VIAC vienna international arbitral centre

# Mediator's Acceptance of Office

**DECLARATION PURSUANT TO ART. 7 PARA. 3**
**VIENNA (INVESTMENT) MEDIATION RULES 2021**

## CASE INFORMATION

**MED-**

**Party 1:**

**Party 2:**

**Additional Parties:**

## PERSONAL INFORMATION

**Name:**

**Address:**

**E-Mail-Address:**

**Nationality:**

In accordance with the Rules of (Investment) Mediation of the Vienna International Arbitral Centre of the Austrian Federal Economic Chamber of 1 July 2021 in the version of 1 January 2025 ("Vienna (Investment) Mediation Rules 2021"), in particular Art. 7 para. 3 Vienna (Investment) Mediation Rules 2021, I hereby submit the following declarations:

## I. ACCEPTANCE / REJECTION

☐ I accept the appointment to act as mediator in the above-referenced matter pursuant to the Vienna (Investment ) Mediation Rules 2021 and attach my Curriculum Vitae.

☐ I decline to act as mediator in the above-referenced matter.
*In this case, please simply sign and date the form.*

## II. IMPARTIALITY AND INDEPENDENCE

☐ I am impartial and independent and will remain impartial and independent for the duration of the proceedings. To the best of my knowledge and after conclusion of a proper investigation, there are no circumstances known to me that would have to be disclosed pursuant to Art. 7 para. 3 Vienna (Investment) Mediation Rules 2021.

☐ I am impartial and independent and will remain impartial and independent for the duration of the proceedings. However, out of an abundance of caution, I disclose the following present and past professional, business and other relationships with the parties, the parties' representatives, or a provider of third-party funding (Art. 13a Vienna (Investment) Rules 2021) involved in the proceedings, as well as any other interests, relationships or circumstances, which, from the perspective of the parties, could give rise to doubts as to my impartiality, independence or availability or that conflict with the agreement of the parties.

*Please use this field to explain any disclosures. Please add another sheet if required.*

## III. AVAILABILITY

Based on current information, I confirm that I will have the necessary time to conduct the proceedings in a way that is diligent, efficient and in compliance with the Vienna (Investment) Mediation Rules 2021.

I am not aware of any time-intensive professional duties that would preclude me from fulfilling the duties required of the office of mediator.

I currently exercise the following professional activities (e.g. mediator, arbitrator, scholar, attorney, etc.):
*Please add an additional sheet, if necessary.*

## IV. QUALIFICATIONS

☐ I am not aware of any circumstances that speak against my qualification to act as a mediator.

☐ I specifiy the following circumstances with regard to my qualification, in particular the qualification requirements agreed by the Parties:

## VI. HOURLY OR DAILY RATE

Please provide your proposed hourly or daily fee rate excluding VAT. Please also indicate whether any VAT is applicable to you rates.

Mediators' fees are based on actual time spent and are determined according to hourly or daily rates. Before the transmission of the file, the Secretary General will fix the mediator's fee rate after consulting with the mediator and the parties, considering the circumstances of the case (Art. 8 para. 6 Vienna (Investment) Mediation Rules 2021).

Please note that any separate fee arrangements between the mediator and the parties are prohibited.

☐ **Hourly rate** **Currency and Rate (excl. VAT):**

☐ **Daily rate** **Currency and Rate (excl. VAT):**

**Applicable VAT:**

**Party 1 share:** ☐ **Yes** ☐ **No** **Tax rate:**

**Party 2 share:** ☐ **Yes** ☐ **No** **Tax rate:**

*Please add additional information, if necessary:*

## VII. ACCEPTANCE OF THE VIENNA (INVESTMENT) MEDIATION RULES 2021

☐ I accept the provisions of the Vienna (Investment) Mediation Rules 2021, in particular the rules on costs pursuant to Art. 8 Vienna (Investment) Mediation Rules 2021. I explicitly agree that, upon termination of the proceedings, the Secretary General determines the mediators' fees and expenses in a binding manner (Art. 8 para. 4 Vienna (Investment) Mediation Rules 2021).

☐ I have also received the "Guidelines for Mediators", have read them, and acknowledge their content is binding on me.

If Annex 4 (Appointing Authority) or Annex 5 (Administering Authority) to the Vienna (Investment) Mediation Rules 2021 is applicable:

☐ I accept the provisions of Annex 4 or Annex 5 to the Vienna (Investment) Mediation Rules 2021. I have also received and read the "Guidelines for Mediators" and acknowledge that their content is binding on me, as far as applicable in the context of Annex 4 or Annex 5 to the Vienna (Investment) Mediation Rules 2021.

**Date** **Signature**

## VIII. PRIVACY STATEMENT

The data requested in this form is collected by VIAC pursuant to Art. para. 3 Vienna (Investment) Mediation Rules 2021 for use in the proceeding in which you act as a mediator. The data is stored in VIAC's case management databases. VIAC or processors on VIAC's behalf process this data. In order to administer the proceedings in which you act as mediator, VIAC requires this data. As far as necessary for the administration of the proceeding in which you act as mediator, your data can also be transferred outside of the EU or the EEA. This amounts to a derogation for specific situations as per Art. 49 para. 1 GDPR, i.e. data transfer that is necessary for the establishment, exercise or defense of legal claims. After termination of the proceedings, VIAC is entitled to dispose of the entire case file, with the exception of decisions (Art. 12 para. 9 Vienna (Investment) Rules 2021 in connection with Art. 11 Vienna (Investment) Mediation Rules 2021). VIAC may, however, store your data for the duration necessary for the establishment, exercise or defense of legal claims. You have the right to access, rectify, and erase data as well as restrict and object to the processing of data and data portability.

Our contact details are: VIAC - Vienna International Arbitral Centre of the Austrian Federal Economic Chamber, Wiedner Hauptstraße 63, 1045 Vienna, Austria, T +43 5 90 900 4397, F +43 5 90 900 216, E office@viac.eu.

The contact details of our data protection office are: Austrian Federal Economic Chamber, Wiedner Hauptstraße 63, 1045 Vienna, Austria, T +43 5 90 900, F +43 5 90 900 250, E dsb@wko.at.

If you consider that the processing of your data violates data protection law, or that your data protection rights have been violated in any other manner, you can file a complaint with the data protection authority.

**Date** **Signature**