

# Marcin Kałduński

Marcin Kałduński is Professor of International Law at the Nicolaus Copernicus University (Toruń, Poland) and Counsel at the General Counsel to the Republic of Poland (Vice-Director of the International and European Law Unit). He specializes in international and investor-state disputes. The focus of his research is in international law, international economic law, and international dispute settlement. He teaches mostly International Law and International Arbitration. Marcin Kałduński has represented the Republic as lead and/or co-lead counsel in a number of investment arbitrations brought against the Republic of Poland by foreign investors under both bilateral investment treaties and the Energy Charter Treaty. He represents the Republic of Poland under all applicable arbitration rules, such as the UNCITRAL, SCC, ICC, ICSID Additional Facility. He has experience in civil and commercial litigation before state courts. He is a regular speaker at numerous conferences, seminars and courses in Europe. He is the author of *The Principle of Good Faith in International Law* (C.H. Beck, 2018), *The Protection of Legitimate Expectations in International Investment Law* (second edition 2021) and of more than 40 articles, most of them relating to international law and arbitration.

## Day 1 - 26 May 2022

09:00

### Registration and morning coffee

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10:00

10:00

### Opening and welcome

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10:10

Cezary Wiśniewski, PhD, ICC Poland, Poland

Beata Gessel-Kalinowska vel Kalisz, D.Sc., GESSEL, Poland

10:10

### Welcome address

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10:20

Claudia Salomon, President of the ICC International Arbitration Court, USA/France

10:20

### Session I: Hot topics in M&A arbitration

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11:30

#### Moderator:

Prof. Dr. Kasper J. Krzemiński, NautaDutilh, Netherlands

#### Panellists:

Tunde Ogowewo, King's College London, UK

Edward Poulton, BakerMcKenzie, UK

Dr Nicolas Wiegand, CMS Hasche Sigle, Hong Kong/Germany

Dr. Galina Zukova, ZUKOVA Legal, Latvia/France

11:30

## Coffee break

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11:45

11:45

## Case study I: White&Case „Can an emergency arbitrator help you finalize your transaction?”

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12:05

### Speaker

Piotr Bytnerowicz, FCIArb, White & Case, Poland

12:05

## Session II: Consolidation and de-consolidation in M&A arbitration

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13:35

### Moderator:

Justyna Szpara, FCIArb, Łaszczuk & Partners, Poland

### Panellists:

Rostislav Pekař, Squire Patton Boggs, Czech Republic

Nikolaus Pitkowitz, M.B.L.-HSG, Pitkowitz & Partners, Austria

Anna Guillard Sazhko, Shearman & Sterling's International Arbitration Group in Paris, France / Ukraine

Ioana Knoll-Tudor, Jeantet, France

13:35

## Lunch

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14:35

14:35

## Session III: How much principles of equity colour M&A arbitration jurisprudence? Between procedural and substantive justice

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16:05

### Introductory lecture and a moderator

Beata Gessel-Kalinowska vel Kalisz, D.Sc., GESSEL, Poland

### Panellists:

Ilias Bantekas, LLB, LLM, BA/Dip Theology, FCIArb, Hamad bin Khalifa University (Qatar Foundation), Qatar

Prof. Dr. Stefan Kröll, Bucerius Law School, Germany

James Menz, rothorn legal AG, Switzerland

16:05

## Coffee break

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16:25

16:25

## Case study II: Dentons „Surprise, Surprise!”

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16:45

### Speaker

Michał Jochemczak, Dentons, Poland

16:45

## Keynote speech

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17:35

Bernard Hanotiau, Hanotiau & van den Berg, Belgium

19:30

## Reception

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Venue: Restaurant Baczewskich, 17/19 Szucha Ave.

## Day 2 - 27 May 2022

09:00

## Morning coffee

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10:00

10:00

## Opening and welcome

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10:05

10:05

## Case study I: Quantuma “Who serves best to help resolve a post-M&A dispute: an advisor, an expert witness or an expert determiner? Tales from the accounting battlefield.”

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10:25

### Speaker

Adam Markiewicz, Quantuma, Poland

10:25

## **Session I: Investment arbitration: Recoverability of reflective loss**

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11:30

### **Session Introduction**

Agnieszka Zarówna, White & Case LLP, UK

#### **Moderator:**

Marcin Kałduński, The General Counsel to the Republic of Poland, Poland

#### **Panellists:**

Christina Beharry, Foley Hoag, USA

Dr Crina Baltag, Stockholm University, Sweden

11:30

## **Coffee break**

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12:00

12:00

## **Case study II: Queritius “Arbitrating with a sanctioned entity - a case study”**

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12:20

### **Speakers**

Alicja Zielińska-Eisen, Queritius, Poland

Daniel Dózsa, Queritius, Hungary

12:20

## **Session II: The new type of M&A investment arbitration: emerging energy transition disputes.**

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13:50

### **Session Introduction**

Agnieszka Ason, Oxford Institute for Energy Studies, UK

#### **Moderator:**

Prof. Dr. Yarik Kryvoi, LL.M., British Institute of International and Comparative Law, UK

#### **Panellists:**

Steven Finizio, WilmerHale, UK

13:50

**Closing**

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14:00

14:00

**...and yes, a flute of champagne and strawberries!!!**

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