

VIAC – Questionnaire for Arbitrators

1. Name: HERBST Thomas

2. Citizenship: Austrian

3. Contact information:

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4. Current position:

Senior Associate / Rechtsanwalt at ZFZ Zeiler Rechtsanwälte GmbH

5. Education:

University of Vienna,

- Mag. iur (2012);
- Summer school diploma in European Studies (2009);
- Additional diploma in "Law of International Relations" (2014).

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules? **28** (domestic: 1 / international: 27); Rules: ICC, VIAC, UNCITRAL, ICSID, LCIA, SSG WKW
This excludes arbitrations in which our firm has been engaged by foreign counsel as experts on Austrian (procedural) law
- How often have you acted as Chairman?
n.a.
- How often have you acted as Sole Arbitrator?
1
- How often have you acted as Co-Arbitrator?
n.a.
- How often have you acted as Counsel?
21
- How often have you acted in a different function (e.g. Administrative Secretary)?
6 (Secretary to the Arbitral Tribunal)

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

I have published on matters related the field of arbitration, e.g.

- *Beisteiner, Čech, Herbst & Weisgram* (authors), "The Russian Ruble Decree-Crisis: Can European Gas Buyers "Pay in Rubles without Paying in Rubles"? What May Be the Consequences if Not?", Kluwer Arbitration Blog, 28.05.2022;
- *Herbst* (author), "Asserting Statutory Limitation against International Arbitral Awards – Everything (Un)Clear?", Austrian Yearbook on International Arbitration 2021;
- *Čech/Herbst* (authors), "Mezigenerační střet úprav rozhodčího řízení", Právní rádce Journal, November 2020;

- *Zeiler/Herbst* (authors), "Parties' Obligation to Confidentiality in International Commercial Arbitration: Fact or Fiction?", American Bar Association, Just Resolutions Newsletter, May 2019;
- *Herbst/Zojer* (authors), "Section "Außerstreitverfahren" in the chapter "Schiedsfähigkeit"", *Konfliktlösung in Privatstiftungen*, Verlag Österreich, 2019;
- *Sessler/Herbst* (authors), "The Vienna Repositioning Propositions. Made to Measure vs. Pret-à-Porter", *Austrian Yearbook on International Arbitration* 2018;
- *Siwy/Herbst* (authors), "Schiedsverfahren in Kartellsachen", *Czernich/Deixler-Hübner/Schauer* (eds), *Handbuch Schiedsrecht*, 2018;

and spoken in arbitration related events, e.g.

- on 25 April 2023 at the ICC YAAF Conference in Skopje (panelist on the topic "Making sure that arbitration meets your (company's) expectations"),
- on 31 March 2023 at the Annual MAA International Commercial Law & Arbitration Conference (panelist on the topic "Arbitrability of Corruption – Treading in Treacherous Waters"),
- on 30 March 2023 at the Visit of Dispute Resolution Club Turkey to ICC Austria (lecture on "Introduction to ICC Arbitration" co-lectured with Maximilian Burger-Scheidlin), and
- on 18 February 2021 at the YAAP Virtual Lunch (panelist on the topic "Mind the Gap: A Fresh Look at Procedural Gaps in Institutional Rules").

Further, since 2021, I act as external coach to University of Vienna's team at the Willem C. Vis Commercial Arbitration Moot.

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

Young Austrian Arbitration Practitioners (YAAP)

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

