



Dr. Jur. (Habil.) Niels Schiersing
Independent International Arbitrator

Solicitor (England & Wales)
Advocate (H) (Denmark)

Email: niels.schiersing@arbchambers.com or practiceteam@arbchambers.com

Website: <http://www.arbchambers.com/arbitrators/niels-schiersing>

CONTACT ADDRESSES

United Arab Emirates

Boulevard Plaza, Tower 2, Level 23
Emaar Square, Downtown
Dubai
Telephone:
+971 4 409 6792
Mobile:
+971 50 526 9745

United Kingdom

Lamb Building, 3rd Floor South
Temple
London, EC4Y 7AS
Telephone:
+44 (0) 207 167 2040
Mobile:
+45 92 15 39 44

Hong Kong SAR

Level 16, The Hong Kong Club Building
3A Chater Road, Central
Hong Kong

Singapore

Arbitration Chambers Tras Street
78A Tras Street
Singapore 079017

INTRODUCTION

Doctor (Dr) Niels Schiersing (born in 1960 and a national of the Kingdom of Denmark) is dual qualified and admitted to practice law in Denmark (advocate) and in England & Wales (solicitor), giving him profound and in-depth knowledge of civil law and common law principles alike.

He holds the doctoral degree of Dr. Jur. (*Doctor Juris*), which is the highest law degree in Danish academia. A Dr. Jur. degree is, *inter alia*, equivalent to Dr. Habil. (*Doctor Habilitatus*), which is the highest achievable academic degree in Germany and to D.Sc. (*Doctor Scientiae*), which occupies a similar position in certain Eastern European countries (In Russian: *Doktor Nauk*). Moreover, the Dr. Jur. degree is akin to the higher doctoral degrees of LLD (*Legum Doctor*) and DCL (*Doctor of Civil Law*) in British academia.

Dr Schiersing specialises in (comparative) contract law, i.e. the formation, construction/interpretation, adaption, performance, termination and breach of contract, including the principles for calculation and determination of damages, with a wide application regarding industries and sectors and in both a common law and a civil law context. He has a special focus on the law of obligations (contract law) in the major common law and civil law jurisdictions in Europe, Asia, Africa and The Americas.

As an arbitrator, Dr Schiersing mostly divides his time between Europe, Asia (including the Middle East) and Africa, with offices in London, Dubai, Hong Kong and Singapore. He resides in the UAE.

Dr Schiersing is a Fellow of the Chartered Institute of Arbitrators in London (FCIArb) and a Chartered Arbitrator (C. Arb). He is on a number of panels of arbitrators across the continents.

Dr Schiersing does not act as counsel, and he does not provide expert opinions or give legal advice.

ARBITRATOR FOCUS AND EXPERIENCE

Dr Schiersing serves as arbitrator in domestic and international commercial arbitrations, particularly in disputes relating to:

- construction and engineering (onshore, offshore and shipbuilding)
- energy and resources (e.g. oil, gas, nuclear power, coal, hydropower, geothermal power, wind power and mining)
- commercial chancery (e.g. post-M&A, shareholders, partnerships, JVs and PPPs)
- banking and finance (e.g. loan agreements, trading and clearing agreements)
- sales (e.g. real estate, commodities, complex technical equipment and other goods)
- reinsurance and insurance
- licensing, distribution and agency
- technology (IT and telecommunications)
- competition law and state aid

Dr Schiersing has been appointed as arbitrator, often sole arbitrator or presiding arbitrator/chairperson, as well as emergency arbitrator, by e.g. the International Chamber of Commerce (**ICC**), the London Court of International

Arbitration (**LCIA**) (including under the LCIA India Rules), the Singapore International Arbitration Centre (**SIAC**), the Stockholm Chamber of Commerce (**SCC**), the Dubai International Arbitration Centre (**DIAC**), the Korean Commercial Arbitration Board (**KCAB**), the Hong Kong International Arbitration Centre (**HKIAC**), the Arbitration Foundation of Southern Africa (**AFSA**), the Finland Arbitration Institute (**FAI**), the DIFC-LCIA Arbitration Centre (**DIFC-LCIA**), The Court of Arbitration at the Polish Chamber of Commerce in Warsaw (**Sakig/PCC**) and the Danish Institute of Arbitration (**DIA**). Also, he is sitting arbitrator in various ad hoc arbitrations, including under the UNCITRAL Arbitration Rules.

In investment disputes, Dr Schiersing has served as arbitrator appointed by the host state and counsel to host states and investors.

He has sat as arbitrator in approx. 100 arbitrations.

Prior to becoming a full-time arbitrator (and part-time scholar, *vide* below), he acted as counsel in approx. 150 arbitrations and litigations, including a broad variety of commercial, commercial chancery and construction & engineering disputes as well as investment arbitration.

Dr Schiersing has been instructed as counsel or appointed as arbitrator in matters involving the substantive and curial laws of e.g. England & Wales, United States (New York, Delaware and California), Singapore, China (PRC), Hong Kong SAR, Korea, India, Indonesia, Abu Dhabi/Dubai/United Arab Emirates, Dubai International Financial Centre (DIFC), Qatar, Egypt, Iraq, Kingdom of Saudi Arabia, Oman, South Africa, Russian Federation, Kazakhstan, France, Germany, Denmark, Sweden, Norway, Finland, Iceland, Italy, Switzerland, Austria, The Netherlands, Poland, Estonia, Lithuania, Bulgaria, Cyprus and British Virgin Islands.

He accepts select appointments as a mediator in commercial disputes where his command of international legal principles and understanding of different legal cultures can be of service to the parties.

EDUCATION, ACADEMIC DISTINCTIONS AND OTHER QUALIFICATIONS

- Dr. Jur. (*Habil.*)
- Master of Laws (University of Copenhagen)
- Qualified Lawyers Transfer Scheme (QLTS1)
- FCI Arb, Chartered Arbitrator (C.Arb), Chartered Institute of Arbitrators
- Member of a number of panels of arbitrators in Europe, Asia, Africa and the Middle East
- Certified arbitrator
- Certified mediator

BAR ADMISSIONS

Denmark (advocate) -- admitted to appear before the Supreme Court
England & Wales (solicitor)

PROFESSIONAL WORK EXPERIENCE

- Member of Arbitration Chambers (2017 – present)
- Member of Copenhagen Chambers (2015 – 2017)
- Equity partner, various Danish law firms (1996 – 2014)
- Associate, various Danish law firms (1985 – 1995)

RESEARCH & PUBLICATIONS

Dr Schiersing conducts extensive legal research.

His research focuses on (comparative) contract law, particularly in the areas of commercial contracts (general principles), M&A contracts, construction and engineering contracts, energy contracts, banking and finance contracts, as well as reinsurance contracts. Also, his research includes international arbitration law.

His doctoral dissertation (In German: *Habilitationsschrift*) concerns “Disruption Claims in Construction and Engineering Contracts.” He is currently working on further dissertations.

In June 2020, Dr Schiersing published *Earn-Out Disputes*, which is the first volume of a larger treatise on substantive and procedural issues relating to post-M&A disputes. The book is the first of its kind worldwide.

In 2016, he published the first and only commentary on the Danish Arbitration Act of 2005 (which, in turn, is based on the UNCITRAL Model Law of 1985). The commentary contains a comprehensive analysis of the sections of the act and refers extensively to not least Danish, Swedish, Norwegian and English case law and serves as a Scandinavian commentary on the model law. He is one of the leading authorities on comparative Scandinavian arbitration law.

In 2013, he published the first book in Scandinavia on reinsurance law, and he is one of the leading Scandinavian authorities within this area of law.

Furthermore, Dr Schiersing has published a substantial number of articles on arbitration law, insurance and reinsurance law, energy law, international construction law, general contract law, investment protection and tax law.

Books:

- *Disruption Claims - Reduced Productivity as a Basis for Economic Claims in Construction and Engineering Contracts (2024)* (Doctoral Dissertation/*Habilitationsschrift*) (available soon)
- *Earn-Out Disputes – Post-M&A Disputes Vol. 1 (2020)* (available [here](#))
- *The Danish Arbitration Act – A Commentary (2016)*
- *Reinsurance – Selected Legal Topics (2013)*

Articles (selected):

- On W&I-Insurance (2024 – forthcoming)
- On Make-Whole Provisions in Financial Agreements (2024 – forthcoming)
- On Presiding Arbitrator, Umpire and Referee – What’s in a Name (2018) (In *Essays in honour of Mads Bryde Andersen*)

- On Construction Contracts under English law, part 1 (2016)
- On the IBA Guidelines on Conflicts of Interest in Recent Court Decisions (2016)
- On Mock-Trials (2015)
- On Arbitration in England (2015)
- On Price and Volume Risk in Long-Term Energy Contracts (2014)
- On Reinsurance and the Pro-Rata Rule (2013)
- On “Validity” and “Existence” of an Arbitration Agreement (2011)
- On the Advance of Cost in Arbitration (2011)
- On “Full” Versus “Reasonable” Possibility to Present Your Case in Arbitration (2011)
- On Interim Measures in Arbitration – Time for Revising the Rules (2010)
- On the Concept of “Investment” in the Danish Bilateral Investment Treaties (2010)
- On the Legal Protection of Investments in Foreign Countries (2009)

LANGUAGE PROFICIENCY

Dr Schiersing is fluent in English, Danish, Swedish and Norwegian. He reads and speaks conversational German, French and Italian and speaks basic Spanish and Russian.

February 2024