

# Prof. Dr. Friedrich Rosenfeld

Rechtsanwalt Partner

### **HANEFELD Rechtsanwälte**

Brooktorkai 20 20457 Hamburg Germany

16, Avenue de Friedland75008 ParisFrance

E: rosenfeld@hanefeld-legal.com T: +49 40 180 48 29 30 hanefeld-legal.com

## Languages

German English French Spanish

# **Nationality**

German



# **Experience**

### As arbitrator

- Emergency arbitrator, sole arbitrator, co-arbitrator and chair in domestic and international arbitration proceedings (ICC, ICDR, VIAC, DIS, DIA, ad hoc, Hamburg Rules)
- Seats: Denmark, Germany, Switzerland, United States, Austria, Israel, Greece, France
- Applicable substantive laws: German, Danish, Greek, English, Austrian, Israeli, Macedonian

# As counsel in arbitral proceedings

- Representation of domestic and foreign companies in domestic and international arbitration proceedings
- Seats: Germany, Netherlands, Japan, France, Switzerland, Turkey, Israel
- Applicable substantive laws: German, Qatari, Turkish, Dutch, Japanese, Israeli, International Law

### Other

- Expert witness on public international law and German law
- Expert and consultant for various international organizations



## **Instruments**

## Arbitration

## Litigation

# **Areas of practice**

- Post-M&A & Corporate Law
- Construction & Engineering
- Energy
- Commercial & Trade Law
- Public international law & sovereigns

# **Recognitions**

### **JUVE**

- Dr. Friedrich Rosenfeld is a "brilliant lawyer" with "outstanding cross-examination skills"
- "Dr. Friedrich Rosenfeld [is a] brilliant mind."
- Dr. Friedrich Rosenfeld is decisive.
- Dr. Friedrich Rosenfeld is excellent.

### Who's Who Legal

- Dr. Friedrich Rosenfeld has a "sharp mind and breadth of experience in international arbitration"
- "A dedicated sharp lawyer with strong analytical skills and the ability to understand complex legal systems."
- "Friedrich is very thorough, quick and smart."
- He is a gifted drafter.
- "Friedrich is an inspiring personality and presence."
- "Friedrich has a sharp mind and is experienced in international arbitration."
- "Friedrich has strong analytical skills." "He is an up-andcoming lawyer who is dedicated and sharp."
- A true leader of his generation
- "His ability to promptly grasp the issues (both factual and legal) raised, as well as the clarity he expresses himself, both in writing and in discussions is very impressive."



- "He clearly has a deep theoretical knowledge of private law, combined with a practical mind and wide experience."
- A brilliant mind.

### **Global Arbitration Review**

 Nominated for Global Arbitration Review's "Best Prepared, Most Responsive Arbitrator" Award 2022

### Curriculum vitae

#### Since 2011

Attorney with HANEFELD, Hamburg

#### **2011**

Consultant with the United Nations Assistance to the Khmer Rouge Trials (UNAKRT), 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 (Dr. iur.) (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**

- Honorary Professor for International Arbitration, International Hellenic University, Thessaloniki Since 2023
- Visiting Associate Professor, National University of Singapore
   Spring 2023



 Visiting Professor for International Arbitration, International Hellenic University, Thessaloniki 2013 - 2023

- Scholar-in-Residence, NYU School of Law Fall 2022
- Global Professor of Law from Practice, NYU School of Law Spring 2020
- Global Adjunct Professor of Law, NYU School of Law in Paris

Since 2016

- 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

# **Speeches**

### 2024

- Soft Law in International Commercial Arbitration PRE-VIS CONFERENCE 2024
   Vienna, Austria
- The Future of Investment Protection in India Indian Institute of Arbitration & Mediation
   New Delhi, India
- Seminar on Investment Arbitration Indian Institute of Arbitration & Mediation New Delhi, India

### 2023

- Seminario de Arbitraje Internacional Santiago de Chile
- Exceptionalism in Arbitration
   Sciences Po



Paris, France

 The Normative Framework on International Commercial Arbitration

Bucerius Law School Hamburg, Germany

 Due Process as a Limit to Discretion Copenhagen Arbitration Day Copenhagen, Denmark

Delay Claims in Construction Arbitrations
 Berlin Dispute Resolution Week
 Berlin, Germany

 Challenging an Arbitral Award based on the Tribunal's Treatment of the Evidence Bangalore, India

 Deference in International Commercial Arbitration NYU
 New York, USA

 The New York Convention as an Instrument of Uniform Law

Nova Law School Lisbon, Portugal

 The New York Convention as an Instrument of Uniform Law

Asia Pacific Centre for Arbitration & Mediation

 Les stratégies pour construire une carrière dans l'arbitrage international

Académie Africaine de Pratique du Droit International Paris, France

#### 2022

What makes a jurisdiction arbitration friendly?
 CAM Seminar
 Milan, Italy

 The New York Convention as an Instrument of Uniform Law

George Mason University Washington D.C., USA

 The New York Convention Kuwait University



#### Kuwait

Practical Matters on the Production of Evidence
 NYU Columbia Conference
 New York, USA

 The Interplay between Common Law and Civil Law in Arbitration

THAC SIAC Seminar (2022)

 Due Process in Arbitration AIA CAM Seminar Milan, Italy

 Evidentiary Matters at the Post-Award Stage DIA NYU Seminar Copenhagen, Denmark

 Reform Options for Dispute Resolution under Investment Treaties
 Algiers

- Deference in International Commercial Arbitration Paris, France
- The Normative Framework on Evidence Vienna
   Vienna, Austria
- The Shared Control over Arbitral Awards Columbia University New York, USA
- The New York Convention as an Instrument of International Law
   National University of Singapore
   Singapore, Singapore

#### 2021

 Contemporary Issues in International Arbitration THAC Seminar
 Bangkok, Thailand

- Careers and Opportunities in International Arbitration New York International Arbitration Week
   New York, USA
- Jura Novit Arbiter
   Meeting of the American Society of Comparative Law



Wisconsin, USA

 Autonomous versus Domestic Standards under the New York Convention

National University of Singapore Singapore, Singapore

 A Global Perspective on Due Process in International Commercial Arbitration

NYU Danish Institute of Arbitration Copenhagen, Denmark

 Autonomous versus Domestic Standards under the New York Convention

Oslo University Webinar Oslo, Norway

### 2020

 A Global Perspective on Due Process in International Commercial Arbitration

NYU DIAC Webinar

Dubai

 Due Process as a Limit to Discretion NYU Russian Arbitration Center Webinar Moscow, Russia

 Due Process in International Commercial Arbitration NYU FGV Webinar
 Sao Paulo, Brasil

 The Law Applicable to the Merits SIAC Webinar N.N.

 Arbitration in a Contactless Society AIAC Webinar

Kuala Lumpur, Malaysia

 The IBA Rules on the Taking of Evidence NYU
 New York, USA

CISG in International Arbitration

NYU

New York, USA



 Case Management Tools for Saving Costs and Time under the DIS Rules

DIS

Thessaloniki, Greece

 Due Process in International Commercial Arbitration NYU

New York, USA

Arbitration of M&A Disputes
 14th International M&A Conference
 Versailles, France

 The Proposal for a Multilateral Investment Court Sciences Po Paris, France

THAC NYU Arbitration Class
 Thai Arbitration Center

Bangkok, Thailand

Inherent Powers of Arbitrators
 KCAB NYU Seminar on Inherent Powers of Arbitrators
 Seoul, South Korea

The Shared System of Control of Arbitral Awards
 Lyon Conference
 Lyon, France

 Inherent Powers of Arbitrators to Reconsider and Revise their Decisions

Belgrade Arbitration Conference Belgrade, Serbia

 International vs. Domestic Standards in Arbitration National University of Singapore Singapore, Singapore

 Arbitral awards - What they are and what they are not NYU

New York, USA

### 2018

 ISDS: Taking stock of criticism and proposals for reform Sciences Po

Paris, France



Conflict of Laws
 Conflict of Laws

Hamburg, Germany

 Limits to Party Autonomy in International Commercial Arbitration

**ISTAC** 

Istanbul, Turkey

Hamburg Arbitration School

Hamburg Arbitration School Hamburg, Germany

THAC NYU Arbitration Class

Thai Arbitration Center Bangkok, Thailand

 Conference on Conflicts of Law in International Arbitration

The Law Applicable to Legal Privilege in International Arbitration Vienna, Austria

 The Hardening of Soft Law in International Arbitration National University of Singapore
 Singapore, Singapore

### 2017

 Inherent Powers of International Adjudicators to Reconsider and Revise their Decisions

Sciences Po

Paris, France

 The Protection of Weak Parties in International Commercial Arbitration

Arbitration Santo Domingo Conference Santo Domingo, Dominican Republic

 Diverging Approaches towards the Set-Aside of Arbitral Awards

3rd International Arbitration Congress Istanbul, Turkey

 International Commercial Arbitration / Challenges of Arbitrators / Recognition and Enforcement of Arbitral Awards

Seminar of NYU and the Thai Arbitration Centre Bangkok, Thailand



Weak Parties in International Arbitration
 Conference on the Launch of the Cambridge Compendium on International Arbitration
 Vienna, Austria

 Rule of Law and Arbitration ILA Committee Meeting Vienna, Austria

### 2016

Choice of Law Approaches in International Arbitration
 Expert Workshop
 Tilburg, Netherlands

 The Backlash against Investment Protection Walther Schücking Institute Kiel, Germany

 The Rome Regulations in International Arbitration Conference on the Impact of EU Law on International Commercial Arbitration New York, USA

 Changing Paradigms of Investment Protection – TTIP and Beyond

12th International M&A Conference Milan, Italy

Seminar on International Arbitration

Hanoi Law University Hanoi, Vietnam

 Recent Developments in Energy Investment Arbitration AIJA Congress

Munich, Germany

 Procedural Challenges in International Arbitration Procedural Challenges in International Arbitration Vicenza, Italy

 Modernising International Investment Agreements and Investor-State Dispute Settlement Mechanisms
 OECD Capacity Building Workshop Jordan, Jordan

 Recent Challenges of Investment Arbitration Lions Club



Hamburg, Germany

 The Investment Chapter of TTIP America Center Hamburg, Germany

### 2015

- Introduction to Investment Arbitration Hamburg Arbitration School Hamburg, Germany
- The Proposal for a New Investment Court Expert Workshop Tilburg, Netherlands
- The Future of Arbitration under TTIP Fall conference of DSJV Berlin, Germany
- Limits to Party Autonomy to Protect Weak Parties in International Commercial Arbitration NYU
   New York, USA
- Early Dismissal of Claims in Investment Arbitration N.N.
   Tübingen, Germany
- The Distinction between Admissibility and Jurisdiction in International Arbitration
   IX International Seminar on Private International Law Madrid, Spain
- How to Win an Arbitration on Weak Points Generations in Arbitration Conference Vienna, Austria
- Security for Costs in International Arbitration
   Belgrade Arbitration Conference
   Belgrade, Serbia

### 2014

 The Use of Investment Arbitration to Overcome Compliance Deficits with the New York Convention



N.N. Mexico City, Mexico

- Convergence and Divergence of Investment and International Commercial Arbitration Conference
   Violating the New York Convention as Grounds for Claims under BITs
   Santo Domingo
- Bridging the Gap between Commercial and Investment Arbitration at the Enforcement Stage
   NYU Global Fellows Forum
   New York, USA
- The State of the International Law on Reparations International Criminal Court
   The Hague, Netherlands
- Recent Developments in Investment Protection DIS40 North event Hamburg, Germany
- Possible Paradigmatic Changes in the Settlement of International Investment Disputes
   Joint ASIL/ILA Meeting
   Washington, D.C., USA

#### 2013

 Interplay of Public and Private Paradigms in International Investment Arbitration

DIS40 North event Frankfurt am Main, Germany

- Abstract Interpretations in Investment Law International Law Association Conference Athens, Greece
- Dispute Resolution in International Financial Transactions Global Law Week
   New York, USA
- N.N.

Development of Procedural Forms and Methods of Dispute Resolution Yekaterinburg , Russia

Investment Arbitration
 European Lawyers Forum
 New York, USA



 Seminar on Arbitration Yerevan, Armenia

### **Publications**

### 2023

- Arbitrage Commercial International Pedone, (co-author with F. Ferrari and C. Kleiner)
- Arbitraje Comercial Internacional
   Marcial Pons, (co-author with F. Ferrari, J. Fellas and J.C. Riveira)
- The Independence and Impartiality of Adjudicators in Commercial Institutional Arbitration
   G. Cordero-Moss, Independence and Impartiality of International Adjudicators, Intersentia 2023, 133 – 155 (co-author with F. Ferrari)
- Reconhecimento e Execução de Sentenças Arbitrais Estrangeiras: Um Guia Conciso do Regime Uniforme da Convenção de Nova York

Co-author with Franco Ferrari and Mariana França Gouveia

 Recognition and Enforcement of Foreign Arbitral Awards
 - A Concise Guide to the New York Convention's Uniform Regime

Elgar, (co-author with F. Ferrari / C. Kotuby)

- Deference in International Commercial Arbitration Kluwer, (co-editor with F. Ferrari)
- Limitations to Party Autonomy in International Commercial Arbitration

A. Bjorklund / S. Kröll / F. Ferrari (eds.), The Cambridge Compendium on International Arbitration, Cambridge, 47 – 80 (co-author with Franco Ferrari)

- The Law Applicable to the Merits in International Commercial Arbitration
  - A. Bjorklund / S. Kröll / F. Ferrari (eds.), The Cambridge Compendium on International Arbitration, Cambridge, 482 511 (co-author with F. Ferrari)
- Weak Parties in International Commercial Arbitration
   A. Bjorklund / S. Kröll / F. Ferrari (eds.), The Cambridge Compendium on International Arbitration, Cambridge, 1753 1711 (co-author with F. Ferrari)



 Arbitragem Commercial Internacional – Uma Introdução Comparada

Quartier Latin (co-author with F. Ferrari, J. Fellas and R. Alves)

 The Handbook of Evidence in International Commercial Arbitration

Kluwer, (co-editor with Franco Ferrari)

### 2021

 Autonomous versus Domestic Concepts in the New York Convention

Kluwer, (co-editor with F. Ferrari)

 A Comparative Introduction to International Commercial Arbitration

Elgar, (co-author with F. Ferrari)

### 2020

 Due Process as a Limit to Discretion in International Commercial Arbitration

Kluwer, (co-editor and co-author D. Czernich / F. Ferrari)

 International Commercial Arbitration: A Comparative Introduction

Elgar, (co-author with F. Ferrari)

### 2019

- Chapters on Expropriation, Fair and Equitable Treatment, State Responsibility & Compensation, Consent to Arbitrate and the Future of Investment Arbitration F. Ferrari / B. King / F. Rosenfeld (eds.), Nutshell on Investment Arbitration, West Academic
- The Law Applicable to Legal Privilege in International Arbitration



F. Ferrari / S. Kröll, Conflicts of Laws in International Arbitration, 213 – 238, Juris

The Hardening of Soft Law in International Arbitration
 7 No. 2 European Review of International Arbitration, 19 – 36, Juris

### 2018

- Inherent Powers of Arbitrators
   Juris, (co-editor with F. Ferrari)
- Inherent Powers of International Adjudicators to Reconsider and Revise their Decisions
   6 No. 2 European Review of International Arbitration (2018), 127 – 147, Juris

### 2017

- Límites a la Autonomía de las Partes en Arbitraje Internacional
   X Revista de Arbitraje Comercial y de Inversiones (2017), 335 – 386 (co-author)
- Iura Novit Curia in International Law
   6 No. 1 European Review of International Arbitration (2017), 131 160,
   Juris
- The Rome Regulations in International Arbitration The Road Not Taken

F. Ferrari (ed.), The Impact of EU Law on International Commercial Arbitration, 245 – 283, Juris

### 2016

 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 (co-author)



- 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
   F. Ferrari, Limits to Party Autonomy in International Commercial Arbitration, Juris, 417 – 438
- 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 with F. Ferrari)
- Early Dismissal of Claims in Investment Arbitration
   A. Kulick (ed.), Contracting Parties' Re-assertion of Control over International Investment Agreements and International Investment Treaty Arbitration, Cambridge University Press (2016), 83 – 102
- Abstract Interpretations in International Investment Law
   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
   J. Jørgensen (ed.): Finding, Freezing and Attaching Assets A Multi-Jurisdictional Handbook, Kluwer (2016), 127 140 (co-author with Jan Heiner Nedden))

 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

#### 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

Müller, Rigozzi (eds.), New Developments in International Commercial Arbitration 2013, November 2013 (co-author with Jan Heiner Nedden)

### 2012

- 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

### 2010

Collective Reparation for Victims of Armed Conflict
 92 No. 879 ICRC Review (2010), 731 – 746, Cambridge University Press

### 2009

 Die Humanitäre Besatzung – ein Dilemma des lus Post bellum (The Humanitarian Occupation – A Dilemma of the lus Post Bellum)
 Nomos Publishers

# **Memberships**

- Asia International Arbitration Centre, List of Arbitrators
- Bucerius Center for International Dispute Resolution (Member)
- CEPANI, Panel of Arbitrators
- Dubai International Arbitration Centre (DIAC), List of Arbitrators
- European Organization for Mediation and Arbitration



# (EODID), List of Arbitrators

- German Arbitration Institute (DIS)
- Hamburg Arbitration Circle
- ICDR, Panel of Arbitrators
- International Law Association, Alternate Member of the Committee on Rule of Law and International Investment Law (since 2015)
- Korea Commercial Arbitration Board (KCAB), Panel of International Arbitrators
- Netherlands Institute of Arbitration (NAI), Panel of Arbitrators
- Singapore International Arbitration Centre (SIAC), Reserve Panel of Arbitrators
- Thailand Arbitration Center (THAC), Panel of Arbitrators
- Thailand Arbitration Center (THAC), Member of the Arbitrator Committee
- Vienna International Arbitration Centre (VIAC), List of Arbitrators