

PIERRE TERCIER

Senior Counsel
Professor Emeritus, Dr. H. C.



Bar admission : Fribourg, 1969
Languages : French, German, English

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AREAS OF EXPERTISE

- > Arbitration
- > Contract law
- > Tort law
- > Competition law
- > International investment law

INDUSTRY SECTORS

- > Construction & Engineering
- > Energy
- > Banking & Finance
- > Pharmaceutical
- > Mining

PROFESSIONAL PRACTICE

Prof. Dr. Pierre Tercier is a senior counsel at Peter & Kim in Geneva. He is an Emeritus Professor of the University of Fribourg, a Doctor honoris causa of the University of Paris II Panthéon-Assas, the honorary President of the ICC International Court of Arbitration, and a prominent international arbitrator with extensive experience in international commercial and investment arbitration.

Prof. Tercier has served as party-appointed arbitrator and president in over 150 arbitrations under various rules (ICC, ICSID, LCIA, SIAC, CRCICA, SCC, UNCITRAL) covering a broad range of sectors. He chaired such seminal cases, such as *Abaclat and others v. Argentine Republic* (ICSID Case No. ARB/07/5) and *Desert Line Projects LLC v. Republic of Yemen* (ICSID Case No. ARB/05/17).

In addition to his arbitrator practice, Prof. Tercier gives lectures on arbitration in several Universities around the world. He has authored numerous articles on international arbitration as well as authoritative treatises notably on contract law. He is well-known in Switzerland for his contribution to the study and development of contract, tort, construction and competition law.

AWARDS & RECOGNITION

- > Who's Who Legal - Global Arbitration Review: Thought Leader / Global Leader / National Leader (Switzerland) (2015-2021)
- > Chambers Global: Senior Statesperson / Band 1 – most in demand arbitrator (2008-2021)

CAREER

- > Senior Counsel, Peter & Kim (2021-present)
- > Independent Arbitrator, Bureau Professeur Pierre Tercier (2008-present)
- > Visiting Professor at various Schools and Universities (1990-present): University of Turin, Georgetown University (Washington), Geneva Centre for International Dispute Settlement (MIDS), Sciences Po (Paris).
- > Professor, University of Fribourg (1973-2008) (Dean of the Faculty of Law 1987-1989)
- > President of the ICC International Court of Arbitration, Paris (2006-2008)
- > Visiting Professor at various Universities (1990-2004): University of Lausanne, University of Geneva, University of Paris I, II, V
- > Member and Chairman of the Swiss Antitrust Commission (1989-1998)
- > Visiting Professor at the École Polytechnique Fédérale de Lausanne ("EPFL") (1988-1998)
- > Member of the Swiss Antitrust Commission (1977-1988)
- > Chairman of the Experts' Comity for the revision of the Swiss Civil Code (Privacy Law) (1978-1983)
- > Research at the University of Cambridge (1972-1973)
- > Research at the Max-Planck-Institut für ausländisches und internationales Privatrecht, Hamburg (1971-1972)
- > Teaching assistant and visiting lecturer, University of Geneva (1970-1971)
- > Teaching assistant, University of Fribourg (1968-1970)
- > Trainee, José Ackermann law firm, Fribourg (1966-1968)

EDUCATION

- > University of Fribourg, Ph.D. *summa cum laude* (1968-1970)
- > University of Fribourg, Law degree *summa cum laude* (1962-1966)
- > University of Paris II Panthéon-Assas, Dr honoris causa (2004)

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QUOTES

WWL 2020 (Thought Leaders) says:

"Pierre Tercier is 'a wonderful arbitrator', as well as 'highly independent and one of the best chairmen'. He is an authority when it comes to commercial and investment arbitration."

Chambers Global 2020 states:

"Pierre Tercier is 'one of the leading names in Switzerland and does a broad range of commercial and investment cases', according to sources. He remains a popular choice for complex international disputes and is often selected to act as president of ICC tribunals."

REPRESENTATIVE CASES

Prof. Tercier acted as arbitrator in over **150** cases. The list below is merely indicative:

1. Commercial arbitration cases

- > President of the tribunal in two related ICC arbitrations, concerning the termination of contracts in the military industry.
- > Co-arbitrator in an ICC arbitration concerning a major construction project.
- > President of the tribunal in an ICC case between a Finnish and a Turkish telecommunication firm, in relation to an exclusive supply contract.
- > Co-arbitrator in an ICC arbitration between a French multinational group specializing in renewable energy and a German multinational company, concerning a Finnish nuclear power plant.
- > President of the tribunal in an ICC arbitration, with seat in New-York (USA), between three oil companies incorporated respectively in Bermuda, the Netherlands and Venezuela, in relation with a concession agreement for oil production.
- > President of the tribunal in an ICC arbitration between an American and an Algerian oil company, in relation to several contracts involving the sale of liquefied natural gas.
- > Co-arbitrator in an ICC arbitration, with seat in Zurich, between a Ukrainian State company and a Turkish construction company, in relation with the construction of a highway and a railway bridge in Kiev, Ukraine.
- > President of the tribunal in an ICC arbitration concerning the price revision of a long-term gas supply agreement between a Greek and a Turkish company.
- > President of the tribunal in the ICC case between a German company and a French company, in relation with the shareholding in a company specializing in the production of nuclear energy.
- > President of the tribunal in an ICC arbitration between an Asian government and a French company, concerning the reimbursement of commissions in a military contract.
- > President of the tribunal in an ICC arbitration between a French and a Greek bank, in relation to a shareholding dispute.
- > President of the tribunal in an ICC arbitration between a French telecommunication firm and a Luxembourg company, concerning the use of orbital slots and frequencies.
- > Co-arbitrator in an ICC arbitration, with seat in Paris, between high-end French department stores and French banks, in relation with a shareholding agreement and valuation of an enterprise.
- > President of the tribunal in an *ad hoc* arbitration, with seat in Lebanon, between a State and a telecommunication firm, concerning the construction of a mobile phone network.
- > President of the tribunal in an UNCITRAL arbitration between a national State-owned oil company and a British oil and gas company, in relation with oil production.
- > President of the tribunal in an UNCITRAL arbitration, between a State-owned gas supplier and a Spanish gas company, concerning the construction of a natural gas liquefaction plant.

2. Investment cases

- > President of the tribunal in the ICSID case *Abaclat and others v. Argentine Republic* (Case No. ARB/07/5)
- > President of the tribunal in the ICSID case *Desert Line Projects LLC v. Republic of Yemen* (Case No. ARB/05/17)
- > President of the tribunal in the ICSID case *Capital Financial Holdings Luxembourg S.A. v. Republic of Cameroon* (Case No. ARB/15/18)
- > President of the tribunal in the ICSID case *Baggerwerken Decloedt En Zoon NV v. Republic of the Philippines* (Case No. ARB/11/27)
- > President of the tribunal in the ICSID case *Getma International and others v. Republic of Guinea* (Case No. ARB/11/29)
- > President of the tribunal in the ICSID case *Société Civile Immobilière De Gaëta v. République de Guinée* (Case No. ARB/12/36)
- > President of the tribunal in the ICSID case *Malincorp Ltd. v. The Arab Republic of Egypt* (Case No. ARB/08/18)
- > President of the tribunal in the ICSID case *Rachel S. Grynberg, Stephen M. Grynberg, Miriam Z. Grynberg and RSM Production Corp. v. Grenada* (Case No. ARB/10/6)
- > President of the tribunal in the ICSID case *LESI SpA and Astaldi SpA v. République algérienne démocratique et populaire* (Case No. ARB/05/3)
- > President of the tribunal in the UNCITRAL case *Oxus Gold Plc (United Kingdom) v. The Republic of Uzbekistan* in relation to the production of electricity

More details on the personal website of Prof. Tercier (<https://www.tercier.net/arbitrage>)

PUBLICATIONS

The list below is merely indicative:

- > *La recherche et la rédaction juridiques*, 7^e éd., Zurich 2016
- > *Les contrats spéciaux*, 5^e éd., Schulthess, 2016 (with Laurent Bieri and Blaise Carron)
- > *Le droit des obligations*, 5^e éd., Schulthess, 2012 (with Pascal Pichonnaz)
- > “*Entre nous. A propos des relations entre arbitres*” 2016(4) Rev. arb. 1053
- > “*L’usage des langues dans l’arbitrage*” 2016(3) Rev. arb. 749 (with P.M. Patocchi and J.F. Tossens)
- > “*Du choc des cultures en arbitrage international (Quelques réflexions)*” in Festschrift Ahmed Sadek El-Kosheri, From the Arab World to the Globalization of International Law and Arbitration 175, M.Abdel Raouf, P. Leboulanger, N. Ziadé eds., Kluwer, 2016 (with Nhu-Hoàng Tran Thang)
- > “*La répartition des frais de l’arbitrage entre les parties*” in *L’argent dans l’arbitrage* 141, W. Ben Hamida, T. Clay eds., Lextenso, 2013
- > “*ADR and Arbitration*” in *ADR in Business - Practice and Issues Across Countries and Cultures 3*, A. Ingen-Housz ed., Vol. II, Kluwer, 2011

For other books, articles and contributions, see the personal website of Prof. Tercier (<https://www.tercier.net/publications>)