



Filip Balcerzak

Work : Poland

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Gender: Male **Date of birth:** 30/11/1985 **Nationality:** Polish

ABOUT ME

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

LANGUAGE SKILLS

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

WORK EXPERIENCE

[07/2022 – Current]

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

European Union

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.

[01/2022 – Current]

Arbitrator

Shenzhen Court of International Arbitration

Country: China

[06/2021 – Current]

Arbitrator

Energy Disputes Arbitration Center

Country: Turkey

[12/2020 – Current]

Arbitrator

Court of Arbitration at the Polish Chamber of Commerce

Country: Poland

[02/2018 – Current]

Arbitrator

Lewiatan Court of Arbitration

Country: Poland

[05/10/2018 – Current]

Associate Professor (Research)

Adam Mickiewicz University

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.

[31/12/2012 – Current]

Partner (previously Associate, Senior Associate and Counsel)

SSW Pragmatic Solutions

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,
- serving as arbitrator (side arbitrator - nominated by parties and by institution, presiding arbitrator and sole arbitrator) in 14 arbitral proceedings at the Court of Arbitration at the Polish Chamber of Commerce and the Lewiatan Court of Arbitration.

[21/09/2020 – 21/12/2020]

Visiting Fellow

Lauterpacht Centre for International Law, University of Cambridge

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

[30/09/2016 – 29/09/2017]

Associate Professor

WSB University

Country: Poland

Seminars and lectures on Public International Law and Constitutional Law

[06/2013 – 07/2015]

Researcher

Adam Mickiewicz University

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"

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

Country: Poland
Junior position at Spanish Desk

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

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

EDUCATION AND TRAINING

[09/2010 – 06/2016] **Ph.D. (dissertation on the topic of "Investor - state arbitration and human rights")**

Adam Mickiewicz University

Address: Poland

[09/2010 – 09/2011] **LL.M. (International Trade and Foreign Investment Law)**

University of Ottawa

Address: Canada

[09/2010 – 06/2011] **DEJE (Derecho Español para Juristas Extranjeros / Spanish Law for Foreign Lawyers)**

University of Alcalá

Address: Spain

[09/2004 – 12/2009] **M.A. in Law**
Adam Mickiewicz University

Address: Poland

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

Address: Spain

[09/2005 – 06/2008] **Introduction to English Law and the Law of the European Union**
University of Cambridge, Institute of Continuing Education

Address: United Kingdom

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

Address: Spain

[2023]

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

Reference: in print

A monography in print by Brill | Martinus Nijhoff in Nijhoff International Investment Law Series (<https://brill.com/view/serial/IILS>).

ISBN: 9789004268692

[Jurisdiction of Tribunals in Investor-State Arbitration and the Issue of Human Rights](#)

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

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

[2023]

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

ICSID Review - Foreign Investment Law Journal

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

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

[2022] **[Diversity in International Arbitration. Why it Matters and How to Sustain It](#)**

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

[2022]

[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](#)

[DOI:10.5771/9783748914068-11](https://doi.org/10.5771/9783748914068-11)

ISBN 9783848774050 (print), 9783748914068 (online)

[2023]

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

Reference: Commentary – 1958 New York Convention

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

[2021] **[Manchester Securities v Poland: Denial of Justice in the European Union](#)**

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

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

[2021]

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

Reference: Polish Review of International and European Law

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

- [2021] [**Human rights and international investment law \(in Spanish\)**](#)
- Reference:** El Derecho Internacional de las Inversiones. Current development of norms and principles.
ISBN: 9789587907049
- [2021]
- [**Commentary to selected provisions of the Code of Civil Procedure – Arbitral tribunal \(in Polish\)**](#)
- Reference:** P. Rylski (ed.), Commentary – Code of Civil Procedure
C.H. Beck / Legalis, Poland
- [2021]
- [**Responsibility in Online Arbitration \(in Spanish\), in: D. Bello Janeiro, Tort Law in Digital Age \(in Spanish\)**](#)
- Book chapter
ISBN: 9789587913309
- [2020]
- [**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 \(in Polish\)**](#)
- Book chapter
ISBN: 9788381877954
- [2018]
- [**Functioning of arbitral tribunals in legal systems of selected European states \(in Polish\)**](#)
- Author of chapter on Spain
- [2017] [**Investor – State Arbitration and Human Rights**](#)
- Reference:** 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
- [2017]
- [**International investment law in the context of multiculturalism \(in Polish\), in: A. Szwarc \(ed.\), Panorama of legal aspects of a multicultural society**](#)
- Book chapter
ISBN: 9788372053541

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

Reference: Czech Yearbook of International Law (2016) VII

ISSN: 2157-2976

[2015]

[Global Arbitration Review Investment Treaty Arbitration Know-How: Poland](#)

[Publication of Investment Treaty Awards: The Qualified Potential of Domestic Access to Information](#)

Reference: Groningen Journal of International Law (2015) 3:1

ISSN: 2352-2674

[2014]

[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](#)

Book chapter

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

CONFERENCES AND SEMINARS

[23/11/2021 – 23/11/2021]

Sustainable Diversity in International Arbitration

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=T12QL7O9LWC35ZIZI1XV>

[05/03/2020 – 06/03/2020]

Investment Protection, Human Rights, and International Arbitration

Frankfurt Investment Law Workshop 2020 (Frankfurt, Germany)

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")

[25/10/2018]

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

British Institute of International and Comparative Law, London, United Kingdom

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>

[01/06/2018 – 02/06/2018]

Law in Global Political Economy: Heterodoxy Now Institute for Global Law & Policy, Harvard Law School, Boston, United States of America

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

[12/01/2017] **Human Rights and investment law and arbitration** Nagoya University, Nagoya, Japan

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>

[03/12/2014 – 03/12/2014] **Investment Arbitration and Human Rights** Columbia Center on Sustainable Investment, Columbia University, New York, United States of America

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/>