridgeheads for investors from Europe to

Asia and vice versa. Cheng welcomes the cooperation between the two arbitration institutions, HKIAC and VIAC.



VIAC/KCAB International Seminar

VIAC and KCAB International organized a joint event in Seoul on September 23rd over the course of Seoul Arbitration Week.

The panel of learned experts from Austria and Korea debated on “Advantages and Pitfalls of Applying Common Law Techniques in a Civil Law Environment”. The audience enjoyed high-quality and enlightening insights as well as fine Austrian delights provided by AFEC's Commercial Counsellor in Seoul, Mr. Schröder.

VIAC was represented by Nikolaus Pitkowitz, Franz Schwarz and Irene Welser.



organized the Belt and Road Arbitration Institutions Roundtable Forum in Beijing. Representatives of leading arbitration institutions and experts from various fields discussed solutions and perspectives for the development of arbitration. Furthermore, from November 2nd to the 9th, a number of events took place during China Arbitration Week in the most important cities of the country. VIAC was represented by Nikolaus Pitkowitz.

Welcoming SHIAC Delegation

In April, VIAC welcomed Deputy Head of Shanghai Municipal Bureau of Justice Mr. Wang Xie and a delegation composed of representatives of arbitration institutions and arbitration practitioners to VIAC. The main purpose of the visit was to share the role and function of arbitral institutions in the practice of international arbitration, establish relations and strengthen communication with VIAC, explore potential future collaborations, and to exchange views on arbitration and other alternative dispute resolution mechanisms with local law firms and research institutions such as Vienna University .

The Belt and Road Roundtable Forum of Arbitration Institutions



On November 7th, for the 6th anniversary of the Belt and Road Initiative, CIETAC

ACTIVITIES IN CIS-COUNTRIES

Conference on International Dispute Resolution Involving Russian and CIS Parties

Alice Fremuth-Wolf spoke at this conference organized by C5 Communications on January 29th and 30th in London, and talked about the latest developments at VIAC on the panel “Forum Shopping: New Choices and The Battle of Old Seats”.



Dispute Resolution in CIS-Related Business Transactions

This conference took place on February 28th in Frankfurt/Main. It was organized by the German-Russian Lawyers' Association and DIS40, the German Arbitration Institute's below 40 initiative. Alice Fremuth-Wolf was a speaker on Panel 4 on the topic "CIS-related Disputes: The Arbitration Institution's Perspective".

Tashkent Law Spring

The first International Legal Forum, Tashkent Law Spring, was held from April 25th to 27th in Uzbekistan's capital, Tashkent, right in the heart of central Asia.

The main topic of the forum was “Law in an Era of Rapid Modernization”. Alice Fremuth-Wolf was part of the panel on “International Arbitration and Judicial Proceedings”, chaired by Carolyn Lamb.

Cooperation Agreement with Tashkent International Arbitration Centre

In the course of the Tashkent Law Spring, VIAC concluded a cooperation agreement with the Tashkent International Arbitration Centre (TIAC). It was signed by Diana Bayzakova, Secretary General of TIAC, and Alice Fremuth-Wolf.

IX. St. Petersburg International Legal Forum

The annual St. Petersburg International Legal Forum, founded in 2011, was organized under the auspices of The President of the Russian Federation and The Ministry of Justice of the Russian Federation. The conference took place in St. Petersburg May 14th through 18th.

Alice Fremuth-Wolf was a panelist in the discussion session “The Current State and Future of Arbitral Institutions: from Competition to Cooperation?”.

Baltic Arbitration Days

The 8th DIS Baltic Arbitration Days took place in Riga on June 13th and 14th. The conference topics were arbitration in construction and public procurement disputes, new developments in investment arbitration, and the effect BREXIT may have on the practices of arbitration professionals. The relevant issues were presented on international expert panels and put to an open discussion involving all participants. VIAC supported this conference as a media partner and was

represented by its Legal Counsel, Silvia Freisehner, who was as well part of the “Meet Your Case Manager” Event on the day before the Baltic Arbitration Days.

Kyiv Arbitration Days

The Ukrainian Bar Association invited to the International Conference "KYIV ARBITRATION DAYS 2019: Think Big!" at the Fairmont Grand Hotel in Kyiv on September 13th. Alice Fremuth-Wolf delivered an inspiring speech on the topic “Diversity in Arbitration: Still a Myth or Reality?”. During Alice Fremuth-Wolf’s visit in Kyiv, the AFEC’s Commercial Counsellor, Gabriele Haselsberger, invited to a business cocktail party.



The guests had the opportunity to network and get to know Alice Fremuth-Wolf and Nikolaus Pitkowitz.

Annual Conference with the Russian Arbitration Association

The Russian Arbitration Association organized the XI Annual Conference of ABA in Moscow on September 18th. The topic of the conference was “The Resolution of CIS-Related Business Disputes”. VIAC was represented by Günther Horvath.

YAAP/Young ADR-Belarus - Joint Event

On September 19th, on the eve of the Eastern European Dispute Resolution Forum (EEDRF) in Minsk, Belarus, YAAP jointly with the Young ADR-Belarus explored the interaction between courts and arbitral tribunals in Austria and Belarus in a relaxed atmosphere. After looking at the arbitration landscape and prevalent institutional rules in both jurisdictions, the issues of interim measures, concurrent proceedings, and recognition, enforcement, and annulment of awards were discussed in a roundtable format. Elisabeth Vanas-Metzler provided an overview of VIAC and the Vienna Rules.

Eastern European Dispute Resolution Forum

On September 20th, the EEDRF took place in Minsk, Belarus. Elisabeth Vanas-Metzler participated on behalf of VIAC and gave a short report on VIAC obtaining the status of a PAI in Russia.



Conference in Moscow: Austria - A Trusted Place of Arbitration

On October 9th, a conference took place in the residency of the Austrian Embassy in Moscow to present Austria as a trusted place for arbitration to the Russian audience. More than 100 participants gathered in the marvelous location and listened to the welcoming words of Johannes Eigner, ambassador of Austria to

the Russian Federation, and Rudolf Lukavsky, Austria's Commercial Counselor. After that, Matthias Neumayr, member of the Austrian Supreme Court, gave an exciting speech on the Supreme Court's Role as the guardian of arbitration in Austria, before Alice Fremuth-Wolf presented general facts related to VIAC, the course of proceedings, and the implications of its having obtained PAI status in Russia. Other renowned speakers at this premier event were Johannes Hock, President of the Arb|Aut, Gerold Zeiler, the Austrian Member of the ICC Court, Marko Szucsich, Florian Haugeneder, Anne Karin-Grill and Alisa Mitiaeva, Head of International Contracts Center, Severstal.

Georgian Arbitration Days

Following GIAC's five successful annual events since 2014, VIAC was pleased to take part at the 6th Annual International Arbitration Conference in Tbilisi from October 9th to the 11th. The topic of the conference was "The Role of Dispute Resolution in State Economy". Alice Fremuth-Wolf took part on behalf of VIAC and spoke on "Security for Costs in International Arbitration and under the VIAC Rules".

OTHER ACTIVITIES OF VIAC

VIAC enjoys very good relations with universities and other national and international arbitration and mediation organizations and participated in various joint seminars and conferences in 2019:

JOINT CONFERENCES & OTHER EVENTS

Dispute Resolution in M & A Transactions

The 5th edition of the international conference Dispute Resolution in M&A Transactions was held on May 23rd and 24th at the POLIN Conference Centre in Warsaw. The conference featured the most distinguished practitioners: arbitrators, in-house counsels, dispute resolution and transactional lawyers, and consultants of various specializations who advise on M&A transactions.

VIAC acted as a supporting organization and was represented by its Legal Counsel, Klaudia Dobosz.

Joint Conference by UNCITRAL, VIAC, and CAM on the Occasion of UNCITRAL WG II

On the occasion of the UNCITRAL Working Group II in Vienna in September, VIAC, the Milan Chamber of Arbitration (CAM), and UNCITRAL organized a joint conference on “Incentives for Efficiency in the New CAM and VIAC Rules” at the AFEC. The Panel discussed topics such as emergency arbitrators, the role of the Secretariat, the use of new technologies, and expedited proceedings and mediation as methods to

increase efficiency. VIAC was represented by Alice Fremuth-Wolf.



Joint Conference by UNCITRAL, VIAC, and RAA on the Occasion of UNCITRAL WG III

At the occasion of the UNCITRAL Working Group III in Vienna in October, VIAC, the Russian Arbitration Association (RAA) and UNCITRAL organized a joint conference on “Contemporary Issues in Investor-State Dispute Settlement”. Alice Fremuth-Wolf participated as panelist on the topics “A Need for a Supranational DR Body?” and “The Impact of Unilateral Sanctions on Investors` Rights”.

Dreiländer-Konferenz 2019

The 7th Dreiländer-Konferenz, which was organized by Arb|Aut, Swiss Arbitration Association (ASA), and Liechtenstein Arbitration Association (LIS), took place on October 25th in Vaduz. The conference was divided in three panels:

1. Eilschiedsverfahren – Eile mit Weile?
2. Der Schutz von Betriebsgeheimnissen im Schiedsverfahren
3. Der Schutz von Daten im Schiedsverfahren – Greift die DSGVO auch hier?

VIAC was represented by its Legal Counsel, Stephan Karall.

VIAC signed Cooperation Agreement with CCL

At the VIII International Symposium on Arbitration, which was held in Lima on November 18th, the Centro de Arbitraje Internacional de la Cámara de Comercio de Lima (CCL) and VIAC signed a cooperation agreement.



Alexander Petsche represented VIAC as a speaker at the symposium and signed the agreement for VIAC.

YAAP Anniversary Conference “Surprise, surprise”

On November 29th, the YAAP Anniversary Conference took place at VIAC. The keynote speech, by Anne Catherine Kunz, was on legitimate party expectations, followed by a controversial, Oxford-style debate on the proposition "The Ideal Arbitrator Strictly Enforces Procedural Rules". VIAC was represented by Stephan Karall.

MEET YOUR CASE MANAGER

“Meet your Case Manager!” with VIAC/DIS/CAM/SCC

On May 8th, VIAC and YAAP hosted a roundtable with case managers from the four arbitral institutions, which gave practical insights into daily case management issues. VIAC Case Manager and Legal Counsel Klaudia Dobosz participated in this speed dating-style event. Participants were able to pose questions to the case managers at rotating tables while enjoying a glass of wine and snacks.

Roundtable of VIAC/DIS/SAKIG/ZBP

On May 22nd, Klaudia Dobosz participated on behalf of VIAC in the first meeting, which was held in Polish, of four international arbitral institutions: German Arbitration Institute (DIS), Sad Arbitrazowy przy Krajowej Izbie Gospodarczej w Warszawie (SAKIG), Sad Arbitrazowy przy Związku Banków Polskich (ZBP), and the local arbitration community in Warsaw.

“Meet your Case Manager!” with VIAC/DIS/FAI

On June 12th, the day before the DIS Baltic Arbitration Days, young practitioners had the opportunity to “speed date” case managers from the German Arbitration Institute (DIS), the Arbitration Institute of the Finland Chamber of Commerce (FAI), and VIAC in Riga.

Silvia Freisehner participated on behalf of VIAC. The event was co-organized by DIS40, YACF, and YAAP.

VARIOUS SPEAKING ENGAGEMENTS

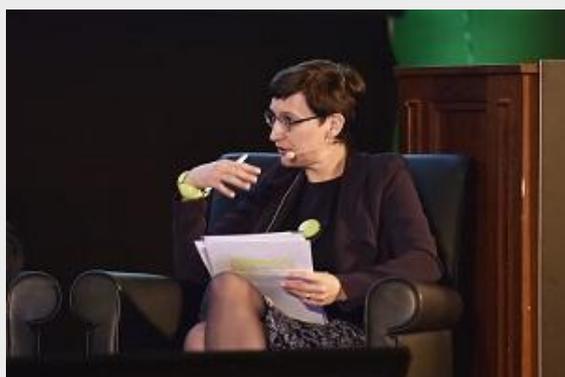
DIS Roundtable Bonn

On February 19th, Alice Fremuth-Wolf spoke at the Roundtable Mediation & Konfliktmanagement der Deutschen Wirtschaft in Bonn. Together with General Secretary of DIS Francesca Mazza, they presented the panel "Wahl der richtigen Schiedsordnung: Zwei Institute im Vergleich".

Club Español del Arbitraje

On April 15th, Club Español del Arbitraje (CEA) and CEA-40's annual event "Capítulo de Alemania y Austria" took place at KNOETZL during the 26th Willem C. Vis International Commercial Arbitration Moot Elisabeth Vanas-Metzler was a panelist on the topic "Gap Filling and Contract Adaption by Arbitrators".

15th IFCAI Biennial Conference



The Finland Arbitration Institute (FAI) and HIAD welcomed the 15th IFCAI Biennial Conference, which took place in Helsinki on May 23rd. Alice Fremuth-Wolf, who is an IFCAI Council member, was moderator of the interactive session on the topic "Issues Giving Arbitrators a Headache when

Striving for an Effective Arbitral Process—What Are the Topical Questions?".

Legal Community Week Milan

The Legal Community Week took place in Milan from June 10th to the 14th. Elisabeth Vanas-Metzler attended a roundtable on the topic "Innovation and Energy & Infrastructure Arbitration: Face Time between Arbitral Institutions, General Counsel, and Legal Experts".

The Energy Community Dispute Resolution Forum - September 19th

The Energy Community Secretariat invited to its` annual major event in the area of energy law, which took place on September 19th and 20th in Vienna. Alice Fremuth-Wolf moderated the panel on "Let's talk: The Future of Energy Dispute Resolution".

Women in Arbitration and International Law

The third Freshfields Women's Breakfast event, in collaboration with the Equal Representation in Arbitration (ERA) Pledge, took place following the GAR Live Vienna on September 19th in the surroundings of the 25hours Hotel rooftop terrace. Alice Fremuth-Wolf provided the audience with her annual update on the ERA Pledge.



The keynote speech was delivered by Dana Denis-Smith, CEO of Obelisk Support and founder of the fantastic First100Years Project.

1st OPEC Energy Conference

Alice Fremuth-Wolf was invited as a speaker to the 1st Opec Annual Legal Workshop on October 30th. The workshop was organized in collaboration with other international organizations, including the Energy Charter Secretariat and OFID. Alice Fremuth-Wolf's presentation topic was "Best Practices for Managing Energy Disputes— a Practical Approach".

Croatian Arbitration Days

On December 5th and 6th, the 27th Croatian Arbitration Days took place in Zagreb at the Croatian Chamber of Economy. Alice Fremuth-Wolf took part as

a panelist on a discussion about multitier clauses and Arb-Med-Arb-proceedings.

EDUCATION AND TRAINING

Promoting and supporting the education of the next generation of arbitration practitioners has always been a major concern of VIAC. Therefore, VIAC has initiated and supported various events and trainings:

Arbitration Seminar "Aktuelle Probleme des Schiedsverfahrensrechts"

In January, the arbitration seminar, jointly organized by University of Vienna (Prof. Rechberger, board member of VIAC) and VIAC, took place at the Juridicum. The subject matter of the seminar was "Fragen der nationalen und internationalen Schiedsgerichtsbarkeit" including a mock arbitration which was based on an actual case administered by VIAC.

FH Krems: International Business Law

Elisabeth Vanas-Metzler visited the FH in Krems on January 31st, where she held a lecture on VIAC, the Vienna Rules and the Vienna Mediation Rules 2018, and gave the participants insights on arbitration law in general.

Austrian Arbitration Academy

The Austrian Arbitration Academy consists of the Summer School and the Winter School, which offer young practitioners practical insights and hands-on training in international arbitration.

Winter School

The 3rd edition of the Austrian Arbitration Academy's Winter School, organized by the University of Vienna, SHS, VIAC, and YAAP, took place from February 26th to March 2nd at the Dachgeschoss at Juridicum.

The participants were welcomed by Daniel Girsberger's keynote speech on the topic "Seven Capital Sins of Counsel in International Arbitration". In the following days, numerous renowned experts and practitioners of arbitration law gave the Winter School participants deep insight into the everyday work of an arbitrator. Another highlight of the Winter School was the participation in the Vienna Arbitration Days on March 1st and 2nd.

Summer School

The Austrian Arbitration Academy's Summer School took place from July 13th to July 27th in Strobl. Alice Fremuth-Wolf gave a lecture on "All You Ever Wanted to Know about Institutional Arbitration".

CAS Arbitration Program

VIAC was invited to present its institution and rules as part of the CAS (Certificate of Advanced Studies). The event took place at the University of Neuchâtel, Switzerland, on May 6th. The program is organized by the University of Lucerne, the University of Neuchâtel, and the Swiss Arbitration Academy. VIAC was represented by Elisabeth Vanas-Metzler.

Academic Visits from Universities, Study Visits and Trainees

VIAC is always happy to welcome interested students and practitioners from all around the world to VIAC and to present the institution and rules to them. In 2019, such visits included the following and many more:

On January 25th, Klaudia Dobosz, Stephan Karall, and Silvia Freisehner welcomed a student group from **ELSA Mannheim** to VIAC.

On October 11th, Elisabeth Vanas-Metzler welcomed a group of students from **FH Krems** to VIAC.

Throughout 2019, several young arbitration practitioners got the chance to dive into the work of an arbitral institution. They supported VIAC's team while simultaneously gaining precious insights into the world of arbitration. Applications for 2020 and 2021 can be addressed to the VIAC-Secretariat at office@viac.eu.

VIAC was also happy to host Mr. Maqsudbek Saidov, Chairman of the Bukhara Regional Economic Court of the Republic of Uzbekistan, for a 4-week study visit at our offices.

NEW IN 2019

Review Privacy Statement

VIAC's privacy statement has been reviewed and now contains both general statements concerning data protection and VIAC's position on data protection in its proceedings. VIAC's privacy statement can be found on our [website](#).

Domestic Advisory Board and Mediation Advisory Board

In 2019, VIAC announced the inauguration of the newly formed Domestic Advisory Board ([Link](#)) and Mediation Advisory Board ([Link](#)), assembling national and international leading arbitration experts. You can find more information on these two advisory boards on our website.

New Faces in the VIAC Secretariat

The VIAC Secretariat now counts a total of 9 heads, equaling 6 full-time equivalents. New Faces are: Stephan Karall and Silvia Freisehner, two full-time Legal Counsel, started their work in January, followed by Veronika Macha, a part-time Legal Counsel, and Susanne Heinreichsberger, a part-time assistant, in April. In September, Eda Ergin, an apprentice in her 2nd year, started in the Secretariat, and finally on October 1st, Johanna Kathan-Spath joined as a part-time Legal Counsel in order to support us during Elisabeth Vanas-Metzler's maternity leave. For more information on the members of the VIAC Secretariat please see page 22.

Farewell in the VIAC Secretariat

On March 31st, Sonja Rogge, who was part of the VIAC team since the end of 2013 and assisted the Secretariat as Legal Counsel and Case Manager, accepted a new professional challenge at AFEC's Monitoring Committee.

On December 31st, Case Manager Christa Eybl left VIAC after having served 6 years in the Secretariat. She will be missed by her team members and the arbitration community.

VIAC Rules 2018 - More Languages Available

The VIAC Rules 2018 are now available in additional languages. They were translated into Czech, Italian, Korean, Polish, Portuguese, and Russian and are available for download on [VIAC's website](#). Further translations in Romanian, Slovak, Ukrainian, and Chinese are in the pipeline.

Relaunch of the VIAC Website

At the beginning of 2019, VIAC relaunched its website with a whole new look! All credit goes to VIAC's webmaster Susanne Schindler. Please visit us at www.viac.eu.

The new website is now more user-friendly, has quick links for the most frequently used features, and a mobile version.

VIAC-ISDA Model Arbitration Clause

The International Swaps and Derivatives Association (ISDA), advised by Allen & Overy LLP, has published a second edition of its arbitration guide, the 2018 ISDA Arbitration Guide. The document can be downloaded [here](#). Further information on the updated version of the ISDA Arbitration Guide can be obtained from a memorandum prepared by Allen & Overy in London.

While the basic structure of the Arbitration Guide remains unchanged – reflecting ISDA members’ broad satisfaction with the first edition (the 2013 ISDA Arbitration Guide) – a number of new model clauses were added in response to users’ feedback. Amendments were made to the guidance notes to reflect changes in arbitral rules and market practice over the past five years. Appendix K contains an ISDA-fied arbitration clause under the VIAC Rules. VIAC has been included in this guide, thereby enhancing the use of arbitration as a recommendable dispute resolution alternative for banks and financial institutions. The VIAC-ISDA model clause can be downloaded [here](#).

Strong Media Presence with LinkedIn Accounts and Newsletters

VIAC’s media presence continues to be very strong. With regular LinkedIn feeds and 10 newsletter editions in 2019, VIAC keeps its users updated on interesting events and developments.

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

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

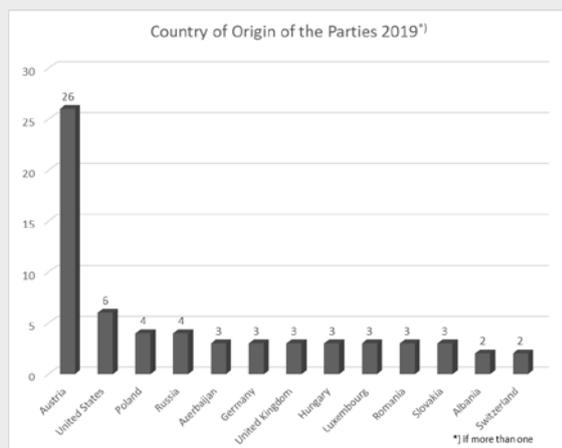
2019 STATISTICS

Number of Cases Received in 2019 and Aggregated Amount in Dispute

In 2019, VIAC opened 45 new domestic and international arbitration and mediation cases, which is slightly more than in 2017. Consequently, after a significant increase in 2018, resulting inter alia from the takeover of domestic arbitrations due to VIAC's new competence to administer all domestic cases formerly filed with the regional Economic Chambers, the number has remained steady.

As of December 31st, 51 cases were pending with an aggregate amount in dispute of approx. EUR 450 million. Of the new cases received in 2019, the lowest amount in dispute was approx. EUR 28,000, whereas the max. amount in dispute was about EUR 49.6 million. This demonstrates how wide the range is here.

Nationality of Parties

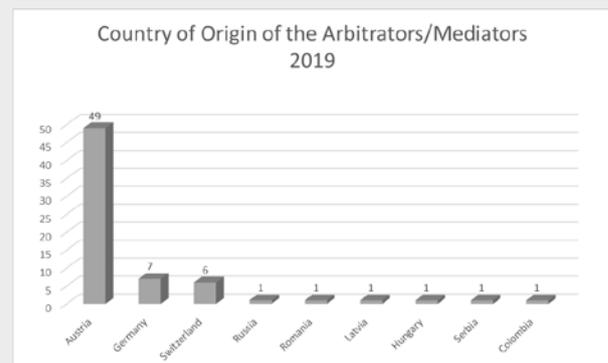


The statistics once more confirm VIAC's standing as an institution with a particular stronghold in Central and Eastern Europe, with one third of all parties stemming from the CEE/SEE/CIS region (about the same as in 2018 and 2017). Besides other European

countries, the parties originate from the Middle and Far East and North America. Furthermore, it is important to mention that about 10% of the new cases received were domestic cases.

Nationality of Arbitrators

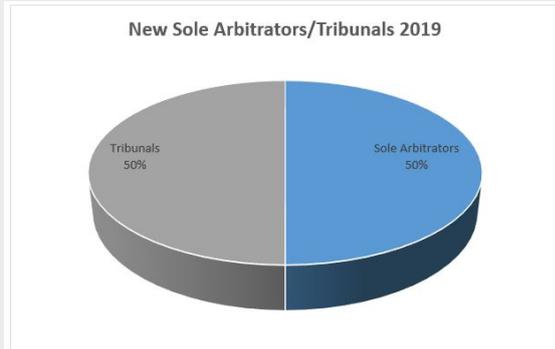
Besides Austrian practitioners, almost one-third of the arbitrators/mediators acting in VIAC proceedings had a different nationality. 10% of the arbitrators were German nationals, and 9% came from Switzerland. Arbitrators/mediators from Austria were particularly popular because, in the vast majority of cases, the place of arbitration was in Austria.



Nature of Disputes

The nature of disputes shows a broad variety. In 2019, commercial contracts made up the biggest part (40%), followed by construction, financial services & banking, and business ownership (each 11%) and wholesale & retail trade (8%). 5% of the disputes were related to Manufacturing, 3% each could be assigned to Professional and Technical Services, Nonprofits & Public Administration, Insurance and Reinsurance and Real Estate, whereas 2% were energy-related disputes.

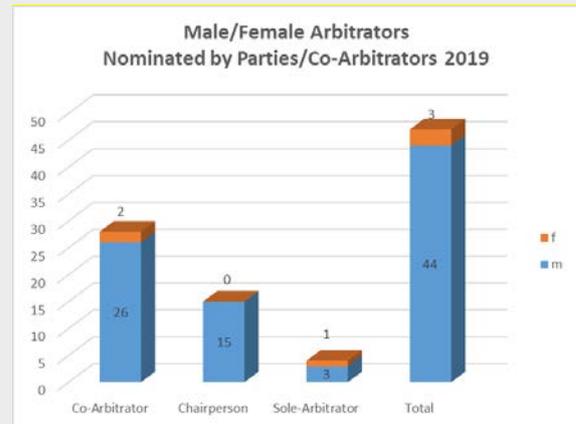
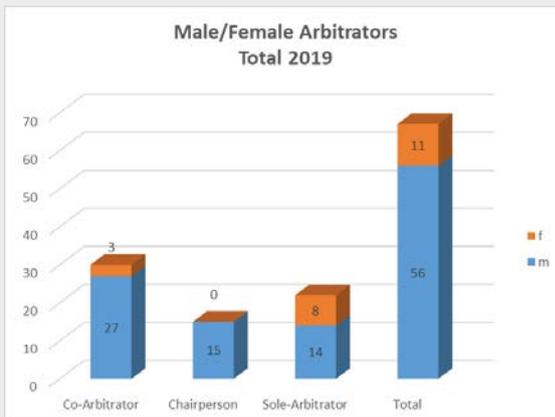
Sole Arbitrator/Tribunals



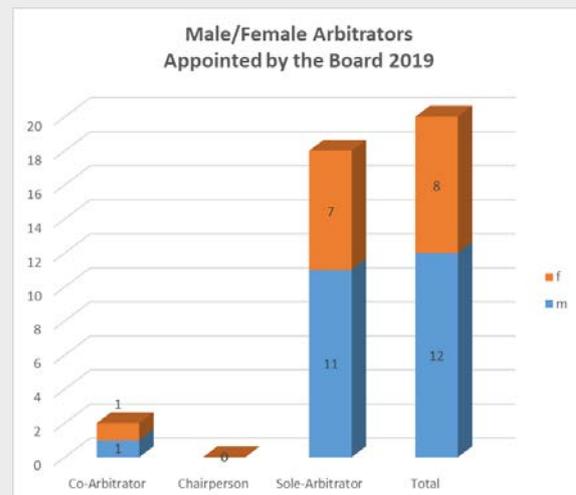
In the cases received in 2019, the ratio between tribunals and sole arbitrators was exactly 1:1.

Gender Ratio

Promoting women in arbitration is still an important goal for VIAC. In 2019, sadly only a total of 16% of the arbitrators acting under our rules were female. This is due to the fact that in only 2 out of 28 cases the parties have nominated a female co-arbitrator and co-arbitrators have not appointed a female chair at all.



The VIAC board is constantly striving to create a certain balance and to support skilled female arbitrators. Accordingly, 40% of the arbitrators appointed by the board in 2019 were female. This, however, cannot rectify the overall low female numbers in the past year.



OUTLOOK FOR 2020

Throughout 2020, VIAC will continue to set milestones and initiatives to promote arbitration in Austria and is looking forward to collaboration with the new board members.

Furthermore, VIAC is ambitious to drive forward ADR solutions and new fields of arbitration in the coming year.

New VIAC Board Members

With 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 1st, 2020.

The board now consists of the following 15 members as well as one Honorary President, Werner Melis, and one Honorary Member, former President Anton Baier:

Claudia Annacker, Günther J. Horvath, Georg Kathrein, Patrizia Netal, Paul Oberhammer, Alexander Petsche, Nikolaus Pitkowitz, Dietmar W. Prager, Lucia Raimanova, Stefan Riegler, Friedrich Röffler, Franz Schwarz, Erich Schwarzenbacher, Nathalie Voser, and Irene Welser.

In the inaugural board meeting on January 16th 2020, the following members were elected as President and Vice-Presidents:

President:

Günther Horvath

Vice-Presidents:

Nikolaus Pitkowitz

Franz Schwarz

We cordially thank the following members of the previous board for their commitment and support shown in the past years. Their knowledge and expertise had been invaluable and contributed substantially to VIAC's development and success.

Anton Baier (1995 - 2019), Walter Rechberger (1995 - 2019), Richard Kreindler (2012 - 2019), Michael J. Moser (2012 - 2019), Manfred Heider (Secretary General from 2001-2017, member of the VIAC-board from 2018 - 2019)



New Members of the VIAC International Advisory Board

With the beginning of 2020, VIAC invited new members to the [International Advisory board](#).

You can find further information and CVs of the respective board members on our [website](#).

Conference on Business Mediation “Tag der Wirtschaftsmediation”

Together with the leading mediation associations in Austria, VIAC is organizing a conference for Austrian entrepreneurs, which will take place on September 15th, 2020 in the Christoph-Leitl Lounge at the AFEC in Vienna.

New Fields of Arbitration

VIAC intends to venture into new fields and new ways of arbitration. One aim is to develop an arbitral procedure that will serve the needs of the **construction industry**. The first goal is to brainstorm how to best design arbitration in this field in collaboration with the major stakeholders.

Financial disputes are another interesting field. International arbitration in the banking and finance sectors exists in various forms but is not used to its full potential. The limited use of arbitration appears to be due to a lack of awareness of the benefits of international arbitration in banking circles. Hence, the first challenge is to gather information and unite the key players.

Selected Arbitral Award Volume 2

In 2015, VIAC published a collection of abstracts of arbitral awards and decisions from the past 40 years. Cases, which bear very interesting legal issues, were chosen for this book.

For 2020, VIAC will start to edit Volume 2 of the Selected Arbitral Awards.

ORGANIZATION / ABOUT US

VIAC SECRETARIAT IN 2019



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 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.



Johanna Kathan-Spath (part-time)
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 her legal training at the Viennese state courts. She speaks German, English and Russian. As of October this year, Mrs. Kathan-Spath will also be part of the LL.M. program “International Legal Studies” at the University of Vienna. She has been working at VIAC since October 2019.



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.



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.



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 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.



Christa Eybl
Case Manager

Christa Eybl supported the Secretariat since spring 2013. Previously she worked for the metallurgical industry in Linz and Italy and the USA. She is also VIAC’s event coordinator organizing conferences and seminars. She speaks German, English, Italian and French.



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.



**Susanne
Heinrichsberger**
Assistant

Susanne Heinrichsberger has supported the case managers as assistant since April 2019. She has been an assistant at the AFEC since 1987 and was last active in the Association of Metaltechnology Industries.



Eda Ergin
Apprentice

Eda Ergin has assisted the VIAC Secretariat since September 2019 as an apprentice in her 2nd year. She speaks German, English and Turkish.

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 Pitkowicz
Graf & Pitkowicz
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
Dean of Faculty of Law 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
Schellenberg Wittmer Ltd



Irene Welsch
CERHA HEMPEL
Hon. Professor at
University of Vienna

VIAC BOARD 2015 - 2019

Composition of the VIAC Board for the 2015-2019 period:

Mr. Günther J. Horvath – President	Mr. Richard Kreindler
Mr. Nikolaus Pitkowitz – Vice President	Mr. Michael J. Moser
Mr. Franz T. Schwarz – Vice President	Mr. Alexander Petsche
Mr. Werner Melis – Hon. President	Mr. Walter H. Rechberger
Mr. Anton Baier	Mr. Friedrich Röffler
Mr. Manfred Heider	Mr. Erich Schwarzenbacher
Mr. Georg Kathrein	Ms. Irene Welser

VIAC INTERNATIONAL ADVISORY BOARD

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

Mr. Alexey Anischenko CV	Mr. Sean (Sungwoo) Lim CV
Mr. Davor Adrian Babić CV	Mr. Martin Magál CV
Mr. Alexander J. Bělohlávek CV	Mr. Michael Moser CV
Mr. Klaus Peter Berger CV	Ms. Irina Nazarova CV
Mr. James E. Castello CV	Mr. Andrey Panov CV
Mr. Jalal El Ahdab CV	Mr. Vladimir Pavić CV
Mr. Josef Fröhlingdorf CV	Mr. Karl Pörnbacher CV
Ms. Ulrike Gantenberg CV	Ms. Catherine Rogers CV
Mr. Manfred Haider CV	Ms. Maxi Scherer CV
Mr. Duarte Henriques CV	Ms. Dorothee Schramm CV
Mr. Werner Jahnel CV	Mr. Hi-Taek Shin CV
Mr. Zhao Jian CV	Mr. Herfried Wöss CV
Mr. Richard Kreindler CV	Ms. Julia Zagonek CV

Composition of the VIAC International Advisory Board for the 2015-2019 period:

Mr. Jalal El Ahdab CV	Ms. Christine Mattl CV
Ms. Nadja Alexander CV	Ms. Irina Nazarova CV
Mr. Stefano Azzali CV	Mr. Piotr Nowaczyk CV
Mr. Alexander J. Bělohlávek CV	Mr. Vladimir Pavić CV
Mr. Klaus Peter Berger CV	Mr. Michael Pryles CV
Mr. James E. Castello CV	Mr. Peter Rees CV
Mr. Josef Fröhlingdorf CV	Ms. Catherine A. Rogers CV
Mr. Yu Jianlong CV	Mr. Hubertus Schumacher CV
Mr. László Kecskés CV	Mr. Jernej Sekolec CV
Mr. Aleksey A. Kostin CV	Mr. Hrvoje Sikiric CV
Mr. Sean (Sungwoo) Lim CV	Ms. Nathalie Voser CV
Mr. Martin Magál CV	Mr. Dietmar W. Prager (as of March 2018) CV

VIAC DOMESTIC ADVISORY BOARD 2019

The Domestic Advisory Board of VIAC is comprised of the following 21 honorable members:

Ms. Nora Aburumieh CV	Mr. Martin Mutz
Mr. Christian Aschauer CV	Mr. Florian Neumayr CV
Mr. Bernhard Astner CV	Mr. Michael Nueber CV
Mr. Philip Aumüller	Ms. Ulrike Paukner CV
Ms. Lisa Beisteiner CV	Mr. Martin Platte
Mr. Dietmar Czernich CV	Mr. Michael Pressl
Mr. Markus Fellner CV	Mr. Manfred Puchner CV
Mr. Georg Graf	Mr. Hubertus Schumacher
Ms. Christiane Loidl	Mr. Nikolaus Vavrovsky CV
Mr. Dietmar Lux CV	Ms. Brigitta Zöchling-Jud CV
Mr. Gernot Murko	

VIAC MEDIATION ADVISORY BOARD 2019

The Mediation Advisory Board of VIAC is comprised of the following 13 honorable members:

Mr. Reinhard Dittrich CV	Ms. Amelie Huber-Starlinger CV
Mr. Herbert Drexler	Ms. Christine Mattl CV
Mr. Sascha Ferz CV	Ms. Margarete Miel
Ms. Ulrike Frauenberger-Pfeiler	Mr. Stephan Prayer CV
Ms. Karin Gmeiner	Ms. Michaela Steinwender CV
Ms. Anne-Karin Grill CV	Ms. Miryan Weichselbaum-Gharibo
Mr. Michael Hamberger CV	

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

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



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