

# VIAC – Questionnaire for Arbitrators

1. **Name:** Markus Burianski

2. **Citizenship:** German

3. **Contact information:**

Address: White & Case LLP, Bockenheimer Landstrasse 20, 60323 Frankfurt

Telephone: +49 69 29994-1567

Fax: +49 69 29994-1444

E-Mail: mburianski@whitecase.com

Website: www.whitecase.com

LinkedIn: <https://www.linkedin.com/in/markus-burianski-67621812/>

4. **Current position:**

Partner

5. **Education:**

University of Cologne (1. Staatsexamen)

University of Kingston upon Hull (LL.M. in International Business Law)

University of Cologne (Dr. jur.)

Higher Regional Court of Cologne (2. Staatsexamen)

6. **Practiced experience in arbitration**

- **How many arbitrations have you participated in (domestic/international); under which Rules?**  
36 domestic, 30 international; ICC, DIS, SIAC, SCC, Swiss Rules, VIAC, DEL, ICSID, UNCITRAL
- **How often have you acted as Chairman?**  
2
- **How often have you acted as Sole Arbitrator?**  
8
- **How often have you acted as Co-Arbitrator?**  
3
- **How often have you acted as Counsel?**  
53 cases
- **How often have you acted in a different function (e.g. Administrative Secretary)?**  
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**7. Selected Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**

- "Challenges" to Party-Appointed Experts, *SchiedsVZ* 2017, Issue 6, Pages 269-277, (co-author with Alexander C. Lang)
- Taking Depositions in Germany for Use in US Courts, 2017, (co-author with Sonja Dünnwald)
- Arbitration in Africa – Managing Risks in a Growing Market, *Into Africa*, April 2017, Pages 12-13, April 2017, (co-author with Federico Parise Kuhnle)
- "Germany"; Energy Disputes, *Getting The Deal Through*. Ed. Wood/Miller/Brogdon/Stebbing. London, 2017, Pages 55-59, (with Thomas Burmeister)
- A commentary on the Pechstein decision of the BGH, *LMK* 2016, 381217, (co-author with Gero Pogrzeba)
- The end of inter-EU disputes? It's in the hand of the ECJ, *Dispute Resolution Online* 2016, Vol. 2, p. 6-8
- "On the question whether the purchaser is bound by an arbitration agreement between the previous owner and a third party if the business is only actually continued (Zur Bindung des Erwerbers an eine Schiedsvereinbarung zwischen dem bisherigen Geschäftsinhaber und einem Dritten im Fall einer rein tatsächlichen Fortführung eines Handelsgeschäfts)", *BB*, Issue 7, Pages 397-400, 2016
- Co-author, "New York, Brussels – or both? Focus on the practical consequences of the ECJ's Gazprom decision (New York, Brüssel – oder beide? Im Blickpunkt: Praxisfolgen der „Gazprom“-Entscheidung des EuGH)", *Dispute Resolution Magazine*, Issue 2, Pages 6-9, 2015 (with Daniel Eckstein)
- Co-author, "Safeguard for foreign investors: A practical approach: investment protection and TTIP", *Business Law Magazine*, Issue 3, Pages 12-15, 2014 (with Hansel T. Pham and Sonja Dünnwald)
- Co-author, "A Mountain Too High: The Challenge of Setting Aside an Arbitral Award on the Basis of Fraud in Different Jurisdictions", *SchiedsVZ*, Issue 1, Pages 20-31, 2013 (with Alope Ray et al.)
- Co-author, "German data protection law in international arbitration – Applicability, conflicts and possible solutions (Deutsches Datenschutzrecht in internationalen Schiedsverfahren – Anwendbarkeit, Konflikte und Lösungshinweise)", *RDV*, Issue 5, Pages 214-221, 2011 (with Martin Reindl)
- "The German General Equal Treatment Act (AGG) in arbitration proceedings – a question of faith? (AGG in Schiedsverfahren – eine Glaubensfrage?)", *NJW Editorial*, Issue 25, 2011
- Co-author, "Paradigm shift with regard to issue preclusion. Commentary on the decision of the Federal Court of Justice of December 16, 2010 – III ZB 100/09 (Paradigmenwechsel bei der Rügepräklusion. BB-Kommentar zu BGH, Beschluss vom 16.12.10 – III ZB 100/09)", *BB*, Issue 6, Pages 336-339, 2011 (with Jan Skibelski)
- Co-author, "The most-favored nation principle allows application of more relaxed formal requirements. Commentary on the decision of the Federal Court of Justice of June 8, 2010 – XI ZR 349/08 (Meistbegünstigungsgrundsatz ermöglicht die Anwendung liberaler nationaler Formvorschriften. BB-Kommentar zu BGH, Urteil vom 08.06.2010 – XI ZR 349/08)", *BB*, Issue 49, Pages 2983-2987, 2010 (with Markus Langen)
- Co-author, "Truth or dare? The Conflict Between E-discovery in International Arbitration and German Data Protection", *SchiedsVZ*, Issue 4, Pages 187-200, 2010 (with Martin Reindl)

- Co-author, "Payment of a fine instead of a coercive penalty as a means to make the enforcement of delivery claims more effective (Ordnungsgeld statt Zwangsgeld – Effektivere Durchsetzung von Belieferungsansprüchen)", NJW, Issue 31, Pages 2248-2249, 2010 (with Andreas Klein)
- Co-author, "International investment protection law – Determining who are the 'protected investors' in group structures (Internationales Investitionsschutzrecht – Die Bestimmung des geschützten „Investors“ in Konzernstrukturen)", NZG, Issue 42, Page 52 et. seq., 2010 (with Patricia Nacimiento)
- "German Federal Court of Justice No Longer Permits the Recognition and Enforcement of Foreign Judgments Entered upon Arbitral Awards", Mealey's International Arbitration Report, Vol. 24, Issue 10, Pages 32-35, October 2009
- "Interim Measures Against Legal Acts of the European Communities – Abandon Every Hope, Ye Who Enter Here? (Vorläufiger Rechtsschutz gegen belastende EG-Rechtsakte – Lasset alle Hoffnung fahren?)", EWS, Pages 304-309, 2006

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

ICC Commission on Arbitration and ADR, DIS, Member of the Executive Board of EFILA

**9. Languages**

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

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

Germany, England

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

Germany

**12. Special expertise or specializations (please list a maximum of three):**

Energy, post M&A, automotive

**13. Date of birth:**

5 September 1973

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

19. January 2018  
Dr. Markus Burianski