

VIAC – QUESTIONNAIRE

1. **Name:** Dr. Sabine Konrad

2. **Date of birth:** 3 January 1974

3. **Citizenship:** German

4. **Contact information:**

Address: McDermott Will & Emery Rechtsanwälte Steuerberater LLP
Feldbergstrasse 35
60323 Frankfurt am Main
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E-Mail: skonrad@mwe.com

5. **Current position:** Partner

6. **Education:**

- Queen Mary University of London, Post-Graduate Diploma in International Commercial Arbitration (2005);
- State of Bavaria, Second State Exam (2002);
- Ludwig Maximilian University of Munich, LL.M. Eur. (2002);
- University of Passau, Dr. jur. (2000);
- University of Passau, First State Exam (1998).

7. **Practiced experience in arbitration:**

How many arbitrations have you participated in (domestic/international)? Under which Rules?

- More than fifty (50) international arbitrations under various rules, including:
 - o ICSID;
 - o ICSID AF;
 - o UNCITRAL;
 - o ICC;
 - o LCIA;
 - o HKIAC;
 - o DIS;
 - o CRCICA;
 - o SCAI;
 - o FAI;
 - o ad hoc (no rules).

How often have you acted as Chairman?

- Three (3) times.

How often have you acted as Sole Arbitrator?

- Three (3) times. I also acted once (1) as Emergency Arbitrator.

How often have you acted as Co-Arbitrator?

- Seven (7) times.

How often have you acted as Counsel?

- ca. forty (40) times.

How often have you acted in a different function (e.g. Administrative Secretary)?

- None.

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

– Selected publications:

- Commentary on the LCIA Arbitration Rules in Schütze (ed.), “Institutionelle Schiedsgerichtsbarkeit”, 3rd ed. (2017); second English edition (forthcoming);
- “The Asser Arbitration”, in *Arbitrating for Peace* (2016);
- “Protection of Investments Owned by States”, in *International Investment Law* (2015);
- “Protection for Non-Profit Organizations”, in *International Investment Law* (2015);
- “Damages and Interest in Investment Treaty Arbitration”, in *Liber Amicorum for Neil Kaplan* (2012);
- “Non-enforcement of Arbitral Awards: Only a Pyrrhic Victory”, *Transnational Dispute Management* (January 2010) and *REVISTA ROMĂNA DE ARBITRAJ* (August 2010);
- Commentary on the LCIA Arbitration Rules in Schütze, “Institutionelle Schiedsgerichtsbarkeit”, 2nd ed. (2010);
- Comment on German Bilateral Investment Treaties in “World Arbitration Reporter” (2009);
- Chapter on investment protection and on dispute resolution in Siebel/Röver/ Knütel, *Rechtshandbuch PPP, Public Private Partnership in der Praxis* (2008);
- “Schutz der Vertrauenssphäre zwischen Rechtsanwalt und Mandant im Zivilprozess” (on Legal Professional Privilege in German Civil Proceedings), *NJW*, p. 710 et seq. (2004);
- Case-Studies for the Frankfurt Investment Arbitration Moot (www.investmentmoot.org):
 - Et ego in Acadia (based on the expulsion of the Acadians from Nova Scotia in the 18th century as well as one of the Utrecht Treaties, 2018/2019),
 - Nootka – The Arbitration that never took place (based on the Nootka Conventions, 2017/2018),
 - The Moon Has Set (based on Flavius Josephus’ account of investments by Cleopatra, 2016/2017),
 - What shall we do with the drunken sailor? – The Case of Captain Gustav Isak Dahlberg (based on a claim under the Russia-USA Treaty of 1832, 2015/2016),
 - The Value of Money (based on the Portuguese Banknote Case, 2014/2015),
 - The Perfumes of Arabia (based on papers found in the Cairo Geniza, 2013/2014),

- The Law of the Seas (*based on the Bering Sea arbitration and the Asser arbitration, 2012/2013*),
 - Pasion - a Greek Bank(st)er? (*based on an Isocrates court speech, 2011/2012*),
 - Spain defaults on State Bonds – How the Fugger fared in the Financial Crisis of 1557 (2010/2011),
 - Tulipomania - when the Bulb Bubble Burst (2009/2010),
 - Private (or Pirate) Investment – Gone with the Wind? (*based on the Betsy Ames Case, 2008/2009*),
 - Cleopatra's Decree of 33 BC (*based on original papyrus, 2007/2008*).
- (Co-)Organizer of:
- The Frankfurt Investment Arbitration Moot Court (founder, co-organizer and speaker at a cross-examination course for semi-finalist and finalist teams);
 - Annual conferences on international investment arbitration topics hosted in connection with the Frankfurt Investment Arbitration Moot Court (co-organizer and speaker);
 - The Kiev Arbitration Days (co-organizer and speaker);
 - Annual roundtable discussions on current issues in investment arbitration (invitation only) (co-organizer and speaker).
- Numerous speaking engagements.

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

- Panel of Arbitrators of the International Centre for Settlement of Investment Disputes (ICSID);
- Roster of arbitrators of the International Development Law Organization (IDLO);
- Panel of Arbitrators and Panel of Mediators of the Asian International Arbitration Centre (AIAC, formerly: Kuala Lumpur Regional Centre for Arbitration, KLRCA);
- Hong Kong International Arbitration Center (HKIAC) Panel of Arbitrators;
- JCAA (Japan Commercial Arbitration Association) List of Arbitrators;
- SIAC Panel of Arbitrators;
- List of Practitioners of the Vienna International Arbitral Centre (VIAC);
- Fellow of Chartered Institute of Arbitrators;
- SIAC Users Council;
- ASA (Swiss Arbitration Association);
- Austrian Arbitration Association;
- DIS (German Institution of Arbitration);
- International Law Association;
- LCIA (London Court of International Arbitration).

10. 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 and French.

11. In which legal system have you trained?

- German law;
- International law;
- European law.

12. What is your main jurisdiction of practice?

- International law;
- Germany;
- France.

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

- Investment disputes;
- Energy and infrastructure disputes;
- International trade.

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.

Date and signature

11 January 2019



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Email	skonrad@mwe.com
Nationality	German

Educational/Professional Memberships

- Panel of Arbitrators of the International Centre for Settlement of Investment Disputes (ICSID)
- Roster of arbitrators of the International Development Law Organization (IDLO)
- Panel of Arbitrators and Panel of Mediators of the Asian International Arbitration Centre (AIAC, formerly: Kuala Lumpur Regional Centre for Arbitration, KLRCA)
- HKIAC (Hong Kong International Arbitration Center) Panel of Arbitrators
- JCAA (Japan Commercial Arbitration Association) List of Arbitrators
- SIAC Panel of Arbitrators
- List of Practitioners of the Vienna International Arbitral Centre (VIAC)
- Fellow of Chartered Institute of Arbitrators
- ICCA, co-chair of the sub-committee on investment arbitration of the Task Force on TPF
- SIAC Users Council
- Steering Committee of the Alumni and Friends of School of International Arbitration of the University of London
- ASA (Swiss Arbitration Association)
- Austrian Arbitration Association
- DIS (German Institution of Arbitration)
- International Law Association
- LCIA (London Court of International Arbitration)

Current Position

Partner at law firm

Professional Experience/Areas of Expertise

- International Law
- Investment Arbitration
- International Commercial Arbitration
- Energy & Mining
- Concession Contracts
- Infrastructure Projects

- International Trade

Arbitration Experience

Experience as Arbitrator in International Commercial Arbitration and Investment Treaty Matters

- Chairperson and co-arbitrator in investment treaty arbitrations;
- Chairperson, Sole Arbitrator, co-arbitrator and emergency arbitrator in international commercial arbitrations.
Applicable rules include UNCITRAL (with various appointing institutions), ICC, LCIA, SCAI, FAI and DIS.

Selected Commercial Cases as Counsel

- Acting for an Asian subsidiary of a U.S. company in an ICC arbitration seated in Switzerland in a dispute concerning a Licensing Agreement under U.S. law; parallel proceedings in U.S. federal and in Pakistani courts pending;
- Representing an international construction and engineering conglomerate in an ICC arbitration seated in the USA in a dispute concerning a project in Latin America;
- Counsel to a German manufacturer in its dispute against a PRC purchaser of a process plant under PRC law and HKIAC Rules;
- Acting as counsel in HKIAC arbitration between a PRC company and a German solar company under CISG;
- Representing an Eastern European oil company in a post-privatization dispute with a multinational oil conglomerate in London under English, Czech and Polish law;
- Acting for a German client in an arbitration under the Rules of the Cairo Regional Centre for International Commercial Arbitration under German and Egyptian law concerning the termination of a JV for the development of hotel and leisure complexes in the Middle East;
- Advising a private equity house in warranty and fraud claims arising out of a share purchase;
- Pursuing claims of a German company in an arbitration and mediation against a US manufacturer concerning the faulty design of a process plant;
- Acting for a German claimant in an ICC arbitration arising out of an M&A agreement against a BVI company in New York, under New York law;
- Defending a German bank against claims by US investors in connection with an M&A agreement;
- Representing an African oil company in a dispute with a Belgium company under Belgium law.

Selected International Law Experience as Counsel

- Defending a State against a U.S. \$ 6 billion claim in an ICSID arbitration under the ECT;
- Successfully defending Germany in a U.S. \$ 2 billion ICSID claim brought by a European investor under the Energy Charter Treaty in the first ever ICSID claim against Germany;
- Defending an Eastern European State in an UNCITRAL arbitration under a BIT in its dispute with a foreign oil and gas company, valued in excess of U.S. \$ 1 billion;
- Representing an EU-Member State as intervener successfully defending the validity of an Intra-EU BIT;

- Representing an Eastern European State in an UNCITRAL arbitration under a BIT;
- Representing an Eastern European State in an ICSID AF case brought by U.S. investors;
- Representing a Central European State in a U.S. \$ 900 million UNCITRAL arbitration under a BIT;
- Representing the national oil company of an Asian State in an ICSID case against Venezuela;
- Representing the national oil company of an Asian State in an ICC case against the Venezuelan authorities;
- Representing European investors in an arbitration against a European State under the ECT concerning energy investments worth multiple billion U.S. \$;
- Representing a German investor in ICSID proceedings against a Southeast Asian State after successful annulment of an adverse jurisdictional award (value in dispute U.S. \$ 1 billion);
- Representing German investors in ICSID arbitration proceedings against Costa Rica;
- Representing a Swedish investor in an ICSID arbitration against an Eastern European State;
- Representing a German investor in an UNCITRAL arbitration with the Kingdom of Thailand under the applicable Bilateral Investment Treaty (BIT);
- Enforcing a multi-million treaty award against an Asian State on behalf of a European investor;
- Advising a German investor in its dispute with a Southern Asian State under a BIT;
- Advising a German investor on a potential dispute with a State in the Gulf region under the applicable BIT;
- Representing U.S. individual investors in relation to a CAFTA-DR claim against a Latin American State for expropriation of real estate investments.

Publications

- Commentary on the LCIA Arbitration Rules in Schütze (ed.), “Institutionelle Schiedsgerichtsbarkeit”, 3rd ed. (2017); second English edition (forthcoming);
- “The Asser Arbitration”, in *Arbitrating for Peace* (2016);
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- “Schutz der Vertrauenssphäre zwischen Rechtsanwalt und Mandant im Zivilprozess” (on Legal Professional Privilege in German Civil Proceedings), *NJW*, p. 710 et seq. (2004);

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 - What shall we do with the drunken sailor? – The Case of Captain Gustav Isak Dahlberg (*based on a claim under the Russia-USA Treaty of 1832, 2015/2016*),
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 - Private (or Pirate) Investment – Gone with the Wind? (*based on the Betsy Ames Case, 2008/2009*),
 - Cleopatra's Decree of 33 BC (*based on original papyrus, 2007/2008*).

Languages

English, German, French (as language of proceedings); Italian and Spanish (reading).