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**PERSONAL INFORMATION**

Erdem Büyüksagis holds both Swiss and Turkish citizenship. He received his LL.M. from Georgetown Law School (USA), his Ph.D. in Comparative Private Law, and then the *venia legendi* in Law of Obligations and Comparative Law from the University of Fribourg (Switzerland). As an academic, he has published widely, and his work has been cited, among others, by the Swiss Federal Supreme Court and the Court of Justice of the EU.



**PROFESSIONAL EXPERIENCE**

**Positions**

■ **Antalya International University**

2013 - Present

■ **University of Fribourg**

2013 - Present

■ **Swiss Arbitration Association**

*Member*, 2014 - Present (<http://www.arbitration-ch.org/pages/en/find-counsel-arbitrator/member-profile/1494.erdem.bueyueksagis.html>)

■ **Baur Hürlimann AG (Zurich)**

2015 – Present

■ **ICC (Turkey)**

2017 – Present (<http://icc.tobb.org.tr/icct-uyeler.php>)

## EDUCATION

*Venia Legendi in Law of Obligations and Comparative Law*, 2013

University of Fribourg

*Habilitation in Civil Law*, 2010

Turkish Council of Higher Education

*Ph.D. in Comparative Private Law*

University of Fribourg

Mention: *magna cum laude*

*LL.M. in International Business Law*

Georgetown University (Washington D.C.)

*License*

Ankara University

## LANGUAGE SKILLS

Turkish: native speaker

English: highly proficient

French: highly proficient

German: highly proficient

## LIST OF PUBLICATIONS

### Books

- *Le nouveau droit turc des obligations, Perspective comparative avec les droits suisse et européen* [The New Turkish Law of Obligations] XXII+144 pp., Helbing Lichtenhahn - Basel 2014.
- *Yeni Sosyo-Ekonomik Boyutuyla Maddi Zarar Kavramı* [The Notion of Damage in Light of Recent Socio-Economic Changes], 476 pp., Vedat - Istanbul 2007.
- *La notion de défaut dans la responsabilité du fait des produits, Analyse économique et comparative* [Manufacturer's Liability for Defective Products], LVIII+414 pp., Schulthess - Zurich/Basel/Geneva 2005.

### Book chapters

- *Bir Türk Akademisyen Gözünden Avrupa'da Özel Hukukun Geleceği*, in: Şebnem Akipek Öcal *et al.* (Eds), *Medeni Kanun'un ve Borçlar Kanunu'nun 90. Yılı Sempozyumu – 1926'dan Günümüze Türk-İsviçre Medeni Hukuku*, Ankara 2017, pp. 1339-1370.
- *What Europeans Can Learn from an Untold Story of Transjudicial Communication: The Swiss-Turkish Experience*, in: Mads Andenas/Duncan Fairgrieve (Eds.), *Courts and Comparative Law*, Oxford University Press - Oxford 2015, Chapter 37.
- *The Bounds between Negligence and Strict Liability*, in: Mauro Bussani/Anthony J. Sebok (Eds.), *Global Tort Law*, Edward Elgar Publishing - Cheltenham 2015, Chapter 10 (with Franz Werro).

- The Impact of European Law on Swiss and Turkish Regulations of Competition: With Specific Consideration Given to Abuse of Dominance Cases, in Lukas Heckendorn Urscheler (Ed.), *L'influence du droit européen en Suisse et en Turquie*, Schulthess – Zurich 2015, pp. 189 - 238.
- Turkey, in: Ernst Karner/Barbara C. Steininger (Eds.), *European Tort Law Yearbook 2013*, De Gruyter – Berlin/Boston 2014, pp. 741-761.
- İçerik denetiminin müzakere edilmemiş sözleşme hükümleriyle sınırlandırılması üzerine: Mostaza Claro'nun düşündürdükleri [Judicial Control of the Content of Contractual Terms: Reflections Based on the Mostaza Claro Case], in: Ayşe Havutçu/Emre Cumalıoğlu (Eds.), *Liber Amicorum Prof. Dr. Aydın Zevkliler*, Izmir 2013, pp. 675-711.
- La sécurité du consommateur en Suisse [Consumer Safety in Switzerland], in `Le Consommateur`, Collection des Travaux de l'Association Henri Capitant, vol. LVII, *Les Travaux des Journées colombiennes*, édit. Société de législation comparée, Bruylant - Paris 2010, pp. 503-515.
- Reduction of Damages, in: Attila Fenyves/Ernst Karner/Helmut Koziol/Elisabeth Steiner (Eds.), *Tort Law in the Jurisprudence of the European Court of Human Rights*, De Gruyter – Berlin/Boston 2009, pp. 803-821 (with Thomas Thiede).
- Quelques réflexions sur l'euro-compatibilité des dispositions du Projet turc [Some Reflections on the Euro-Compatibility of the Draft of the Turkish Code of Obligations], in: Bénédict Winiger (Ed.), *La responsabilité civile européenne de demain/Europäisches Haftungsrecht morgen*, Schulthess/Bruylant – Geneva 2008, pp. 121-133.

## Articles

- Die «learned intermediary»-Doktrin im schweizerischen Pharmarecht: Sachgerechte oder sachfremde Anwendung? [The Learned Intermediary Doctrine in Swiss Pharmaceutical Law], *Aktuelle juristische Praxis (AJP)* 12/2016 (with Sabrina Maurer).
- L'article 1171 du code civil français à la lumière du dispositif turc de protection contre les clauses abusives [Article 1171 of the French Civil Code in the Light of Turkish Law against Unfair Terms], *Revue internationale de droit comparé (RIDC)* 2016, pp. 883-890.
- Tıbbi Ürünlerin Yol Açtığı Zararlardan Sorumluluk [Pharmaceutical Product Liability], *Uluslararası Antalya Üniversitesi Hukuk Fakültesi Dergisi* 2/2016, pp. 157-197 (with Kerem Öz).
- Rekabet İhlallerinden Kaynaklanan Tazminat Davalarına İlişkin AB Yönergesi'nde Yer Alan Aktarma (*Passing-On*) Savunması ve Toplu Dava Hakkı [Passing-on Defence in the New EU Directive on Antitrust Damages Actions and Right to Collective Redress], *Banka ve Ticaret Hukuku Dergisi (BATİDER)* 2016, pp. 153-195 (with Tuğçe Koyuncu).
- La responsabilité du fait de produits “défectueux sans défaut” [Product Liability without Defect], *Droit de la consommation - Consumentenrecht (DCCR)* 2016, pp. 15-29.
- Turkish Contract Law Reform: Standard Terms, Unforeseen Circumstances, and Judicial Intervention, *European Business Organization Law Review (EBOR)* 2016, pp. 423-449.

- Et si Dr House évoquait le défaut potentiel de votre pacemaker... [What Would Say if Dr. House Hinted at the Potential Defect of your Pacemaker?], Aktuelle juristische Praxis (AJP) 2016, pp. 14-22.
- Punitive Damages in Europe and Plea for the Recognition of Legal Pluralism, European Business Law Review (EBLR) 2016, pp. 137-157 (with Ina Ebert, Duncan Fairgrieve, Lotte Meurkens, Francesco Quarta).
- Standing and Passing-on in the New EU Directive on Antitrust Damages Actions, Schweizerische Zeitschrift für Wirtschaftsrecht (SZW/RSDA) 2015, pp. 2-14.
- Borçlar Kanunu ve Viyana Satım Sözleşmesi Perspektifinden Çelişen Genel İşlem Şartları [The Battle of the Forms under the Turkish Code of Obligations and the CISG], Uluslararası Antalya Üniversitesi Hukuk Fakültesi Dergisi 2015, pp. 135-157.
- Strict Liability in Contemporary European Codification: Torn between Objects, Activities, and their Risks, Georgetown Journal of International Law (GJIL) 2013, pp. 609-640 (with Willem H. van Boom).
- New Perspectives on Misuse of Market Power: How Should the Effects-based Approach Complement the Existing Normative Solution?, Schweizerische Zeitschrift für Wirtschaftsrecht (SZW/RSDA) 2013, pp. 49-69.
- The New Turkish Tort Law, Journal of European Tort Law (JETL) 2012, pp. 44-100.
- La bonne foi dans l'article 8 LCD: un remède à l'impuissance des consommateurs face aux clauses générales 'soi-disant' négociées? [The Good Faith Principle in Article 8 of the Swiss Federal Act on Unfair Competition], Aktuelle juristische Praxis (AJP/PJA) 2012, pp. 1393-1411.
- Le nouveau CO turc est-il toujours attaché à ses racines suisses? Analyse à la lumière du principe européen d'effectivité, une réponse particulièrement intéressante en matière de prescription extinctive [Is the New Turkish Code of Obligations Still Attached to Its Swiss Roots?], Responsabilité et Assurance (REAS/HAVE) 2012, pp. 44-50.
- La relativité de la sécurité du produit: différentes circonstances, différents défauts, différents régimes de responsabilité [The Relative Character of Product Safety: Differing Circumstances, Defects, Liabilities], Zeitschrift für Schweizerisches Recht (ZSR/RDS) 2010, pp. 29-50.
- La responsabilité de l'entreprise" régie par l'art. 65 al. 3 du projet du Code des obligations turc: une disposition différente de celles prévues par les principes du droit européen de la responsabilité civile? [Enterprise Liability According to Article 65(3) of the Draft Turkish Code of Obligations], Galatasaray Üniversitesi Hukuk Fakültesi Dergisi 2007, pp. 915-930.
- The Necessity of Centralizing All the Measures Securing Product Safety in European Law, Hanse Law Review (HLR) 2006, pp. 159-167.
- Die Haftung wegen unerlaubter Handlungen im türkischen Entwurf des allgemeinen Teils des neuen Obligationengesetzes [Civil Liability in the Draft of the Turkish Code of Obligations], Responsabilité et Assurance (HAVE/REAS) 2006, pp. 330-337.

- De l'opportunit  de pr ciser le champ d'application d'une  ventuelle clause g n rale de responsabilit  pour risqu  [The Necessity to Define the Scope of a Proposed General Clause of Strict Liability], Responsabilit  et Assurance (HAVE/REAS) 2006, pp. 2-8.
- EŐya Hukukuna İliŐkin H k mlerin Kısmi Revizyonunu  ng ren İsvi re Meden  Kanunu  n-Tasarısı'nda TaŐınmaz Malikinin SorumluluĐu [Real Property Law in the Preliminary Draft Bill of Swiss Real Law], BATİDER 2006, pp. 207-218.
- Ebeveynleri Tarafından D nyaya Gelmesi Arzu EdilmemiŐ  ocuĐun DoĐumunu Engellemek Hekimin SorumluluĐunu Gerektirir Mi? [Medical Liability in Wrongful Birth and Wrongful Life Cases], E-Journal of Akademi, www.e-akademi.org, f vrier 2006.
- Tehlike Esasına Dayanan Genel Sorumluluk Kuralı  zerine EleŐtirel DeĐerlendirmeler [A Critical Assessment on a General Clause of Strict Liability], Dokuz Eyl l  niversitesi Hukuk Fak ltesi Dergisi 2006, pp. 1-20.
- YaŐama Őansının Yitirilmesi Sonucu UĐranılan Kayıplar A ısından Hekimin Tazminat SorumluluĐunun Kapsamı: Uygun İlliyet BaĐı Teorisine DeĐiŐik Bir YaklaŐım [Medical Liability in Loss of Chance Cases: A New Approach to Causation], Ankara  niversitesi Hukuk Fak ltesi Dergisi 2005, pp. 119-148.
- Tatilden Beklenen Yararın Elde EdilememiŐ Olmasının Hukuki NiteliĐi: Manevi Zarar Kavramına DeĐiŐik Bir YaklaŐım [Legal Remedies for Spoiled Vacations: A New Approach to Moral Damages], Galatasaray  niversitesi Hukuk Fak ltesi Dergisi 2004, pp. 203-240.