

VIAC – Questionnaire for Arbitrators

1. **Name:** Isabelle Fellrath, LL.M, Ph.D, Attorney

2. **Citizenship:** Swiss and Italian

3. **Contact information:**

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4. **Current position:**

- Counsel at SwissLegal
- Lecturer at Swiss Federal Institute of Technology Lausanne (EPFL)
- Arbitral Commission for Swimming Sports of the Swiss Swimming Federation

5. **Education:**

- 1998, Doctor of Philosophy (Ph.D.) – University of Nottingham, School of law, United Kingdom
- 1994, Master of Laws (LL.M.) – University of Nottingham, School of law, United Kingdom
- 1993, Licence en droit (LL.B.) – University of Neuchâtel, School of law, Switzerland

6. **Practiced experience in arbitration**

Lead counsel, co-counsel, arbitrator in over 70 cases under ICC Rules, CIETAC Rules, UNCITRAL Rules, Swiss Rules, Ad Hoc, ICSID Additional Facility

- How often have you acted as Chairman? -
- How often have you acted as Sole Arbitrator? 6
- How often have you acted as Co-Arbitrator? -
- How often have you acted as Counsel? in over 65 cases under ICC Rules
- How often have you acted in a different function (e.g. Administrative Secretary)? 10

7. **Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**

Arbitration related publications:

Chronique de jurisprudence étrangère (Suisse), yearly, since 2003, REV. ARB. (2017) 1231-1257 ; (2016) 1169-1198 ; (2015) 1185-1213 ; (2014) 991-1020 ; (2013) 1047-1069 (2012) 845-866 ; (2011) 1069-1091 ; (2010) 877-909 ; (2009) 827-872 ; (2008) 749-775 ; (2007) 861-881 ; (2006) 827-855 ; (2005) 171-196 (with P.-Y. Tschanz)

Paramètres généraux de répartition des frais d'investigation, de surveillance et d'assainissement des sites pollués : état de la pratique et de la jurisprudence en droit suisse, UMWELTRECHT IN DER PRAXIS (2018/4) 283-304

La sanzione per il mancato rispetto di una clausola *multistep* conciliazione/arbitrato e le conseguenze per gli atti già compiuti dal tribunale arbitrale? Nota sulla sentenza del 16 marzo 2016, caso n° 4A_628/2015, Tribunale Federale Svizzero pubblicata nel DTF 142 III 296, XXVII RIVISTA DELL' ARBITRATO 613-635 (2017)

Responsabilité environnementale : répartition des frais entre perturbateurs, RENCONTRE 2017 DES SPÉCIALISTES DES SITES CONTAMINÉS, OFEV, Bern, 7 June 2017

L'ammissibilità di consulenti esterni del tribunale arbitrale nel diritto svizzero, Nota sulla sentenza del 21 maggio 2015, caso n° 4A_709/2014, Tribunale Federale Svizzero, XXVI RIVISTA DELL' ARBITRATO (2016) 353-370 (co-author)

SWISS RULES OF INTERNATIONAL ARBITRATION: COMMENTARY, Kluwer / Schulthess, 2nd edn, 2013, T. Zuberbuhler et al. (eds), Art. 1 and 2 (co-author)

Force Majeure and Hardship Clauses in Energy Supply Agreements, in K. Makuch, R. M. Pereira (eds), ENVIRONMENTAL AND ENERGY LAW, Wiley-Blackwell Publishing, 2012, Chapter 11, 240-252 (co-author)

Annotations and Summaries of Decisions of the Swiss Federal Supreme Court Issued in 2011 and 2012 Concerning International Arbitration, JOURNAL OF INTERNATIONAL TRADE AND ARBITRATION LAW/ ULUSLARARASI TICARET VE TAHKIM HUKUKU DERGISI (UTTDER) (2013) 191-219 (co-author)

Consent to Arbitrate: A Prerequisite to Arbitration, UTTDER (2012) 241-252 (co-author)

Why Does Arbitration Matter? Some Practical Insights, Brown Bag Seminar, No Peace Without Justice, Brussels, 30 January 2012

What Legal Qualification for Take of Pay Provision (Gas, Electricity) In Swiss Law? 6TH SAINT-GALL INTERNATIONAL ENERGY FORUM (IEF), Saint-Gall, 13 – 14 December 2012

Restructuring the Swiss Electricity Market and the Progressive Phasing out of Nuclear Energy in the Aftermath of the Fukushima Disaster, ANNUAL EU ENERGY LAW AND POLICY, 7TH ANNUAL CONFERENCE, Claeys & Casteels, Brussels, 31 January – 1 February 2012

Offsetting Losses and Profits in Case of Breach of Commercial Sale/Purchase Agreements under Swiss Law and the Vienna Convention on the International Sales of Goods, XX PRAXIS DES INTERNATIONALEN PRIVAT UND VERFAHRENSRECHT (2009/4) 1-12 (co-author)

La procédure de gestion des listes de personnes affectées par les sanctions des Nations Unies devant le Tribunal fédéral suisse, REVUE DE DROIT ADMINISTRATIF ET FISCAL (2009/I) 146-160 (co-author)

The Swiss Supreme Court Decides: India v. Crédit Agricole Suisse, X ART ANTIQUITY AND LAW (2005/4) 401-413

CULTURAL PROPERTY DISPUTES: THE ROLE OF ARBITRATION IN RESOLVING NON CONTRACTUAL DISPUTES, Transnational Publishers / Brill Academic Publishers, 2004 (334 pp.)

Regular caselaw review in ILO (co-author)

Other arbitration related activities and teaching:

Commercial arbitration law lecturer at University of Lausanne, School of Law (2005-2009), Energy law lecturer at University of Lausanne, School of Law (2009-2014)

Deputy Judge– Swiss Federal Court 1st civil chamber, Lausanne (2012-2014)

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

- Schweizerischen Vereinigung für Umweltrecht (Swiss Environmental Law Association)
- Swiss Arbitration Association
- Associazione Italiana per l'Arbitrato
- International Arbitration Institute
- The Mediation and Conciliation Network (International Mediators)
- International Law Association, Swiss Branch
- Femmes Juristes Suisse
- ArbitralWomen

9. Languages

Mother tongue: French

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 (German, Italian: spoken, understood and read)

10. In which legal systems have you trained?

- Civil Law Common Law
 Austrian Law Hungarian Law Swiss Law
 Czech Law Polish Law Ukrainian Law
 German Law Slovakian Law European Law

Other : international law

11. What is your main jurisdiction of practice?

Switzerland

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

- Antitrust/Unfair competition Damages Insolvency Power plants
 Aviation Distribution Insurance Private Intern. Law
 Banking & Finance Domain name disputes Intellect. Property
 Public Intern. Law
 Capital markets Employment ISDS/ Foreign invest. Real estate
 CISG Energy Joint ventures Shipping
 Civil fraud disputes Engineering Licensing Sports
 Commercial disp. / transactions Entertainment Life sciences
State/Public contracts
 Commodity market Healthcare & Pharmac. Maritime arbitration
 Technology
 Company/Corporate/M&A Hotel/Gastro./Tour. Media Telecommunication
 Construction Inform. technology (IT) Mining
 Transport
 Contract law Infrastructure Natural resources
 Other : environmental law, decommissioning, contaminated sites remediation

13. Date of birth: May 5, 1970

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I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will

