

VIAC – Questionnaire for Arbitrators

1. Name: Dr. iur. Dr. phil. Adolf Peter, LL.M., MA, CSE

2. Citizenship: Austrian

3. Contact information:

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4. Current position:

Associate Professor, Shanghai University of Political Science and Law (SHUPL)

Independent Arbitrator

Certified Supervisory Expert

5. Education:

2020: Karl Franzens University of Graz, Austria, Master in Applied Ethics (MA)

2012: Karl-Franzens University of Graz, Austria, PhD in Philosophy (Dr. phil.)

2011: Karl-Franzens University of Graz, Austria, Master in Religious Science (MA)

2009: Karl-Franzens University of Graz, Austria, LL.M. in South East European Law & European Integration

2008: Karl-Franzens University of Graz, Austria, PhD in Law (Dr. iur.)

2003: Karl-Franzens University of Graz, Austria, Master in Law (Mag. iur.)

Several study visits:

2009/2011: Columbia University, New York, USA

2009: Fordham University, New York, USA

2004: Loyola School of Law, New Orleans, USA

2001: University of Oklahoma, Norman, USA

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?

19 (SIAC, ICC, VIAC, CIETAC, ad-hoc)

- How often have you acted as Chairman?

0

- How often have you acted as Sole Arbitrator?

0

- How often have you acted as Co-Arbitrator?

0

- How often have you acted as Counsel?

14

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

5

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

Publications:

- 1) *Peter*, Procedural Considerations in CIETAC Arbitrations Seated in Vienna (to be published in May 2021 in the Asian International Arbitration Journal, AIAJ).
- 2) *Peter*, CSR and Codes of Business Ethics in the USA, Austria (EU) and China and their Enforcement in International Supply Chain Arbitrations (book published on 24 February 2021 by Springer; ISBN 978-981-336-073-0).
- 3) *Peter*, The CIETAC European Arbitration Centre – Implications of a Vienna-seated CIETAC Arbitration, *SchiedsVZ* (German Arbitration Journal) 5/2019, p. 251.
- 4) *Peter*, The CIETAC European Arbitration Centre – Some Legal Implications of a Vienna-Seated CIETAC Arbitration, June 2019, <https://www.siarb.org.sg/resources/newsletters/120-articles/373-the-cietac-european-arbitration-centre-some-legal-implications-of-a-vienna-seated-cietac-arbitration>.
- 5) *Peter*, Austria and the Chinese Belt and Road Initiative: Arbitration or Litigation as the Preferred Means for the Settlement of Potential Disputes between Austrian and Chinese Companies? In *Kaminski* (Ed.), *Chinese Strategies in Politics, Foreign Policy, Security Policy, Economy and Law* (2019) p. 247.
- 6) *Peter*, CIETAC in Wien und Anerkennung und Vollstreckung von Gerichtsurteilen und Schiedssprüchen im Verhältnis China-Österreich [CIETAC in Vienna and Recognition and Enforcement of Court Judgments and Arbitral Awards in Relations between China and Austria], *Austrian Chinese Business Association (ACBA), Annual Report 2019*, p. 102, <https://www.acba.at/jb2019/>. The article was also published in Chinese: 维也纳中国国际经济贸易仲裁委员会与中奥之间法院判决及仲裁裁决之承认与执行, 奥中商业协会, 2019 年度报告, p. 83, <https://www.acba.at/jb2019/>. The article deals with CIETAC's office in Vienna and the recognition and enforcement of judgments and arbitral awards between China and Austria.
- 7) *Peter*, The Significance of Arbitration Clauses in Commercial Agreements with Indian Parties and the Possibility of Incorporating Arbitration Clauses by Means of a Previous Course of Dealing in SIAC Arbitration Proceedings, *SchiedsVZ* (German Arbitration Journal) 3/2018, p. 165.

- 8) *Van Poucke/Peter*, Third-party funding is now legally permissible in international arbitral proceedings taking place in Singapore (March 2017) <https://aditus-singapur.com/news/singapore-update-third-party-funding/>.
- 9) *Peter*, Prozessuale Problemstellungen bei Schiedssprüchen zu langfristigen Liefer- und Bezugsverträgen [Procedural Issues in Arbitral Awards Involving Long-Term Supply and Purchase Agreements], Austrian Lawyers Gazette (AnwBl) 02/2017, p. 76. This article examines various procedural issues in connection with arbitral awards dealing with long-term supply agreements.
- 10) *Peter*, Die prozessuale Kompetenz von Schiedsgerichten zur rechtsgestaltenden Vertragsanpassung nach österreichischem Recht, SchiedsVZ (German Arbitration Journal) 1/2017, 17. This article answers the question, whether arbitral tribunals seated in Austria are authorized to render arbitral awards containing a constitutive contractual adaptation on the basis of price adaptation clauses in long-term agreements. *Peter*, Die prozessuale Kompetenz von Schiedsgerichten zur rechtsgestaltenden Vertragsanpassung nach österreichischem Recht [The Procedural Competence of Arbitral Tribunals for a Constitutive Contractual Adaptation Pursuant to Austrian Law], SchiedsVZ (German Arbitration Journal) 1/2017, p. 17. This article answers the question, whether arbitral tribunals seated in Austria are authorized to render arbitral awards containing a constitutive contractual adaptation on the basis of price adaptation clauses in long-term agreements.
- 11) *Peter*, Cross-examination und document production nach US-amerikanischem Vorbild in internationalen Schiedsverfahren mit Sitz in Österreich: Kollision mit österreichischem Schiedsverfahrens- bzw. Prozessrecht? [Cross-Examination and Document Production Pursuant to the US-American Model in International Arbitration Proceedings Based in Austria: Collision with Austrian Arbitration and Procedural Law?] SchiedsVZ (German Arbitration Journal) 4/2016, p. 199. This article deals with the application of Anglo-American principles in evidentiary proceedings in international arbitration. The article examines in its first part if cross-examination is legally permissible in arbitral proceedings taking place in Vienna. The second part focuses on document production and provides a case study on the gas storage market.
- 12) *Kutschera/Frenzel/Peter*, Beteiligungserwerb durch Tausch gegen eigene Aktien nach österreichischem Recht [The Acquisition of an Equity Interest in Exchange of Treasury Shares Pursuant to Austrian Law], in Cascante/Spahlinger/Wilske (Ed.) Global Wisdom on Business Transactions, International Law and Dispute Resolution, Festschrift für Gerhard Wegen zum 65. Geburtstag (2015), p. 241.
- 13) *Kittel/Peter*, Die Wirkung der Entlastung bei der Aktiengesellschaft [The Legal Implications of a Discharge of Management Board Members in an Austrian Stock Corporation], Aufsichtsrat aktuell 1/2014, 8.
- 14) *Peter*, Tea Party und Evangelikalismus in den USA. Die Entwicklung bis zum US-Präsidentenwahlkampf 2012 (2012) [Tea Party and Evangelicalism in the USA. The Development until the Presidential Election Campaign 2012 (2012)]. My PhD thesis in Religious Science (467 pages) was published by the German publisher Südwestdeutscher Verlag für Hochschulschriften.
- 15) *Peter*, Die Verwaltungsstruktur der Aktiengesellschaft in Bulgarien, den USA und Österreich. Mit den Schwerpunkten Beratungsverträge, Arbeitnehmermitbestimmung und Unabhängigkeit der Aufsichtsratsmitglieder bzw. outside directors (2010) [The Administrative Structure of Stock Corporations in Bulgaria, the USA and Austria. With a Focus on Consulting Contracts, Employee Participation and Independence Criteria for Supervisory Board Members and Outside Directors (2010)]. My LL.M. thesis in law (221 pages) was graded "excellent", was published by the German publisher Diplomica Verlag GmbH and outlined the advantages and disadvantages of monistic, dualistic and mixed management and administrative systems for stock corporations.

- 16) *Peter*, Der US-amerikanische "Sarbanes-Oxley Act of 2002". Seine Auswirkungen auf die an der New York Stock Exchange notierenden österreichischen Aktiengesellschaften (2008) [The US Sarbanes-Oxley Act of 2002. Its Effects on Austrian Stock Corporations Listed on the New York Stock Exchange (2008)]. My PhD thesis in law (316 pages) was published by the German publisher Diplomica Verlag GmbH and focused on the extraterritorial effects of the US-Sarbanes-Oxley Act regarding the certification requirements for CEOs and CFOs and the independence criteria for audit committee members.

Conferences and Webinars:

- 1) Book Launch Webinar (28 April 2021)
Book: *Peter*, CSR and Codes of Business Ethics in the USA, Austria (EU) and China and their Enforcement in International Supply Chain Arbitrations (Springer, February 2021)
Organizers: Asian Institute of Alternative Dispute Resolution (AIADR); Shanghai University of Political Science and Law (SHUPL)
Supporting organisations: Springer Nature; China Maritime Arbitration Commission (CMAC)
- 2) Speaker / organizer: SHUPL International Arbitration Conference (8 April 2021)
Organized by Shanghai University of Political Science and Law (SHUPL)
Panel: International Multi-Party, Multi-Contract and Supply Chain Arbitrations
Topic: How to Reduce Greenwashing and to Enforce CSR Policies in International Supply Chain Arbitrations
- 3) Speaker at the 2nd THAC International ADR Conference 2019 in Bangkok, Thailand (13 – 14 May 2019)
Panel: Supporting the Belt and Road: Dispute Resolution Options within ASEAN
Topic: The CIETAC European Arbitration Centre – Some Legal Implications of a Vienna-Seated CIETAC Arbitration
- 4) Speaker at the conference "Chinese Strategies in Politics, Foreign Policy, Security Policy, Economy and Law" at the Austrian Ministry of Justice in Vienna (18 – 19 October 2018)
Topic: Austria and the Chinese Belt and Road Initiative (BRI): Arbitration or Litigation as Preferred Means for the Settlement of Potential Disputes between Austrian and Chinese Companies
- 5) Moderator at a joint VIAC-SIAC-SIMC event at Maxwell Chambers, Singapore (12 April 2018)
Topics: One Belt One Road; SIAC-SIMC Arb-Med-Arb Protocol, SIAC proposal on a cross-institution consolidation protocol
- 6) Speaker at the Vienna Imperial Palace, Vienna (15 March 2018), Moderator: Dr. Hannes Jarolim (Member of Austrian Parliament); organized by Prof. Gerd Kaminski, Austrian-Chinese Legal Society
Topic: The Significance of Arbitration Clauses in Contracts with Chinese and Indian Parties: Incorporation by Previous Course of Dealing
- 7) Speaker at the AIAC YPG Conference, Kuala Lumpur (1 March 2018)
Topic: One Belt One Road: The Impact on Austria

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

Memberships in Panels of International Arbitration Institutions

- 1) Singapore International Arbitration Centre (SIAC, Reserve Panel)
- 2) Vienna International Arbitral Centre (VIAC)

- 3) Shanghai International Arbitration Centre (SHIAC)
- 4) Hainan International Arbitration Centre (HIAC)
- 5) Asian International Arbitration Centre (AIAC)
- 6) Badan Arbitrase Nasional Indonesia (BANI)
- 7) Thailand Arbitration Centre (THAC)

Memberships / Fellowships / Certificates

- 1) Fellow the Singapore Institute of Arbitrators
- 2) Fellow of the Asian Institute of Alternative Dispute Resolution (AIADR)
- 3) Senior Fellow of the Austrian-Chinese Legal Society
- 4) Senior Fellow of the Bali International Arbitration and Mediation Centre (BIAMC)
- 5) Member of the Chartered Institute of Arbitrators (CIArb)
- 6) Member of the SIArb Publications & Website Committee
- 7) Member of the Austrian Arbitration Association (ArbAut)
- 8) AIAC Certificate Programme in Sports Arbitration (September 2017)
- 9) Certified Supervisory Expert (CSE)

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 / German

10. In which legal systems have you trained?

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Civil Law | <input checked="" type="checkbox"/> Common Law | |
| <input checked="" type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law | <input type="checkbox"/> Swiss Law |
| <input type="checkbox"/> Czech Law | <input type="checkbox"/> Polish Law | <input type="checkbox"/> Ukrainian Law |
| <input type="checkbox"/> German Law | <input type="checkbox"/> Slovakian Law | <input checked="" type="checkbox"/> European Law |

Other _____

11. What is your main jurisdiction of practice?

China, Austria

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 | <input type="checkbox"/> Energy | <input checked="" type="checkbox"/> Joint ventures | <input type="checkbox"/> Shipping |
| <input type="checkbox"/> Civil fraud disputes | <input type="checkbox"/> Engineering | <input type="checkbox"/> Licensing | <input type="checkbox"/> Sports |
| <input checked="" type="checkbox"/> 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 |
| <input checked="" type="checkbox"/> Company/Corporate/M&A | <input type="checkbox"/> Hotel/Gastro./Tour. | <input type="checkbox"/> Media | <input type="checkbox"/> Telecommunication |
| <input checked="" type="checkbox"/> Construction | <input type="checkbox"/> Inform. technology (IT) | <input type="checkbox"/> Mining | <input type="checkbox"/> Transport |
| <input checked="" type="checkbox"/> Contract law | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Natural resources | |
| <input type="checkbox"/> Other _____ | | | |

14. Date of birth: 22 February 1974

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>.

4 April 2021

Date