

# Krzysztof Zakrzewski

Head of Corporate and M&A Practice in Domański Zakrzewski Palinka Law Firm. One of the DZP's founders and Managing Partner since 1999. He specialises in mergers and acquisitions, privatisation, capital markets and the trade in securities, as well as commercial and civil law and has been recommended as a leading expert in these areas by Polish and foreign publications (Rzeczpospolita, Chambers&Partners, Legal500, etc.) for many years now. Adviser to both Polish and foreign firms on investment and acquisition projects on both private and public markets. Advises to banks and private and public companies for which he has negotiated numerous mergers, acquisitions, share acquisitions and project financing transactions. Negotiator in many merger and acquisition transactions in the power and telecommunications sectors. Attorney ad litem in national and international arbitration cases connected with merger and acquisition transactions, and investment protection (BIT). Arbitrator in the Arbitration Court at the Warsaw Chamber of Commerce and Arbitration Court at the Polish Confederation of Private Employers Lewiatan. Member of the International Bar Association, the Best Lawyers Advisory Board and the Supervisory Board of the Polish Confederation Lewiatan. Chairman of the Board of the Institute of Freedom Foundation.

## DAY 1

09:00

### Registration & Morning coffee

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10:00

10:00

### Opening & Welcome

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10:10

Beata Gessel-Kalinowska vel Kalisz, Conference Chair, GESSEL, Poland

Cezary Wiśniewski, ICC Poland, Linklaters, Poland

10:10

### ICC Court Welcome Address

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10:20

Alexander G. Fessas, ICC International Court of Arbitration, France

10:20

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

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11:30

- Impact of impecunious party on arbitration agreement
- Post M&A ESG disputes - sources; is the arbitration a fitting forum?
- Interim relief around M&A: emergency arbitrators limiting state courts?
- W&I Insurance: procedural challenges in arbitration dealing with 'insurance towers'
- Share Transfer Agreement + Shareholders' Agreement + Accession Agreement -

How does Cour d'appel de Paris interpret the parties' agreement to arbitrate in the case of multiple arbitration clauses.

**Moderator:**

Alicja Zielińska-Eisen, YAAF, Queritius, Poland/Germany

**Panellists:**

Christian Borris, Borris Hennecke Kneisel, Germany

Joanna Kisielińska-Garncarek, GESSEL, Poland

Joanna Kolber, Strelia, Belgium

Dr. Ioana Knoll-Tudor, Addleshaw Goddard, France

Annet van Hooft, van Hooft, France

11:30

## Howden M&A Case study

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11:50

Drew Naylor, Howden, United Kingdom

Edward Copeman, Howden, United Kingdom

11:50

## Session II: Dialogue between counsel on legal nature of M&A award

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13:00

- Price adjustment made by the tribunal
- Is the award declaratory or constitutive and what are its practical effects?
- Interests computation

**Moderator:**

Mary Mitsi, Queen Mary University of London, United Kingdom/Greece

13:00

## Lunch

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14:00

14:00

## Dentons M&A Case study

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14:20

Michał Jochemczak, Dentons, Poland

14:20

## Keynote speech: The paradigm of arbitration - yesterday, today and tomorrow - Yves Derains in

15:00

## conversation with Beata Gessel

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Yves Derains, Derains & Gharavi, France

15:00

16:10

### **Session III: Voice of reason or hired gun? The independence and impartiality of party-appointed experts in M&A disputes**

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- The difference between party-appointed and tribunal-appointed experts
- The role of geography
- The role of soft laws
- Expectations of the parties and the tribunal

**Moderator:**

Mark Kantor, , USA

**Panellists:**

Folashade Alli SAN, Folashade Alli and Associates, Nigeria

Luminita Popa, Suciu Popa, Romania

Alexander Demuth, , Germany

Renato Nazzini, King's Collage London, United Kingdom/Italy

16:10

### **Treats & Meads**

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19:30

### **Gala Dinner**

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Venue - Look Up! Skyliner building, 67 Prosta Street (upon separate registration)

## **DAY 2**

09:00

10:00

### **Morning coffee**

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10:00

10:05

### **Opening & Welcome**

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Beata Gessel-Kalinowska vel Kalisz, Conference Chair, GESSEL, Poland

10:05

## Special Guest

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10:35

**Special Guest's address: The Permanent Court of Arbitration: 125 years of Peace through Justice**

Marcin Czepelak, Permanent Court of Arbitration, Netherlands

10:35

## Presentation: M&A Arbitration in Wartime under the SCC Rules

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10:55

Jake Lowther, SCC Arbitration Institute, Sweden

10:55

## Clifford Chance Case Study

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11:15

11:15

## Session: M&A Arbitration in Wartime - Breaking up is never easy

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12:45

- M&A disputes risks when exiting high-risk jurisdictions
- Case studies from jurisdictions in the Middle East, Eastern Europe and Africa

### Moderator:

Bartosz Krużewski, Clifford Chance, Poland

### Panellists:

Timur Bondaryev, Arzinger, Ukraine

Joshua Kelly, Freshfields Bruckhaus Deringer, United Kingdom

Steven Finizio, Wilmer Hale, United Kingdom/USA

Jacob Enoch, M. Firon&Co. Advocates, Israel

12:45

## Closing of the conference

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12:55

Beata Gessel-Kalinowska vel Kalisz, Conference Chair, GESSEL, Poland

**...and yes, bubbles and strawberries!!**

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