



Fernando PIÉROLA-CASTRO

International lawyer and arbitrator of Peruvian and Swiss nationality, with more than two decades of experience in international economic disputes. He has acted as counsel in several high-profile WTO disputes and as an arbitrator in various investor-State disputes and cases under free-trade agreements (FTAs). In recognition of his professional merits, he has been nominated by several countries for the rosters of arbitrators under their FTAs. In parallel to his practice, Fernando is invited as a guest lecturer at universities in Switzerland, Peru and Germany and as a speaker at different institutions worldwide. He has written numerous articles and books on international trade law, two of which won the IABA Best Book Award (2003 and 2015)).

Educational Background

Doctor Iur. (PhD), grade: *summa cum laude*, University of Bern (2012), specialised in international trade law.

Master in Business Administration (MBA), graduated with honours (*très bien*, 5.6/6), University of Geneva (2011), focused on asset valuation, assessment of investment projects & business strategies, and cost control.

Master of International Law & Economics, grade: *magna cum laude*, Universities of Bern, Fribourg and Neuchâtel (2000-2001), specialised in regulatory aspects of world trade.

Juris Doctor, grade: outstanding (*sobresaliente*), Pontificia Universidad Católica del Perú (1998), focused on international law, business law, economic analysis of law.

Affiliations

Lima Bar Association (qualified lawyer)
Swiss Arbitration Association (ASA)
Inter-American Bar Association (IABA)
International Law Association (ILA)

Languages

Spanish (mother tongue)
English and French (professional fluency, able to draft legal documents and decisions)
German (reading, writing & conversation)
Italian, Portuguese (reading & understanding)

Contact Information

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Legal Practice

Senior Counsel, *Advisory Centre on WTO Law*, Geneva -since 2002

- Assists developing countries in dispute settlement before the World Trade Organization (WTO); expert in dispute resolution on regulatory matters in sectors such as agriculture, textiles, clothing, chemicals, biofuels, steel, steel products, technology goods, distribution services and financial services.
- Provides advice to governments on WTO law to bring their national measures into conformity with this law and provides WTO law courses to government officials.

Legal Officer, *INDECOPI* (national trade remedies authority); Lima; 1999-2000

- Main legal investigator, expert in the conduct of anti-dumping, countervailing duty, and safeguard administrative procedures in sectors such as steel, steel products, chemicals, footwear, and textiles.

Arbitral Practice

- **ICSID**, *Sevilla Beheer B.V. et al. v. Kingdom of Spain* (ARB/16/27), President of the Annulment Committee (English and Spanish)
- **ICSID**, *Comercializadora Mediterránea de Viviendas v. Kingdom of Morocco* (ARB/22/17), (since 2022), Member of Tribunal (French and Spanish)
- **ICSID**, *9REN Holding S.à.r.l. v. Kingdom of Spain* (ARB/15/15), (2021-2022), Member of Annulment Committee (English and Spanish)
- **ICSID**, *SolEs Badajoz GmbH v. Kingdom of Spain* (ARB/15/38), (2020-2021), Member of Annulment Committee (English and Spanish)
- **ICSID**, *Ayat Nizar Raja Sumrain & Others v. State of Kuwait* (ARB/19/20), (2019-2021), Member of Arbitral Tribunal (English)
- **ICSID**, *Masdar Solar & Wind Cooperatief U.A. v. Kingdom of Spain* (ARB/14/1), (2019-2020), Member of Annulment Committee (English and Spanish)
- **ICSID**, *Tenaris & Talta v. Bolivarian Republic of Venezuela*, (ARB/12/23), (2018), Member of Annulment Committee (English and Spanish)
- **DR-CAFTA**, *El Salvador – Tariff Treatment to Goods originating in Costa Rica* (2014), President of the Tribunal (Spanish)
- Arbitrator designated by the Parties to the following commercial treaties:
 - Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) (Roster of Chairpersons);
 - Commercial Dispute Settlement Mechanism of Central America (SIECA);
 - Dominican Republic, Central America and the United States FTA (DR-CAFTA);
 - Central America – Dominican Republic FTA;
 - European Union, Colombia, Ecuador and Peru Trade Agreement;
 - Central America – Chile FTA;
 - Central America – Panama FTA;
 - Colombia – Mexico FTA;
 - Colombia – Costa Rica FTA;
 - Guatemala – Chinese Taipei FTA; and
- Member of Panels of Arbitrators and Conciliators of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention).
- Member of roster of arbitrators eligible to preside arbitrations involving the European Union with third countries in the context of their FTAs.
- Member of list of “neutrals” (arbitrators) of the World Intellectual Property Organization

Academic Activity

- **Pontifical Catholic University of Peru**, Professor of Law; Lima; since 2015
- **University of Zurich (Europa Institut)**, Guest Lecturer; Zurich; since 2014
- **Saarland University (Europa-Institut)**, Guest Lecturer; Saarbrücken; since 2013
- **University of Bern (World Trade Institute)**, Guest Lecturer; Bern; since 2012
- **University of Lausanne**, Guest Lecturer; Lausanne; 2010 – 2020.
- *Ad hoc* lectures at different institutions around the world, including the Graduate Institute for International Studies (HEI) (Geneva, 2005), Moscow State University/ICC (Moscow, 2012), Centro Universitário Ritter Dos Reis (Porto Alegre, 2013), 2015: American University (Washington DC), Universidad de Chile (Santiago), Funglode (Santo Domingo), Georgetown University (Washington DC), Lund University (Lund, 2018), 2023: Federal University of Rio Grande do Sul, Universidad del Pacífico-Peru, University of Maryland, University of the Commonwealth Caribbean (Jamaica)
- Member of the Editorial Board of the Global Trade and Customs Journal (Kluwer International Law)

Books:

- WTO Agreement on Safeguards and Article XIX of GATT: A Detailed Commentary (Cambridge University Press: June 2022)
- The Challenge of Safeguards in the WTO (Cambridge University Press: 2014) (Best Book Award: IABA, 2015)
- Solución de Diferencias ante la OMC: Presente y Perspectivas (Cameron May, London: 2008)
- Solución de diferencias en la Organización Mundial del Comercio (PUCP, Lima: 2002), (Best Book Award: IABA, 2003)

Articles and other Publications:

- "La Actividad Global en el marco de las Medidas de Salvaguardia en 2022: recuento a la luz de las notificaciones hechas al Comité de Salvaguardias de la OMC" (Latin American Journal of Trade Policy VI:15, 2023).
- "Safeguard Activity in 2022: An Overview of Notifications Made to the WTO Committee on Safeguards" (Global Trade & Customs Journal 18:05, 2023)
- "The WTO Panel Report in US - Safeguard on Washers (Part 2)" (Global Trade & Customs Journal 18:04, 2023)
- "The WTO Panel Report in US - Safeguard on Washers (Part 1)" (Global Trade & Customs Journal 18:03, 2023)
- "Commentary of the WTO Panel Report in US: Safeguard on Photovoltaic Products" (Global Trade & Customs Journal 18:01, 2023)
- "EC-Chicken Cuts: How Developing Countries Obtained Increased Market Access Through Successful Recourse to WTO Dispute Settlement" (Global Trade & Customs Journal 16:10, 2021)
- "Contencioso Arbitral en el marco de la OMC" in: Enciclopedia del Arbitraje (Centro de Análisis y Resolución de Conflictos de la PUCP, Lima: 2018).
- "Rules on Safeguard Measures" in: Encyclopaedia of International Economic Law (Edward Elgar Publishing, Cheltenham: 2017) (co-authored with Nathalie Díaz).
- "Unwritten Measures: Reflections on the Panel Reports in Argentina – Measures Affecting the Importation of Goods" (Global Trade and Customs Journal 10:1, 2015) (co-authored with H. Romero).
- "General Thoughts on the Standard of 'Cogent Reasons' in the Treatment of WTO Jurisprudence" (Global Trade and Customs Journal 9:9, 2014).
- "Government Procurement: The Question of the Benefit" (Journal of Shanghai Institute of Foreign Trade 20:6, 2013) (co-authored with Zhang Wei-wei).
- "The Question of the Benefit" (Global Trade and Customs Journal 8:9, 2013),
- "Related Parties and Customs Valuation: Guidance Derived from the Panel Report *Thailand – Cigarettes*" (Global Trade and Customs Journal 7:1, 2012).
- "The Review of the WTO Dispute Settlement Process" (Global Trade and Customs Journal 6:6, 2011).
- "The Potential Rise of Trade Remedies and the WTO Dispute Settlement System" (GTCJ 5:6, 2010)
- "Following Precedent in WTO Litigation: The Panel Reasoning in *United States—Anti-dumping Measures on Polyethylene Retail Carrier Bags from Thailand (DS383)*" (GTCJ 5:5, 2010)
- "The Availability of a GATT Article XX Defence with Respect to a Non-GATT Claim: Changing the Rules of the Game?" (Global Trade and Customs Journal 5:4, 2010).
- "The Customs Valuation Agreement Interpreted for the First Time by a WTO Panel" (GTCJ 4:10, 2009).
- "The Challenge of Ongoing Conduct in WTO Dispute Settlement Procedures" (GTCJ 4:7/8, 2009).
- "The Issue of Exclusion of Jurisdiction in the Light of the Appellate Body Report in European Communities – Bananas III (Article 21.5 II)" (Global Trade and Customs Journal 4:4, 2009)
- "The Appellate Body Report in India – Additional and Extra – Additional Duties on Imports from the United States (DS 360) Implications with Respect to the Interpretation of Article II and the Burden of Proof in WTO Dispute Settlement Proceedings" (Global Trade and Customs Journal 4:3, 2009)
- "A Brief Commentary on the Appellate Body's Report in United States, Canada: Continued Suspension of Concessions (Hormones)" (Global Trade and Customs Journal, 4:1, 2009)
- "Confirmation of the Value of Appellate Body's Jurisprudence: A Brief Note on the Appellate Body Report in US – Stainless Steel" (Global Trade and Customs Journal 3:11/12, 2008)
- "A Pandora's Box in the Dispute Settlement Implementation Phase? Reflections on the outcome of the dispute Canada, United States – Continued Suspension of Obligations in the EC – Hormones Dispute" (Global Trade and Customs Journal 3:9, 2008)
- "Doing as I Am Told? The Panel Report in United States—Stainless Steel (Mexico) and the Question of WTO Panels Disagreeing with Previous Appellate Body Rulings" (GTCJ 3:6, 2008)
- "Establishing a Negative Fact: Implications of the Panel Report Turkey—Rice" (GTCJ 3:5, 2008)
- "Can Transaction Costs Explain the Lack of Negotiated Settlements in WTO Dispute Resolution?" (GTCJ 3:4, 2008)
- "Some Thoughts on How to Make a WTO Mutually Agreed Solution Meaningful" (GTCJ 3:2, 2008)
- "A Safeguards Regime for Services" in: GATS and the Regulations of International Trade in Services (Cambridge University, 2008)
- "Commentary on Article 6 of the Agreement on Subsidies and Countervailing Duties" in: The Max Planck Institute's Commentaries on WTO Law (Max Planck Institute, 2008)
- "WTO Dispute Settlement and Dispute Settlement in the 'North South' Agreements of the Americas: Considerations for Choice of Forum" (with Gary Horlick) (Journal of World Trade 41:5, 2007)
- "Practical Considerations for Trade Remedies Disputes at the National and World Trade Organization Levels" Parts (I), (II), (III), (IV) (Global Trade and Customs Journal 2:2, 2:3, 2:4, 2:5, 2007)
- "The Question of Remand Authority for the Appellate Body" in: Challenges and Prospects for the WTO (Cameron May, 2005)
- "Comparing the GATT and the WTO dispute settlement mechanisms: What was accomplished in the Uruguay Round?" (co-authored with Mr. Julio Lacarté-Muro) in Inter-Governmental Trade Dispute Settlement: Multilateral and Regional Approaches (Cameron May, 2004)
- "Los Sistemas Unilaterales de Preferencias Arancelarias y el Principio de No-Discriminación en el Derecho de la Organización Mundial del Comercio" in Agenda Internacional (No. 17, PUCP, 2002)