



## Filip Balcerzak

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**Work:** (Poland)

### ABOUT ME

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Arbitrator / Associate Professor (Research) at Adam Mickiewicz University / Attorney-at-Law (Poland, Spain)

### LANGUAGE SKILLS

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Mother tongue(s): **Polish**

**Other language(s):**

#### English

LISTENING C2 READING C2 WRITING C2

SPOKEN PRODUCTION C2 SPOKEN INTERACTION C2

#### Spanish

LISTENING C2 READING C2 WRITING C2

SPOKEN PRODUCTION C2 SPOKEN INTERACTION C2

#### French

LISTENING A1 READING A1 WRITING A1

SPOKEN PRODUCTION A1 SPOKEN INTERACTION A1

Levels: A1 and A2: Basic user; B1 and B2: Independent user; C1 and C2: Proficient user

### WORK EXPERIENCE

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#### Arbitrator

*Riga Arbitration Court* [ 07/2023 – Current ]

Country: Latvia

#### Arbitrator

*Hong Kong International Arbitration Centre* [ 04/2023 – Current ]

#### Arbitrator

*London Court of International Arbitration* [ 01/2023 – Current ]

Country: United Kingdom

#### Arbitrator

*Qatar International Center for Conciliation and Arbitration* [ 01/2023 – Current ]

Country: Qatar

#### Candidate Suitable for Appointment as Arbitrator and TSD (Trade and Sustainable Development) Expert

*European Union* [ 07/2022 – Current ]

Included in the European Commission's list of individuals eligible for appointment as arbitrators and trade and sustainable development (TSD) experts in bilateral disputes under trade agreements between the European Union and third countries.

## **Arbitrator**

***Shenzhen Court of International Arbitration*** [ 01/2022 – Current ]

Country: China

## **Arbitrator**

***Energy Disputes Arbitration Center*** [ 06/2021 – Current ]

Country: Türkiye

## **Arbitrator**

***Court of Arbitration at the Polish Chamber of Commerce*** [ 12/2020 – Current ]

Country: Poland

Arbitrator in 31 arbitral proceedings at the Court of Arbitration at the Polish Chamber of Commerce (side arbitrator, presiding arbitrator and sole arbitrator)

## **Arbitrator**

***Lewiatan Court of Arbitration*** [ 02/2018 – Current ]

Country: Poland

Arbitrator in 9 arbitral proceedings at the Lewiatan Court of Arbitration (side arbitrator, presiding arbitrator, sole arbitrator and emergency arbitrator)

## **Associate Professor (Research)**

***Adam Mickiewicz University*** [ 05/10/2018 – Current ]

Country: Poland

Director and Main Researcher of an academic grant financed by the Polish National Science Centre - "International investment law and the renewable energy sector's challenges".  
Associate Professor at the Chair of Public International Law.

## **Partner (previously Associate, Senior Associate and Counsel)**

***SSW Pragmatic Solutions*** [ 31/12/2012 – Current ]

Country: Poland

Attorney-at-law admitted to the bar in two jurisdictions: Poland (adwokat) and Spain (abogado), focusing on commercial dispute resolution at both national and international levels.

Arbitration experience includes:

- acting as local counsel for a claimant in an *ad hoc* arbitration under the UNCITRAL Arbitration Rules based on the Poland – Canada BIT, administered by the Permanent Court of Arbitration (seat of arbitration London),
- representing respondents in *ad hoc* arbitrations under the UNCITRAL Arbitration Rules, administered by the International Centre for Dispute Resolution/American Arbitration Association (seat of arbitration New York),
- representing the claimant in enforcement proceedings in Poland of an international arbitral award rendered in *ad hoc* arbitration under the UNCITRAL Arbitration Rules, administered by the Permanent Court of Arbitration (seat of arbitration Geneva),
- representing parties in numerous arbitral proceedings at two major arbitral institutions in Poland – Court of Arbitration at the Polish Chamber of Commerce and Lewiatan Court of Arbitration

## **Visiting Fellow**

***Lauterpacht Centre for International Law, University of Cambridge*** [ 21/09/2020 – 21/12/2020 ]

Country: United Kingdom

The research project on the challenges faced by international investment law and arbitration in the renewable energy sector at the example of Polish and Spanish changes in their regulatory frameworks

### **Associate Professor**

**WSB University** [ 30/09/2016 – 29/09/2017 ]

Country: Poland

Seminars and lectures on Public International Law and Constitutional Law

### **Researcher**

**Adam Mickiewicz University** [ 06/2013 – 07/2015 ]

Country: Poland

Director and Main Researcher of an academic grant financed by the Polish National Science Centre - "Arbitration based on international investment treaties and human rights"

### **Research Assistant**

**University of Ottawa** [ 04/2011 – 06/2011 ]

Country: Canada

Research assistantship on use of alternative dispute resolution methods in investor – state arbitrations

### **Junior Associate**

**DZP (Domanski Zakrzewski Palinka)** [ 11/2011 – 12/2012 ]

Country: Poland

Junior position at Spanish Desk

## **EDUCATION AND TRAINING**

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### **Ph.D. (dissertation on the topic of "Investor - state arbitration and human rights")**

**Adam Mickiewicz University** [ 09/2010 – 06/2016 ]

Country: Poland

### **LL.M. (International Trade and Foreign Investment Law)**

**University of Ottawa** [ 09/2010 – 09/2011 ]

Country: Canada

### **DEJE (Derecho Español para Juristas Extranjeros / Spanish Law for Foreign Lawyers)**

**University of Alcalá** [ 09/2010 – 06/2011 ]

Country: Spain

### **M.A. in Law**

**Adam Mickiewicz University** [ 09/2004 – 12/2009 ]

Country: Poland

### **Student Exchange**

**University of Barcelona** [ 09/2008 – 02/2009 ]

Country: Spain

### **Introduction to English Law and the Law of the European Union**

**University of Cambridge, Institute of Continuing Education** [ 09/2005 – 06/2008 ]

Country: United Kingdom

### **Erasmus Exchange**

**University of La Coruña** [ 09/2006 – 06/2007 ]

Country: Spain

### **Renewable Energy Arbitration – Quo Vadis? Implications of the Spanish Saga for International Investment Law**

[ 2023 ]

Monography on investor-state arbitration in renewable energy sector (Brill | Martinus Nijhoff), ISBN: 9789004509337 (hardback), ISBN: 9789004509344 (e-book, open access)

Based on analysis of 21 arbitral awards rendered in the “Spanish saga” cases, this book discusses the current challenges faced by international investment law in the renewable energy sector, addressing questions such as which facts led to the unprecedented number of investor-state arbitrations filed against Spain, whether arbitral awards rendered against Spain have an impact on future proceedings commenced against other states, and which legal grounds in international law serve, or may potentially serve, as the basis for investors’ claims in the renewable energy sector. Filip Balcerzak offers critical insight into generally applicable lessons for the future - both for adjudicators of renewable energy disputes and for policy-makers.

Link: <https://brill.com/display/title/61784>

### **Diversity in International Arbitration. Why it Matters and How to Sustain It**

[ 2022 ]

One of four editors (together with Shahla F. Ali, Giorgio F. Colombo and Joshua Karton) of a book by Edward Elgar Publishing.

After decades of focus on harmonization, which for too many represents no more than Western legal dominance and a largely homogeneous arbitration practitioner community, this ground-breaking book explores the increasing attention being paid to the need for greater diversity in the international arbitration ecosystem. It examines diversity in all its forms, investigating how best to develop an international arbitral order that is not just tolerant of diversity, but that sustains and promotes diversity in concert with harmonized practices. Offering a wide range of viewpoints from a diverse and inclusive group of authors, Diversity in International Arbitration is a comprehensive and insightful resource on a controversial, fast-moving subject. Chapters present arguments from practitioner, academic, institutional and governmental perspectives that identify the underlying issues and address the various ways in which the goal of diversity, whether demographic, legal, cultural, professional, linguistic, or philosophical, can be reached. This book’s analysis of the contemporary state of diversity in international arbitration will be a crucial read for researchers in the field. Practitioners and policy makers will also find its discussion of best practices and innovative initiatives for enhancing diversity to be invaluable.

Link: <https://www.e-elgar.com/shop/gbp/diversity-in-international-arbitration-9781803920030.html>

### **Investor – State Arbitration and Human Rights**

[ 2017 ]

Monography on international investment law and human rights (Brill | Martinus Nijhoff), ISBN: 9789004338999 (hardback), ISBN: 9789004339002 (e-book)

“If the current system of investor – State arbitration is to survive, every effort must be made to increase the readiness among its participants to render legitimate public policy concerns effective. In this context, respect for human rights deserves pride of place. That is why Balcerzak’s work, the first English- language treatment of the potential impact of human rights on investment arbitration in book format, is so important. The author’s sober and hands-on approach should dispel the concern of arbitrators and counsel that the inclusion of human rights arguments would “politicize” their case.”

*Bruno Simma*, Member of the Iran-United States Claims Tribunal, Former Judge at the International Court of Justice

Link: <https://brill.com/view/title/34356>

## PUBLICATIONS

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### **Commentary to selected provisions of the 1958 New York Convention (in Polish)**

[2024]

Commentary – 1958 New York Convention

In print, by C.H. Beck / Legalis, Poland

### **Horthel v. Poland. Fair and Equitable Treatment embodies the Rule of Law, whereas “tax” is not always a tax.**

[2023]

ICSID Review - Foreign Investment Law Journal

ISSN: 0258-3690, e-ISSN: 2049-1999

Link: [10.1093/icsidreview/siac024](https://doi.org/10.1093/icsidreview/siac024)

### **Human Rights-Compatible International Investment Agreements: A Voice From Central & Eastern Europe and Central Asia**

[2023]

Business and Human Rights Journal

ISSN: 2057-0198, e-ISSN: 2057-0201

Link: <https://doi.org/10.1017/bhj.2023.3>

### **Jurisdiction and Admissibility in Investment Treaty Arbitration – A Human Rights Perspective, in: R. Hofmann, J. Scheu, S. Schill, C. Tams (eds.), Investment Protection, Human Rights, and International Arbitration in Extraordinary Times**

[2022]

ISBN 9783848774050 (print), 9783748914068 (online)

Link: <https://www.nomos-elibrary.de/10.5771/9783748914068-119/chapter-4-jurisdiction-and-admissibility-in-investment-treaty-arbitration-a-human-rights-perspective?page=1>

### **Manchester Securities v Poland: Denial of Justice in the European Union**

[2021]

ICSID Review - Foreign Investment Law Journal (2020) 35:3

ISSN: 0258-3690, e-ISSN: 2049-1999

Link: <https://doi.org/10.1093/icsidreview/siaa057>

### **Human rights and international investment law (in Spanish), in: J.M. Álvarez Zárate, M. Żenkiewicz (eds.), International Investment Law. Current development of norms and principles (in Spanish)**

[2021]

Book chapter

ISBN: 9789587907049

Link: <https://unilibros.co/gpd-el-derecho-internacional-de-las-inversiones-9789587907049.html>

### **In Search of Limits of Regulatory Powers. Antin v. Spain (ICSID Case No. ARB/13/31)**

[2021]

Polish Review of International and European Law

ISSN: 2299-2170, e-ISSN: 2544-7432

Link: <https://doi.org/10.21697/priel.2021.10.2.04>

**Commentary to selected provisions of the Code of Civil Procedure – Arbitral tribunal (in Polish)**

[2021]

P. Rylski (ed.), Commentary – Code of Civil Procedure

C.H. Beck / Legalis, Poland

**Responsibility in Online Arbitration (in Spanish), in: D. Bello Janeiro (ed.), Tort Law in Digital Age (in Spanish)**

[2021]

Book chapter

ISBN: 9789587913309

Link: <https://libreriatis.com/product/derecho-de-danos-en-la-era-digital-el/>

**Choice of institution administering arbitration and appointing authority in international arbitration (in Polish), in: M. Dumkiewicz, J. Szczotka, K. Kopaczyńska-Pieczniak (eds.), A hundred years of Polish commercial law. Liber amicorum dedicated to Prof. A. Kidyba (in Polish)**

[2020]

Book chapter

ISBN: 9788381877954

Link: <https://www.profinfo.pl/sklep/sto-lat-polskiego-prawa-handlowego-ksiega-jubileuszowa-dedykowana-profesorowi-andrzejowi-kidybie-tom-i-i-ii,139070.html>

**Functioning of arbitral tribunals in legal systems of selected European states (in Polish)**

[2018]

Author of chapter on Spain

Link: <https://iws.gov.pl/wp-content/uploads/2019/04/IWS-R.-Morek-F.-Balcerzak-i-in.-Funkcjonowanie-sądów-polubownych.pdf>

**International investment law in the context of multiculturalism (in Polish), in: A. Szwarc (ed.), Panorama of legal aspects of a multicultural society**

[2017]

Book chapter

ISBN: 9788372053541

Link: [https://www.ksiegarnia-ekonomiczna.com.pl/modules.php?name=Sklep&plik=lista&nazwa=opis&nr\\_katal=9788372053541&spisTR=1&store\\_id=2](https://www.ksiegarnia-ekonomiczna.com.pl/modules.php?name=Sklep&plik=lista&nazwa=opis&nr_katal=9788372053541&spisTR=1&store_id=2)

**Extent of human rights protection in investor - state arbitration based on international investment**

[2016]

Czech Yearbook of International Law (2016) VII

ISSN: 2157-2976

**Publication of Investment Treaty Awards: The Qualified Potential of Domestic Access to Information**

Groningen Journal of International Law (2015) 3:1

ISSN: 2352-2674

Link: <https://ugp.rug.nl/GROJIL/article/view/31117>

## **Global Arbitration Review Investment Treaty Arbitration Know-How: Poland**

[2015]

## **Jurisdiction of Tribunals in Investor-State Arbitration and the Issue of Human Rights**

[2014]

ICSID Review - Foreign Investment Law Journal (2014) 29:1

ISSN: 0258-3690, e-ISSN: 2049-1999

Link: <https://doi.org/10.1093/icsidreview/sit039>

## **Determination of Compensation in Investor-State Arbitrations: Is There a Place for Human Rights Arguments?, in: F. Baetens, J. Caiado (eds.), Frontiers of International Economic Law. Legal Tools to Confront Interdisciplinary Challenges**

[2014]

Book chapter

ISBN: 978-90-04-27017-6 (hardback), 9789004270190 (e-book)

Link: [https://brill.com/view/book/edcoll/9789004270190/B9789004270190\\_008.xml](https://brill.com/view/book/edcoll/9789004270190/B9789004270190_008.xml)

## **CONFERENCES AND SEMINARS**

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### **Is the world without investment arbitration, a world with(out) justice?**

[ Rotterdam, the Netherlands, 23/11/2023 – 24/11/2023 ]

Panel: Regional and National Reflections on the System and its Prospects, speech: Looking into crystal ball - current and future legal protection of renewable energy investments

### **9th Sarajevo Arbitration Day**

[ Sarajevo, Bosnia and Herzegovina, 08/11/2023 ]

Panel: Renewable energy disputes in a world without the ECT - How to avoid the Spanish scenario in the energy transition?

### **Eastern and Central Europe Vis Moot Fall Bootcamp**

[ Warsaw, Poland, 20/10/2023 – 22/10/2023 ]

Trainer at an event organised by the SWPS University in Warsaw with support by Commercial Law Development Program and United States Department of State

### **International Investment Law and Arbitration in the Renewable Energy Sector – Quo Vadis?**

[ Cambridge, United Kingdom, 10/10/2023 ]

Speech: Lessons learned from the “Spanish Saga” cases

### **Interpreting the Unwritten Word: Custom & its Interpretation in International Investment Law**

[ Washington, United States, 20/09/2023 – 21/09/2023 ]

Panel: Custom and its Interpretation in International Investment Law – Current Challenges, speech: The Role of Custom in International Investment Law Remedies: the Curious Case of Natural Resources

### **Summer Course on International Commercial Arbitration & the Vis Moot**

[ Cracow, Poland, 26/08/2023 – 29/08/2023 ]

Trainer at an event organised by the Jagiellonian University in Kraków with support by Commercial Law Development Program and United States Department of State

## **Durham Energy Disputes Conference 2023**

[ Durham, United Kingdom, 16/07/2023 ]

Panel: International Investment Disputes in the Energy Sector, speech: Renewable Energy Arbitrations – Quo Vadis? Implications of the Spanish Saga for International Investment Law

Link: <https://www.durham.ac.uk/media/durham-university/departments-/law-school/pdfs/event-pdfs/Conference-Agenda.pdf>

## **International Trade Contracts and Sustainability**

[ Turin, Italy, 28/04/2023 ]

Training organised by Scuola di Alta Formazione Specialistica UIA (Comitato nazionale italiano), Fulvio Croce Turin Bar Foundation. Speech on "International Investment Law and Human Rights"

## **Diversity in International Arbitration: Why it Matters and How to Sustain It**

[ Hong Kong, 23/03/2023 ]

Book Launch of the book Diversity in International Arbitration: Why it Matters and How to Sustain It (Edward Elgar 2022)

Link: <https://www.law.hku.hk/events/book-launch-diversity-in-international-arbitration-why-it-matters-and-how-to-sustain-it/>

## **Renewable Energy Arbitration – Quo Vadis? Implications of the Spanish Saga for International Investment Law**

[ online, 19/01/2023 ]

Speech given as part of "Decolonizing Arbitration" Lecture Series, Graduate School of Law, Nagoya University, Japan

Link: <https://nuss.nagoya-u.ac.jp/s/HYJz6dGLXGt7iMa>

## **Solidarity Arbitration and Mediation Days**

[ Warsaw, Poland, 17/11/2022 – 18/11/2022 ]

Speaker at Panel III: Energy Transition and Arbitration: Is Synergy Possible?, at the event organised by Court of Arbitration at the Polish Chamber of Commerce, International Commercial Arbitration Court, Faculty of Law and Administration of the University of Warsaw, Center for Conflict and Dispute Resolution at the Faculty of Law and Administration at the University of Warsaw, European Association of Judges for Mediation (GEMME)

Link: <https://solidarityarbitrationandmediationdays2022.sakig.pl>

## **International Investment Law and Renewable Energy. Lessons learned from the Spanish saga cases**

[ Erasmus School of Law, Rotterdam, the Netherlands, 25/03/2022 ]

Speech given as part of the Sustainability, Arbitration and Investment Law seminar series

Link: <https://www.eur.nl/en/esl/events/international-investment-law-and-renewable-energy-lessons-learned-spanish-saga-cases-2022-03-25>

## **Sustainable Diversity in International Arbitration**

[ online, 23/11/2021 ]

Moderator of two panels: "Regional and National perspectives" and "Investment Arbitration and Diversity" at online conference organized by the Research Unit „Decolonizing Arbitration. How to Promote a Fair and Culturally Sensitive use of Commercial and Investment Arbitration“, Nagoya University (Japan), supported by the University of Hong Kong (Hong Kong), Adam Mickiewicz University (Poland) and Queen's University (Canada).

Link: <https://www.decolonizingarbitration.org/hp/content.asp?Q=T12QL7O9LWC35ZIZ11XV>



## **Investment Protection, Human Rights, and International Arbitration**

[ Frankfurt Investment Law Workshop 2020 (Frankfurt, Germany), 05/03/2020 – 06/03/2020 ]

Comments on panel 3: Human Rights Perspective on International Investment Arbitration (commenting on speech of Emily Sipiorski, University of Hamburg: "ISDS and Procedural Human Rights" and of David Schneiderman, University of Toronto: "Human Rights: Handmaiden of ISDS?", previously planned as "Human Rights and Reforming ISDS")

## **Thirty First ITF Public Conference: Human Rights in International Investment Law**

[ British Institute of International and Comparative Law, London, United Kingdom, 25/10/2018 ]

Speech in the panel: Competing jurisdiction and parallel proceedings

Link: <https://www.biicl.org/events/1331/thirty-first-itf-public-conference-human-rights-in-international-investment-law>

## **Law in Global Political Economy: Heterodoxy Now**

[ Institute for Global Law & Policy, Harvard Law School, Boston, United States of America, 01/06/2018 – 02/06/2018 ]

Panel: China's Belt and Road Initiative: Redistributing the Global Power Balance, speech: Investment Arbitration in the Context of the Belt and Road Initiative

## **Human Rights and investment law and arbitration**

[ Nagoya University, Nagoya, Japan, 12/01/2017 ]

Speech given as part of a Special Lecture "Public interest in international investment law and arbitration"

Link: <http://www.law.nagoya-u.ac.jp/~leading/en/news/event/events-detail20170113e.html>

## **Investment Arbitration and Human Rights**

[ Columbia Center on Sustainable Investment, Columbia University, New York, United States of America, 03/12/2014 ]

Speech given at the Columbia University in the City of New York

Link: <http://ccsi.columbia.edu/2014/12/04/investment-arbitration-and-human-rights-with-filip-balcerzak/>