

## VIAC – QUESTIONNAIRE

**1. Name:** Dr. Friedrich Jakob Rosenfeld

**2. Citizenship:** German

**3. Contact information:**

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Hamburg, Germany  
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**4. Current position:**

Partner at Hanefeld Rechtsanwälte;  
Global Adjunct Professor of Law at NYU Law in Paris

**5. Education:**

Bucerius Law School  
Columbia Law School  
NYU School of Law  
PhD (summa cum laude)

**6. Practiced experience in arbitration:**

How many arbitrations have you participated in (domestic/international)? Under which Rules?

Acted as arbitrator, counsel and secretary in numerous domestic and international proceedings under the ICC Rules, Danish Rules, DIS Rules, CEAC Rules, Hamburg Chamber of Commerce, Rules of the Drug and Chemicals Association, German Maritime Arbitration Association as well as in ad hoc arbitration proceedings. The applicable laws included German law, Qatari law, Greek law, Dutch law, Romanian law, Austrian law, Danish law, Japanese law, international law.

How often have you acted as Chairman? 1

How often have you acted as Sole Arbitrator? 2

How often have you acted as Co-Arbitrator? 4

How often have you acted as Counsel? 14

How often have you acted in a different function (e.g. Administrative Secretary)? Ca. 20

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

See enclosed CV.

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

See enclosed CV.

**9. Languages:**

Mother tongue: German

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

**10. In which legal system have you trained?** German

**11. What is your main jurisdiction of practice?** German

**12. Special expertise or specializations (please list a maximum of three):**

Commercial, post M&A, construction

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons and may be put on VIAC's website.

Date and signature

29 August 2017

**Dr. Friedrich Jakob ROSENFELD**

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**Experience in Arbitration and Litigation:**

As counsel in arbitral proceedings

- Representation of domestic and foreign companies in domestic and international arbitration proceedings

As arbitrator

- Sole arbitrator, co-arbitrator and chair in domestic and international arbitration proceedings (ICC, DIS, DIA, ad hoc, Hamburg Rules)

As counsel in state court proceedings / expert

- Representation of companies and states in proceedings before German courts (focus: cross-border litigation, commercial disputes, enforcement of arbitral awards)
- Expert witness on public international law in Korean court proceedings
- Expert and consultant for various international organizations

**Areas of Specialization:**

- International arbitration in the fields of investments, post M&A, construction, energy, commercial
- Public international law & sovereigns

**Languages:**

- German, English, French and Spanish

### **Employment and Education:**

- **Since 2011** Attorney with Hanefeld Rechtsanwälte, Hamburg
- **2011** Consultant with the United Nations Assistance to the Khmer Rouge Trials, Phnom Penh
- **2008 – 2010** Legal traineeship at the United Nations International Criminal Tribunal for Rwanda in Arusha, the United Nations International Criminal Tribunal for the former Yugoslavia in The Hague and K&L Gates LLP in Paris
- **2007 – 2010** Research assistant to Prof. Dr. Dr. Rainer Hofmann, Johann Wolfgang Goethe-University, Frankfurt a.M.
- **2007 – 2009** Legal assistant with Hogan Lovells LLP, Hamburg
- **2008** Doctor of laws (*summa cum laude*), Johann Wolfgang Goethe-University, Frankfurt a.M.
- **2002 – 2007** Studies of law at Bucerius Law School, Hamburg, and Columbia Law School, New York (scholarship of the German National Academic Foundation)
- **2005** Internship with IOM Claims Programmes, Geneva
- **2004** Internship with the German Embassy, Lima

### **Academic Appointments:**

- Global Adjunct Professor of Law, NYU School of Law in Paris (since 2016)
- Visiting Professor for International Arbitration, International Hellenic University, Thessaloniki (since 2013)
- Lecturer for International Investment Protection, Bucerius Law School (since 2014)
- Lecturer for International Investment Protection, University of Hamburg (2013/2014)
- Global Hauser Fellow from Practice and Government, NYU School of Law (2014)

### **Publications:**

- Weak Parties in International Commercial Arbitration, forthcoming in: A. Bjorklund / S. Kröll / F. Ferrari, The Cambridge Compendium on International Arbitration
- Limitations to Party Autonomy in International Commercial Arbitration, forthcoming in: A. Bjorklund / S. Kröll / F. Ferrari, The Cambridge Compendium on International Arbitration (co-author)
- Iura Novit Curia in International Law, 6 European Review of International Arbitration (2017), 131 – 160, Juris 2017
- The Rome Regulations in International Arbitration – The Road Not Taken, in: F. Ferrari, The Impact of EU Law on International Commercial Arbitration, 245 – 283, Juris 2017

- Arbitral Praeliminaria – Reflections on the Distinction between Jurisdiction and Admissibility after *BG v. Argentina*, 29 No. 1 *Leiden Journal of International Law* (2016), 137 – 153, Cambridge University Press
- Yukos revisited – A Case Comment on the Set-aside Decision in *Yukos Universal Limited (Isle of Man) et al. v. Russia*, *IPrax* (2016), 478 – 483 (coauthor)
- Security for Costs in ICSID Arbitration – A Case Note on *RSM v. St. Lucia*, *Arbitration International* (2016) 1 – 10, Oxford University Press
- Limits to Party Autonomy to Protect Weak Parties in International Commercial Arbitration, in: F. Ferrari, *Limits to Party Autonomy in International Commercial Arbitration*, 417 – 438, *Juris* (2016)
- Regime Interactions between the New York Convention and International Investment Law – On Bridging the Gap between Commercial and Investment Arbitration at the Enforcement Stage, 12 No. 2 *NYU Journal of Law & Business* (2016), 295 - 317 (co-author)
- Early Dismissal of Claims in Investment Arbitration, in: A. Kulick (ed.), *Contracting Parties' Reassertion of Control over International Investment Agreements and International Investment Treaty Arbitration*, Cambridge University Press (2016), 83 – 102
- Abstract Interpretations in International Investment Law, in: P. Pazartzis / M. Gavouneli (ed.), *Reconceptualising the Rule of Law in Global Governance, Resources, Investment and Trade*, Hart Publishing, Oxford (2016), 331 – 343
- Chapter 10: Germany, in J. Jørgensen (ed.): *Finding, Freezing and Attaching Assets – A Multi-Jurisdictional Handbook*, Kluwer (2016), 127 – 140 (co-author)
- Case Note: Higher Regional Court of Frankfurt, 18 December 2014, 26 Sch 3/13, *Validity of Arbitration Clauses in Intra-EU Bilateral Investment Treaties*, Oxford Database on International Law in Domestic Courts 2389 (2014)
- The Trend from Standards to Rules in International Investment Law and its Impact upon the Interpretive Powers of Arbitral Tribunals, 108 *American Society of International Law, Proceedings of the Annual Meeting* (2014), 191-193
- Case Note: Higher Regional Court of Frankfurt, 30 January 2013, III ZB 40/12, *Immunity in the Proceedings for Recognition and Enforcement of an Arbitral Award*, Oxford Database on International Law in Domestic Courts 2177 (2013)
- *Mass Claims in International Law*, *Journal of International Dispute Settlement* (2013), 159-174, Oxford University Press
- The New UNCITRAL Transparency Rules: How the Trend towards Transparency differs in Investment and Commercial Arbitration, in: Müller, Rigozzi (eds.), *New Developments in International Commercial Arbitration 2013*, November 2013 (co-authored)
- The Illegality of Investments in Light of Market Access Provisions, *Lima Arbitration – Revista del Círculo Peruano de Arbitraje* N° 5 (2012/2013), 195-206
- Case Note: Higher Regional Court of Frankfurt 10 May 2013, 26 SchH11/10, *Arbitration clauses in Intra-EU BITs*, 1 *Belgian Review of Arbitration* (2013), 169-177

- The Systemic Integration of International Investment Treaties and the New York Convention, NYU Transnational Notes, December 2012
- Individual Civil Responsibility for the Crime of Aggression, 10 No. 1 Journal for International Criminal Justice (2012), 249-265, Oxford University Press
- The Nationality of Corporations in International Investment Law, in: C. Tietje / G. Kraft / M. Lehmann (eds.), Essays on Transnational Economic Law, Report of the International Law Association, German Branch, Sub-Committee on Investment Law (2011), 52-60 (co-authored)
- Collective Reparation for Victims of Armed Conflict, 92 No. 879 ICRC Review (2010), 731-746, Cambridge University Press
- Die Humanitäre Besatzung – ein Dilemma des Ius Post bellum (The Humanitarian Occupation – A Dilemma of the Ius Post Bellum), Nomos Publishers, 2009

#### **Speaking engagements:**

- International Commercial Arbitration / Challenges of Arbitrators / Recognition and Enforcement of Arbitral Awards, Seminar of NYU and the Thai Arbitration Centre (THAC), Bangkok (2017)
- Weak Parties in International Arbitration, Conference on the Launch of the Cambridge Compendium on International Arbitration, Vienna (2017)
- Rule of Law and Arbitration, ILA Committee Meeting, Vienna (2017)
- Choice of Law Approaches in International Arbitration, Globalization of International Arbitration – Expert Workshop on Contemporary Issues, Challenges and Developments, Tilburg (2016)
- Mega-Regional Trade & Investment Agreements – Backlash and Reform, Walther Schücking Institute, Kiel (2016)
- The Rome Regulations in International Arbitration, Conference on the Impact of EU Law on International Commercial Arbitration, NYU, New York (2016)
- Changing Paradigms of Investment Protection – TTIP and Beyond, 12<sup>th</sup> International M&A Conference, Milan (2016)
- Seminar on International Arbitration, Hanoi Law University, Hanoi (2016)
- Recent Developments in Energy Investment Arbitration, AIJA Congress, Munich (2016)
- Procedural Challenges in International Arbitration, Summer School in Transnational Commercial Agreements, Litigation and Arbitration, Vicenza (2016)
- Modernising International Investment Agreements and Investor-State Dispute Settlement Mechanisms, OECD Capacity Building Workshop, Jordan (2016)
- The Investment Chapter of TTIP, America Center, Hamburg (2016)
- Recent Challenges of Investment Arbitration, Lions Club, Hamburg (2016)
- The Proposal for a New Investment Court, Globalization of the International Arbitral Process – Expert Workshop, Tilburg (2015)

- Introduction to Investment Arbitration, Hamburg Arbitration School, Hamburg (2015)
- The Future of Arbitration under TTIP, Berlin (2015)
- Limits to Party Autonomy to Protect Weak Parties in International Commercial Arbitration, New York (2015)
- Early Dismissal of Claims in Investment Arbitration, Tübingen (2015)
- The Distinction between Admissibility and Jurisdiction in International Investment Arbitration, IX Seminario Internacional de Derecho Internacional Privado, Madrid (2015)
- Winning Arbitrations on Weak Points, Generations in Arbitration Conference, Vienna (2015)
- Security for Costs in International Arbitration, Belgrade Arbitration Conference, Belgrade (2015)
- The Use of Investment Arbitration to Overcome Compliance Deficits with the New York Convention, Mexican Arbitration Centre, Mexico City (2014)
- Violating the New York Convention as Grounds for Claims under BITs, Convergence and Divergence of Investment and International Commercial Arbitration conference, Santo Domingo (2014)
- Bridging the Gap between Investment and Commercial Arbitration, Global Fellows Forum, New York University School of Law, New York (2014)
- The State of the International Law on Reparations, International Criminal Court, The Hague (2014)
- Recent Developments in Investment Protection, DIS40 North, Hamburg (2014)
- Possible Paradigmatic Changes in the Settlement of Investment Disputes, American Society of International Law / International Law Association Joint Meeting, Washington (2014)
- The Interplay of Public and Private Paradigms in Investment Arbitration, DIS40 event, Frankfurt a.M. (2013)
- Abstract Decision-making in International Investment Law, International Law Association Conference, Athens (2013)
- Dispute Resolution in International Financial Transactions, Global Law Week, New York (2013)
- Development of Procedural Forms and Methods of Dispute Resolution, Yekaterinburg, Russia (2013)
- Structuring Investments, European Lawyers Forum, New York (2013)
- Expert Seminar on Commercial Arbitration, Eriwan, Armenia (2012)

#### **Memberships (Selection):**

- American Society of International Law
- Bucerius Alumni Group on Public International & European Law (Co-chair)
- German Institution of Arbitration (DIS/DIS40)

- Hamburg Arbitration Circle
- ICC Young Arbitrators Forum
- ICDR Young & International
- International Bar Association, Arbitration Committee
- Young ICSID
- International Law Association, Member of the Committee on Reparation for Victims of Armed Conflict (2011-2014)
- International Law Association, Alternate Member of the Committee on Rule of Law and International Investment Law (since 2015)
- Kuala Lumpur Regional Centre of Arbitration, Panel of Arbitrators
- Vienna International Arbitration Centre, List of Arbitrators
- Singapore International Arbitration Centre (SIAC), Reserve Panel of Arbitrators
- Thailand Arbitration Centre (THAC), Panel of Arbitrators