



ECKART BRÖDERMANN (BORN 1958 IN HAMBURG, GERMANY)

Trained in three jurisdictions, Eckart Brödermann has worked on cross-border contracts, has shaped international transactions and has played a role in international arbitrations around the globe for 30 years.

As counsel to companies, he has negotiated dozens of cross-border contracts, including complex construction, international joint ventures, company sales, cross border investments and commercial contracts. He has advised international organisations; and foreign companies reaching out to Europe and beyond, e.g. by setting up the legal structure for worldwide distribution and sales activities including contracts and the founding of companies in foreign jurisdictions. He has advised German industry reaching out to international markets, e.g., as lead external counsel by negotiating a complex multi-billion Euro contract with the Algerian state. He has orchestrated investments from Asia to Asia and to the Americas, from the U.S. to the U.K., or from Russia to Asia. His legal work related to more than 20 industries including construction (cars, plants, ships, off-shore structures), cosmetics, defence, energy (oil & gas, wind, biogas, solar), food (coffee), health, IT, machines, media (books), pharmaceuticals, real estate, satellite, telecommunication, textile, transportation, sports (sponsoring and marketing).

Eckart has been involved in arbitration since 1983 (*inter alia* on an arbitration case pending at the Iran Claims Tribunal in the oil & gas sector). In recent years, he has concentrated his professional life on arbitration, an area of law in which he has been writing and teaching for many years. He has played a role in over 50 arbitrations in various capacities (and relating to 14 different sets of arbitration rules). In ca. 20 arbitrations relating to over 10 different industries, including **construction**, he has sat as arbitrator, including chairmanship in a CIETAC arbitration (Shanghai) and in ICC and DIS arbitrations in Germany. He was recently involved as an expert in a 15 billion USD case (oil and gas related).

He works in English, French, German and Italian.

Veillez voir une version française de ce sommaire tout en bas.

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CURRICULUM VITAE
Prof. Dr. Eckart Brödermann

Positions & Memberships

Present:

- Arbitrator
- Founding Partner of the law firm **Brödermann Jahn**, Hamburg (since its foundation in 1996)
- Professor at **Hamburg University Faculty of Law** (since 2011, with a focus on international arbitration, international contracts and comparative law)
- Author (e.g. UNIDROIT Principles of International Commercial Contract, an article-by-article commentary, 2018; 2nd edition 2023)
- Senior Vice President, International, of the **International Society of Primerus Law Firms**
- Vice President, **Arbitration Centre of the German-Bulgarian Chamber of Commerce** (Sofia) (since 2016)
- Honorary Chairman, **Chinese European Arbitration Association** (since 2021)
- Fellow, **Chartered Institute of Arbitrators**, London (since 2011)
- Member, **International Council for Commercial Arbitration** (since 2012)
- Member, **ICC Commission on Arbitration and ADR** (since 2015)
- **Chair**, *Joint Chamber of Hamburg, Schleswig-Holstein and Mecklenburg-Western Pomerania on the Admission of Bar Certified Specialists in International Business Law*

Past

ARBITRATION RELATED

- Hon. Member of the Board, **Chinese-European Legal Association** (2012-2019; formerly Founding President 2008 and initiator of the project on behalf of the Hamburg Bar from 2004-2008)
- Honorary Managing Director, **Chinese European Arbitration Centre** (2012-2019)
- Vice Chair, International Dispute Resolution and Arbitration Committee of the **Inter-Pacific Bar Association** (2012 - 2016)

OTHER ACTIVITIES

- Member of the Board, **Hamburg Bar** (2001-2020, 2013-2014 Vice President, Member, Vice-Chair and later Chair of various sub-committees over the years)

- Member, **Expert Group of the German Federal Bar on Private International Law** (*BRAK Ausschuss Internationales Privat- und Prozessrecht*) (2012-2019)
- Regarding the preparation of the **UNIDROIT Principles of International Commercial Contracts 2010**: *observer* representing the International Bar Association (Space Law Committee) of the UNIDROIT Working Group (2007-2010)
- Regarding the preparation of **Model Clauses for the Choice of UNIDROIT Principles of International Commercial Contracts**: *observer* representing the Chinese European Arbitration Centre (2013)
- Regarding the preparation of the **Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets**, opened to signature in Berlin in March 2012: *observer* representing the International Bar Association (Space Law Committee) at, first, the Government/industry forum (*The Views of Government and industry on how best to finalise an expansion of the Cape Town Convention to cover space assets*) held in New York in June 2007, secondly, the third session of the UNIDROIT Committee of governmental experts for the preparation of a draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets, held in Rome in December 2009, and, thirdly, the diplomatic Conference to adopt the draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets, held in Berlin in February and March 2012
- Member, **Expert Group of the German Federal Bar on Deregulation and Competition** (*BRAK Ausschuss Deregulierung und Wettbewerb*) (2003-2010)
- Chair, Space Law Committee (formerly Outer Space Committee) of the **International Bar Association** (2008-2009; after several years on the board)
- **Expert to the European Commission** (network of stakeholders within the Common Frame of Reference-project), 2004-2006 (with contributions on surety-ship law)

Experience in Arbitration

AS ARBITRATOR

NOTE: DIS = Deutsche Institution für Schiedsgerichtsbarkeit, the German Institute for Arbitration

- 2018 – 2019 **Chairman** in a German DIS –arbitration (competition and corporate law), settled by an Award on Agreed Terms incl. 19 parties and transfers of shares)
- 2016-2017 **Chairman** in a foreign related **DIS**-arbitration (international post M&A dispute; multi-million USD-dispute) (settled by an Award on Agreed Terms)
- 2016 **Chairman** in a German corporate law **DIS**-arbitration regarding the transfer of ownership in a closely held partnership (settled by an Award on Agreed Terms)
- 2015/16 **Co-Arbitrator** in a German **DIS**-arbitration (Distribution Law) (settled by an Award of Agreed Terms)
- 2014/15 **Co-Arbitrator** in an **ad hoc** arbitration regarding a dispute between shareholders (settled by an Award on Agreed Terms)
- 2014/15 **Co-Arbitrator** in a **DIS**-arbitration relating initially to post M&A-issues, later only to cost issues (settled)
- 2013/14 **Presiding Arbitrator** in a contractual dispute about contractual rights with respect to the Chinese market in the pharma industry (multi million Euro case in Shanghai under the **CIETAC** Rules, *pharmaceutical* industry), finished by an award (190 pages)
- End 2012-14 **Co-arbitrator** in a **DIS**-arbitration on issues at the borderline between **plant construction** and *company law* issues connected with the liquidation of a construction company (decided by award)
- 2012/13 **Co-arbitrator** in a dispute about a failed *large law firm merger (ad hoc* arbitration)
- 2008/09 **Co-Arbitrator** in an **ad hoc** arbitration proceeding concerning a dispute between shareholders of a professional service company (*company and contract law*), including an interim procedure on the challenge of an arbitrator
- 2008/09 **Co-Arbitrator** in an **ad hoc** arbitration proceeding on a dispute between shareholders of a professional service company (*company, pension and contract law*)
- 2007/08 **Co-Arbitrator** in an arbitration under the arbitration rules of the **Stockholm Chamber of Commerce** (solar business; Chinese-German dispute; finished by an award, co-authored)
- 2007 **Co-Arbitrator** in a **DIS**-arbitration relating to the sale of a company with polluted *real estate* among the assets; settled after one hearing by Award on agreed terms
- 2006/07 **Chairman** in an international **ICC**-arbitration (*franchise law*); settled by Award on agreed terms after one hearing

- 2006 Co-Arbitrator in an **ad hoc** arbitration in Germany in a dispute between shareholders regarding the validity of shareholder resolutions
- 2005/2006 Co-Arbitrator in an **ad hoc** arbitration in Germany in an Italian-German case relating to the acquisition of a German investment bank (settled after the oral hearing)
- 2005/2006 Co-Arbitrator in an **ad hoc** arbitration initiated by a Russian corporation against a Dutch company regarding the costs for the **construction of a vessel**. Settled by Award on agreed terms
- 2005/2006 Co-Arbitrator in a **DIS**-arbitration initiated by a German listed company against its former Swiss service partner regarding the establishing of a *sport* sponsorship concept (large case)
- 2005 Co-Arbitrator in a **DIS**-arbitration initiated by a Danish public stock corporation against a German company regarding the delivery of spares for certain appliances in *rail vehicles and trains* (Arbitration Award with agreed wording)
- 1999-2001 Co-Arbitrator in an **ad hoc** arbitration on damages in Hannover, Germany, in a case on the somewhat unfortunate development of *IT-Chips* (value: ca. 0,75m €)
- 1997 First appointment as Sole Arbitrator in a cross-cultural company law case in Hamburg, Germany, involving German and US shareholders regarding the dissolution and transfer of assets of various companies (*musical industry; ad hoc*; value: ca. 300.000 €; settled)

AS COUNSEL

- 2020 Support to Brödermann Jahn Team presently handling a Fidec DRB procedure in London in a state related multimillion international **construction** dispute
- 2020 Advice on arbitration clauses and setting up a global regime with varying arbitration scenarios for a global US based manufacturing company with affiliates in multiple jurisdictions on five continents
- 2019 Counsel in a Russia related CEAC arbitration
- 2019 Counsel on numerous arbitration issues (incl. arbitration agreements, enforcement in the UK against a sovereign state)
- 2018 Counsel in a German CEAC arbitration regarding a contract of sales against respondent from Hong Kong
- 2017 Legal Opinion on the chances of success in an Energy Charter / Bilateral Investment Treaty case (Germany/Poland)
- 2016-2017 Counsel – legal advice (and a legal opinion) in an investment arbitration dispute (notification to a government in Europe)
- 2016 Legal Advice to an international organisation acting around the globe on the arbitration and choice of law clauses in their templates

- 2016 Co-Counsel in a **CEAC** claim of a Chinese company against a German company (dispute over a series of frame agreements and ca. 300 sales contracts)
- 2015 Co-Counsel in preparing an **ICC** claim of a Chinese company against a German financial institution (investment dispute)
- 2015 Co-Counsel in an enforcement action concerning a **UK ad hoc** arbitral award in Germany against a Panamese company
- 2015 Legal Advice on a DIS-arbitration (settled after introduction of the arbitration)
- 2014 Legal Advice on contract interpretation, and in particular the options and risks of arbitration in a complex multi-party **construction** dispute with relation to five jurisdictions in Europe, Africa and Asia and a variety of (sub-)contracts (**ICC**)
- 2013 Legal Opinion on a Brazilian-Swiss arbitration over a contract dispute, which, in light of certain standard terms of contract, led to institutional arbitration in Hamburg, Germany (**coffee industry arbitration: Schiedsgericht des Deutschen Kaffeeverbandes e.V. bei der Handelskammer Hamburg**), review of the options to seek an annulment of the arbitration award at the competent court at the seat of the arbitration tribunal
- 2013 Co-Counsel in a German contract dispute relating to Hamburg regional institutional **arbitration rules in the agricultural (grain) sector (Schiedsgericht des Vereins der Getreidehändler der Hamburger Börse e.V.)**: A series of 12 Court of Appeal cases with parallel court cases on the constitution of the arbitral tribunals
- 2013 Counselling in the early stages of an *investment treaty* case involving the Treaty between the Federal Republic of Germany and the Republic of Honduras concerning the Encouragement and Reciprocal Protection of Investments dated 21 March 1995 including its Protocol of the same date and possible arbitral proceedings of a citizen of one of the Member States before the International Centre for Settlement of Investment Disputes (**ICSID**) based on that Treaty.
- 2012/14 Lead Counsel in a multi-jurisdictional ICC – enforcement case (>60 Mill. €) under the **New York Convention** relating to a Swiss ICC-award with complex issues relating to the identity of the debtor (recognition and enforcement action in Germany and coordination and supervising of parallel actions in further jurisdictions)
- 2010/11 Supervision of the Brödermann Jahn team counselling a Turkish Respondent in an **ICC** arbitration in Istanbul over the sale of a ship propulsion package.
- 2010/11 Lead Counsel in an **UNCITRAL** arbitration in London and parallel court litigation in Germany in a Brazilian-German case concerning the interpretation of an international **construction** contract as well as claims in tort in connection with a fatal accident at an off-shore oil platform near Brazil
- 2010 Advisory Counsel in a **Czech** arbitration proceeding regarding 30.000 apartments related to the privatisation of the Czech coal industry, in front of the **Arbitration Court** attached to the **Chamber of Commerce of the Czech Republic and Agrarian Chamber of the Czech Republic** (value 30 Million

- CZK), including the development of a strategy for a bilateral **investment** treaty claim
- 2009/10 Co-Counsel in an **ICC**-arbitration (dispute regarding a shareholder dispute)
- 2008 Advice on and negotiation of a major and complex multi-party arbitration agreement for an international **construction** project with relation to three jurisdictions in Asia, Africa and Europe (**DIS**)
- 2006 Support as Co-Counsel in a **Ghanaian** arbitration procedure
- 2004/2006 European Lead Counsel in an *ad hoc* arbitration in **Switzerland** concerning the cooperation of two European Holding Companies with respect to transportation services in Africa through local affiliates in six African countries (local law combined with umbrella clauses, value: ca. 6m US\$).
- 2004/2006 Counsel in an arbitration in Switzerland under the **Swiss Rules** of International Arbitration against a state owned company of an Asian state concerning telecommunication and corporate issues (damages of ca. 10m US\$)
- 2004/2005 Co-Counsel for strategic advice on the options for a multiple-arbitration and -litigation case relating to ten jurisdictions in a case concerning *foreign investments* and assets of a multinational company (multibillion dollar case relating to a Russian expropriation and including **investment arbitration** issues).
- 2003 Lead counsel in the preparation of an **ICC**-arbitration proceeding in London, Great Britain, concerning the sale of two Russian companies by a US seller to a South European purchaser owned by and managed through a Swiss holding under a purchase agreement containing a choice of English law clause; case settled through negotiations in Paris
- 2003 Counsel in a **DIS**-arbitration on behalf of a client from Jersey, Europe, against a Russian defendant; settled after service of the claim
- 2001-2003 Lead Counsel in a complex Lausanne-arbitration (**arbitration rules of the Chambre de Commerce in Lausanne**) on violation of a satellite contract in Lausanne, Switzerland on behalf of a French owned client from British West India with management in Asia against a state owned telecommunication company in South Europe involving six legal orders, public international law and the UNIDROIT principles (after two successful awards on the merits - on the ground and on the amount of damages -, settlement at the enforcement level, value: ca. 100m US\$)
- 1999-2003 Counsel in a complex *ad hoc* arbitration in Hamburg, Germany, on behalf of six clients from five countries against four defendants from two countries (value: ca. 30 m €)
- 1998 Lead Counsel in Hamburg, Germany, in an action on the corporate liability of a (British) buyer of shares in a German company ("Target") which had been previously "infected" with liability claims due to an *under evaluation of a company* which had been merged into the Target in exchange for the shares (**ad hoc** arbitration; value: ca. 1 m €)

AS EXPERT

- 2019 - 2022 Expert on general principles of law (incl. UNIDROIT Principles of International Commercial Contracts 2016) in a major (multi-billion) state related arbitration (Oil & Gas), **ad hoc** which took several months of my time in 2019 and 2020
- 2013 Expert on German commercial and limited partnership as well as limited liability company law issues in an **LCIA** arbitration in London relating to a multibillion international long term contract dispute (*energy, raw materials*)

AS CASE MANAGER OF AN ARBITRAL INSTITUTION

- 2012 -2019 Case management at the Chinese European Arbitration Centre (“**CEAC**”), 10 cases totalling ca. 60 million Euro aggregated dispute volume, with parties from Canada, China, Germany, Hong Kong (China), Israel, Italy, Spain, with issues related to different industries including **solar, ship construction, trade**.

IN JUNIOR FUNCTIONS (1983-1996)

- 1990-96 Occasional support (as an associate) of a well known arbitrator, then partner of a large law firm, preparing him for arbitration meetings or telephone conferences, e.g. on Terms of Reference (**ICC**) regarding a dispute relating to an investment of a German company in Turkey; during that same time period far >100 court cases (state litigation and bankruptcy hearings)
- 1985/86 Support to a leading German ship-owning and trading company in a series of **GAFTA** arbitration cases (legal research and controlling tasks)
- 1983/84 As a young lawyer, for one year part of a team handling an **UNCITRAL**-arbitration filed before the Iran Claims Tribunal at The Hague, Netherlands

EXPERIENCE IN INTERNATIONAL LITIGATION

- 1983-present Multiple national and international, both straightforward and complex litigations and other court proceedings (in numerous industries, incl. e.g. disputes about gas and other trade contracts and litigation about defects of a car manufacture plant in Germany), incl. enforcement proceedings and multiple proceedings including both litigation and arbitration

EXPERIENCE IN INTERNATIONAL SETTLEMENT NEGOTIATIONS

- 2015 12 months to negotiate settlement in a complex Algerian – Chinese – German – Turkish **construction** project with multiple negotiation rounds, while observing the construction

EXPERT IN COMPLEX CONTRACT NEGOTIATIONS

- 1996-present Multiple negotiations and drafting of multiple contracts including contracts on complex international **construction** and plant **construction** projects, including state related contracts (incl. e.g. the sectors energy, defence [in particular 11 months negotiation abroad in 2008 and 10 months abroad in 2011, as lead counsel in the negotiation on **construction** of complex set of works], **automotive** external counsel on a daily basis since May 2018 for a European subgroup of 23 companies of a Japanese owned Fortune 500-company, with multiple machine, assembly line and automotive past production projects, often under the UNIDROIT Principles of International Commercial Contracts)

Education & Practical Background

SINCE THE FIRST ADMISSION TO A BAR

- Since 2016 **Certified Specialist in International Business Law** (Certified under the German Specialized Lawyer's Rules)
- Since 2011 **Professor at Hamburg University**
- 2011 Fellow, **Chartered Institute of Arbitrators**, London
- Since 1996 Partner, **Brödermann Jahn RA GmbH**, initially founded as law firm Brödermann
- 1994 **Dr. iur.**, Hamburg University
- 1990-96 **Associate** with a major German law firm (up to offer of partnership)
- 1990 Admission to the **Hamburg Bar**
- 1987-90 **Articled Clerkship** in Hamburg, Germany (with various judges incl. a judge at the Hamburg Court of Appeals, with the Hamburg Antitrust Office and with a large law firm)
- 1987 First [German] State Examination (focus on **comparative law** and private international law and international procedure)
- 1987 Summer course at **Hague Academy of International Law**
- 1985-87 Independent **Counsel** (*Rechtsbeistand*) admitted in Hamburg to practice **New York and US Federal Law** (to finance the German studies; with a practice focusing on US-German transactions and investments)
- 1984-87 Studies of **German Law at Hamburg University**
- 1984 Admission to the **New York Bar**
- 1983-84 **Foreign Associate** with Steptoe & Johnson, Washington, D.C.

BEFORE THE FIRST ADMISSION TO A BAR

- 1982-83 **LL.M. (Harvard Law School)**, Study of US law and **international arbitration**, Member of the **East Asian Legal Studies Program**, Master thesis on Chinese maritime law
- 1981-82 **Comparative Studies in Hamburg** (Roman law, comparative law, economics, philosophy) and preparation of the first German publication
- 1981 **Maîtrise en droit** at **University of Paris V** (Malakoff)
- 1980 **Licence en droit**, **University of Paris V** (Malakoff)
- 1980 **Lauréat du Concours Général** (Title awarded by French University Ministry after winning a [French] national competition in History of Law)
- 1979 Summer School at the **University of Thessaloniki** (Greece) on Outer Space Law (incl. preparation of first publication on "*Instant Customary Law*"); summer internship with the **Greek law firm Tinagenis in Piraeus** (maritime law)

Publications

Eckart Brödermann is a co-editor of the Hamburg Law Review.

A **complete list of publications** can be found at my website at Hamburg University (www.uni-hamburg.de). It includes publications on issues of international litigation (especially of company matters), of German civil law, of private international law (e.g. international contract law, international company law), of European contract law, and of antitrust, banking, maritime, satellite and space law.

The following publications relate to arbitration or other ADR tools (non-exhaustive list):

- 2023 **UNIDROIT Principles of International Commercial Contracts** (2nd edition, 810 pages, Wolters Kluwer, with a red cover for the international edition, and Nomos, with a blue cover for the German speaking jurisdictions);
- 2022 **On Choice of Law in Connection With Arbitration and the Applicable Law to Arbitration Agreements, the Main Contract and to Contracts with the Arbitrators**, as part of a commentary on the Rome I Regulation, in: *Prütting/Wegen/Weinreich* (Eds.), *BGB-Kommentar* (commentary on German Civil Code), 17th edition 2022 (since 17 editions)
- 2021 **Overcoming obstacles to the application of the UNIDROIT Principles: Proposal for a Descriptive Choice of the UNIDROIT Principles Clause**, *Uniform Law Review* Volume 26, No. 3, page 453-531
- 2021 **Un système simple pour les rapports internationaux: contrats commerciaux selon les Principes d'UNIDROIT 2016**, *Juriste International* 1/2021, page 86-88
- 2020 **Bridge over Troubled Waters for International Commercial Contracts – The UNIDROIT Principles 2016, An overview from a Long Time User**, *Tulane Journal of International and Comparative Law*, spring issue, Vol. 28, page 193-257
- 2020 **UNIDROIT Principles: Why They Enrich Contract Design - Ten Theses** (in German), *Deutsches Anwaltsblatt*, Vol. 9, page 478-479
- 2020 **Let the Kite Fly – An International Law Fairy Tale on Private International Law**, in: *National, International, Transnational: Harmonischer Dreiklang im Recht*, Festschrift for Herbert Kronke to celebrate his 70th birthday, page 15-30
- 2019 **“Conflict of Law Cases before International Arbitration Tribunals”**: *Part II: Die Anwendung des Internationalen Privatrechts in der Praxis, Subpart “B. Exkurs: Kollisionsfälle vor Schiedsgerichten”*, in: *Internationales Privat- und Zivilverfahrensrecht*, 8th edition (with *Joachim Rosengarten*)
- 2018 **UNIDROIT Principles of International Commercial Contracts** (529 pages, Wolters Kluwer 2018, with a red cover for the international edition, and Nomos 2018, with a blue cover for the German speaking jurisdictions);
Reviewed in twenty (20) jurisdictions including, *inter alia*, by Klaus Peter Berger, *UNIDROIT Principles of International Commercial Contracts—An Article-by-Article Commentary*, *Eckart J. Brödermann*, *Published by Wolters Kluwer*, 34 *ARBITR INT.* 469, 469-71 (2018); Petra Butler, *Book Review: UNIDROIT Principles of International Commercial Contracts—An Article-by-Article Commentary*, 49 *VICTORIA U. WELLINGTON L. REV.* 409, 410 (2018); Ian Davidson, *Book Review, UNIDROIT Principles of International Commercial Contracts*, 93 *ALJ* 894, 967-68 (2019); François Dessemontet, *Book Review, Eckart Brödermann, Principles of International Commercial Contracts: An Article-By-Article Commentary, Alphen aan den Rijn: Kluwer Law International. 2018*, 36 *J. INT'L ARB.* 533, 533-37 (2019); Christiana

Fountoulakis, Brödermann Eckart J., *UNIDROIT Principles of International Commercial Contracts, An Article-by-Article Commentary, Baden-Baden (Germany): Nomos, 2018. XCVIII, 433 pp., 21 EUROPEAN J.L. REFORM 427, 627-29 (2019);* Lauro Gama, Eckart J. Brödermann, *UNIDROIT Principles of International Commercial Contracts: An Article-by-Article Commentary, REVISTA BRASILEIRA DE ARBITRAGEM 222, 222-25 (2018);* Brenda Horrigan, *UNIDROIT Principles of International Commercial Contracts, An Article by Article Commentary, 11 NYSBA N.Y. DISPUTE RESOL. LAW. 95, 95 (2018);* Michael Patchett-Joyce, *UNIDROIT Principles of International Commercial Contracts, SING. L. GAZETTE (2019), <https://lawgazette.com.sg/lifestyle/book-shelf/unidroit-principles>;* Thayananthan Baskaran, *UNIDROIT Principles 2016: An Article-by-Article Commentary, Author: Eckart J. Brodermann, Construction Law International, Volume 15 Issue 1 March 2020;* Andrew Tetley, *UNIDROIT Principles 2016: An Article-by-Article Commentary, ICC DISPUTE RESOL. BULL. 1, 141-42 (2020).*

- 2017 **Overcoming Conflicts with Regards to Privilege: Is a Universal Approach Desirable or even Attainable?**, IPBA Journal, vol. June 2017, page 21-27 (co-authored with Robert Rhoda)
- 2017 **On Private International Law in International Arbitration: § 6 Internationales Privatrecht**, in: Piltz (ed.), *Internationales Wirtschaftsrecht (2017)*, p. 345 – 499 (marginal nos.204 *et seq.*, 272 *et seq.*, 359 *et seq.*, 401, 607 *et seq.*)
- 2017 (written and in production) **CIETAC – A Commentary of the CIETAC Arbitration Rules 2015** (in German) in the 2nd edition of Schütze (Ed.), *Institutionelle Schiedsgerichtsbarkeit* (i.e. a leading German book on International Institutional Arbitration)
- 2017 **On Institutional Conciliation through the European Banking Ombudsman: Institutionelle Schlichtungsverfahren (Ombudsmannverfahren)**, in: Derleder, Peter/Knops, Kai-Oliver/Bamberger, Heinz Georg (Eds), *Handbuch zum deutschen und europäischen Bankrecht, (= Handbook on German and European banking Law)* (with a comparative synopsis of the Banking Ombudsman system in 26 European Union States and Switzerland), 2^d edition
- 2016 **The Toolbox of International Arbitration: How to Make the Best of It?**, *The International Comparative Guide 2016, 13th Edition 2016* (co-authored with Tina Denso), as well as in several previous editions
- 2016 **Choice of Law and Choice of UPICC Clauses in the Shadow of the Dispute Resolution Clause - Fundamental Aspects of Developing a Coherent Basis for Cross-Border Contracts**, *Hamburg Law Review 2016*, p. 21-51
- 2016 **The UNIDROIT Principles as a Risk Management Tool**, in: UNIDROIT, *Eppur si muove: The age of uniform law – Festschrift for Michael Joachim Bonell, to celebrate his 70th birthday* (discussing the combination of choice of UPICC clauses with arbitration clauses)
- 2015 **Conflict of Law Cases before International Arbitration Tribunals: Part II: Die Anwendung des Internationalen Privatrechts in der Praxis, Subpart “B. Exkurs: Kollisionsfälle vor Schiedsgerichten”**, in: *Internationales Privat- und Zivilverfahrensrecht, 7th edition* (with Joachim Rosengarten)
- (the first part on private international law in the 5th ed. was translated by Yilian Dong to **Chinese** and published as a separate book in 2014 as “German and European Private International Law”, with updates 2013 translated by Zaokelaguli Aikemu)
- 2014 **On the Conclusion of Choice of Law, Choice of Jurisdiction and Arbitration Clauses (Sociological Observations): Zustandekommen von Rechtswahl-, Gerichtsstands- und Schiedsvereinbarungen – Rechtssoziologische Notizen –**, *Festschrift [Iber amicorum] Martiny*, ed. by Norman Witzleb/Oliver Remien/Reinhard Elger/Peter Mankowski/Hanno Merkt, p. 1045 - 1070

- 2014 **On Export Contract Preparation Including Aspects of Risk Management by Arbitration Clauses:** “*Vertragsanbahnung, Vertragsvorbereitung und Vertragsabschluss einschließlich Organization der Vertragsdurchführung*“ (in: Paschke/Graf/Olbrisch (Eds.): „Hamburger Handbuch des Exportrechts“ (*Hamburg Handbook for Export Law*)), 2^d edition (co-authored with Philipp von Dietze), C.H. Beck, München, p. 60-85; as well as the first edition
- 2013 **On an Arbitration Institution:** The Chinese European Arbitration Centre - An Introduction to the CEAC Hamburg Arbitration Rules, *Journal of International Arbitration* June 2013, p. 303 - 327
- (translated into **Spanish** by *Javier M. Rodriguez Olmos*: El Centro de arbitraje Chino-europeo: una introducción al Reglamento de arbitraje del CEAC de Hamburgo, in: *Revista de Derecho privado, in print* for June 2014)
- 2013 **On an Arbitration Institution:** Chinese European Arbitration Centre – Hamburg, in: Respondek & Fan (*Andreas Respondek*) (Ed.) *Asia Arbitration Guide*, 3^d ed., p. 45-53 (co-authored with *Christine Heeg*); as well as previous editions
- 2012 **On the UNIDROIT Principles and Their Application in Arbitration:** *I principi UNIDROIT nella pratica commercial internazionale – un’esperienza tedesca*, in: *Diritto del Commercio Internazionale* 2012, p. 887-906 (a follow-up article of the 2011 article with the same title)
- 2011 **On the UNIDROIT Principles and Their Application in Arbitration:** The Impact of the UNIDROIT Principles on International Contract and Arbitration Practice – the Experience of a German Lawyer, *Uniform Law Review* 2011, p. 589 *et seq.*, 605 – 611
- (translated into **Spanish** by *Maximiliano Rodriguez Fernández* in: *Javier Mauricio Rodriguez Olmos* (ed.), *Principios UNIDROIT. Estudios en torno a una nueva “lingua franca”* 2013, p. 183 *et seq.*, 207-213)
- 2011 **On an Arbitration Institution:** *CEAC: Neue Wege in der Schiedsgerichtsbarkeit: das Chinese European Arbitration Centre (CEAC) für China-Verträge* [on “New Ways Towards International Arbitration with the Example of the Chinese European Arbitration Centre (CEAC)”, *Recht der Internationalen Wirtschaft* 2011, p. 12-29 (co-authored with José Maria Beneyto (Madrid), Bernhard Meyer (Zurich), Hang Zhao (Beijing))
- 2010 **On an Arbitration Institution:** Article written by Dr. Yiliang Dong in *Arbitration and Law* 116: 汉堡中欧仲裁中心及其仲裁规则的_国际比较研究 mentioning Eckart Brödermann as co-author without his knowledge; presented officially as a Chinese surprise by the Vice President of the Chinese Council for the Promotion of International Trade (“CCPIT”) at the occasion of an official visit to the institution
- 2009 **On Institutional Conciliation through the European Banking Ombudsman:** *Institutionelle Schlichtungsverfahren (Ombudsmannverfahren)*, in: Derleder, Peter/Knops, Kai-Oliver/Bamberger, Heinz Georg (Eds), *Handbuch zum deutschen und europäischen Bankrecht*, (= Handbook on German and European banking Law) § 66, p. 1953-2010, 2nd Ed., Berlin - Heidelberg 2009
- 2008 **“Adjudication Reports” in a Handbook on IT-Law:** “*Schiedsgutachten*“ with Eckard von Bodenhausen, in: Redeker (Eds), *Handbuch der IT-Verträge*, Part 8.2 in: *Konfliktregelung*, (=Conflict Settlement) 22 Pages, Loose leaf, Part delivered on June 15th 2008, Otto-Schmidt Verlag Köln 2008

- 2006 **Conciliation Report in a Handbook on IT-Law: “Schlichtung”**, with Eckard von Bodenhausen, in: Redeker (Eds), Handbuch der IT-Verträge, (=Handbook of IT Contracts) Part 8.3 in Konfliktregelung (=Conflict Settlement), 30 pages, Loose leaf, Part delivered on October 12, 2006, Otto-Schmidt Verlag Köln 2006
- 2005 **On Arbitration and Other Dispute Resolution Clauses in IT Contracts:** Contributions to the German handbook on IT law: “*Schiedsvereinbarungen*” (Arbitration Clauses) in: Redeker (Editor), *Handbuch des IT Rechts* (Handbook on IT law), Part delivered on June 15, 2005, Cologne 2005-2008
- 2004 **On the UNIDROIT Principles and their application in arbitration:** „*Die erweiterten UNIDROIT Principles 2004 – ein willkommenes „Werkzeug“ für die Vertragsgestaltung und für Schiedsverfahren*” (The expanded UNIDROIT Principles 2004 – a welcome „tool“ for contract drafting and for arbitrations), *Recht der Internationalen Wirtschaft* 2004, p. 721 - 735
- 1985 **On Enforcement of Arbitral Awards:** Enforcement of American Arbitral Awards in Germany, *International Litigation Quarterly* (ILQ) 1 (1985), p. 219-239
- 1984 **On Chinese Maritime Arbitration:** “k) Arbitration”, in: *China and Admiralty – An Introduction to Chinese Maritime Law and U.S.-Chinese Shipping Relations* (part 2 of three parts), *Journal of Maritime Law and Commerce* 1984, p. 539, 562-567

Work as a Professor of Arbitration Law

Eckart Brödermann has been lecturing at University of Hamburg Faculty of Law since 1997. He has further taught at Bucerius Law School (2009) and at a regional business school. Topics of his lectures did include private international law, international company law, negotiation techniques, international contracts (e.g. a lecture on **plant construction contracts**; or classes to business students on negotiating a letter of intent) as well as arbitration law issues.

He has also given guest lectures, e.g. in 2016 at the Washington University of St. Louis (USA).

Since 2011, Eckart teaches as a professor (a lifetime title awarded by the University of Hamburg after peer review by two other universities on the basis of his publications and past teaching). Ever since he is concentrating on international arbitration and international contracts, whereby, since 2013, he combines his arbitration class with the support of the Hamburg team participating in the *Willem C. Vis International Commercial Arbitration Moot Court Competition* (after **chairing the Finals of the XXth Vis Moot in Vienna** as a Presiding Arbitrator in April 2013; the mock arbitration is available at YouTube at "[Vis Moot Finals 2013](#)"). The class on international contracts includes a section on drafting arbitration clauses in order to reach out, with basics of arbitration law, also to students who otherwise do not take an arbitration law class.

In connection with his teaching, Eckart Brödermann has supervised and graded numerous papers on arbitration, often in the context of the first part of the first German state exam. Topics of such supervised papers have included for example (English translations of the German titles):

- **Chances and Risks of Expedited Arbitration Procedures** – an analysis from the perspective of a German construction company engaged in particular in projects in the United States and in Asia.
- **Justice in International Arbitration Procedures** - an analysis with due regard to speed of the arbitration and legal certainty (*Rechtssicherheit*), with examples from various arbitration rules from three different continents and a focus on construction arbitration of projects related to either the United States of America or Asia.
- **On the Importance of the Integration of a Clause on the Seat and/or Venue of the Arbitration in an International Arbitration Agreement**
- **The Arbitration Rules of the London Court of International Arbitration (LCIA)**, analysis from the perspective of the German entrepreneur balancing the chances and risks of choosing the LCIA as a lawyer with a continental German legal background.
- **The International Swiss Rules of the Swiss Chambers Arbitration Institution** (2102) as compared with (i) the arbitration rules 1988 of the German Arbitration Institution (DIS Rules) and the UNICITRAL Arbitration Rules (2010). Could the international Swiss rules serve as a model for reform of the German arbitration rules of the German Arbitration Institute?
- **The Arbitration Rules of the American Arbitration Association**, an analysis from the perspective of the German entrepreneur balancing the chances and risks of

choosing the American Arbitration Association as a lawyer with a continental German legal background.

- **CIETAC Arbitration Rules** as seen from a German perspective by comparison with the German Arbitration Law – analysing the risks of the acceptance of a CIETAC Arbitration Clause from the perspective of a German trained in house counsel of a German company.
- **Arbitration Rules of the Belgian Centre for Mediation and Arbitration (CEPANI, § I.)**, again asking for an analysis from the perspective of a German trained lawyer in comparing to German arbitration law.
- **Arbitration Rules of the Hong Kong International Arbitration Centre (HKIAC)** – starting point of this paper was a very straight forward simple HKIAC arbitration clause. The student had to do an analysis bearing in mind the perspective of a reader trained in German arbitration law.
- **Arbitration Rules of the Singapore International Arbitration Centre (SIAC)**. Again the student had to analyse these rules (in their new version from 1 April 2013) as compared to German arbitration law
- **Arbitration Rules of the Court of Arbitration for Sports (CAS for Olympic Games)**. The student was to provide an analysis of the risk profile when the application of these rules is being integrated in a normal contract on supply and delivery (the background of that paper was to discuss, for an extreme case, where the risks when rules fit for one purpose are being used for another purpose).

In 2016, Eckart Brödermann has supervised a **doctoral thesis** regarding the relationship between arbitrators and party representatives. In 2020, he has supervised a thesis on evidence issues (sports arbitration, doping). Again, he is never supervising more than one doctoral thesis project at a time. Currently he is supervising a doctoral thesis relating to freedom of contract in international arbitration.

Speaker and Organiser of National and International Conferences and (Online) Events

Eckart Brödermann has been a speaker on numerous, mostly arbitration oriented events, conferences and online sessions like webinars since many years (since he has been teaching arbitration law at a Summer school organized 1996 on ICC arbitration Hamburg, Germany, by a network of European private law firms). He has spoken or lectured *inter alia* at events in Athens, Beijing, Berlin, Boston, Buenos Aires, Copenhagen, Dublin, Düsseldorf, Hamburg, Hong Kong, Jinan, London, Madeira, Madrid, New York, Qingdao, Rome, Sao Paulo, Singapore, Shanghai, Taipei, Tianjin, Vancouver, Warsaw, Washington, D.C., Zurich.

Some examples include:

- 2021 Presenter for the Federal Association of German Industry about the Simple Global Contracting with the UNIDROIT Principles of International Commercial Contracts 2016
- 2021 First Presenter of an online lecture for 1,000 students participating of the inaugural speaker series of the Moot Alumni Association (MAA) about “UNIDROIT Principles of International Commercial Contracts, a Bridge over Troubled Waters: Both General Principles of Law and General Default Rules for International Commercial Contracts”
- 2020 Presenter of a permanent arbitration seminar for the International Centre for Arbitration, Mediation and Negotiation (CIAMEN) of the Royal University Institute for European Studies of CEU San Pablo University about “The UNIDROIT Principles of International Commercial Contracts 2016: Both General Principles of Law and General Default Rules for International Commercial Contracts”
- 2020 Presenter of a webinar for the Association of Corporate Counsel International Legal Affairs Network about “Managing Diversity of Legal Approaches with the Default Rules in the UNIDROIT Principles of International Commercial Contracts 2016, a Bridge over Troubled Waters, Including the Example of CORONA and BREXIT Clauses”
- 2020 Co-Presenter of a webinar for the International Society of Primerus Law Firms about “Lessons Learned from COVID-19 – A Comparative Review by Region”
- 2020 Presenter of a webinar for the global leading lawyers’ network CONSULEGIS about “Disruption of Supply Chains – Impact of Corona Crisis on Distribution and Procurement Structures – A comparative legal snapshot with regard to the UNIDROIT Principles of International Commercial Contracts 2016”
- 2018 Organizer of an international conference in Hamburg, Germany, on “China’s Belt and Road Initiative – Opportunities and Challenges for International Dispute Resolution and Contracting” to commemorate the 10th anniversary of the Chinese European Arbitration Centre (CEAC)
- 2017 Co-Moderator of a Session on Privileges and its impact on discovery at the Inter-Pacific Bar Association (IPBA) in Auckland
- 2016 Speaking at conferences in Kuala Lumpur and Nashville, Tennessee
- 2015 XI. International Arbitration Conference in Rio de Janeiro, organised by *João Bosco Lee* and *Lauro Gama*), Speech on “**The Power of the Arbitrator and its Conflicts**”

Annual conference of the *Inter-Pacific Bar Association (IPBA)* in Hong Kong in Mai 2015; Co-Moderator of a session on “**Third Party Funding and Insurance**”

2013 Regional conference of the *Inter-Pacific Bar Association (IPBA)* in Zurich on 28 October 2013 on “**Bridging Cultures in Arbitration – a Special Focus on Asia and Europe**”; Co-Moderator (Prof. *Sundra Rajoo*, Kuala Lumpur) of a session on “**Arbitration in progress (procedural aspects)**”

North German Arbitration Forum (1. Norddeutscher Schiedsgerichtstag) on 8 February 2013 in Hamburg, Participations in a panel discussion on „**Arbitration Tribunal or State Courts**“

Panel discussion in Hamburg at a law event organised by the *Hamburg Bar (2. Hamburger Rechtstag)* on **Alternative Dispute Resolution – Progress or a simple Business Model?** (*Alternative Streitbeilegung - Fortschritt oder nur Geschäftsmodell?*)

Organisation of a joint session of the Arbitration and Maritime Committees of the *Inter-Pacific Bar Association* on “**Risk Management of Shipbuilding and Oil Platform Contracts and Subcontracts by Arbitration Clauses**” on 19 April 2013 in Seoul

2007 Speech at UNCITRAL in Vienna at the conference „*Modern Law for Global Commerce, Congress to celebrate the fortieth annual session of UNCITRAL*” on: “**The practice of excluding the CISG: time for a change? – Comment on the limited use of the CISG in private practice (and on why this will increasingly change)**”, see <http://www.uncitral.org/pdf/english/congress/Broedermann-rev.pdf>



ECKART BRÖDERMANN (NE 1958 A HAMBOURG, ALLEMAGNE)

Ayant acquis une formation en France, aux Etats-Unis, et en Allemagne, le professeur Eckart Brödermann travaille depuis 30 ans dans le domaine du droit des contrats, des transactions internationales et de l'arbitrage international.

En sa qualité de Conseil, il a négocié un grand nombre de contrats et de transactions internationales, notamment des contrats de construction, des *joint ventures* internationales, des cessions de sociétés et d'investissements à l'étranger. Il a conseillé des organisations internationales; et des sociétés étrangères investissant en Europe et hors Europe. A titre d'exemple, il a coordonné la mise en place des structures juridiques nécessaires à des activités de distribution et de vente internationale, y compris la négociation des contrats et la création des entités juridiques locales. Il a également conseillé des sociétés allemandes dans leurs investissements étrangers, par exemple en négociant un contrat avec la République algérienne d'une valeur supérieure à 1 milliard d'Euro. Il a conseillé des investisseurs asiatiques pour leurs investissements en Asie et aux Etats-Unis, des investisseurs américains pour leurs investissements en Angleterre et des investisseurs russes pour leur investissement en Asie.

Au cours de son activité, le professeur Brödermann a eu l'opportunité de mieux connaître une vingtaine de secteurs industriels, y compris la construction (automobile, navale, usines, structures « off-shore »), l'industrie cosmétiques, la défense, l'énergie (pétrole & gaz, éolienne, biodiesel, solaire), l'industrie alimentaire (café), la santé, la haute technologie, la mécanique, les medias (édition), l'industrie pharmaceutique, l'immobilier, les satellites, les télécommunications, le textile, les transports et le sport (sponsoring et marketing).

Dès 1983, le professeur Eckart Brödermann s'est impliqué dans des dossiers d'arbitrage, notamment dans un dossier soumis au *Iran Claims Tribunal* dans le secteur du pétrole. Il a fortement développé cette activité ces dernières années. Le droit de l'arbitrage est un sujet sur lequel il a beaucoup écrit et qu'il a enseigné depuis plusieurs d'années. Il est intervenu dans plus de 50 arbitrages soumis à 14 règlements d'arbitrage différents. Il a été désigné arbitre dans 15 arbitrages impliquant plus de dix industries différentes. Il a également siégé comme président de tribunal dans un arbitrage CIETAC à Shanghai et CCI ainsi que DIS en Allemagne.

Il travaille en français, anglais, allemand et italien.