



Annual **REPORT** 2023

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Table of Contents

- I. Mission
- II. VIAC Board in 2023
- III. VIAC Secretariat in 2023
- IV. Statistics in 2023
- V. Transparency at VIAC
- VI. Promoting Diversity in Arbitration
- VII. Update on Sanctions
- VIII. Raising the bar for VIAC Arbitral Awards
- IX. VIAC Expert Focus Groups
- X. ADR Wellbeing Toolbox
- XI. Mediation at VIAC
- XII. VIAC Community Ambassador Network
- XIII. IFCAI - International Federation of Commercial Arbitration Institutions
- XIV. Cooperation agreements
- XV. Event Highlights
- XVI. Outlook 2024



Your partner for ADR

Experience matters.

We have successfully administered more than 2,500 arbitration and mediation proceedings since 1975. Our Board consists of distinguished arbitration practitioners, a Supreme Court judge and academics with extensive practice and expertise in ADR. Our Secretariat boasts practitioners with vast ADR experience and know-how.

Flexibility matters.

The Vienna Rules are flexible. The 2021 Vienna Rules combine our well-tried provisions with recent market developments. This allows parties to tailor the proceedings to the needs of their specific dispute.

Costs matter.

VIAC offers an accurate cost calculator to ensure predictability and manage expectations. Arbitrators' fees are competitive but fair and arbitrators are remunerated for managing complex cases efficiently.

Efficiency matters.

VIAC endeavours to ensure that VIAC arbitration proceedings are conducted in the most efficient manner possible. We have a strict monitoring process in place to underline our commitment to efficiency. In 2023, an average VIAC proceeding was concluded within 12 months.

Sustainability matters.

Our case management is predominantly digitalised. The VIAC Portal ensures that all data is stored securely. Counsel, arbitrators and the Secretariat communicate via the VIAC Portal.

Diversity matters.

VIAC took the ERA-pledge and lives it. We are continuously improving our regional and gender statistics, this year we have taken a closer look at the composition of our gender statistics. We also tirelessly encourage our users to consider equal representation.

Personality matters.

Our cases are guaranteed individual attention. Parties, counsels and arbitrators are supported by their designated case manager. Complex issues can be elevated quickly to the Secretary General or the Board.



VIAC Board in 2023

The VIAC Board can reflect on a successful first year of its three year term. Under the new leadership of **Nikolaus Pitkowitz** (VIAC President), **Patrizia Netal** (VIAC Vice-President) and **Franz Schwarz** (VIAC Vice-President), VIAC's case numbers increased significantly and the institution embarked on a number of innovative projects.

Find out more about the VIAC Board Members and their achievements in the past year over the next few pages - don't miss the exclusive interview with Nikolaus Pitkowitz, VIAC's President.

19 Board Members

7 Board meetings

40+ Board decisions

Scan the QR-Codes to
find out more about
VIAC's Advisory
Boards



Domestic Advisory Board



International Advisory Board



Mediation Advisory Board



3| VIAC Board in 2023



Patrizia Netal

Vice-President
Partner | KNOETZL



Nikolaus Pitkowicz

President
Partner | Pitkowicz & Partners



Franz Schwarz

Vice President
Partner | WilmerHale



Anton Baier

Honorary President



Günther J. Horvath

Honorary President



Diana Akikol

Partner | Walder Wyss Ltd.



Claudia Annacker

Partner | Dechert LLP



Martin Hauser

International Commercial Mediator



Veronika Korom

Professor | ESSEC Business School



Paul Oberhammer

Professor | University of Vienna



Alexander Petsche

Partner | Baker McKenzie



Karl Pörnbacher

Partner | Hogan Lovells



Dietmar Prager

Partner | Debevoise & Plimpton



Lucia Raimanova

Partner | Allen & Overy



August Reinisch

Professor | University of Vienna



Stefan Riegler

Partner | Wolf Theiss



Friedrich Rüdfler

Professor | University of Vienna



Erich Schwarzenbacher

Judge | Austrian Supreme Court



Irene Welser

Partner | CERHA HEMPEL

Nikolaus Pitkowicz reflects on his first year as VIAC President



Our goal is to be at the forefront of innovation, setting the standard for excellence in dispute resolution worldwide.



Nikolaus Pitkowicz
VIAC President

What has VIAC achieved in the past year?

My first year as President of VIAC has been a dynamic journey filled with challenges and successes. It has been a privilege to lead such a distinguished and respected institution, and to further strengthen our role as the premier international arbitration institution in Central and Eastern Europe.

Over the past year, VIAC has made significant strides in promoting efficient and effective dispute resolution. We have expanded our reach, and upheld our commitment to excellence in arbitration. In my role as VIAC President I have established a **new VIAC Board** comprised of 17 experts from Austria and abroad, have expanded our **International Advisory Board** now comprising over 40 international experts from around the world and further **strengthened our Domestic Advisory Board and our Mediation Advisory Board**. We are privileged being able to count on such eminent and diverse advisors, including many of the world's leading arbitration practitioners.

Our commitment to continuous improvement, thought leadership and staying abreast of the latest developments in arbitration is showcased by the launch of several **Expert Focus Groups** for specific areas of arbitration such as Post-M&A Disputes, Energy Disputes, Investment Arbitration, ESG and Legal Tech.

VIAC's caseload increased by 35%, what are your views on this impressive development?

With over 100 events in 2023 alone, both domestically and internationally, and groundbreaking initiatives such as the VIAC CAN, we've significantly increased our presence and recognition regionally in the CEE/SEE, and also globally. The exceptional work and achievements of our Secretary General Niamh Leinwather and the Secretariat led by her as well as that of the VIAC Boards are not only evident in VIAC's high quality and user-focused case management services, but also in VIAC's strong presence and reputation abroad, which is reflected in a tremendous 35% increase in our case load. This extraordinary increase reflects the growing trust and confidence parties have in our institution. This trend also underscores the importance of our ongoing efforts to streamline processes and maintain the highest standards of arbitration.

What are your thoughts on the 87 % increase in the aggregate amount in dispute of VIAC cases?

The substantial increase in the aggregate amount in dispute by 87% signals both the complexity of the cases we handle and the evolving nature of international commerce. It underscores the need for VIAC to continuously adapt and innovate to meet the evolving needs of our stakeholders.

Where do you see VIAC in the next ten years?

Looking ahead, VIAC is poised for continued growth and impact on the global stage. Over the next decade, we envision further expansion of our services, deeper engagement with diverse stakeholders, and a steadfast commitment to advancing the field of international arbitration. Our goal is to be at the forefront of innovation, setting the standard for excellence in dispute resolution worldwide.



VIAC Secretariat in 2023

In 2023, Secretary General, **Niamh Leinwather**, and Deputy Secretary General, **Anna Förstel-Cherng**, led the institution through a significant increase in its caseload as well as an unprecedented amount of outreach activities. Niamh and Anna are supported by three Case Managers, one Legal Counsel, two assistants and the VIAC CAN team.

Klaudia Sood is our most senior Case Manager as she has been with the institution since 2018. Klaudia is also responsible for the organisation of the VIAC Board meetings.

Jessica Puhr is another one of our very experienced Case Managers. She is also responsible for our increased presence on social media and the rebranding of VIAC's resources. In addition, she is mainly responsible for the development of the VIAC Portal and the promotion of arbitration on a national level.

Sophie Tesarik completes the Case Management team. Due to her keen interest in investment arbitration, she is responsible for VIAC's new Investment Arbitration task force and related activities.

Veronika Macha supports the case managers on compliance issues and supports the Mediation Board.

Ema Potocnik took on her new role as VIAC CAN Director in January 2023. She is supported by **Vladyslava Donchyk** who acts as VIAC CAN Coordinator. They are both responsible for growing the VIAC CAN initiative and strengthening the bond to the CEE/SEE region.

Susanne Schindler and **Beatrix Wendt** support the entire team and provide constant invaluable support for all of our workstreams. Susanne is particularly responsible for the VIAC website and the main contact in the Secretariat for IFCAL related matters.

The VIAC team may be small but it is a mighty force of dedicated, motivated and talented individuals who give their best every day to provide an outstanding service to our users.





Niamh Leinwather

Secretary General



Anna Förstel-Cherng

Deputy Secretary General



Elisabeth Vanas-Metzler

on extended leave



Klaudia Sood

Legal Counsel



Jessica Puhr

Legal Counsel



Sophie Tesarik

Legal Counsel



Veronika Macha

Legal Counsel



Susanne Schindler

Senior Assistant



Beatrix Wendt

Assistant



Ema Potocnik

VIAC CAN Director



Vladyslava Donchyk

VIAC CAN Coordinator

**Contact the VIAC
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Detailed contact
information:

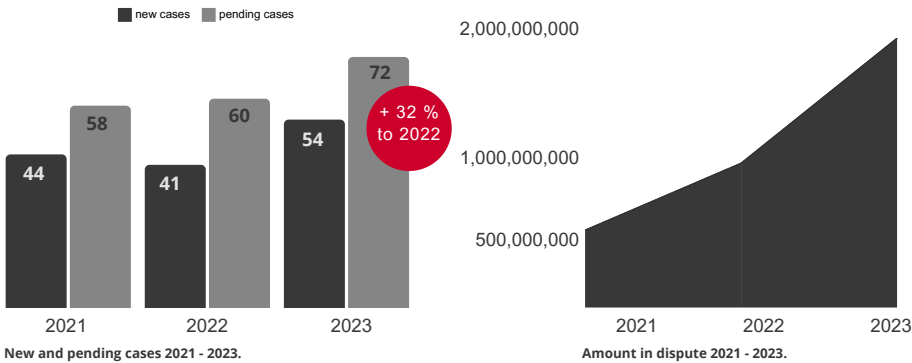


Statistics in 2023

1 Caseload and amount in dispute

VIAC’s caseload increased significantly in 2023. VIAC registered 52 new arbitration cases and two new mediation cases, bringing the total number of cases to 72 cases. Thus, VIAC recorded one of its highest case numbers in history.

Similarly, the amount in dispute also increased significantly, to almost two billion. This is the highest aggregated amount in dispute in VIAC’s history. The aggregated amount in dispute for new cases received in 2023 was almost one billion. The fact that 22 % of VIAC’s cases were above EUR 10 million is testament to the users trust in VIAC as an experienced and reputable institution. Simultaneously VIAC continues to administer a significant amount of disputes below EUR 100,000 and between EUR 100,000 and EUR 500,000.



Under EUR 100,000	24 %
EUR 100 001 - 500 000	26 %
EUR 500 001 - 1 000 000	11 %
EUR 1 000 001 - 5 000 000	15 %
EUR 5 000 001 - 10 000 000	2 %
Over 10 000 000	22 %

Amount in dispute of new cases received in 2023.

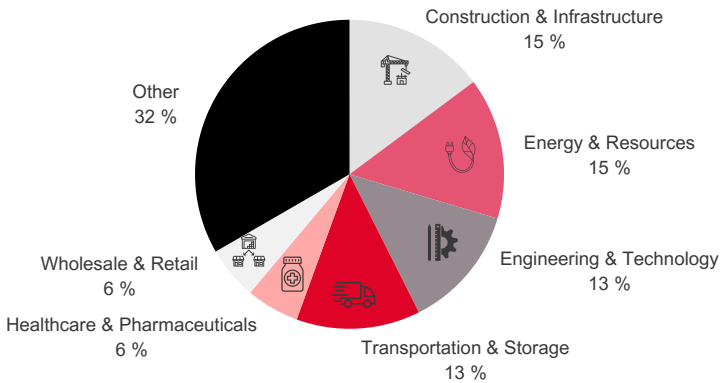


Lowest and highest amount in dispute.

2 Nature of disputes, expedited proceedings and third-party funding

As in previous years, the nature of disputes remained varied in 2023. “Construction and Infrastructure”, “Energy and Resources” and “Engineering and Technology” were at the forefront of the nature of disputes.

11 % of our proceedings were expedited and in 4 % of proceedings a third-party funder was disclosed.



Nature of disputes of new cases received in 2023.

11 %



Percentage of expedited proceedings of new cases received in 2023.



4 %

Percentage of cases in which a third-party funder was disclosed of new cases received in 2023.

3 Applicable law, seat, language and duration

Austria is well-known as an arbitration-friendly forum with a modern and well-developed legal system. Thus, it came as no surprise that Austria was the top choice when it came to applicable law (52 %) and seat of arbitration (87 %).

Although the majority of cases (61 %) had English as their applicable language, VIAC also witnessed an increase in the number of German language cases (24 %) and other language cases (15 %).

VIAC is proud that the average duration of an arbitration proceedings is currently 12 months.

87 % Vienna



Seat of arbitration of new cases received in 2023.

12 months

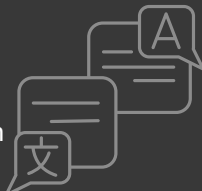


Average duration of proceedings of cases closed in 2023.

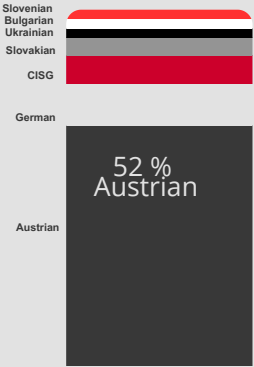
61 % English

24 % German

15 % Other (e.g. Romanian)



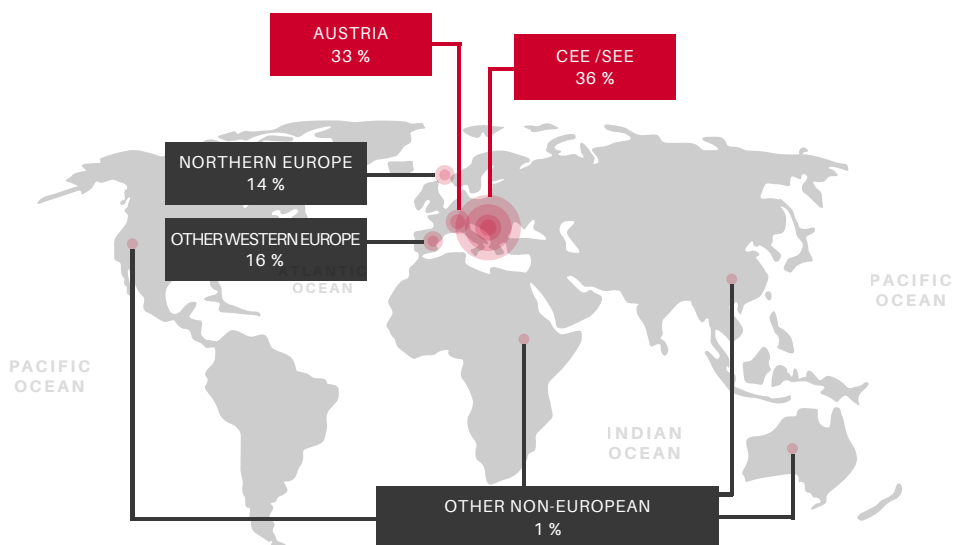
Language of the proceedings of new cases received in 2023.



Applicable law of new cases received in 2023.

4 Origin of the Parties

In keeping with its historical development, in 2023 VIAC's parties originated from near and far. With 36 % of parties stemming from the CEE and SEE region last year, VIAC continues to establish itself as the premiere institution in this region. In 2023, an analysis of the parties coming from within CEE and SEE concluded that the majority of parties were Romanian. VIAC managed simultaneously to increase its domestic activities with 33 % of all parties coming from Austria.



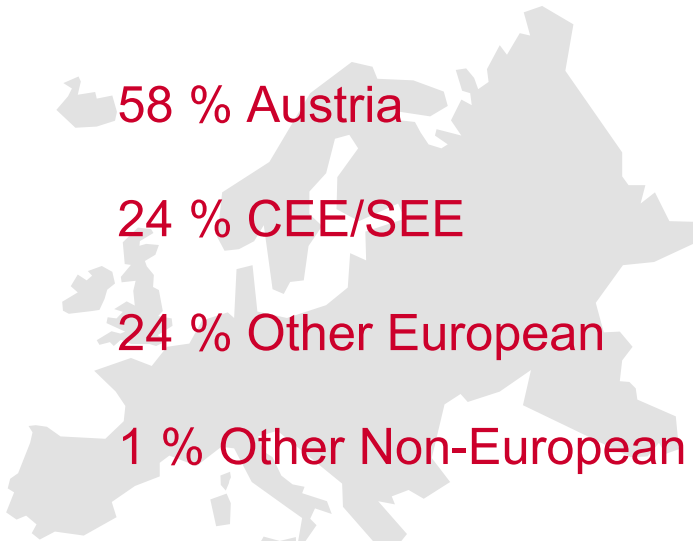
Origin of parties Top five:

1. Austria
2. Romania
3. Germany
4. Ukraine
5. Russia



5 Nationality of Arbitrators

As in previous years, the majority of arbitrators (58 %) are Austrian nationals. The remaining arbitrators boast various nationalities, but mainly stemmed from Europe.



Disclaimer: Some arbitrators hold a dual citizenships. In cases where more than one citizenship was listed by the respective arbitrator, all citizenships were included. Hence, the list does not amount to 100%.

Nationality of Arbitrators

Top 5:

1. Austria
2. Switzerland
3. Romania
4. Germany
5. Czech Republic

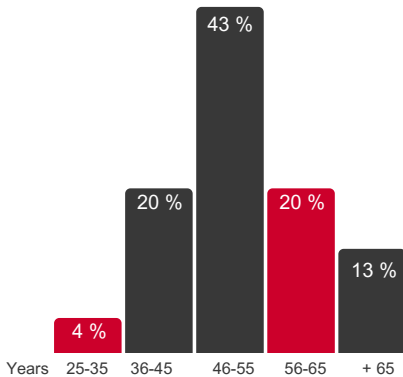


6 Gender and age of Arbitrators

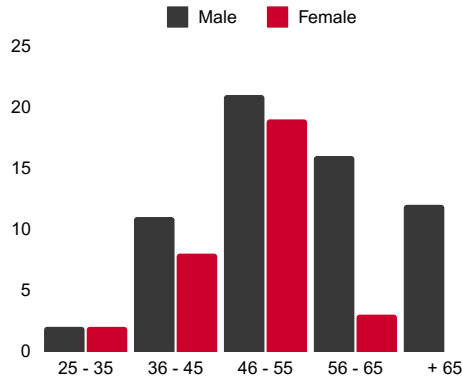
VIAC observed an increase in the appointment of male arbitrators in 2023. Only 34 % of all confirmed arbitrators were female. Only 18 % of party-nominated arbitrators were female. The gender disparity was less obvious in the group of Chairpersons nominated by Co-Arbitrators, as 42 % were female.

As in previous years, the VIAC Board strived to promote diversity and increase gender parity; consequently, 52 % of Board appointed arbitrators were female.

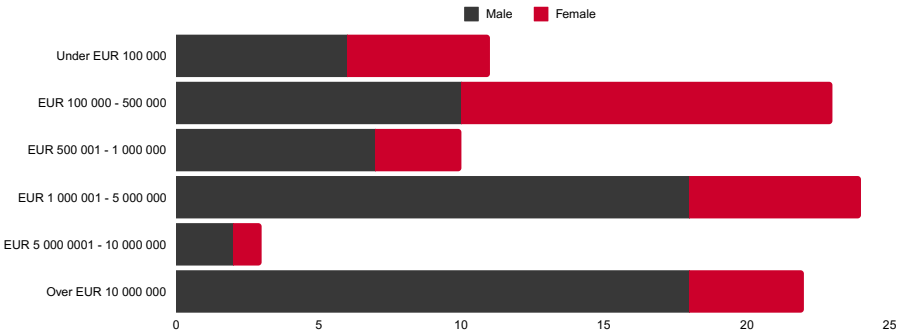
VIAC also took a deep dive into the age of arbitrators in 2023. 43 % of arbitrators were between 46 and 55. Not a single arbitrator was younger than 25, while 13 % of arbitrators were over 65. When considering the age and gender of arbitrators, gender parity was achieved in the age group 25 to 35. In all other age groups, there were more male arbitrators than female arbitrators.



Age of appointed arbitrators in 2023.



Gender and age of appointed arbitrators in 2023.



Gender and amount in dispute of appointed arbitrators in 2023.

Transparency at VIAC

As an arbitral institution VIAC considers transparency to be one of its cornerstones. The **demand for more transparency and more predictability** in international arbitration is met by VIAC with initiatives such as the publication of arbitrator's names on its' website, the publication of arbitral awards (summaries or extracts) and disclosure obligations in the Vienna Rules.

VIAC publishes the names of all arbitrators acting in VIAC cases in a regularly updated list here:



One of VIAC's major contributions to fostering more transparency in arbitration was the **publication of 25 anonymised summaries of VIAC arbitral awards**, released as the **Selected Arbitral Awards Volume II on Wolters Kluwer** in a special edition of the ITA Arbitration Report at the end of 2023. This initiative dates back to 2015 when VIAC released its Selected Arbitral Awards Volume I consisting of 60 anonymised award summaries. These publications are intended to provide a unique and valuable insight into various important and challenging procedural and substantive issues, which have arisen in VIAC arbitrations.

In a new and exclusive partnership concluded in December 2023, VIAC once again joined forces with Jus Mundi to grant **Jus Mundi** access to selected non-confidential extracts of VIAC arbitral awards.

The importance of transparency is also reflected in provisions of the Vienna Rules 2021. For example, Article 13a Vienna Rules 2021 provides that the existence and identity of a third-party funder must be disclosed and thus safeguards the independence and impartiality of the arbitrators through appropriate disclosure.



Promoting Diversity

In 2023, VIAC was confronted with a declining number of female arbitrator nominations. Over 80 % of party-nominated arbitrators were male. To counteract this development, VIAC will continue to promote diversity and gender parity. The following measures will continue to be implemented:

- Parties and arbitrators are actively encouraged to consider gender parity when nominating arbitrators.
- The VIAC Board will continue to appoint female arbitrators in order to achieve gender parity, considering also the amount in dispute and complexity of the case.
- A list of arbitrators is available on the VIAC website. Female arbitrators are encouraged to contact us (office@viac.eu) to have their profile added.
- VIAC will continue to raise awareness about the underrepresentation of women in arbitration and will keep the conversation going. Further campaigns are planned in 2024.



VIAC recognises that we all profit from a more diverse arbitration community and takes the responsibility to promote inclusion to make dispute resolution better.



Patrizia Netal

VIAC Vice-President



The Equal Representation in Arbitration Pledge (“ERA pledge”)

The Equal Representation in Arbitration Pledge is an initiative that addresses the concerning under-representation of women on arbitral tribunals. The initiative aims to promote diversity and inclusion by increasing the number of female arbitrators based on equal qualifications within the international dispute resolution community.

VIAC was one of the first institutions to take the ERA pledge and we encourage you to do the same. Scan the QR-code and sign the pledge.



Update on Sanctions

Sanctions continued to play a role in the administration of arbitration matters in 2023. Since 23 February 2022, the European Union (EU) has issued several packages of sanctions against Russia. These sanctions, binding for all operators within the EU, provide for freezing of assets of selected entities and individuals and significant restrictions to trade between the EU and Russia and partially to entities and individuals in Belarus. While the measures adopted by the EU may pose certain challenges for international arbitrations involving Russian or Belarussian parties, **the administration of arbitration proceedings with sanctioned parties is not excluded at VIAC *per se*.**

VIAC **modernised its internal processes** in 2023 and has a strict and thorough sanctions procedure in place to ensure that arbitrations are administered in compliance with any applicable sanctions taking into consideration the parties right to have access to justice and right to be heard. **The impartiality and independence of proceedings at VIAC remains unaltered irrespective of party nationality.** Sanctioned parties will be treated equally and are not prevented from agreeing on arbitration under the Vienna Rules.

VIAC was also faced with **practical difficulties** when receiving documents from or delivering documents to sanctioned parties and countries.

Access to delivery services is somewhat restricted as a multitude of courier providers have withdrawn from certain markets. VIAC is in regular exchange with the offices of Advantage Austria of the Austrian Economic Chamber in order to find solutions for the delivery of documents. VIAC may also arrange the shipment of documents through the Advantage Austria offices, which have a worldwide presence.

VIAC is striving to clarify remaining uncertainties relating to **enforcement of arbitral awards**. Article 5(1) of Regulation (EU) No 269/2014 Article 5(1) of Regulation (EU) No 269/2014 authorises local regulators to release frozen funds or economic resources to comply with or enforce judicial, administrative, or arbitral decisions. However, unlike judicial and administrative decisions, the scope of this regulation is limited concerning arbitral awards. Such awards are only valid if rendered before the date the person / entity was sanctioned. Thus, while the arbitration proceedings themselves are made possible through the derogation granted in Article 4.1(c) of Regulation (EU) No 269/2014, the impact of such derogation is negated by Article 5(1)(a) of the same regulation when an arbitral award is rendered against a party after that party's inclusion in the list.

VIAC alongside other institutions (i.e. the SCC Arbitration Institute (SCC), the Finland Arbitration Institute (FAI), the German Arbitration Institute (DIS), the Milan Chamber of Arbitration (CAM), the Swiss Arbitration Centre, Netherlands Arbitration Institute (NAI), Arbitration Court attached to the Czech Chamber of Commerce and the Agrarian Chamber of the Czech Republic (CAC), the Madrid International Arbitration Centre (CIAM), the Belgium Center for Arbitration and Mediation (CEPANI), and the Permanent Arbitration Court at the Croatian Chamber of Economy (PAC CCE)) is currently seeking clarification from the European Commission on this matter.

Alongside other institutions, VIAC is also seeking clarification from the European Commission in an additional matter. The European Parliament and Council proposed a **Directive on the definition of criminal offences and penalties for the violation of Union restrictive measures**. The Commission is currently preparing a draft Directive concerning the definition of criminal offenses and penalties for violating the sanction regimes. This proposal introduces an exemption from the reporting obligation, specifically for client-attorney relationships within judicial proceedings. However, there is no explicit provision providing for arbitrators and counsel involved in arbitral proceedings. If adopted as is, this draft could potentially subject arbitrators and counsel to prosecution for failing to report information that becomes known to them during arbitral proceedings.





Sanctions Q&A

1

How is my arbitration at VIAC affected by sanctions?

Arbitration proceedings per se are not affected by sanctions. VIAC arbitrations are possible with parties of all nationalities, and they will be treated equally. Some additional steps may be necessary in the respective arbitration.

2

How are sanction checks carried out at VIAC?

VIAC will inform parties when and if compliance verifications including sanctions checks are carried out. When conducting sanction checks, VIAC does not discriminate in relation to party nationality and is vigilant of its confidentiality obligations.

3

Who is the subject matter of such sanction checks?

VIAC requires parties to provide information on the parties' identities, including their nationalities, the identity of all related entities in the dispute between the parties, and additional information regarding ultimate beneficial ownership of the parties or related entities.

4

When does VIAC carry out sanction checks?

The checks are made at all relevant stages of the proceedings, including, but not limited to

- the filing of the Statement of Claim and the Answer to the Statement of Claim,
- the making of any and all payments,
- when payments are made to arbitrators,
- the return of any potential remaining advance on costs to the parties,
- at any time during the proceedings if VIAC has to comply with any requests for authorisation to the relevant regulatory authorities, and
- at any time during the proceedings at VIAC's own discretion or upon request from VIAC's bank.

5

How are payments affected by sanctions?

VIAC may have to request formal clearance from the Central Bank of the Republic of Austria (Österreichische Nationalbank (ÖNB)) to make or receive payments to and from sanctioned parties. This may result in delays at the respective stage of the proceedings.

Raising the bar for VIAC Arbitral Awards

With the 2021 rule revision, VIAC introduced a three-month time limit for rendering arbitral awards in Art. 32 para. 2 Vienna Rules 2021. This was a step to further **institutionalise efficiency in VIAC cases**.

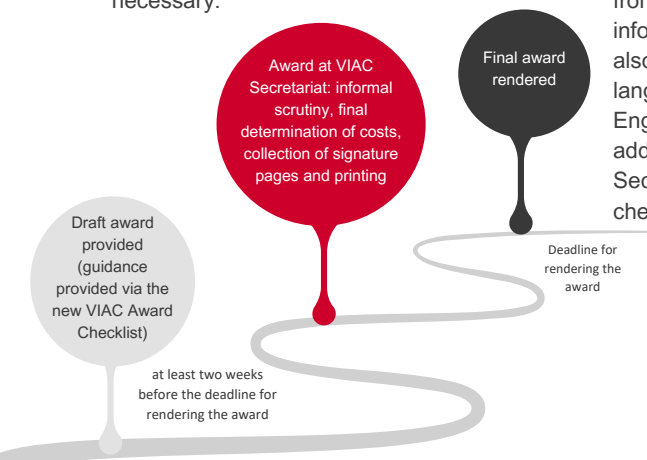
In 2023, VIAC introduced a number of concrete measures to support arbitrators in rendering their awards in a timely manner and manage the parties' expectations. A separate working group comprised of the VIAC Board Members, **Paul Oberhammer**, **Lucia Raimanova** and **Irene Welser** as well as of members of the VIAC Secretariat was tasked with fine-tuning VIAC's offering in this regard.

VIAC has always closely monitored its arbitral proceedings. Special attention is paid to the time limit for rendering arbitral awards with VIAC reminding arbitrators at relevant intervals of the upcoming deadline as well as of the possibility to extend such where necessary.

Additionally, arbitrators are made aware of **VIAC's internal reviewing process** which requires approximately two weeks.

In addition, the working group revised the "Acceptance of Office" form, which now has a modern and user-friendly format. Content-wise, there is an emphasis on the three-month time limit for rendering arbitral awards. These amendments to the **"Acceptance of Office" form** provides clarity and predictability for arbitrators, parties and the institution.

Finally, the working group drafted a tailor-made **VIAC Award Checklist**. The VIAC Award Checklist is a non-binding and non-exhaustive practical tool for arbitrators when drafting an award under the Vienna Rules. It provides arbitrators with an overview of features that are considered essential for VIAC arbitral awards. The checklist covers essential information on the front page of an award to required information in the dispositive section. It also indicates how to proceed if the language of the award is neither English nor German and how to address dissenting opinions. The Secretary General also utilises the checklist for her scrutiny light.



THE WORKING GROUP



Paul Oberhammer



Lucia Raimanova



Irene Welser

Raising the bar for VIAC Arbitral Awards | 20

Arbitrator's Acceptance of Office
(This document is required to be filed in the VIAC Arbitration Proceedings)

CASE INFORMATION

Case No.

Respondent

PERSONAL INFORMATION

Name

Address

E-mail address

Telephone

I, the undersigned, hereby declare that I am an arbitrator in the VIAC Arbitration Proceedings and that I am qualified to perform the duties of an arbitrator in accordance with the VIAC Arbitration Rules.

VIAC Award Checklist
THE ARBITRATOR MUST COMPLETE THIS CHECKLIST BEFORE THE AWARD IS RENDERED.

When drafting an award, arbitrators must ensure that the award is clear, concise, and easy to understand. The award should be drafted in a way that is consistent with the VIAC Arbitration Rules and the applicable law. The award should be drafted in a way that is consistent with the VIAC Arbitration Rules and the applicable law. The award should be drafted in a way that is consistent with the VIAC Arbitration Rules and the applicable law.

Please check the following items before the award is rendered:

1. Award must:

☐ Be clear and concise.

☐ Be consistent with the VIAC Arbitration Rules and the applicable law.

☐ Be drafted in a way that is consistent with the VIAC Arbitration Rules and the applicable law.

☐ Be drafted in a way that is consistent with the VIAC Arbitration Rules and the applicable law.

☐ Be drafted in a way that is consistent with the VIAC Arbitration Rules and the applicable law.



Key takeaways

1

VIAC implemented a “scrutiny light” and informally reviews all arbitral awards, including partial awards, awards on jurisdiction and awards pursuant to Art. 42 Vienna Rules 2021.

2

Arbitrators are requested to provide a draft of the arbitral award two weeks before they intend to render the arbitral award.

3

VIAC introduced a three-month time limit for rendering final awards in 2021. Either the last day of an oral hearing or the last authorised submission (generally the post-hearing briefs, not cost submissions) are relevant for the time limit.

4

Arbitrators confirm to adhere to the three-month time limit for rendering awards in the new Arbitrator's Acceptance of Office form.

5

To guide arbitrators through the award drafting phase, VIAC supplies them with an Award Checklist.

VIAC Expert Focus Groups

VIAC launched a number of expert focus groups in 2023. These specialised focus groups address hot topics in the international arbitration realm and **aim at developing new approaches and ideas** in these areas. Ultimately, VIAC intends to set parameters for action and take the lead on these issues.

At the end of 2023, in addition to its **Legal Tech Think Tank** that was launched in 2022, VIAC had **eight active expert focus groups**. The VIAC focus groups are generally run by members of the VIAC Board and comprise of members from the Domestic, International and Mediation Advisory Board as well as from the VIAC Ambassador Network. However, VIAC has also extended its reach beyond these members to interested experts in the community.

The ultimate goal of these expert focus groups is to stimulate discussions and come up with innovative tools to improve VIAC's ADR offering. We are excited about what is to come through this innovative idea and eager to see what the outcomes will be in 2024!



ISDS



Construction



Energy



Post M&A



ESG



Succession and Trusts



Expedited Proceedings



Sanctions

ADR Wellbeing Toolbox

In November 2023, **VIAC**, **ARBalance** and **REAL** launched the ADR Wellbeing Toolbox, a pioneering initiative in the ADR community focussed on the wellbeing of ADR lawyers and underlining our ongoing commitment to the well-being of our users. The ADR Wellbeing Toolbox is designed as a **series of free webinars** that will be recorded. Our first webinar was launched on "Love your Lawyer" day and featured **Antoinette Moriarty** as the key-note speaker, a psychotherapist and Head of Law Society Psychological Services at the Law Society of Ireland. She shared some insights on unlocking the power of interconnectivity, setting boundaries and knowing your window of tolerance. She shared with us how to uncover hidden patterns and dynamics in human interactions to better navigate the psychological games that often feature in our professional lives.

As we look ahead to 2024, we are brimming with fresh concepts aimed at building resilience, optimising work-life balance, and offering practical guidance on managing an array of diverse challenges that appear in our professional lives. **Join our future events for ongoing professional development!**

If you would like to be informed of our future events, feel free to express your interest by sending us an email to office@viac.eu.



The ADR realm is full of perfectionists and high performers. These people put enormous amounts of pressure on themselves to perform to the highest standard. There is a huge stigma attached to asking for help, and often issues do not surface until burn out. Working long hours and sacrificing holidays are the norm in ADR - it is accepted but it should not be acceptable. The ADR Wellbeing Toolbox aims at starting the conversation about wellbeing and providing ADR lawyers and users with a toolbox to take care of themselves.



Niamh Leinwather
VIAC Secretary General

Mediation at VIAC

The Mediation Advisory Board at VIAC currently consists of fifteen mediation experts who aim to **strengthen mediation in Austria and elsewhere and exchange and discuss national and international mediation issues regularly**. In 2023, VIAC welcomed **Gabriele Hornig** who was appointed as President of “Verband für gerichtsnahe Mediation” as a new member of its Board. However, in late November 2023, the Board and mediation community at large was shocked and saddened by the sudden death of one of its founding and long-standing members, **Reinhard Dietrich**. He will be missed on both a personal and professional level.

The VIAC Mediation Advisory Board was particularly active in 2023. It undertook to **review a number of provisions** in the Vienna Rules on Mediation, with the aim of making mediation more attractive to users. Part of this revision included shortening and simplifying the text of certain provisions of the rules as well as an in-depth review of the model mediation clauses to ensure that they adhere to the requirements of recently rendered decisions of the Austrian Supreme Court.

In addition, the VIAC Mediation Advisory Board analysed the **fee schedule**, benchmarking it with a variety of other institutions. The Mediation Advisory Board reached the conclusion to significantly reduce the current fee schedule, both the registration fee and the institutional fees in order to make the mediation process more attractive to users. These changes agreed upon with the Mediation Advisory Board and VIAC Board will come into effect in 2024.

Furthermore, VIAC is adamant to expand its pool of mediators and has also simplified and streamlined its mediator’s questionnaire into a new format and amending the nature of questions posed to mediators. This questionnaire is available upon request to the VIAC Secretariat (office@viac.eu).

Finally, VIAC’s Mediation Advisory Board began drafting a mediation brochure intended to provide companies with an overview of how the mediation process works at VIAC, the advantages of the procedure as well as helpful model clauses and agreements. This brochure will be finalised in 2024 – stay tuned!





Claudio Arturo

Partner | Petsch Frosch Klein Arturo



Sascha Ferz

Professor | University of Graz



Ulrike Frauenberger-Pfeiler

Professor | University of Vienna



Karin Gmeiner

Mediator | Karin Gmeiner



Anne-Karin Grill

Founder | AKG Advisory



Michael Hamberger

Founder | Hamberger Solutions



Gabriele Hornig

Mediator | Gabriele Hornig



Amelie Huber-Starlinger

Founder | Tailored solutions



Margareta Miel

Mediator



Valentina Philadelphy-Steiner

Partner | Philadelphy Steiner



Stephan Prayer

Notary | Prayer Rahs & Partner



Stephan Proksch

Partner | Trialogis



Michaela Steinwender

Partner | Steinwender & Partner



Johannes Thun-Hohenstein

Founder | Thun Mindset Management



Natascha Tunkel

Partner | Knoetzl

VIAC Community Ambassador Network

Follow us on
LinkedIn: VIAC
Community
Ambassador Network
(VIAC CAN)

The VIAC Community Ambassador Network (VIAC CAN) was officially launched in 2023.

The VIAC CAN initiative is dedicated to fortifying VIAC's position as the premier arbitral institution in CEE/SEE. With substantial growth over the past year, VIAC Ambassadors, VIAC Board and Advisory Board members and Advantage Austria Trade Commissioners have tremendously contributed to **understanding the unique needs of users and stakeholders across 25 countries on two continents**. This insight has allowed VIAC to **tailor, bespoke solutions in commercial and investment arbitration**, as well as mediation, in the region and beyond.

Our network, currently comprising of 34 Ambassadors, includes some of the finest practitioners and academics in CEE/SEE and beyond. Collaborating closely with Advantage Austria's Trade Commissioners, VIAC CAN engages in various activities, such as meetings with ministries, workshops, roundtables, VIAC arbitration courses, newsletters, essay competitions, university lectures, and the highly successful VIAC CAN Annual Congress. This overview encapsulates the growth, collaboration, and diverse activities that define VIAC CAN's impactful journey.

34 Ambassadors

25 Countries

2 Continents

Find out more
about VIAC CAN:



VIAC CAN, imagined and led by Niamh Leinwather and Ema Potocnik, has been an incredible success story, deepening the relationship of VIAC with the entire region. We are incredibly grateful to our amazing VIAC CAN Ambassadors, who now hail from more than 25 countries in CEE, CIS and beyond, for their hard work and dedication in organising a host of local high-impact events that foster thought leadership and help us understand, and adapt to, the specific needs of individual jurisdictions. We have great plans for 2024, and can't wait to continue our work with this group.

Franz Schwarz

VIAC Vice-President





Enisa Halili
Albania, Kosovo



Jola Gjuzi
Albania, Kosovo



Ilma Kasumagić
Bosnia & Herzegovina



Ricardo Gardini de Andrade
Brazil



Pencho Stanchev
Bulgaria



Otakar Hájek
Czech Republic



Toni Nogolica
Croatia



Agis Chr. Georgiades
Cyprus



Nata Ghibradze
Georgia



Ben Steinbrück
Germany



Manuela Grosu
Hungary



Sarolta Édua Szabó
Hungary



Arush Khanna
India



Sup-Joon Byun
Republic of Korea



Fëllënza Limani
Kosovo



Natalia Alenkina
Kyrgyz Republic



Ieva Rimavičienė
Lithuania



Albertas Šekštelis
Lithuania



Sorin Dolea
Moldova



Aneta Spaic
Montenegro



**Ilija Mitrev
Penushliski**
North Macedonia



Martyna Darczuk
Poland



Marek Jeżewski
Poland



Violeta Saranciuc
Romania



Sofia-Elena Cozac
Romania



Sonja Otenhajmer
Serbia



Milica Savić
Serbia



Ľudovít Mičinský
Slovakia



**Minu Anamaria
Gvardjančič**
Slovenia



**Jasna Zwitter-
Tehovnik**
Slovenia



Leyla Orak Çelikbaya
Turkiye



Doğuhan Uygun
Turkiye



Victoria Ivasechko
Ukraine



Oksana Karel
Ukraine



I am extremely grateful to our fantastic Ambassadors for the energy, dedication, and creativity they have displayed since the inauguration of this project, not to mention the knowledge shared and opportunities created for VIAC over this past year. It has truly been a pleasure to work with them and without their efforts we could not have grown the network the way we have! I am looking forward to what is still to come!

Niamh Leinwather

VIAC Secretary General



International Federation of Commercial Arbitration Institutions

In February 2023, **Niamh Leinwather**, VIAC's Secretary General was unanimously appointed as **Secretary Treasurer** by the Council of the **International Federation of Commercial Arbitration Institutions (IFCAI)** following the resignation of Kristin Campbell-Wilson (Stockholm Chamber of Commerce). Niamh serves alongside **IFCAI's President, Ismail Selim** (CRCICA), **Patricia Kobayashi** (Vice President, CAM-CCBC), **Camilla Perera-De Wit** (Vice President, NAI), **Eric Tuchmann** (Vice President, ICDR-AAA), **Catherine Dixon** (CIArb), **Jamie Harrison** (LCIA), **Emma Van Campenhoudt** (CEPANI), **Salim Sleiman** (BCDR), **Deborah Tomkinson** (ACICA), **Kavin Nash** (SIAC), **Gaston Kenfack** (APAA) and **Alexander Fessas** (ICC).

VIAC is a long-standing member of IFCAI, which was established in 1985 and now consists of 52 member organisations worldwide. The Federation aims at establishing and maintaining permanent relations between commercial arbitration institutions, fostering a broad exchange of information on all aspects of arbitration and conciliation, encouraging the responsible use of these dispute resolution techniques and facilitating the exchange of information on member organisation services.

Under the leadership of Ismail Selim and Niamh Leinwather, the Council of IFCAI meets more regularly and has initiated a number of interesting projects. One noteworthy task force that Niamh Leinwather is co-chairing with Alexander Fessas of the ICC is a **taskforce on the introduction of a minimum standard of reporting for arbitral institutions**. IFCAI is also working on increasing its global visibility through various events and social media. The next **General Assembly** meeting of IFCAI is scheduled to take place at VIAC on 25 March 2024. IFCAI's 17th Biennial conference will take place in Sao Paulo on 16 October 2024.



It is an honour to take on the role as Secretary Treasurer of IFCAI, amongst such an esteemed Council. IFCAI plays a crucial role in promoting and facilitating arbitration globally. VIAC's experience in the last almost 50 years contributes significantly to fostering cooperation among arbitration institutions worldwide, ensuring consistency and credibility in the arbitration process.

Niamh Leinwather
VIAC Secretary General

Cooperations



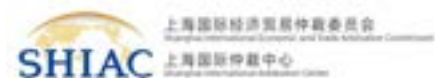
VIAC frequently signs cooperation and friendship agreements with other arbitration institutions and organisations. Currently we have signed over 40 agreements. In 2023, VIAC signed agreements with the following institutions:



The Union of Chambers and Commodity Exchanges of Turkey UYUM Mediation and Dispute Resolution Center (TOBBUYUM)

The Union of Chambers and Commodity Exchanges of Turkey (TOBB) has been continuing its efforts on developing the institution and dissemination of arbitration, as well as decreasing the judiciary workload in Turkey since 2012. TOBBUYUM was established on 9 December 2020 thanks to the TOBB initiatives for promoting sustainable solutions to the disputes within the business world and among citizens.

Shanghai International Economic and Trade Arbitration Commission (Shanghai International Arbitration Center)



SHIAC is one of the first five international commercial arbitration and mediation institutions included in the P.R. China Supreme People's Court's "One-Stop" Diversified Mechanisms for Resolving International Commercial Disputes.



The International Centre for Dispute Resolution (The International Division of the AMERICAN ARBITRATION ASSOCIATION)

The ICDR®—International Centre for Dispute Resolution®— is the international division of the largest arbitral institution in the world, the American Arbitration Association® (AAA®). The ICDR is the foremost provider of global conflict-resolution solutions to businesses and organisations involved in cross-border disputes.

The Indian Council of Arbitration



The ICA was established in 1965 as a specialized arbitral body at the national level under the initiatives of the Government of India. Based in New Delhi, the main objective of ICA is to promote amicable, quick and inexpensive settlement of commercial disputes by means of arbitration, conciliation, regardless of location.



Universität Liechtenstein

Event Highlights

VIAC as co-organisator of the Vienna Arbitration Days

The organising committee of the Vienna Arbitration Days (VAD) took the bold move to change the date of this annual event from its' traditional February slot to the Spring. The motivation of the committee was to introduce a change post-Covid and to avail of the opportunity to showcase Vienna in all of its' Spring glory. The response from the **over 220 attendees** was phenomenal!

In keeping with a long tradition of waltzing in Austria, the VAD 2023 was entitled **"It takes two to waltz - its international arbitration out of step with its users?"**. The entire conference focussed on gaining the users' perspective and each panel incorporated a user as speaker. The conference was kicked off with a fireside chat between Karl Hennessee FRAeS (Senior Vice-President, Head of Litigation, Investigations & Regulatory Affairs, Airbus SAS) and Melanie Van Leeuwen (Partner, Derains & Gharavi). The fireside chat between these two experts - a user and a practitioner - was facilitated by Anna Joubin-Bret (Secretary, UNCITRAL – United Nations Commission on International Trade Law). After an intense and thought-provoking discussion, the trio took to the stage to dance a waltz for the enamoured audience.

Next up was a discussion about the road less travelled, specifically alternative paths for the resolution of disputes and optimal dispute management featuring perspectives on mediation by Anne-Karin Grill (Principal, AKG Advisory), the practitioner's approach presented by Enikő Horváth (National Partner, Dechert LLP) and true to topic, the user's view as elaborated by Amanda Neil (General Counsel, Head Group).



The third panel topic was related to **selecting the best counsel, experts and arbitrators for a case**. The panelists comprised of Eileen Khor (Business Area Litigation Counsel, Siemens Energy), Helmut Ortner (Managing Partner, Peters Ortner Partners), Luminita Popa (Managing Partner, Suciu Popa, Bucharest), and Tigran Ter-Martirosyan (Director, Accuracy) gave the attendees their thoughts on the perfect selection criteria as one of the most decisive aspects of an arbitration case.

The final panel of the day was more effective than any afternoon coffee. An extremely lively and entertaining debate related to **examining responsibility for real efficiency in arbitration**. The debate was moderated by Ashwita Ambast (Legal Counsel, Permanent Court of Arbitration) and the debatees included Patrick Baeten (Chief Legal Officer M&A and Investments (Paris), ENGIE), Jörg Risse (Partner, Baker McKenzie), and Laurence Shore (Of Counsel, BonelliErede).

The **traditional World-Café** welcomed a record number of experts and discussed a variety of topics including minimum standards of reporting for arbitral institutions and legal tech topics. The moderators were creative in drawing attention to their tables using their brief overview papers as well as play money, Swiss chocolates and the like to attract attendees.

The substantive discussion was rounded off by a **spectacular performance of the Vienna Boys choir**. Dedicated cultural enthusiasts enjoyed an afternoon at the stunning **Belvedere** with an exclusive private tour and champagne reception.

Registration for the Vienna Arbitration Days 2024 is open now - don't forget to register. See you there!



VIAC at the Paris Arbitration Week (PAW)

During PAW 2023 VIAC was proud to co-host an event with NAI, CEPANI and AFA -“**The so-called Unusual Suspects**”. The breakfast event that took place at Linklaters, Paris and was entitled “**Efficiency as a fundamental principle of international arbitration**”. The panelists including Niamh Leinwather, VIAC’s Secretary General explored the topic of efficiency from the perspective of arbitration under the respective rules of these four institutes. Topics that were touched upon include the effects of the flexibility of institutional rules on efficiency, the effect of the desire for speed on efficiency, organisational aspects of an institute’s secretariat that may impact efficiency, various procedural features and mechanisms, and of course costs. The participation from the audience was extremely lively with practitioners from all over the globe engaging in thought-provoking discussion and making interesting proposals to the institutions. The morning was rounded off by breakfast treats from Austria, Netherlands, Belgium and France.

VIAC continued its journey at PAW with a **stand-alone event at the Austrian Embassy** in Paris. The event was so popular that some latecomers had to be turned away as the capacity of the Embassy was reached so quickly. The event was opened by Niamh Leinwather, Secretary General of VIAC who then handed the floor to four of the VIAC Board members, Claudia Annacker, Stefan Riegler, Karl Pörnbacher and Veronika Korom who gave some insight into the internal operations of VIAC as an institution including for example how the VIAC Board appoints arbitrators and how the Secretariat conducts scrutiny light. After the panel, attendees enjoyed Austrian infused cuisine in the splendid ambience of the gardens of the Austrian Embassy.



VIAC and GAR Live Vienna

The fifth annual GAR Live Vienna took place on 13 October 2023 at the Austrian Federal Economic Chamber in the stunning Christoph Leitl rooftop Lounge. As in previous years, the conference brought together prominent legal practitioners, arbitrators, in-house counsel and academics from around the world. The 2023 conference was co-chaired by Filip Boras (YAAP), Alice Fremuth-Wolf (Arb|Aut) and Niamh Leinwather (VIAC) and focused on the topic **“Beyond treaty arbitration? Exploring the challenges of arbitrations with states”**.

The **welcome address** was given by the Austrian Minister of Justice, **Alma Zadic**. This was followed by an insightful keynote address by Richard Whish KC (Emeritus professor of law, King's College London) on the intersection of competition law and arbitration. Providing participants with an outlook to the future, he considered whether parties may be keener to agree on arbitration rather than courts to resolve competition law issues, considering the confidentiality and efficiency of arbitral proceedings.

The **first panel further explored “Arbitration as part of competition remedies”** and was moderated by Johannes Willheim (Jones Day) and featured Natalie Harsdorf-Borsch (Austrian Federal Competition Authority (BWB)), Florian Neumayr (bpv Hügel), Stefano Trento (Compass Lexecon), and Rolf Trittman (rothorn legal) as speakers.

This was followed by an **interactive debate with the audience on the topic “Do we need a uniform standard for independence and impartiality for experts in international arbitration? How diverging is the approach and how dangerous is it to the integrity of the proceedings”**. This edition of GAR Live’s “What would you do?” was moderated by Lucia Raimanova (Allen & Overy and VIAC Board Member) and featured the panelists Ioana Knoll-Tudor (Addleshaw Goddard), Catherine Anne Kunz (LALIVE), Senka Mihaj (Ilić & Milanović Law), and Noah Rubins KC (Freshfields Bruckhaus Deringer).

Before all delegates gathered for networking and a drink reception, the traditional Oxford Union style **GAR Live Debate was held on the Motion “This house believes that third-party funding has improved international arbitration”**. Alice Fremuth-Wolf (Nivalion AG, ArbAUT) served as the judge of the debate between Ania Farren (Fieldfisher), Anna Förstel-Cherng (VIAC deputy secretary general), Benjamin Siino (GBS Disputes) and Max Thümmel (Bayer). After the discussion, the majority of the audience voted in favour of the motion.



VIAC at the Exporttag

For the second time running, VIAC was represented with its own stand at the Austrian Federal Economic Chamber's official Export Day on 20 June 2023, which is organised by **Advantage Austria**. The event is **the largest trade fair on exports** in Austria and provides an exclusive opportunity to network with all of the relevant stakeholders.

VIAC's motto was **"export your products, not your disputes"** and was represented by Niamh Leinwather and members of the VIAC Secretariat and Board, who all enjoyed a day of insightful conversations and information exchange.

For the first time during the Exporttag, VIAC's Secretary General, Niamh Leinwather and its Vice-President, Patrizia Netal held a **masterclass on arbitration to an exclusive group of company representatives**.

The VIAC Community Ambassador Network (VIAC CAN) including Niamh Leinwather, Ema Potocnik and Vladyslava Donchyk also had the opportunity to present the work of VIAC CAN to **the entire network of the Austrian Trade Commissioners**. The Austrian Trade Commissioners with around 100 offices in over 70 countries, provide a broad range of intelligence and business development services for both Austrian companies and their international business partners. Under the auspices of **the VIAC CAN initiative**, VIAC works closely with Trade Commissioners – particularly in CEE and SEE – to better understand the needs of the specific market and offer VIAC's alternative dispute resolution services.



All of VIAC's events
can be found here

Outlook 2024

With the wind of our increased caseload in our back, we believe that 2024 will bring many more opportunities. Opportunities to expand our reach and enhance our services for **you**, our users.

Stay connected with us and subscribe to our newsletter and follow us on LinkedIn.

**Contact the VIAC
Secretariat team**



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Our Goals

1

Connecting with our users:

Lawyers, in-house counsel and the business community are our most valued assets. We appreciate the network that we have established and are eager to grow it further. Please **reach out to us** in 2024.

2

Enhancing efficiency in our services:

We are constantly critically reviewing and optimising our processes and will continue to do so in 2024. We are eager to receive feedback from our users so please stay in touch.

3

Expanding outreach to emerging markets:

CEE and SEE are a natural market for VIAC but there are many interesting emerging markets that are eager to grow their ADR market and interested in having a reputable, integral institution such as VIAC to do so. We plan to reach out to these markets and offer our support in 2024.



Keep in touch



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