

VIAC – Questionnaire for Arbitrators

1. Name: Marcin J. Menkes

2. Citizenship: Polish

3. Contact information:

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4. Current position:

Of Counsel at Queritius

Professor of Warsaw of Economics

5. Education:

2018 – Habilitation in law (dr. habil.), Jagiellonian University

2011 – graduate of PhD studies in economics, Warsaw School of Economics

2011 – PhD in Law, Jagiellonian University

2008 – MA in law, University of Warsaw

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?

Approximately 15 Domestic (Court of Arbitration at the Polish Chamber of Commerce) and international rules (ICC, SCC, UNCITRAL)

- How often have you acted as Chairman?
- How often have you acted as Sole Arbitrator? 1
- How often have you acted as Co-Arbitrator? 3
- How often have you acted as Counsel? Approximately 11
- How often have you acted in a different function (e.g. Administrative Secretary)?

7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):

Selected books

- Ł Gruszczyński, MJ Menkes, V Blikova, P Farah (eds.), *The Crisis of Multilateral Legal Order: Causes, Dynamics and Consequence*, Routledge 2023.
- MJ Menkes, *Economic Governance in Public International Law*, CH Beck, Warsaw 2016.
- MJ Menkes, *State Immunity from Jurisdiction and Execution. A Commentary to the UN Convention on Jurisdictional Immunities of States and Their Property and European Convention on State Immunity*, Oficyna Wydawnicza SGH, Warsaw 2013.
- MJ Menkes, *Economic sanctions – international law analysis*, Dom Wydawniczy Duet, Toruń 2011.

Selected articles:

- *Innovative Energy Investments in Public Interest under International Investment Law: the Case of Nuclear Fusion* [in:] E. Baroncini (ed.), Sustainable Development as Fundamental Pillar of Economic Governance and Public Affairs - International, EU, and Domestic Perspectives (forthcoming).
- C.-E. Côté, S. Hamamoto, MJ Menkes, X. Qia *The Rising Interest for Joint Interpretations of Investment Treaties by State Parties* [in:] FDI Perspectives, Columbia University.
- *Special Purpose Vehicles and International Trade Sanctions* [in:] P. Sean Morris (ed.), Economic Sanctions under International Law Trade Continuity with Special Purpose Vehicles, Routledge 2025.
- *Investment protection. Country Report: Poland* [in:] K. Nadakavukaren, R. Polanco (eds.), *Edward Elgar Encyclopedia of International Economic Law*, Edward Elgar 2024.
- *Monetary Transfer Provisions and the Rule of Law from the International Investment Law Perspective*, European Investment Law and Arbitration Review Online vol. 8, iss. 1 (2024), 36-72.
- *Commentary on cross-border services on the capital market* [in:] M. Wierzbowski, L. Sobolewski, P. Wajda (eds.), *Capital Market Law. Commentary*, C.H. Beck 2023.
- C Titi, F. Baetens, RL Howse, MJ Menkes, WE Abah *Comparative Costs and Financing of Permanent Dispute Settlement Mechanisms*, Academic Forum on ISDS Concept Paper 2022/1 - NYU School of Law, Public Law Research Paper No. 22-37 (2022).
- MJ Menkes, Q Zhao, *BRIC out of the (Bretton) Woods. Or Are They? Chinese-Russian Clearing and Settlement Cooperation*, Journal of International Banking Law and Regulation vol. 37, iss. 10 (2022), pp. 400-411.
- *ISDS Reform: Financing of the Permanent Investment (Appeals) Body*, Journal of International Dispute Settlement vol. 12, iss. 3 (2021), pp. 462-476.
- *Sanctions of the European Bank for Reconstruction and Development*, The Max Planck Encyclopedia of International Procedural Law,
- *Screening of Foreign Investments: Promises and Perils of New Technologies* [in:] C. Nagy (ed.), World trade and local public interest: trade liberalization and national regulatory sovereignty, Springer 2020.
- *Rule of Law in International Monetary and Financial Law: Reviving Old Spectres*, European Yearbook of International Economic Law 2019.
- *The Legality of US Investment Sanctions on Iran: Challenges and Opportunities for Pax Americana without the US*, Canadian Yearbook of International Law vol. 56(2019), pp. 328-364.
- Ł Gruszczyński, MJ Menkes, *Legality of the EU Trade Sanctions Imposed on the Russian Federation under WTO Law* [in:] W. Czaplinski, S. Debski, R. Tarnogórski, K. Wierczyńska (eds.), *The Case of Crimea's Annexation under International Law*, Scholar, Warsaw: 2017.
- *Requiem for Transparency*, European Investment Law and Arbitration Review vol. 2(2017).

8. Membership in arbitral institutions / functions in arbitral institutions/organizations:

Listed as a recommended arbitrator by the Court of Arbitration at the Polish Chamber of Commerce

Member of CEPANI (Belgium)

Appointed to the panel of Arbitrators and Trade and Sustainable Development (TSD) experts for dispute settlement panels under trade agreements to which the EU is a party.

AIA-Arbit-40, the Italian Under 40 Arbitration Group

Member of the Investor State Dispute Settlement Academic Forum.

Member of the International Law Association Committee on the Rule of Law and International Investment Law

9. Languages

Mother tongue: Polish

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language):

English, French, Italian

10. In which legal systems have you trained?

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Civil Law | <input checked="" type="checkbox"/> Common Law | |
| <input type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law | <input type="checkbox"/> Swiss Law |
| <input type="checkbox"/> Czech Law | <input checked="" type="checkbox"/> Polish Law | <input type="checkbox"/> Ukrainian Law |
| <input type="checkbox"/> German Law | <input type="checkbox"/> Slovakian Law | <input checked="" type="checkbox"/> European Law |

Other French law, English law, Italian Law

11. What is your main jurisdiction of practice?

Poland

12. In which jurisdictions are you admitted to the bar?

Poland

13. Special expertise or specializations (please list a maximum of five):

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Antitrust/Unfair competition | <input type="checkbox"/> Damages | <input type="checkbox"/> Insolvency | <input type="checkbox"/> Natural resources |
| <input type="checkbox"/> Aviation | <input type="checkbox"/> Distribution | <input type="checkbox"/> Insurance | <input type="checkbox"/> Power plants |
| <input type="checkbox"/> Banking & Finance | <input type="checkbox"/> Domain name disputes | <input type="checkbox"/> Intellect. property (IP) | <input type="checkbox"/> Private Intern. Law |
| <input checked="" type="checkbox"/> Capital markets | <input type="checkbox"/> Employment | <input type="checkbox"/> Investment arbitration | <input type="checkbox"/> Public Intern. Law |
| <input checked="" type="checkbox"/> CISG | <input checked="" type="checkbox"/> Energy | <input checked="" type="checkbox"/> ISDS/Foreign inves. | <input type="checkbox"/> Real estate |
| <input type="checkbox"/> Civil fraud disputes | <input type="checkbox"/> Engineering | <input type="checkbox"/> Joint ventures | <input type="checkbox"/> Shipping |
| <input checked="" type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment | <input type="checkbox"/> Licensing | <input type="checkbox"/> Sports |
| <input type="checkbox"/> Commodity market | <input type="checkbox"/> Healthcare & Pharmac. | <input type="checkbox"/> Life sciences | <input type="checkbox"/> State/Public contracts |
| <input checked="" type="checkbox"/> Company/Corporate/M&A | <input type="checkbox"/> Hotel/Gastro./Tour. | <input type="checkbox"/> Maritime arbitration | <input type="checkbox"/> Technology |
| <input checked="" type="checkbox"/> Construction | <input type="checkbox"/> Inform. technology (IT) | <input type="checkbox"/> Media | <input type="checkbox"/> Telecommunication |
| <input type="checkbox"/> Contract law | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Mining | <input type="checkbox"/> Transport |
| <input type="checkbox"/> Other _____ | | | |

14. Date of birth: 6 July 1984

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

20.05.2024

Date