



International Chamber of Commerce

The world business organization

International Court of Arbitration • Cour internationale d'arbitrage

7 March 2011/abz

14953/FM

1. KLINKERT LTD. UAE (UNITED ARAB EMIRATES) 2. WILLOW TRUST LTD. (GUERNSEY) 3. Friedrich Klinkert (CROATIA) 4. SANSEGO TRUST (GUERNSEY) vs/ SIG. FAUSTO MATTIUSI (ITALY)

Counsel: Mr Julien Fouret

(Tel: +33 1 49 53 28 13)

Deputy Counsel: Ms Anne Caudrillier

(Tel: +33 1 49 53 30 16)

(Fax: +33 1 49 53 57 76)

(Email: ica6@iccwbo.org)

KLINKERT LTD. UAE
Ms Delma Brown
Mr Keith Laker
Louisiana House
South Esplanade
GY1 1BJ St. Peter Port, Guernsey
Channel Islands

By Mail

WILLOW TRUST LTD
Louisiana House,
South Esplanade,
GY1 1BJ
St. Peter Port,
Guernsey
Channel Islands

By Mail

FRIEDRICH KLINKERT
Candia 17,
Cunski -Mali Losinj,
Croatia
Croatia

By Mail

SANSEGO TRUST
Louisiana House
South Esplanade
GY1 1BJ
St. Peter Port
Guernsey
Channel Islands

By Mail

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ICC International Court of Arbitration • Cour internationale d'arbitrage de la CCI

38 Cours Albert 1er, 75008 Paris, France

Tel +33 (0)1 49 53 28 28 Faxes +33 (0)1 49 53 29 29 / +33 (0)1 49 53 29 33

E-mail arb@iccwbo.org Website www.iccarbitration.org

Sig. Fausto Mattiussi
la Sig.ra Domitilla Savino in Via Miramare
325/2
34100 Trieste
Italy

By Mail

Dear Sirs,

The Secretariat of the ICC International Court of Arbitration notified to you a Final Award.

As the Court is constantly striving to improve the ways in which the needs and expectations of its users can best be met, we would appreciate your completing the enclosed Evaluation Form and returning it to the General Counsel at your convenience. Your answers will be kept strictly confidential and will allow us to evaluate the quality of our services and to improve them if need be.

Yours faithfully,



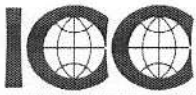
Julien Fouret
Counsel
Secretariat of the ICC International Court of Arbitration

Encl: Evaluation Form

Despite the fact that Klinkert Ltd. is still occupied in a trial against Fausto Mattiussi in Austria, we send you rather late, but hopefully not too late, our findings in respect to the a.m. case.

If you are interested in details, you may check under

WWW.AUSTRIAJUSTIZ.COM



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International Court of Arbitration • Cour internationale d'arbitrage

CASE N° 14953/FM

EVALUATION FORM

(Information provided in this form will be kept strictly confidential)

Name of the person who fills this form: Friedrich Klinkert
(including company or firm name where applicable)

Role in the arbitration: MD of Klinkert Ltd.

Please rank your answers according to your degree of satisfaction as follows:

- 1: very poor
- 2: poor
- 3: satisfactory
- 4: good
- 5: excellent

Contact with the Secretariat

In your contact with the Secretariat, have you found the persons handling your file:

- 4 Helpful
- 4 Available
- 4 Well informed of the file
- 4 Reliable
- 4 Polite

Financial aspects

Taking account of the amount in dispute, the complexity of your case and the number of arbitrators, how would you rank the cost/benefit ratio of an ICC arbitration procedure as compared with:

- 2 Court proceedings
- Ad hoc arbitration
- Arbitration administered by other institutions

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E-mail arb@iccwbo.org Website www.iccarbitration.org

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Financial aspects (*continued*)

- 2 Taking account of the amount in dispute and the complexity of your case, how would you rank the amount of the ICC arbitration costs (ICC administrative expenses, arbitrators' fees and expenses) as compared with the total costs incurred for the proceedings?
- 2 Taking account of the amount in dispute and the complexity of your case, how would you rank the amount of the ICC administrative expenses as compared with the total costs incurred for the proceedings?
- 2 Taking account of the amount in dispute and the complexity of your case, how would you rank the amount of the ICC administrative expenses as compared with the legal and other costs (i.e. in-house counsel, experts, etc.)?

Speed

How would you assess the speed of the following stages of the procedure:

- 3 Request for arbitration to the transmission of the file to the Arbitral Tribunal
- 3 Drafting of the Terms of Reference
- 1 Drafting of the Award(s)

Arbitral Tribunal

- 1 How would you evaluate the overall performance of the Arbitral Tribunal?

Overall satisfaction

- 1 How would you rank the overall quality of the service as compared to that offered by other institutions?

Would you put an ICC arbitration clause in your contract today?

- Yes No

General information

In how many ICC arbitrations have you already participated, excluding this case?

none

Do you generally submit your disputes to:

- Mediation/conciliation
- Ad hoc* arbitration
- Institutional arbitration
- ICC
- Other institution (please specify):
- Court proceedings

Other forms of dispute resolution (please specify):

Comments, observations and suggestions are welcome on any aspect of the ICC arbitration system. (Please use extra sheet(s) if necessary.)

The award was received after nearly 4 years and showed that the arbitrator did or would not understand what happened. He was mainly occupied to present his extremely sophisticated foregoing, whereas he could find out the reason of his judgement within the first three month as we expected. We decided for an ICC procedure the first time under the aspect of efficiency and time saving in respect to a normal court proceeding. The result is a "SUPER GAU" in Arbitration.

DETAILS under

WWW.AUSTRIAJUSTIZ.COM

Date: 20.07.2016

Please return directly to the General Counsel, ICC International Court of Arbitration, 38 Cours Albert 1^{er}, 75008 Paris, France, Fax +33 1 49 53 29 33

The information requested will be stored in a case management system and used for the ICC's sole purposes. According to Article 32 and, in particular, Article 40 of the French law "Informatique et Libertés" of 6 January 1978, you may access this information and ask for rectification by writing to the Secretariat of the Court.

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