

## VIAC – QUESTIONNAIRE

**1. Name: SCHERER Matthias**

**2. Date of birth: 23.01.65**

**3. Citizenship: Swiss**

**4. Contact information:**

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**5. Current position: Partner**

**6. Education:**

Attorney, Bern, Law school

LL.M.; European Law (Lausanne, Law School)

**7. Practiced experience in arbitration:**

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

Matthias Scherer has featured in the International Who's Who of Commercial Arbitration and of Construction Lawyers, and has been ranked by Chambers & Partners. In 2006, he was selected as one of the "45 leading arbitrators under 45" by GAR (Global Arbitration Review) and in 2014, he entered Chambers' global-wide ranking of international arbitration counsel, which includes a select group of only 80 lawyers worldwide. He has acted as counsel in more than 200 arbitration and ADR proceedings under various rules (ICC, ICSID, Swiss Rules, LCIA, UNCITRAL, CAS/TAS, Stockholm Chamber, etc.), including in ICC ADR and pre-arbitral referee proceedings, and subject to both civil and common law procedural and substantive laws. He is regularly appointed as arbitrator by parties and major arbitration institutions (ICC, Swiss Chambers, ICSID, LCIA, Stockholm Chamber of Commerce, Dubai International Arbitration Centre, Permanent Court of Arbitration (PCA), Danish Institute of Arbitration). He frequently represents parties in arbitral matters before the Swiss Supreme Court.

How often have you acted as Chairman? More than 40

How often have you acted as Sole Arbitrator? More than 30

How often have you acted as Co-Arbitrator? More than 50

How often have you acted as Counsel? More than 100

How often have you acted in a different function (e.g. Administrative Secretary, Mediations)?  
More than 10

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

Editor of the journal of the Swiss Arbitration Association, the *ASA Bulletin*, co-editor of the *Swiss International Arbitration Law Reports*, member of the Board of Editors of the *International Arbitration Law Review* (London) and the Swiss correspondent for construction and engineering matters for the *International Law Office*, a web-based legal newsletter. He is also co-editor of the *Swiss International Sports Arbitration Reports* (SISAR) and a member of the Disciplinary Board of the *Fédération Internationale de Gymnastique* (FIG).

Selected publications :

Technical and safety standards – impact on owners’ non-contractual liability  
Matthias Scherer, André Brunschweiler, 2015  
International Law Office, Newsletter, 12 October 2015

Inventory of Arbitration Proceedings Based on Swiss Bilateral Investment Treaties (BIT)  
Matthias Scherer, 2015  
ASA Bull. 1/2015, Vol. 33, pp. 66-79

Construction (Qatar)  
Marcus C. Boeglin, Matthias Scherer, Samuel Moss, Marie-Anne Roberty-Jabbour, Tabara Sy, 2015  
In: Robert S. Peckar and Michael S. Zicherman (Contributing Eds.), Getting the Deal Through: Construction in 26 jurisdictions worldwide – 2015, Law Business Research Ltd, 2015, pp. 97-102

Construction (Switzerland)  
Michael E. Schneider, Matthias Scherer, Bernd Ehle, Samuel Moss, 2015  
In: Robert S. Peckar and Michael S. Zicherman (Contributing Eds.), Getting the Deal Through: Construction in 26 jurisdictions worldwide – 2015, Law Business Research Ltd, 2015, pp. 120-124

Use of the PICC in arbitration  
Matthias Scherer, 2015  
In: Stefan Vogenauer (Ed.), Commentary on the UNIDROIT Principles of International Commercial Contracts (PICC), Second edition, 2015, pp. 110-149

Michael E. Schneider’s Time Management Lessons  
Matthias Scherer, 2015  
In: B. Ehle and D. Baizeau (Eds.), Stories from the Hearing Room: Experience from Arbitral Practice. Essays in Honour of Michael E. Schneider, Wolters Kluwer, 2015, pp. 149-151

Corruption, Embargos and Sanctions as a Bar to the Enforcement of Contracts in International Arbitration. A Note on the decision of the Swiss Federal Supreme Court 4A\_538/2012 dated 17 January 2013  
Matthias Scherer, 2014  
International Journal of Arab Arbitration, Vol. 6, No. 2 2014, pp. 64

Guide to ADR in Construction in Switzerland  
Matthias Scherer, Samuel Moss, 2014  
IBA International Construction Projects Committee – Country Guides on ADR in Construction

Swiss Supreme Court analyses enforceability of pre-arbitral procedure in multi-tier dispute resolution provision (FIDIC DAB)  
Matthias Scherer, Samuel Moss, 2014  
Kluwer Arbitration Blog, 1 October 2014

Switzerland – Supreme Court: DAB proceedings precondition for arbitration under FIDIC Conditions  
Matthias Scherer, Samuel Moss, 2014  
International Law Office, 2014, Newsletter (Construction)

Switzerland – Will new Swiss sanctions against Russia affect construction projects?  
Matthias Scherer, Samuel Moss, 2014  
International Law Office, 2014, Newsletter (Construction)

Swiss and English courts analyse enforceability of multi-tier dispute resolution provision providing for DAB proceedings (FIDIC, clause 20)

Matthias Scherer, Samuel Moss, 2014

ASA Bulletin 4/2014, Vol. 32, pp. 849-853

Construction (Qatar)

Marcus C. Boeglin, Matthias Scherer, Ramy Saleh, Marie-Anne Roberty Jabbour, Sam Moss, 2014

In: Robert S Peckar (Contributing Ed.), Getting the Deal Through. Construction in 31 jurisdictions worldwide - 2014, Law Business Research Ltd, 2014, pp. 124-130

Construction (Switzerland)

Michael E. Schneider, Matthias Scherer, Bernd Ehle, Samuel Moss, 2014

In: Robert S Peckar (Contributing Ed.), Getting the Deal Through. Construction in 31 jurisdictions worldwide - 2014, Law Business Research Ltd, 2014, pp. 156-161

Additional works performed with owner's knowledge but without formal approval

Matthias Scherer, Samuel Moss, 2014

International Law Office, 2014, Newsletter (Construction)

Damages as a Sanction for Commencing Court Proceedings in Breach of an Arbitration Agreement

Matthias Scherer, 2014

Kluwer Arbitration Blog, 21 February 2014

Construction Arbitration in Switzerland

Matthias Scherer, Bernd Ehle, Samuel Moss, 2014

In: Manuel Arroyo (Ed.), Arbitration in Switzerland - The Practitioner's Guide: Commentary, Wolters Kluwer, The Hague, 2013, pp. 1179-1202

Drafting the Award

Matthias Scherer, 2013

In: Bernhard Berger, Michael E. Schneider (Eds.), Inside the Black Box: How Arbitral Tribunals Operate and Reach Their Decisions, ASA Special Series No. 42, Juris, 2013, pp. 27.

Commentary on Article 182 of the Swiss Private International Law Act (arbitration procedure)

Michael E. Schneider, Matthias Scherer, 2013

In: Honsell/Vogt/Schnyder/Berti (Eds.), Das Internationale Privatrecht (Basler Kommentar), Helbing & Lichtenhahn, Basel, 2013, pp.1822-1861

Commentary on Article 184 of the Swiss Private International Law Act (taking of evidence in international arbitration)

Michael E. Schneider, Matthias Scherer, 2013

In: Honsell/Vogt/Schnyder/Berti (Eds.), Das Internationale Privatrecht (Basler Kommentar), Helbing & Lichtenhahn, Basel, 2013, pp.1870-1896

Switzerland

Michael E. Schneider, Matthias Scherer, Bernd Ehle, Samuel Moss, 2013

Getting the Deal Through - Construction 2014

Impact of embargoes on construction contracts - Swiss sanctions against Iran

Matthias Scherer, André Brunschweiler, 2013

International Law Office, Newsletter, July 2013

Impact of embargoes on construction contracts - Swiss sanctions against Iran

Matthias Scherer, André Brunschweiler, 2013

International Law Office, Newsletter, June 2013

Amendments extend warranty claim time limit and modify terms and conditions rules  
Matthias Scherer, André Brunschweiler, 2013  
International Law Office, Newsletter, February 2013

Time limits for main contractor's warranty claims against subcontractors  
Matthias Scherer, André Brunschweiler, 2012  
International Law Office, Newsletter, November 2012

Construction (Qatar)

Georges Racine, Ramy Saleh, Marcus C. Boeglin, Stefan Jury, Melina Llodra,  
Matthias Scherer, Michael E. Schneider, 2012  
In: David S. Peckard (Contributing Ed.), *Getting the Deal Through - Construction 2013*, Law Business Research Ltd, London, 2012, pp. 165-169

Failure to submit progress reports not fatal to compensation claim  
Matthias Scherer, André Brunschweiler, 2012  
International Law Office, Newsletter, June 2012

Arbitration in Switzerland

Matthias Scherer, Martin Dawidowicz, 2012  
In: D. Arias and L. Schaner (Eds.), *IBA Arbitration Guide*, 2012 (21 pages)

Possible Enforcement of Worldwide Freezing Orders in Switzerland  
Matthias Scherer, Simone Nadelhofer, 2012  
Kluwer Arbitration Blog, 23 March 2012

Right to rescind: delayed and unfulfilled construction contracts  
Matthias Scherer, André Brunschweiler, 2012  
International Law Office, Newsletter, March 2012

The Swiss Chambers of Commerce

Matthias Scherer, Domitille Baizeau, 2012  
In: G Wegen and S Wislke (Eds.), *Getting the Deal Through - Arbitration 2012*, Law Business Research Ltd, London, 2012, pp. 53-56

Swiss Federal Supreme Court provides guidance on rules of applicable to enforcement of ICSID awards  
Matthias Scherer, Sandrine Giroud, 2011  
Kluwer Arbitration Blog, December 2011

Warranty claims extended for sale of goods; impact on construction contracts  
Matthias Scherer, André Brunschweiler, 2011  
International Law Office, Newsletter, November 2011

Owner's liability for ground conditions and duty of care towards contractor  
Matthias Scherer, André Brunschweiler, 2011  
International Law Office, Newsletter, May 2011

Court proceedings in violation of an arbitration agreement: Arbitral Jurisdiction to issue anti-suit injunction and award damages for breach of the arbitration agreement  
Matthias Scherer, 2011  
International Arbitration Law Review, Vol. 14, Issue 2, 2011, pp. 43-46

Swiss Embargos and their Impact on Contracts Governed by Swiss Law Illustrated by the Swiss Sanctions against Iran

Matthias Scherer, André Brunschweiler, 2011  
Kluwer Arbitration Blog, April 2011

ICSID Annulment Proceedings Based on Serious Departure from a Fundamental Rule of Procedure, (Article 52(1)(d) of the ICSID Convention)  
Matthias Scherer, 2011  
In: Czech (& Central European) Yearbook of Arbitration 2011, pp. 211-226

The Swiss Chambers of Commerce  
Matthias Scherer, Domitille Baizeau, 2011  
In: G Wegen and S Wislke (Eds.), *Getting the Deal Through - Arbitration 2011*, Law Business Research Ltd, London, 2011, pp. 37-40

Remedies for contractor's refusal to repair defective works  
Matthias Scherer, André Brunschweiler, 2011  
International Law Office, Newsletter, March 2011

**Selection of recent conferences:**

ICC Institute of World Business Law / School of International Arbitration (SIA) / Queen Mary University of London (QMC)  
30th Annual ICC SIA QMC Joint Symposium of Arbitrators  
Paris, 18 March 2015  
Speaker: Sanctions for Breach of the Arbitration Agreement

C5 Conference  
Major Projects & Infrastructure Qatar Forum  
Qatar, 27- 28 January 2015  
Speaker: Successfully Managing and Settling Disputes in Qatar

Centre de Médiation et d'Arbitrage près de la Chambre de Commerce Franco Arabe  
L'arbitrage éthique  
Paris, 27 June 2014  
Speaker

Swiss Arbitration Association (ASA) Geneva Group  
Arbitration regarding contracts with intermediaries – procedural and substantive questions, including allegations of illegality  
Geneva, 7 November 2013  
Speaker

Swiss Arbitration Association (ASA)  
ASA annual conference –Inside the black box: How arbitral tribunals operate and reach their decisions  
Zurich, 1 February 2013  
Speaker: Decision-making and deliberations: steps and issues

Swiss Arbitration Association (ASA)  
General Assembly of the Swiss Arbitration Association  
Bern, 28 September 2012  
Speaker: Revision of the Swiss Arbitration Law

The Graduate Institute Geneva

International Arbitration Seminar: The Role of International Arbitration in a New Transnational Legal Order  
Geneva, 15 March 2012  
Moderator

C5 Conference  
International Dispute Resolution Involving Russian and CIS Companies  
London, 23-24 February 2012  
Speaker: Building an Effective Case Strategy/Parallel Case Initiation in National Courts Regardless of an Arbitration Clause/Counterclaims Consideration

Polish Arbitration Association  
Annual Meeting  
Warsaw, 27 April 2011  
Speaker: Key note on "The Procedural Timetable in International Arbitration"

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

Past vice-chair of the International Bar Association's arbitration committee and member of the arbitration committee of the Swiss Chamber of Commerce and the Geneva Chamber of Commerce and Industry (administering arbitrations subject to the Swiss Rules). He is also a member of numerous professional associations (including ASA, DIS - German Institute of Arbitration - and LCIA) and panels, including the Swiss National Committee of the ICC.

**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): French, English, and German

**11. In which legal system have you trained? Switzerland.**

**12. What is your main jurisdiction of practice?** Switzerland. Often appointed as arbitrator or counsel in matters unrelated to Switzerland, subject to a variety of civil and common laws.

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

Mergers & Acquisitions disputes  
Construction disputes  
Investment disputes

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 2016