

VIAC – Questionnaire for Arbitrators

1. Name: Dr. Simon Gabriel LL.M. Rechtsanwalt

2. Citizenship: Swiss

3. Contact information:

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4. Current position: Partner

5. Education: Dr. iur.; LL.M.; Rechtsanwalt (Swiss Attorney at Law)

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?

Over 100 arbitration proceedings under ICC Rules; Vienna Rules; Swiss Rules; SCC Rules; DIS Rules; ad hoc rules

- How often have you acted as Chairman? **22 times**
- How often have you acted as Sole Arbitrator? **24 times**
- How often have you acted as Co-Arbitrator? **24 times**
- How often have you acted as Counsel? **46 times**
- How often have you acted in a different function (e.g. Administrative Secretary)? **4 times**

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

Articles and legal commentaries (selection):

- Commentary on Art. 178 PILA (Simon Gabriel and Johannes Landbrecht), Art 182 PILA (Simon Gabriel and Andreas Schreggenberger) and Art. 183–185a PILA (Axel Buhr), in: Aebi-Müller, Müller (eds.), Bernese Commentary on Swiss Civil Law, International Arbitration: Art. 176–194 PILA as well as Art. 7 und 196 PILA, Berne 2022 (Coordination: Simon Gabriel and Marco Stacher)
- Swiss International Arbitration Law – The 2021 Reform in Context, ICC Bull. 1/2022, p. 49 et seqq. (Simon Gabriel, Johannes Landbrecht)
- Application for “Revision” of an Arbitral Award Rejected, in: dRSK, 05.01.2022 (Simon Gabriel)
- Global Rejection of “Fishing Expedition” Upheld, in: dRSK, 27.05.2021 (Simon Gabriel)
- No Extension of Arbitration Agreement to Subcontractor, in: dRSK, 07.01.2021 (Simon Gabriel)
- The new Swiss approach to the right to be heard – balancing challenging fairness and efficiency concerns, in: Indian Journal of Arbitration Law (IJAL), Volume 8, Issue 2, 2020, p. 48 et seqq. (Simon Gabriel, Andreas Schreggenberger)
- Congruence of the NYC and Swiss lex arbitri regarding extension of arbitral jurisdiction to non-signatories, in: ASA Bull. 4/2019, p. 883 et seqq. (Simon Gabriel)
- 59 Setting Aside Arguments Rejected as Inadmissible, in: dRSK, 14.01.2019 (Simon Gabriel)
- How to Set Aside a “Procedural Order” on Arbitrators’ Impartiality?, in: dRSK, 23.05.2018 (Simon Gabriel)
- Of Confidentiality Orders and Confidentiality Offers - A Swiss Perspective on the Effect and

- Effectiveness of Measures to Protect Confidentiality, in: Klausegger, Klein, Kremslehner u.a. (Eds.), Austrian Yearbook on International Arbitration 2018, Wien 2018, p. 53 et seqq. (Simon Gabriel, Johannes Landbrecht)
- Iura Novit Arbitrator: Application of the Law on the Tribunal's Own Motion, in: dRSK, 13.02.2018 (Simon Gabriel, Axel Buhr)
 - Conflict Management in International Law, Bern 2017 (Eds.: Johannes Landbrecht und Simon Gabriel)
 - Missed Deadline, in: dRSK, 03.04.2017 (Simon Gabriel)
 - Set-off Defenses in Arbitration – Conclusions from a Swiss Civil Law Perspective, in: Indian Journal of Arbitration Law (IJAL), Volume 5, Issue 2, 2017, p. 55 et seqq. (Simon Gabriel, Katalin Meier)
 - Determinations Contrary to the Record vs. Arbitrary Assessment of Evidence, in: dRSK, 09.09.2016 (Simon Gabriel)
 - Fundamental Rights vs. Procedural Agreements, in: dRSK, 21.07.2016 (Simon Gabriel)
 - Arbitration vs. prior expert determination, in: dRSK, 20.04.2016 (Simon Gabriel)
 - Commentary on the Swiss Private International Law Act (i.e. Art. 1–24 and 129–142 PILA), in: Furrer, Girsberger, Müller-Chen (Eds.), Handkommentar zum Schweizer Privatrecht, Internationales Privatrecht, 3. Auflage, Zürich 2016 (Axel Buhr, Simon Gabriel)
 - Not decided or not heard?, in: dRSK, 16.03.2016 (Simon Gabriel)
 - Arbitral award extra petita because of US-Dollars instead of Euros?, in: dRSK, 21.10.2015 (Simon Gabriel)
 - Onus to cross-examine witnesses in arbitration proceedings?, in: dRSK, 26.06.2015 (Simon Gabriel)
 - Commentary on arbitral procedure and challenge of arbitrators (i.e. art. 367–371 and 373 ZPO), in: Hausheer & Walter (Eds.), Berner Kommentar zur Schweizerischen Zivilprozessordnung, Band III, Bern 2014 (Simon Gabriel, Axel Buhr)
 - Strict onus to object in situations of arbitrator challenges, in: dRSK, 17.07.2013 (Simon Gabriel)
 - Damages for Breach of Arbitration Agreements, in: Arroyo (Ed.), Arbitration in Switzerland The Practitioner's Guide, Kluwer 2013, p. 1473 et seqq. (Simon Gabriel)
 - Investment Planning via Switzerland, in: ASA Bull. 1 / 2013, p. 11 et seqq. (Simon Gabriel)
 - Dealing With "Challenged Documents", in: ASA Bull. 4 / 2011, p. 823 et seqq. (Simon Gabriel)
 - Formvorbehalt für Vertragsänderungen, SJZ 106 (2010), p. 533 et seqq. (Simon Gabriel)
 - Vorvertragliche Schiedszuständigkeit, in: ASA Bull. 2 / 2009, p. 236 et seqq. (Simon Gabriel)

Speaking Engagements (selection):

- Access to Justice in Times of War, 100 Years ICC Switzerland, Zurich 2022 (Simon Gabriel)
- What is the Advantage of Partyappointed Arbitrators?, ASA Local Group, Berne 2022 (Simon Gabriel)
- Special Features of the Taking of Evidence in International Arbitration, University Innsbruck 2021 (Simon Gabriel with Klaus Sachs and Gerold Zeiler)
- Early Resolution of Disputes, Hamburg Arbitration Day 2021 (Simon Gabriel)
- Arbitration and Insolvency, Europa Institut Zurich, Zurich 2019 (Simon Gabriel)
- Prague Rules, ASA Local Group, Basel 2019 (Simon Gabriel)
- SCAI Innovation Conference on "All Eyes on the Arbitrator", Swiss Chambers Arbitration Institution, Zurich 2019 (Simon Gabriel, co-organizer and speaker)
- SCAI Innovation Conference on "Arbitrating the Future", Swiss Chambers Arbitration Institution, Zurich 2018 (Simon Gabriel, co-organizer and speaker)
- Changing Transparency, Vienna Arbitration Days, 2017 (Simon Gabriel)
- Confidentiality in Arbitration, Dreiländerkonferenz Schaan, 2016 (Simon Gabriel)
- Deliberation: Good practices, reasoning, dissenting opinions, ICC YAF European Regional Conference, 2016 (Simon Gabriel)
- Iura novit arbitrator, Hamburg Arbitration Circle (HAC), 2016 (Simon Gabriel)
- Pretrial negotiations, mediations and expert determinations, Society of Swiss In-house Counsel (VSUJ), 2015 (Simon Gabriel)
- Thirdparty finance, Europa Institut Zurich, 2015 (Simon Gabriel)
- Third Party Joinder, YAAP Round-table Vienna 2014 (Simon Gabriel)
- Visiting the Institutions: Swiss Chambers' Arbitration Institution, ASA – below

- 40 Zurich 2013 (Simon Gabriel; moderator)
- Expedited Proceedings under Swiss Rules, Arbitration and Business Seminar in Warsaw 2013 (Simon Gabriel)
- Englisch vor Bundesgericht (English in proceedings before the Swiss Federal Tribunal), ASA Section Zurich 2013 (Simon Gabriel; panelist)
- Konsequenzen der Vorschussverweigerung (Consequences of Failure to Pay Advances on Costs), ASA Section Zurich 2011 (Simon Gabriel)
- Zielführende Streitbeilegung (Goal-oriented Dispute Resolution), Rotary Club Zürich 2010 (Simon Gabriel)

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

- President of the ICC Swiss Commission of Arbitration and ADR.
- Swiss Delegate in the ICC Arbitration Commission in Paris.

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

10. In which legal systems have you trained?

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Civil Law | <input checked="" type="checkbox"/> Common Law | |
| <input type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law | <input checked="" type="checkbox"/> Swiss Law |
| <input type="checkbox"/> Czech Law | <input type="checkbox"/> Polish Law | <input type="checkbox"/> Ukrainian Law |
| <input type="checkbox"/> German Law | <input type="checkbox"/> Slovakian Law <input type="checkbox"/> | <input type="checkbox"/> European Law |

Other _____

11. What is your main jurisdiction of practice?

Switzerland

12. In which jurisdictions are you admitted to the bar?

Switzerland

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

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> Antitrust/Unfair competition | <input type="checkbox"/> Damages | <input type="checkbox"/> Insolvency | <input type="checkbox"/> Natural resources |
| <input type="checkbox"/> Aviation | <input type="checkbox"/> Distribution | <input checked="" type="checkbox"/> Insurance | <input type="checkbox"/> Power plants |
| <input type="checkbox"/> Banking & Finance | <input type="checkbox"/> Domain name disputes | <input type="checkbox"/> Intellect. property (IP) | <input type="checkbox"/> Private Intern. Law |
| <input type="checkbox"/> Capital markets | <input type="checkbox"/> Employment | <input type="checkbox"/> Investment arbitration | <input type="checkbox"/> Public Intern. Law |
| <input type="checkbox"/> CISG | <input checked="" type="checkbox"/> Energy | <input type="checkbox"/> ISDS/Foreign inves. | <input type="checkbox"/> Real estate |
| <input type="checkbox"/> Civil fraud disputes | <input type="checkbox"/> Engineering | <input checked="" type="checkbox"/> Joint ventures | <input type="checkbox"/> Shipping |
| <input checked="" type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment | <input type="checkbox"/> Licensing | <input type="checkbox"/> Sports |
| <input checked="" type="checkbox"/> Commodity market | <input checked="" type="checkbox"/> Healthcare & Pharmac. | <input type="checkbox"/> Life sciences | <input type="checkbox"/> State/Public contracts |
| <input checked="" type="checkbox"/> Company/Corporate/M&A | <input type="checkbox"/> Hotel/Gastro./Tour. | <input type="checkbox"/> Maritime arbitration | <input type="checkbox"/> Technology |
| <input checked="" type="checkbox"/> Construction | <input type="checkbox"/> Inform. technology (IT) | <input type="checkbox"/> Media | <input type="checkbox"/> Telecommunication |
| <input type="checkbox"/> Contract law | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Mining | <input type="checkbox"/> Transport |

Other _____

14. Date of birth: 26 March 1977

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

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 be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

6 November 2023

Simon Gabriel

Date