

# Ian S. Forrester QC LLD

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## General Court of the European Union 2015 -2020



Ian Forrester has been a practitioner, author, academic teacher and judge. He has lectured on EC/EU legal and policy topics in many countries and published extensively on these themes, particularly competition, customs, dumping, pharmaceuticals, sport, the precautionary principle, and human rights.

He has written over 100 articles and chapters which have been published in English, French, Japanese, Serbian and Spanish. Honorary Professor and Honorary Doctor of Laws (2009) at Glasgow University, he was appointed Queen's Counsel (1988), and Bencher, Middle Temple (2012). He has been since 2018 President of the Society of Franco British Lawyers. He was appointed by the UK, after a competitive process in 2020, to be included in ICSID's panel of Conciliators, available to help resolve international investment disputes. He has also served as an Arbitrator in an ICSID matter.

In April 2015 he was nominated by the UK to be a member of the General Court of the Court of Justice of the European Union and was sworn in later that year. His mandate came to an end with Brexit in February 2020. While on the Court, he sat on about 230 cases touching trademarks, competition, terrorist asset freezes, agricultural subsidies, state aids, public procurement, and civil service disputes. In each case, he sat in formations of three or five with judges from 12 different countries. Deliberations were conducted in French, the working language of the court.

He was appointed a member of the newly created deontology committee of the court and participated in drafting the court's first Code of Conduct for judges, dealing with such matters as judicial conduct, possible conflicts and recusals, and the handling of hearings. He represented the court on missions to other countries as well as participating in the collective activities of a court serving 28 countries with 24 official languages, employing 2,200 people.

When a practising lawyer he participated in cases before courts or competition authorities or arbitral bodies in the UK, Belgium, Canada, France, Greece, Japan, Kosovo, Serbia and USA as well as the European institutions in Brussels and the three EU courts in Luxembourg. He was a member of the Bars of Scotland, New York, England and Brussels. He argued several leading

cases in the fields of sport, computer software, pharmaceuticals, vehicles, public regulation, state aids, international trade, and publishing. These include *Magill* (compulsory copyright licensing); *Bosman* (football transfers); *Microsoft* (computer servers); *IMS* (compulsory licensing); *Pfizer Animal Health* (the precautionary principle); *Government of Gibraltar v Council* (constitutional status of Gibraltar Airport); *GlaxoSmithKline* (parallel trade in pharmaceuticals); *Les Laboratoires Servier* (settlement of patent disputes); *Chalkor/Halcor* (due process and judicial review); *Canon* (dumping and rules of origin); *A and Others v National Blood Authority* (whether a blood transfusion with undetectable hepatitis can be a ‘defective’ product); *Bellona Foundation v EFTA* (environmental protection); *DuPont v HM Customs* (classification of building materials).

He was also involved in several European Court of Human Rights cases, including forcing a citizen to speak on pain of punishment even if the answer itself reveals punishable conduct (*Al Fayed and Harrods: Fayed v The United Kingdom*); press sources (*Hans Martin Tillack: Tillack v Belgium*); prisoner’s rights (*Kalashnikov v Russia*); fair trial and right to property (*Karic and Djordjevic*). He helped to achieve the liberation of Louis Henry Burns, an indigent prisoner on appeal to the Second Circuit Court of Appeal in New York from a conviction based upon a coerced confession. He launched the pro bono practice of White & Case.

He has been involved in at least thirty arbitration matters, either as advocate for a party, or as expert witness on European law, or as arbitrator, from 1983 to 2014. The arbitrations have mostly been conducted under the auspices of the ICC in Paris, or the CAS in Lausanne; and once before the ICSID in Washington. The ICC cases involved disputes about investment contracts, trade secrets, hotel construction, stolen technology, and a variety of other commercial conflicts. The CAS matters involved player transfers, treatment of injured players, broadcasting rights and the conduct of elections to governing bodies. The ICSID matter involved the respective contractual duties of those affected by civil insurgency.

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