



ARBITRATION CHAMBERS

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Niels Schiersing (born 1960) is dual qualified and admitted to practice both as an *advocate* in Denmark and as a *solicitor* of England & Wales, giving him profound and in-depth knowledge of civil law and common law principles alike.

Mr Schiersing mostly divides his time between Europe, Asia, Africa and the Middle East with offices in London, Hong Kong, New York and Dubai.

Mr Schiersing has been appointed as arbitrator, often sole arbitrator or presiding arbitrator/chairman, 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 (**HKCIAC**), the DIFC-LCIA Arbitration Centre (**DIFC-LCIA**), the Arbitration Foundation of Southern Africa (**AFSA**), the Finland Arbitration Institute (**FAI**), 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. He furthermore has experience in acting as umpire or as arbitrator in arbitral tribunals with an umpire structure.

Mr Schiersing specialises in 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 with regard to industries and sectors and in both a common law and a civil law context.

Experience in Practice

Niels 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. related to oil, gas, coal, nuclear power, 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)
- reinsurance and insurance
- sales (e.g. real estate, commodities, complex technical equipment and other goods)
- licensing, distribution and agency
- technology (IT and telecommunications)
- competition law and state aid

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

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

Mr Schiersing does not act as counsel or provide expert opinions.

Prior to becoming a full-time arbitrator, he has acted as counsel in approx. 150 arbitrations, including a broad variety of commercial, commercial chancery and construction & engineering arbitrations as well as investment arbitration.

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

Mr 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, Dubai/United Arab Emirates, Dubai International Financial Centre (DIFC), Qatar, Egypt, Kingdom of Saudi Arabia, South Africa, Russian Federation, France, Germany, Denmark, Sweden, Norway, Finland, Iceland, Italy, Switzerland, Austria, The Netherlands, Poland, Estonia, Lithuania, Bulgaria, Cyprus & British Virgin Islands.

He has sat as arbitrator in approx. 100 arbitrations.

Education and Qualifications

- Solicitor of England & Wales
- Advocate and admitted to the Danish Bar, Right of Audience before the Supreme Court
- Master of Laws, University of Copenhagen
- FCIArb, 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

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 & Lectures

Niels Schiersing also conducts legal research and undertakes scholarly work.

His research focuses on (comparative) contract law, particularly in the areas of transaction law, construction and engineering law, energy law, reinsurance law, banking & finance as well as arbitration law.

In June 2020, Mr 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 and only book in Scandinavia on reinsurance law, and he is one of the leading Scandinavian authorities within this area of law.

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

Niels Schiersing is a former lecturer at the University of Copenhagen and Copenhagen Business School and regularly speaks on topics within his areas of competence.

Books:

- *Disruption in Construction and Engineering Contracts* – (2022) (forthcoming)
- *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 (2022 – forthcoming)
- On Offshore Windfarm Construction Projects (2022 – forthcoming)
- On Make-Whole Provisions in Financial Agreements (2022 – forthcoming)
- On Presiding Arbitrator, Umpire and Referee – What's in a Name (2018)
- 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)

Professional activities and qualifications

- Advocate (Denmark)
- Solicitor (England & Wales)
- Fellow, Chartered Institute of Arbitrators and Chartered Arbitrator

Languages

Niels Schiersing is fluent in English, German, Danish, Swedish and Norwegian. He reads and speaks French and speaks basic Russian.

March 2022