

# Kluwer Arbitration Blog

## New VIAC Selected Arbitral Awards Published Through the ITA Arbitration Report and Kluwer Arbitration

Elisabeth Vanas-Metzler, Anna Förstel-Cherng (Vienna International Arbitral Centre, VIAC) · Monday, November 20th, 2023

The Vienna International Arbitral Centre of the Austrian Federal Economic Chamber (VIAC)'s Selected Arbitral Awards are intended to provide a unique and valuable insight into a diverse range of important and challenging procedural and substantive issues, which have arisen in international arbitration under the auspices of the Vienna Rules since its inception in 1975. The [first volume of selected arbitral awards](#) was published in 2015 on the occasion of VIAC's 40th anniversary and consisted of 60 awards. It was first published in [hard copy](#) and has since also been made available on the [Kluwer Arbitration](#) database. It served as VIAC's response to the increasing call of parties, counsel and arbitrators alike for greater transparency in arbitration through enhanced access to arbitral awards and their reasoning.

Given the great success of the first publication, VIAC is honoured to continue its valuable collaboration with Kluwer Arbitration. [The second set of arbitral awards](#) will be made available online through a special edition of the [ITA Arbitration Report](#) and the Kluwer Arbitration database. This second edition builds on the first volume and is intended to provide a modest but concrete step towards fostering greater familiarity, predictability and confidence in relation to the international arbitral process, including the award as its end result.

It is essential to note that VIAC has, as a fundamental element of this initiative, ensured the privacy and confidentiality of the parties to the respective arbitrations by publishing summarised abstracts of awards with party names and other identifying factors redacted accordingly.

### Structure and Content

The second volume will contain 25 anonymised summaries of VIAC arbitral awards rendered after 2015, the cut-off date for the first volume of this publication. The case numbers follow on from the case numbers in Volume 1, i.e. the first case in Volume 2 is referred to as "C 61".

As with the first volume, when selecting arbitral awards VIAC filtered the most interesting procedural and often substantive issues under the [VIAC Rules of Arbitration and Mediation](#) (the Vienna Rules). We adhered to the original labeling of the award e.g. as interim or partial award as assigned by the arbitral tribunal and also as much as possible to the original wording of the awards. Quotes and references in the abstracts are taken directly from the awards, i.e. reflect the exact

wording of the respective sole arbitrator or arbitral tribunal. Accordingly, VIAC does not assume any liability for the correctness of any such quotes or references.

The structure of the publication follows a uniform structure comparable to the structure in the first volume.

The cases refer to different versions of the Vienna Rules. Reference to “Vienna Rules” indicates the relevant Article of the Vienna Rules 2021, while references to previous versions are indicated as such. The abstracts include endnotes stating the corresponding provision of the Vienna Rules 2021 as a comparison.

All abstracts were prepared in the original language of the award, i.e. either English or German. The German abstracts were translated into English by the VIAC Secretariat.

Volume 1 included 36 annotations drafted by renowned arbitration experts on particularly important and recurring arbitration issues. Insofar as the cases in Volume 2 relate to these annotations, references are contained at the end of the respective case summary. VIAC intends to organise updated / additional annotations based on the awards contained in Volume 2, these annotations will be published on a rolling basis.

## **VIAC**

VIAC was established in 1975. In the Preface of Volume 1, DDr. Werner Melis, the then Honorary President of VIAC describes the history and evolution of VIAC.

VIAC continues to grow and evolve, always building on its solid foundation.

Since the publication of the first volume in 2015, VIAC has extended its scope to now include the administration of purely domestic disputes. Based on the amendment to Section 139 (2) WKG (BGBl I No 103/1998 as amended by BGBl I No 73/2017), the administration of all domestic arbitrations has been bundled at VIAC, i.e. the old arbitration courts of the Regional Economic Chambers have been dissolved and their competences transferred to VIAC, with transitional provisions included in the Vienna Rules. VIAC is now eager to expand the number of purely domestic arbitration cases under its rules.

The Vienna Rules have undergone two amendments. The first amendment came into force in 2018 to reflect VIAC’s ability to, amongst others, administer purely national disputes as mentioned above. The second amendment of the Vienna Rules entered into force on 1 July 2021. The latter revision was triggered by the drafting of the new VIAC Rules of Investment Arbitration and Mediation, which also entered into force on 1 July 2021.

As of the date of publication VIAC boasts its highest case load to-date. Currently, there are 79 pending cases with an aggregated amount in dispute of EUR 1.9 billion being administered by VIAC. The vast majority of cases are international arbitration cases (85 %), followed by domestic arbitration cases (13 %) and investment and mediation cases. Compared to November 2022, the number of new cases filed at VIAC have increased by 53 %.

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## Acknowledgments

This publication has been realised by the tremendous effort of past and current team members of the VIAC Secretariat. A project of this size is quite an undertaking for such a small team and VIAC recognises and appreciates the efforts of each individual that brought this project to fruition.

The project was initiated by VIAC's former Secretary General Alice Fremuth-Wolf and pursued by VIAC's current Secretary General, Niamh Leinwather, both of whom recognised the necessity for more transparency in international arbitration and answered the call of the arbitration community.

The Austrian Arbitration Association (ArbAUT) provided immense support in breathing life into this initiative. This close cooperation with VIAC for the benefit of Vienna as a place of arbitration is very much appreciated.

Several team members of the VIAC Secretariat namely Jessica Pühr, Klaudia Sood, Ema Potocnik, Veronika Macha, and former team members Stephan Karall and Silvia Freisehner were responsible for anonymising and summarising the respective arbitral awards alongside their daily work load. Heartfelt thanks goes to each of them.

Johanna Kathan-Spath deserves a special mention for reading and analyzing the awards, preparing and organizing the draft abstracts, as well as editing several parts of the publication.

Sincere thanks go to VIAC's Deputy Secretaries-General. The project was first supervised by Elisabeth Vanas-Metzler who passed it on to Anna Förstel-Cherng upon her appointment. Anna has shown extraordinary commitment in the last six months in reviewing and revising the final version of the abstracts and simply getting this project over the finishline.

Finally, we are extremely grateful to Crina Baltag and Vincent Verschoor on behalf of Wolters Kluwer / ITA, for fostering this project, providing VIAC with the requisite support and for their patience. It has been a pleasure to collaborate with you.

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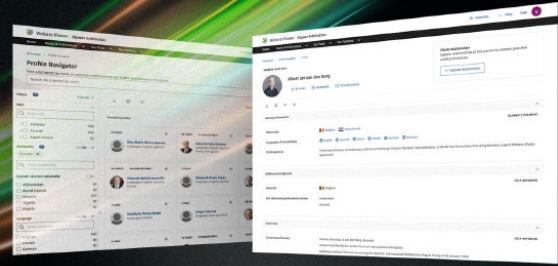
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