



## Alicja Zielińska-Eisen

### OVERVIEW

Alicja Zielińska-Eisen is an Of Counsel with Queritius and an advocate (*adwokat*) admitted in Poland. She focuses on commercial matters, private international law, and international arbitration, as well as court proceedings supporting arbitration and post-arbitration proceedings. Alicja has deep knowledge of international investment law and arbitration, having represented States and private investors alike. She acts as an arbitrator and tribunal secretary and has experience under a variety of arbitration rules, including UNCITRAL, ICC, DIS, SCC, and the Court of Arbitration at the Polish Chamber of Commerce (SA KIG).

In parallel, she is the Academic Coordinator for the International Dispute Resolution (IDR) LL.M. at Humboldt Universität zu Berlin in Germany.

Alicja has more than 10 years of experience working for a Magic Circle law firm, where she was a member of the global dispute resolution team.

Alicja is involved in diverse initiatives for legal professionals and regularly speaks at seminars and conferences on negotiation, international arbitration, and other ADR subjects, including engagements in Warsaw, Berlin, Vienna, Copenhagen, and Hong Kong.

She holds an LL.M. in International Dispute Resolution from Humboldt Universität zu Berlin, as well as a Postgraduate Diploma in Negotiation, Mediation, and other ADR awarded by the University of Warsaw, Centre for Dispute and Conflict Resolution. Alicja is a member of the Arbitration Commission of the ICC Poland.

### REPRESENTATIVE EXPERIENCE

#### INVESTMENT TREATY ARBITRATION

- Counsel to PL Holdings S.à r.l. in an investment arbitration against the Republic of Poland under the SCC Rules (PL Holdings S.à r.l. v Republic of Poland, SCC Case No. V 2014/163).
- Counsel to the Republic of Poland in the investment arbitration commenced by a Dutch investor, Enkev Beheer B.V., under the UNCITRAL Rules, regarding expropriation of a production plot of

### CONTACT

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### BAR ADMISSIONS

- Poland, Adwokat

### ACHIEVEMENTS

- Laureate of the 2016 Rising Star Lawyers—Leaders of Tomorrow, organised by Wolter Kluwers and Dziennik Gazeta Prawna

land (Enkev Beheer B.V. v Republic of Poland, PCA Case No. 2013-01).

## COMMERCIAL ARBITRATION

- Counsel to a European manufacturer in multimillion euro arbitration proceedings conducted under the SCC Rules in connection with an international contract for delivery.
- Counsel to subsidiaries of a Dutch investor in multiparty ad hoc arbitration proceedings under the UNCITRAL Arbitration Rules, seeking declaratory relief regarding a price adjustment mechanism in commercial agreements.
- Counsel to a global player in wind turbines manufacturing in international arbitration proceedings under the ICC Rules in connection with the exit conditions from an investment in Poland.
- Counsel to a UK investor in a complex shareholder dispute with minority stakeholders over control of a joint-venture in Poland involving concurrent state court injunction proceedings and arbitration proceedings under the SA KIG Rules.
- Member of a team representing a Polish subsidiary of a multinational telecom in numerous recognition and enforcement proceedings across Europe and the USA concerning a multimillion euro arbitral award.
- Counsel to a Polish manufacturer defending against a claim for payment of a contractual penalty resulting from an alleged quality defect of the products in arbitration proceedings under the SA KIG Rules.
- Counsel to one of the biggest banks in Poland in arbitration proceedings under the Rules of Arbitration at the Polish Bank Association commenced by one of the bank's business clients seeking the declaration of invalidity of an option scheme agreement.
- Counsel to a real estate investor in arbitration proceedings under the SA KIG Rules concerning obligations of the buyer of an office building under a master lease agreement.
- Tribunal Secretary to a three-member arbitral tribunal in a multiparty arbitration under the ICC Rules concerning payment obligation under a turn-key agreement for drilling wells for hydrocarbon exploitation.
- Tribunal Secretary to a three-member arbitral tribunal in a multiparty ad hoc arbitration under UNCITRAL Rules with a value in dispute exceeding PLN 1 billion.

## LITIGATION

- Counsel to a Dutch company in connection with cross-border enforcement of an injunction granted by a state court in the

Netherlands permitting attachment of shares in Polish companies.

- Counsel to an international investor in court proceedings requesting a substitute declaration by the court in connection with a private share subscription offer and seeking court's order on security.
- Counsel to a subsidiary of a Greek investor in multiparty commercial litigation related to a dispute triggered by legislative changes in the renewable energy sector in Poland and the claims under the agreements for the purchase of green certificates.
- Member of a team advising an European manufacturer in a series of litigations before commercial courts in the Russian Federation concerning the validity and operability of an arbitration agreement in commercial delivery contract.
- Counsel to an issuer of bonds in court proceedings aimed at cancellation of the bonds, which were subscribed by an investor in execution of an option agreement as part of a complex real-estate transaction.
- Counsel to a UK-controlled real estate investor in a series of court disputes regarding the construction of a shopping park.
- Member of a team representing an SPV company in a series of court proceedings related to the performance of a contract for the construction of a stadium in Poland.
- Advisor to a Swedish company in relation to court proceedings before a Swedish court regarding a claim for damages arising from the failed negotiation of a sale of shares in a Polish limited liability company (*culpa in contrahendo*).
- Counsel to a Swedish company in injunction and enforcement proceedings before Polish courts and a bailiff connected with a foreign court judgment ordering payment in favour of a Dutch company and enforced against assets in Poland.
- Counsel to a major infrastructure company in proceedings concerning a challenge to the company's general meeting resolution.
- Counsel to a European supplier of snacks in litigations with its competitors regarding damages and other remedies for unfair competition acts.
- Counsel to a company operating in the energy sector in connection with a competitors' commercial court action against the company's director and a former management board member of the competitor's for payment of damages as a result of unfair competition acts by the director.
- Member of a team representing a new-tech company in court proceedings against a Swedish company in a dispute resulting from a breach of a joint venture agreement.

- Counsel to a major bank in proceedings concerning a claim for payment by one of the bank's business clients resulting from the invalidity of an option framework agreement.
- Member of a team representing one of the biggest banks in Poland in a series of litigation over damage claims brought by individuals alleging negligence in the provision of banking services to a company that offered sophisticated financial services.
- Advisor to a bank in setting aside proceedings concerning an arbitral award in which the tribunal modified the conditions of the contractual relationship between the parties, and at the same time preventing the enforcement of the arbitral award.
- Counsel to the alleged beneficiary of state aid in proceedings before Polish courts concerning the domestic enforcement of a European Commission decision on state aid and the implementation of the provisional recovery mechanism.
- Counsel to a Luxembourg company and its subsidiary in court proceedings before the Polish Administrative Supreme Court concerning a Polish Financial Supervisory Authority (KNF) decision regarding shareholding in a bank.
- Counsel to a leading international personal-hygiene company concerning a notification concerning product safety to the Polish Office of Competition and Consumer Protection (UOKiK) and in the dispute with the retailer.
- Advisor to a chocolate manufacturer with regard to a dispute with a local producer of foodstuff and on EU and Polish food-safety regulations.

## SELECTED PUBLICATIONS

- Zielinska-Eisen A., Strecker T., Annex II: Report on Main Features of Declarations in Germany, in: B. Gessel-Kalinowska vel Kalisz, "The Legal, Real and Converged Interest in Declaratory Relief", International Arbitration Law Library, Volume 48, Wolters Kluwer Law & Business 2019, pp. 223-256.
- Zielinska A., Wiśniewski C., Who Should Know The Law: The Arbitrators Or The Parties, Kluwer Arbitration Blog, 3 October 2016.
- Zielinska A., Arbitral Secretaries - Responsibilities and Appointment, in Arbitration Bulletin Young Arbitration No. 24, April 2016, Court of Arbitration at the Polish Chamber of Commerce in Warsaw, pp. 9-21.
- Zielinska A., Sekretarz trybunału arbitrażowego - obowiązki i sposób powoływania, in Arbitration Bulletin No. 22, January 2015, Court of Arbitration at the Polish Chamber of Commerce in Warsaw, pp. 63-73.
- Zielinska A., Dziurda M., Prohibition on Surprise Decisions on Legal Grounds by Arbitrators in: "Liber Amicorum dedicated to Prof.

Jerzy Rajski: "The Challenges and the Future of Commercial and Investment Arbitration", May 2015, pp. 315-329.

## PROFESSIONAL/CIVIC ACTIVITIES

- Academic Coordinator of the International Dispute Resolution LL.M. at Humboldt Universität zu Berlin
  - Member of the Arbitration Commission of the ICC Poland and the Commission's working group on education and training in arbitration
  - Member of the Organising Committee of the ICC Poland Christmas Dinners, which aim at supporting local charities
  - Lecturer on International Arbitration and tutor for mediation workshops during the Berlin Summer School on Intercultural Negotiation and Mediation organised by Humboldt-Universität zu Berlin and Tulane Law School
  - Member and former Auditor of MAA (Moot Alumni Association)
  - Member of the Humboldt Moot Association (HMA) responsible for co-organisation of the Berlin Premoot
- Member of various organisations for young professionals in the area of international arbitration, such as ICC YAF, DIS40, YAPP

## EDUCATION

- LL.M., International Dispute Resolution, Humboldt Universität zu Berlin
- Postgraduate Diploma, Negotiation, Mediation and other ADR, University of Warsaw
- Admission to the Bar Association of Attorneys (ORA) in Poland
- M.A. in Law (magister prawa), University of Silesia in Katowice

## LANGUAGES

English | Polish