

VIAC – Questionnaire for Arbitrators

- 1. Name:** Günther J. Horvath, MCJ
- 2. Citizenship:** Austrian
- 3. Contact information:**
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1010 Vienna, Austria
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- 4. Current position:** Attorney at Law, President of the Vienna Arbitral Centre, Independent Arbitrator, Member of the Supervisory Board of Porsche Automobil Holding SE
- 5. Education:** University of Graz (Doctor of Laws - Dr iur, 1976)
New York University (MCJ, 1977)

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?
130
ICC, VIAC, Zurich Chamber of Commerce, Stockholm Chamber of Commerce, ETSII, ICSID, IChemE, *ad hoc*
- How often have you acted as Chairman?
30
- How often have you acted as Sole Arbitrator?
2
- How often have you acted as Co-Arbitrator?
15
- How often have you acted as Counsel?
83
- How often have you acted in a different function (e.g. Administrative Secretary)?
0

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

Publications:

- “Best Practice im Schiedsverfahren“, Czernich/Deixer-Hübner/Schauer (Hrsg), Schiedsrecht, 2018
- “Addressing Corruption in Commercial Arbitration: How Do Arbitral Tribunals Evaluate and Adjudicate Contractual Relationships Tainted by Corruption?” (Romanian Arbitration Journal 2016)
- “Compensation for a Dismissed Arbitrator?”, Entscheidungsbesprechung Ob 197/13v, Kluwer Law Arbitration Blog, 2014;

- “Die Bestellung von Schiedsrichtern unter besonderer Berücksichtigung der Preisanpassungsschiedsverfahren bei langfristigen Energielieferungsverträgen”, Festschrift DDr. Hellwig Torggler, 2013;
- “Schiedsverfahren – Exoten oder Heilsbringer?”, Artikel Wirtschaftsblatt 2013;
- “Guerrilla Tactics in International Arbitration”, Kluwer Law 2013;
- “Schiedsgerichtsbarkeit in Österreich – quo vadis?”, Artikel in *Advocatus* 12, “Die Presse” Handbuch Wirtschaftsanwälte;
- “Möglichkeiten und Grenzen der Rechtsgestaltung in Langzeitverträgen durch (Schieds-)gerichte”, Artikel in “Der Gesellschafter”, Festschrift für Karl Hempel zum 75. Geburtstag, 2012;
- “Schiedsgutachten über Abfindung bindend?”, Artikel in “Der Gesellschafter”, 40. Jahrgang/Okttober 2011/Nr. 5;
- “The Judicialization of International Arbitration – Does the Increasing Introduction of Litigation-Style Practices, Regulations, Norms and Structures into International Arbitration Risk a Denial of Justice in International Business Disputes”, *Liber Amicorum Eric Bergsten*, Kluwer Law International 211;
- “Guerrilla Tactics in Arbitration, an Ethical Battle: Is There Need for an Universal Code of Ethics”, *Austrian Yearbook on International Arbitration* 2011;
- “Unternehmensinterne Untersuchungen: Handbuch für Internal Investigations”, Linde Verlag 2010;
- “How May Commercial Arbitral Tribunals Cope with and Sanction Guerilla Tactics of the Parties/Their Counsel?”, *Guerrilla Tactics in International Arbitration & Litigation, Transnational Dispute Management Journal* Issue 2, 2010;
- “What Weight Should be given to the Annulment of an Award under Lex Arbitri?”, *Journal of International Arbitration* Volume 26 Issue 2, 2009;
- “Costs in Arbitration – A Central Eastern and Southern Eastern Europe Perspective”, Linde International Verlag 2008;
- “Dispute Resolution Mechanisms and Austrian Foundations – Thoughts on Arbitration”, *Austrian Yearbook on International Arbitration* 2008;
- “Streitschlichtungsmechanismen in der Stiftung”, *Stiftungsjahrbuch* 2008;
- “Die Regeln des Schiedsgerichtsinstituts der Stockholmer Handelskammer”, *Praxishandbuch Schiedsgerichtsbarkeit* 2007;
- “Schiedsgerichtsbarkeit und Mediation – ein glückliches Paar?”, *SchiedsVZ* September 2005;
- “The Duty of the Tribunal to Render an Enforceable Award”, *Journal of International Arbitration* Volume 18 Issue 2, 2001.

Lecture and Seminars:

- “Arbitration Procedures in Practice“, Universität Passau, 19.12.2018
- “Will AI and new technologies mean the end of traditional arbitration? The BRI provides a unique chance for the change“, CIETAC Global Arbitration Forum Beijing (Peking), September 2018

- “Soft Law in International Commercial Arbitration“, Panel-Diskussion, Bergsten Lecture, 25.3.2018
- “Diversity Challenge in International Arbitration – The Arbitrator as a Settlement Facilitator“, TRAC International Arbitration Day, Tehran, 2015;
- “International Arbitration and Economic Sanctions“, ICC Switzerland, Zurich, 2015;
- “Drafting an Arbitral Award“, Austrian Arbitration Academy, 2015;
- “Costs in International Arbitration“, IBA Conference Munich, 2015;
- “The Taking of Expert Evidence – Matters of Procedure“, Croatian Arbitration Days, 2014;
- “Corruption in Arbitration“, Kiev Arbitration Days 2014;
- “How to Run a Successful Arbitration“, Austrian Arbitration Academy, 2014;
- “Dealing with Guerrilla Tactics in International Arbitration: Which tools for counsels and arbitrators?“, KIAC International Arbitration Conference Kigali, 2014;
- “Code for Ethics für Parteivertreter, Kreative Prozessstrategien – zwischen berechtigter Wahrung von Parteiinteressen und Verfahrensobstruktion“, Dispute Resolution Forum Düsseldorf, 2013;
- “The Vienna Rules (VIAC)“, China Europe Legal Forum, 2013;
- “Energie-Langzeitverträge in Schiedsverfahren – prozessrechtliche Aspekte“, Petersberger Schiedstage 2013;
- “The (Perceived) Powers of the Arbitrator, The Power to Enforce Discipline – what is the key?“, Vienna Arbitration Days 2013;
- “Arbitrator and Counsel: Sitting on two Chairs?“, Kiev Arbitration Days 2012;
- “International Arbitration“. Renmin University, Beijing 2012;
- “Subtle Ways to Address Guerrilla Tactics“, CILS Conference 2012;
- “Guerrilla Tactics – Arbitration Advocacy in Times of Crisis“, MAA-Seminar, 2012;
- “The revised UNCITRAL Arbitration Rules in Practice“, VIAC-UNCITRAL Conference – round table, Vienna 2011;
- “Guerrilla Tactics in International Arbitration – An Arbitrator’s Perspective“, Vienna Arbitration Days 2010;
- “How May Commercial Arbitral Tribunals Cope with Sanction Guerilla Tactics of the Parties/Their Counsel?“, ICC Conference on Guerilla Tactics, Vienna 2010;
- “The Recoverability of In-House Costs in International Commercial Arbitration: A Cost-Control Mechanism?“, Stockholm 2009;
- “Mediation“, CBLF Round Table, Zagreb 2008;
- “What Weight Should be given to the Annulment of an Award under Lex Arbitri?“, CILS, Salzburg 2008;

- “Kosten und zeitökonomische Anspruchsverfolgung im Anlagenbau – Neue Trends in der Schiedsgerichtspraxis”, Frankfurt 2007;
- “Vorbereitende Hearings in komplexen Schiedsverfahren”, ICC Symposium, Vienna 2007;
- “The new Austrian Arbitration Law”, Prague 2006;
- “Anti-Suit Injunctions – Protection of Legal and Equitable Rights”, CILS, Salzburg 2006;
- “Einführung in das neue österreichische Schiedsrecht”, In-house Seminar, Vienna 2005;
- “Turnkey Verträge, Lieferung Aufbau und Inbetriebnahme von Maschinen und Anlagen”, ICC Austria Seminar, Vienna 2005;
- “Streitschlichtungsmechanismen in der Stiftung – Überlegungen zur Schiedsgerichtsbarkeit”, Vienna 2005;
- “Schiedsgerichtsbarkeit in Österreich – Geltende Rechtslage und Reformpläne”, Vienna 2005;
- “Juristisches Konfliktmanagement in internationalen Großobjekten – Vertragsrechtliche Problemstellungen und Lösungsstrategien in der Praxis”, Heidelberg 2004;
- “Schiedsgerichtsbarkeit – Neueste Internationale Entwicklungen, Der Schiedsrichter als Vergleichshelfer”, ICC Austria Seminar, Vienna 2004;
- “Partnering & Alliancing, Eine Alternative zur herkömmlichen Vertragsgestaltung”, ICC Austria Seminar, Vienna 2003;
- “Turnkey Verträge, Lieferung Aufbau und Inbetriebnahme von Maschinen und Anlagen”, ICC Austria Seminar, Vienna 2003;
- “Grundzüge Alternativer Streitbeilegung und Schiedsverfahren in Österreich”, ICC Austria Seminar, Vienna 2003;
- “The Duty of the Tribunal to Render an Enforceable Award”, CILS, Salzburg 2000.

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

- ICC International Court of Arbitration;
- Former Member of the ICC International Commission on Arbitration;
- Executive Board of the Vienna International Arbitral Centre (President);
- Chairman Emeritus Lex Mundi Ltd., Houston
- Panel of Arbitrators of CIETAC (China International Economic And Trade Arbitration Commission), SIAC (Singapore International Arbitral Centre), ASA (Association Suisse de l'Arbitrage) and DIS (German Institution of Arbitration).

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): German and English

10. In which legal systems have you trained?

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

Other: New York (USA)

11. What is your main jurisdiction of practice?

Austria, Germany

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

Austria

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

14. Date of birth: 28 July 1952

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>.

01.09.2020
Date

and

Signature