

## RAFAŁ KOS



### **Firm**

Kubas Kos Gałkowski

### **Position**

Partner

### **Area of Specialisation / Arbitration Experience**

Commercial Arbitration, Corporate Law, Mergers and Acquisitions

### **Address**

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Poland

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### **LinkedIn**

<https://www.linkedin.com/in/rafalkos>

### **Languages**

English, German

### **Nationality**

Poland

### **Bar Admission**

2001 - entered onto the list of attorneys - The Krakow Bar Association (ORA Kraków)

### **Education**

2016 - PhD from Jagiellonian University

2010 - CUA Columbus School of Law, Washington D.C. (LL.M.)

2008 - legal - comparative studies, International Commercial Law, UC Davies (California)

2001 - entered onto the list of attorneys, partner

1995 - Master's degree: Law at the Faculty of Law of Administration at Jagiellonian University

### **Publications**

#### **2021**

Maciej Durbas, Rafał Kos, Can a party continue arbitration after assigning the claim?, International Law Office

Maciej Durbas, Rafał Kos, Appeals courts confirm procedural public policy violations, International Law Office

Maciej Durbas, Rafał Kos, Lack of funds does not enable parties to escape arbitration, International Law Office

#### **2020**

Maciej Durbas, Rafał Kos, Arbitral award vacated for violation of EU competition law, International Law Office

Magdalena Mentel-Rogowska, Rafał Kos, New Provisions Regarding Arbitration that Were Entered into Force by the Polish Act of 31 July 2019 Amending Certain Acts in Order to Limit Regulatory Burdens (Journal of Laws of 2019, item 1495), Czech (&Central European) Yearbook of Arbitration 2020

Maciej Durbas, Rafał Kos, Ready, set, off: Warsaw Court of Appeals confirms tribunal's jurisdiction over set-off claim, International Law Office

Maciej Durbas, Rafał Kos, Words, words, words: concise reasoning not grounds to vacate award, International Law Office

Maciej Durbas, Rafał Kos, Res iudicata saga continues, International Law Office

#### **2019**

Maciej Durbas, Rafał Kos, Important changes to arbitration of corporate disputes introduced, International Law Office

Maciej Durbas, Rafał Kos, ICC award set aside for failure to admit further expert evidence, International Law Office

Maciej Durbas, Rafał Kos, Award vacated for ultra petita decision regarding interest, International Law Office

Maciej Durbas, Rafał Kos, State court not obliged to review arbitral case file, International Law Office

Maciej Durbas, Rafał Kos, State court refuses recognition or enforcement in collusion cases, International Law Office

#### **2018**

Maciej Durbas, Rafał Kos, Arbitral tribunals must consider all evidence or risk violating public policy, International Law Office

Marek Topór, Rafał Kos, Statutory limitations of claims periods excluded from public order, International Law Office

Maciej Durbas, Rafał Kos, Supreme Court decides that assignee is bound by arbitration agreement, International Law Office

Rafał Kos, What's New in European Arbitration?, Dispute Resolution Journal

## **2017**

Maciej Durbas, Rafał Kos, ICC award set aside due to irregularities in arbitrator's appointment, International Law Office

Maciej Durbas, Rafał Kos, The European Arbitration Review 2018 - Poland, Global Arbitration Review

Maciej Durbas, Rafał Kos, Agent claiming commission for football transfer caught offside, International Law Office

Andrzej Kubas, Dominik Gałkowski, Kamil Zawicki, Rafał Kos, International Arbitration - Poland Law & Practice, Chambers Practice Guides

Maciej Durbas, Rafał Kos, Supreme Court confirms that agent's email authorisation is necessary to enter into arbitration agreement, International Law Office

Rafał Kos, Ewolucja poglądów niemieckiej doktryny i orzecznictwa w zakresie oceny zdadności arbitrażowej sporów korporacyjnych i jej znaczenie dla polskiej praktyki arbitrażowej (The evolution of the German doctrine and case-law in the scope of arbitrability of corporate disputes and its significance for Polish arbitration practice), Corporate Disputes In Arbitration Practice - Polish and German Perspective, C.H.Beck, 2017

Maciej Durbas, Rafał Kos, Unfair arbitration clause declared invalid, International Law Office

Kamil Zawicki, Rafał Kos, The European Arbitration Review 2017 - Poland, Global Arbitration Review

Agnieszka Trzaska, Rafał Kos, Class & Group Actions 2017 - Poland, The International Comparative Legal Guide

Agnieszka Trzaska, Rafał Kos, Agnieszka Trzaska, Rafał Kos: Zmiana przepisów usprawni procesy grupowe (A Change in Regulations Will Streamline Class Actions), Rynek Prawniczy z dnia 08.11.2017

## **2016**

Maciej Durbas, Rafał Kos, Court says no to anti-arbitration injunctions in Poland, International Law Office - Arbitration & ADR - Poland

Maciej Durbas, Rafał Kos, Supreme Court sets high formal requirements for motion to recognise foreign award, International Law Office - Arbitration & ADR - Poland

Maciej Durbas, Rafał Kos, No declaratory judgment on validity of arbitration agreement, International Law Office - Arbitration & ADR - Poland

Rafał Kos, Konstytucyjny model „prawa do sądu” a deficyt formalizmu w wielopodmiotowym postępowaniu arbitrażowym ze stosunku spółki handlowej (Constitutional Model of 'Access to Justice' and the Deficit of Formalism in Multi-entity Arbitration Proceedings from the Commercial Company Relationship), Usus Magister Est Optimus. Rozprawy prawnicze ofiarowane Profesorowi Andrzejowi Kubasowi, C.H. Beck, 2016

Maciej Durbas, Rafał Kos, Interruption of limitation period of claim covered by arbitration agreement, International Law Office - Arbitration & ADR - Poland

Agnieszka Trzaska, Rafał Kos, Class & Group Actions 2016 - Poland, The International Comparative Legal Guide

Maciej Durbas, Rafał Kos, The European, Middle Eastern and African Arbitration Review 2016 - Poland, Global Arbitration Review

## **2015**

Maciej Durbas, Rafał Kos, Time limits in arbitration agreements, International Law Office - Arbitration & ADR - Poland

Andrzej Kubas, Kamil Zawicki, Rafał Kos, International Arbitration - Poland Law & Practice, Chambers Practice Guides

Maciej Durbas, Rafał Kos, Amendments to arbitral law - more efficient postarbitral proceedings, International Law Office - Arbitration & ADR - Poland

Maciej Durbas, Rafał Kos, International Arbitration 2015, Global Legal Group

Kuba Gąsiorowski, Rafał Kos, Elektrim case era comes to an end, International Law Office - Arbitration & ADR - Poland

Rafał Kos, The «Arbitrability II » Decision of the German Supreme Court (BGH ) - the German Benchmark for Arbitrating Corporate Disputes in Poland?, The Challenges And The Future Of Commercial And Investment Arbitration

Agnieszka Raczowska, Rafał Kos, Loss of effect of arbitration clause, International Law Office - Arbitration & ADR - Poland

Rafał Kos, Public order - compensatory function of penalty clause, International Law Office - Arbitration & ADR - Poland

Rafał Kos, Charakter prawny interwencji zgłoszonej przez wspólnika spółki kapitałowej w sporze o unieważnienie uchwały (The legal nature of the intervention lodged by a shareholder of a company in a dispute for the annulment of the resolution), Glosa 2/2015

## **2014**

Rafał Kos, The arbitrability and arbitration clause in corporate disputes. Commentary to the arbitral award, Arbitration e-Review 2014, No. 3-4

Maciej Durbas, Rafał Kos, The Arbitrators' (Perceived) Power to Revise a Contract vs. the Power of the Public Policy Clause, The Austrian Yearbook on International Arbitration 2014

Maciej Durbas, Rafał Kos, International Arbitration 2014 - Poland, The International Comparative Legal Guide 2014

Rafał Kos, Zdarność arbitrażowa sporów o ważność uchwał spółek kapitałowych (Arbitrability of Disputes on Validity of Resolutions of Capital Companies), Przegląd Prawa Handlowego 03/2014

## **2013**

Rafał Kos, O związaniu cesjonariusza zapisem na sąd polubowny (On binding the assignee with the arbitration covenant), Glosa 4/2013

Marek Porzycki, Rafał Kos, Sytuacja prawna majątku pozostałego po wykreśleniu spółki kapitałowej (The legal situation of the estate remaining after the deletion of the capital company), Monitor Prawa Handlowego 3/2013

## **Professional Associations**

American Bar Association

Polish Bar Council Arbitration Committee

The Board of Visitors at the Columbus School of Law (CUA, Washington D.C.)

### **Other Qualifications**

Attorney-at-law. He has extensive experience in conducting cross border litigations and group proceedings. He is the Vice-President of the Confederation Lewiatan Arbitration Court in Warsaw (since 2014). Appointed as Permanent Arbitrator and Conciliator of the Arbitration Court at the Office of the Attorney General of the Republic of Poland (since 2020). He was a member of the following: the Parliamentary Justice and Human Rights Committee on Class Actions (2009); the Minister of Justice Team for the Amendment of the Bankruptcy and Restructuring Law (2012); the Minister of Economy's Alternative Dispute Resolution Expert Team (2013); and the Business Law Task Force at the Ministry of Economic Development (2015). Currently a member of the Corporate Law Reform Committee and expert teams at the Ministry of State Assets: for Improving the Effectiveness of Supervisory Boards and for Group of Corporation Law (2020). Member of the Polish delegation at the 73rd and 74th sessions of the UNCITRAL Working Group II - Dispute Resolution/Arbitration and Conciliation (2021).

He has been recommended as a leading expert on arbitration in Who's Who Legal, as well as on dispute resolution in Chambers and Partners and in the most prestigious Polish ranking of law firms conducted by the Rzeczpospolita daily. Member of the Polish Bar Council Arbitration Committee (2015-2021) and The Board of Visitors at the Columbus School of Law of the Catholic University of America in Washington (since 2017). Deputy Supervisory Board Chairman of the PFR TFI (2018-2020). Member of the Supervisory Board of the PKO BP (since 2020).

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