

PROGRAMME

DIS goes Vis:
The Innovation Breakfast
The New Supplementary Rules
for Third-Party Notices

25 March 2024, 8.30 – 10.30 am

CMS Reich-Rohrwig Hainz
Rechtsanwälte GmbH
Gauermannngasse 2
1010 Vienna, Austria

DIS

German Arbitration Institute



DIS goes Vis: The Innovation Breakfast

The New Supplementary Rules for Third-Party Notices

Think about a contractor that faces claims from the owner and has recourse claims against its subcontractor if the owner wins. In such a scenario, the sandwiched contractor would not want to run the risk of losing twice, namely first against the owner for conduct of its subcontractor in one procedure and, secondly, against its subcontractor in a separate recourse procedure.

In several state court proceedings, including in Germany, a statutory solution is available to the sandwiched party to prevent a situation of conflicting outcomes of the disputes: the so-called third-party notice (*Streitverkündung*). The contractor embroiled in a litigation with the owner can give a third-party notice to its subcontractor with the effect that the subcontractor can support the contractor in its litigation. In return, it is bound to the outcome of the dispute between the owner and the contractor. This is a fair approach.

In arbitration, however, no comparable statutory rules exist. This fact is often considered as a downside of arbitration vis-à-vis court proceedings, notably in construction cases. While contractual workarounds are available, they are often deemed to be too complex to be drafted when negotiating a contract.

Since March 15, 2024, the German Arbitration Institute (DIS) offers a ready-made solution for this problem: the Supplementary Rules for Third-Party Notices (DIS-TPNR). These contractual rules are designed to make third-party notices work also in arbitration without the need to draft complex contractual rules. A mere reference suffices. The DIS-TPNR likewise do not make the third party a full-fledged party to the arbitration but limit its role to what is necessary. That makes it easier for everyone involved to agree on these rules. Moreover, the DIS-TPNR are designed to be agreed upon already when the main contracts are concluded, i.e. usually long before the dispute has arisen.

Learn about this new tool and how it can make arbitration even more attractive at our breakfast.

8.30 am **Welcome address**

Stefan Kröll

German Arbitration Institute (DIS), Berlin/Bonn

Presentation of the DIS-TPNR: The problem and its solution before state courts and in arbitration

Florian Cahn

Framatome, Erlangen

Anna Kaehlbrandt

Hengeler Mueller, Frankfurt

Rafał Kos

Kubas Kos Gałkowski, Warsaw/Krakow

Reinmar Wolff

German Arbitration Institute (DIS), Berlin/Bonn

Moderation

Daniela Karollus-Bruner

CMS Reich-Rohrwig Hainz, Vienna

10.30 am **Closing**

Registration

Please register **by 18 March 2024** via the link below. By registering you accept the [DIS General Terms and Conditions](#) for Conferences and Workshops. Participation in the event is free of charge. Please address any questions to: events@disarb.org.

Registration →

German Arbitration Institute (DIS)

Deutsche Institution für Schiedsgerichtsbarkeit e.V.

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