

Enforcement of judgments in Switzerland: overview

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ENFORCEMENT OF JUDGMENTS: DOMESTIC AND FOREIGN

Definitions and preliminary proceedings

1. What is the definition of judgment in your jurisdiction for the purpose of enforcement proceedings?

Domestic

In Switzerland, there is no statutory definition of a "judgment" for enforcement purposes. A judgment can be defined as any formal decision rendered by a state court.

International

A "judgment" according to the Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (Lugano Convention) entails any judgment given by a court or tribunal of a state bound by the Lugano Convention.

Under the Swiss Private International Law Act (PILA), an international judgment is a binding case-by-case decision of a foreign authority with judicial decision-making power. For interim proceedings see *Question 2*.

2. Is it required that a judgment is final and has conclusive effect, or are decisions in preliminary/provisional/interim proceedings recognised and enforceable?

Domestic judgments

Final decisions. Decisions are enforceable if they are either binding and the court has not suspended their enforcement or are not yet legally binding, but their early enforcement has been authorised by the court.

Preliminary/provisional proceedings. Decisions in preliminary/provisional proceedings are equally enforceable if they are either binding and the court has not suspended their enforcement or where they are not yet legally binding, but their early enforcement has been authorised by the court.

Foreign judgments

Final decisions. Final foreign decisions are enforceable under the Lugano Convention (for member state judgments) and under the Swiss Private International Law Act (PILA) (for decisions not subject to a treaty). Under the Lugano Convention it is sufficient for the enforcement of a decision if the decision has been declared enforceable by the issuing court.

Preliminary/provisional proceedings. Decisions in preliminary/provisional proceedings are only enforceable if the Lugano Convention is applicable. Whether this also applies under

the PILA is a matter of controversy in lower court case law as well as legal literature and has not been finally resolved by the Federal Tribunal.

Applicable regulations/conventions

3. What conventions and regulations is your jurisdiction a contracting party to?

The most relevant treaty Switzerland has concluded in the area of enforcement is the Lugano Convention. Most other multilateral treaties regarding recognition and enforcement are found in the field of family law. There are also bilateral treaties with individual states, for example, the Principality of Liechtenstein. If no treaty is applicable, the enforcement of judgments is governed by the Swiss Private International Law Act (PILA) (see *Enforcement of arbitral awards in Switzerland, Question 3*).

4. Will enforcement be automatically refused if service of the proceedings did not conform to any applicable requirements of international treaties/regulations?

Service must have been in compliance with applicable provisions, especially with the Hague Convention on the Service of Judicial Documents Abroad of 15 November 1965. Regarding judgments given in default of appearance of the defendant, Switzerland has declared a reservation to the Lugano Convention, so that a default judgment cannot be enforced in Switzerland if the defendant has not been served notice properly at the beginning of proceedings, even if the defendant could have appealed this decision.

Under the Swiss Private International Law Act (PILA), in case of a judgment by default, a document evidencing that the defendant was summoned in due form and early enough to have had an opportunity to defend itself is necessary.

Pending appeals

5. What is the effect of pending appeal proceedings where the decision is granted?

Domestic judgments

One must differentiate between the conventional appeal (*Berufung*) and the remedy of an objection (*Beschwerde*). An appeal is admissible only if the value of the claim is at least CHF10,000. If no appeal is possible, an objection can be lodged. If an appeal is pending, a judgment is only enforceable if early enforcement has been authorised. If an objection is pending, the judgment is enforceable unless the court suspends the enforceability of the contested decision. Generally, the latter also applies to an appeal to the Swiss Federal Tribunal.

Foreign judgments

If the Lugano Convention is applicable, a foreign judgment must also be enforceable in the state of origin in order for it to be enforceable in Switzerland.

Under the Swiss Private International Law Act (PILA), a foreign judgment is only enforceable if no ordinary legal remedy is available against the decision or if it is final.

Enforceable judgments

6. What types of judgments in commercial matters are enforceable?

Domestic judgments

Money judgments/awards. Money judgments are enforceable.

Judgments ordering or prohibiting the doing of acts/injunctions. Judgments ordering or prohibiting the doing of acts/injunctions are enforceable.

Declaratory judgments. Declaratory judgments are not enforceable since the Swiss court cannot order an action to be performed to execute the content of the judgment since it in itself is the action sought by the plaintiff.

Default judgments. Default judgments are enforceable.

Judgments made without notice (ex parte)/awards. There are no judgments made without notice (ex parte)/awards in commercial matters except for ex parte interim measures in cases of special urgency. Ex parte interim measures are enforceable.

Foreign decisions granting provisional measures. Domestic decisions granting provisional measures are enforceable. For foreign decisions see below, *Foreign judgments*.

Foreign enforcement orders/(pre-judgment) attachment orders/awards. Domestic enforcement orders/(pre-judgment) attachment orders are enforceable. But if the court making the decision has already ordered the necessary enforcement measures, the decision can be directly enforced. For foreign decisions see below, *Foreign judgments*.

Other judgments. Notarial deeds are enforceable. Judgments affecting a legal relationship as well as decisions regarding the making of a declaration of intent are not "enforceable" in the strict sense. However, for judgments affecting a legal relationship, enforcement is not necessary because these judgments are "self-enforcing". The making of a declaration of intent is substituted by the enforceable decisions.

Foreign judgments

Money judgments/awards. Foreign money judgments/awards are enforceable. There are two options available, either:

- One can commence separate proceedings governed by the Lugano Convention or the Swiss Private International Law Act (PILA) to reach a declaration of enforceability of the foreign money judgment.
- Enforceability can be examined as a preliminary question in the main proceedings.

After the declaration or the judgment in the main proceedings has been granted, the ordinary debt collection proceedings can be initiated with the enforceable decision in hand.

Another option is simply to commence the actual debt enforcement proceedings by requesting the issuing of a payment summons against the debtor. If the debtor objects to the summons, the creditor with the foreign money judgment can, if it is enforceable, obtain a definitive dismissal of the objection (*definitive Rechtsöffnung*). The question of enforceability is then examined as

a preliminary question or as a separate application in these setting aside proceedings.

Judgments ordering or prohibiting the doing of acts/injunctions. Judgments ordering or prohibiting the doing of acts/injunctions are enforceable.

Declaratory judgments. Declaratory judgments are not enforceable but can be recognised.

Default judgments. Under the Lugano Convention, a default judgment is only enforceable in Switzerland if the defendant has been properly served notice at the beginning of the proceedings abroad. Under the PILA, default judgments are only enforceable if the defendant was summoned in due form and early enough to have had an opportunity to defend itself (see *Question 4*).

Judgments made without notice (ex parte)/awards. Foreign judgments made without notice (ex parte)/awards are not enforceable.

Foreign decisions granting provisional measures. Foreign decisions granting provisional measures are enforceable under the Lugano Convention but generally not under PILA. This is controversial in case law and literature, see *Question 2*.

Foreign enforcement orders/(pre-judgment) attachment orders/awards. In Swiss attachment proceedings, a foreign judgment is recognisable and enforceable in Switzerland. Such a judgment can entitle the creditor to attach assets of the debtor in Switzerland.

Other judgments. Under the PILA, foreign bankruptcy orders are only enforceable if reciprocity is given (see *Question 8*). Notarial deeds are enforceable under the Lugano Convention.

7. Are any class of judgments excluded from recognition and enforcement?

Domestic judgments

Declaratory judgments, judgments affecting a legal relationship and judgments regarding the making of a declaration of intent are excluded from enforcement (see *Question 6*).

Foreign judgments

Foreign ex parte decisions and declaratory judgments are not enforceable.

Conditions for recognition and enforcement

8. What are the conditions to enforce and recognise a judgment?

Domestic judgments

Court/arbitral court had jurisdiction. Whether the court/arbitral court had jurisdiction or not, is not a condition for recognition and enforcement of a domestic judgment.

Defendant had proper notice of the proceedings. The question whether the judgment itself was properly served is a condition for enforcement.

No incompatibility with public policy. The compatibility with public policy is not a condition for the enforcement of domestic judgments.

Reciprocity. Reciprocity is not a condition to enforce and recognise a domestic judgment.

No conflicting domestic or foreign judgment exists. The absence of conflicting domestic or foreign judgments is a condition to enforce and recognise a domestic judgment.

Judgment/award is final as to its effects. Decisions are enforceable if they are either:

- Binding and the court has not suspended their enforcement.
- Not yet legally binding, but their early enforcement has been authorised by the court.

Decisions in provisional proceedings are enforceable under the same conditions (see *Question 2*).

Limitation period. Whether a limitation period has been triggered is not a condition examined *ex officio* by the enforcement court, but the defending party can raise an objection in this regard.

Other conditions. Usually, the enforceability of a judgment is proven by a certificate of enforceability issued by the court which has rendered the decision. The parties of the judgment have to be identical to the parties of the enforcement process. The opposing party can raise an objection also because of extinction, deferment or forfeiture of the right of due performance. Decisions providing for conditional performance or performance that is subject to counter-performance cannot be enforced until the condition is fulfilled or that the counter-performance has been duly offered, rendered, or guaranteed.

Foreign judgments

Court/arbitral court had jurisdiction. The jurisdiction of the court is not reviewed under the Lugano Convention except for jurisdiction in matters relating to insurance and regarding consumer contracts as well as for cases of exclusive jurisdiction according to the Lugano Convention and for some other cases.

Under the Swiss Private International Law Act (PILA), the issue of jurisdiction of the foreign court is a condition for enforcement.

Defendant had proper notice of the proceedings. It is a condition for enforcement that the defendant had proper notice of the proceedings. For further conditions, see *Question 4*.

No incompatibility with public policy. The question of compatibility with public policy is a condition to enforce and recognise a foreign judgment in Switzerland under the Lugano Convention as well as under the PILA.

Reciprocity. Reciprocity is not a condition to enforce and recognise a foreign judgment except with regard to foreign bankruptcy orders, the recognition of which is governed by the PILA.

No conflicting domestic or foreign judgment exists. Under the Lugano Convention, the question of whether a conflicting domestic or foreign judgment exists is only reviewed in case of an appeal.

Under the PILA, the absence of another conflicting judgment is a condition for recognition and enforcement.

Judgment/award is final as to its effects. Final decisions are enforceable under the Lugano Convention as well as under the PILA. Decisions in preliminary/provisional proceedings are enforceable under the Lugano Convention only (see *Question 2*).

Limitation period. In general, under the Lugano Convention and the PILA, an objection regarding the limitation period has to be brought before the court deciding on the merits of the case. If the limitation period has expired after the rendering of the judgment but before the decision of the court deciding on the enforceability, an objection regarding the limitation period can be raised if the court is deciding on the enforceability as a preliminary question or in the proceeding regarding the definitive dismissal of the objection.

Other conditions. Under the PILA, the compliance with fundamental principles of Swiss procedural law is also a condition for recognition and enforcement.

9. What are the grounds for refusing recognition and enforcement?

Domestic judgments

The court examines the enforceability *ex officio*. The defending party is allowed to file its comments but can only argue that matters preventing the enforcement of the decision have occurred since notice was given (see *Question 8*).

Foreign judgments

Under the Lugano Convention, a judgment is declared enforceable immediately after completion of the formalities according to the convention. Refusal grounds are only examined in case of an appeal.

Under the Swiss Private International Law Act (PILA), the refusal grounds of jurisdiction, the finality of a decision and public policy have to be examined *ex officio*, while proper notice of proceedings, compliance with fundamental principles of Swiss procedural law and existence of conflicting domestic or foreign judgments are only examined if the defendant raises these grounds.

Proper service

10. Does the enforcing court review service of the proceedings? Are there any conditions regarding service of the proceedings that must have been satisfied/complied with?

Domestic judgments

The question of whether the judgment itself was properly served is a condition that must be satisfied.

Foreign judgments

Service of foreign judgments must have been in compliance with the Hague Convention on the Service of Judicial Documents abroad of 15 November 1965.

For judgments given in default of appearance of the defendant, Switzerland has declared a reservation to the Lugano Convention, so that a default judgment cannot be enforced in Switzerland if the defendant has not been properly served notice at the beginning of proceedings, even if he could have appealed against this decision. Public notice can be sufficient if the respective conditions according to the law applicable at the place of the foreign judgment are fulfilled.

Under the Swiss Private International Law Act (PILA), in case of a judgment by default, a document evidencing that the defendant was summoned in due form and early enough to have had an opportunity to defend itself is necessary (see *Question 4*).

Public policy

11. Does public policy include matters of substantive law?

Public policy under the Lugano Convention includes matters of substantive law as well as procedural law.

Under the Swiss Private International Law Act (PILA), only matters of substantive law are included in public policy considerations. Procedural deficiencies are either explicitly mentioned in the respective provision or fall under the general category of fundamental principles of Swiss procedural law.

12. Can the application of a law that is different to that applicable under the choice of law rules of the enforcing court be attacked on the basis of public policy?

The application of a law only because it is different to that applicable under the choice of law rules of the enforcing court cannot be attacked on the basis of public policy.

13. In what circumstances and against which judgments has the principle of public policy generally been applied?

Most cases where the principle of public policy applies concern family law matters (for example, *ex parte* judgments regarding divorce by mutual consent). It is controversial to what extent judgments regarding punitive damages violate the principle of Swiss public policy. Regarding procedural law, the violation of the right to be heard is one of the most common applications.

Provisional remedies

14. Is it possible to apply for provisional measures from the enforcing court pending the enforcement proceedings?

Domestic judgments

It is possible to request for provisional measures pending the enforcement proceedings. For non-monetary judgments the enforcing court is competent. If necessary, provisional measures are rendered even without hearing the defending party beforehand.

Under Swiss law, decisions relating to the payment of money or provision of security are enforced in ordinary debt collection proceedings according to the provisions of the Debt Enforcement and Bankruptcy Act (DEBA). Regarding these decisions a request for attachment according to DEBA can be made. This has a similar effect to a provisional measure. The competent court is the court at the official venue for debt enforcement or at the place where the assets are situated (these places can differ).

Foreign judgments

Under the Lugano Convention as well as the Swiss Private International Law Act (PILA), it is possible to request the enforcing court to issue provisional measures.

Attachment proceedings regarding monetary judgments under the DEBA are possible as well. Attachment applications can be made at the official venue for debt enforcement or at any location where an asset is situated (for all assets in Switzerland).

The following two grounds for attachment are the most important:

- The debtor does not reside in Switzerland, and none of the other grounds for an attachment order is fulfilled, provided the claim has a sufficient connection to Switzerland.
- The claim is based on a recognition of debt or the creditor holds an enforceable title permitting the definitive setting aside of an objection by the debtor in debt enforcement proceedings. If the creditor can show that a judgment can be recognised and enforced in Switzerland, this judgment entitles the creditor to an attachment.

Interest

15. Is the judgment creditor entitled to interest? If so, on what basis is it calculated?

Domestic judgment

From the date of the judgment, the judgment creditor can demand payment of interest at the statutory rate of 5% per year.

Foreign judgment

If the creditor is entitled to interest, and on what basis it is calculated, depends on the foreign judgment and the law governing this judgment.

Actual enforcement

16. What is the enforcement procedure when a declaration of enforceability is granted?

Domestic judgments

The enforcement procedure depends on the type of judgment (see *Question 14*). For non-monetary judgments, a request for enforcement must be submitted to the enforcement court. The court examines the enforceability *ex officio* and grants the opposing party a brief period within which it can file its comments. The court decides in summary proceedings.

In case of a money judgment, a request for the issuing of a payment order against the other party by the local debt collection office has to be filed. The other party can object to this payment order. This objection can then be set aside by an enforceable judgment.

The decision regarding the enforceability of a judgment takes place either incidentally, meaning as a preliminary question in other proceedings, or in separate proceedings (*exequatur*).

Foreign judgments

The enforcement of foreign decisions is governed by the Civil Procedure Code (CPC), unless an international treaty (such as the Lugano Convention) or the Swiss Private International Law Act (PILA) provides otherwise.

For foreign judgments, there are two possible enforcement procedures. One is the "ordinary" enforcement procedure governed by the Lugano Convention or the PILA (see *Question 3*). However, for a foreign money judgment, ordinary debt collection proceedings are also possible (and in most cases preferable) (see above, *Domestic judgments* and *Question 14*).

The decision regarding the enforceability of a foreign judgment takes place either incidentally, meaning as a preliminary question in other proceedings, or in separate proceedings.

17. Can defendants oppose the enforcement procedure, and if so, on what grounds/defences?

Domestic judgments

Defendants can oppose the enforcement procedure. The court must grant the defendant a brief period to file his comments. On the merits, the defendant can only argue that matters preventing the enforcement of the decision have occurred since notice was given, such as extinction, deferment, prescription or forfeiture of the right to due performance.

Foreign judgments

Under the Lugano Convention, the judgment is declared enforceable immediately on completion of the formalities. The party against whom enforcement is sought can only oppose during the ensuing appeal proceedings. The grounds of appeal are:

- Contravention of public policy.
- Improper service (see *Question 4*).
- Existence of a conflicting domestic or foreign judgment.
- Lacking jurisdiction (in certain specified cases).

Under the Swiss Private International Law Act (PILA), in the recognition and enforcement proceeding the party opposing the request must be heard. The grounds for opposition are:

- Lacking jurisdiction.
- No finality of a decision.
- Contravention of public policy.
- Improper notice of proceedings.
- Non-compliance with fundamental principles of Swiss procedural law and existence of conflicting domestic or foreign judgments.

ENFORCING FOREIGN JUDGMENTS

Jurisdiction

18. Is the enforcing court entitled to consider the grounds on which the foreign court assumed jurisdiction (and if so, on what jurisdictional grounds can enforcement be refused)?

The jurisdiction of the court is not reviewed under the Lugano Convention (for exceptions, see *Question 8*).

Under the Swiss Private International Law Act (PILA), it is a condition that the foreign court had jurisdiction according to the PILA. Jurisdiction is established if one of the following applies:

- A provision of PILA provides for it, or, in the absence of such a provision, if the defendant had his domicile in the state in which the decision was rendered.
- In a pecuniary dispute the parties subjected themselves to the jurisdiction of the authority which rendered the decision by an agreement valid under the PILA.
- The defendant in a pecuniary dispute made an appearance without reservation, or in the event of a counterclaim, the authority which rendered the decision had jurisdiction over the principal claim, and if there is a factual connection between the principal claim and the counterclaim.

19. If the foreign court assumed jurisdiction on the basis of an exorbitant ground of jurisdiction, can the enforcing court review the judgment on that ground?

Exorbitant ground of jurisdiction

Under the Lugano Convention, the review of the national rules regarding jurisdiction (such as exorbitant grounds of jurisdiction) are excluded from the review by the local enforcement court. The enforcing court can therefore not review the judgment on that ground.

Under the Swiss Private International Law Act (PILA), the enforcing court can review a judgment on an exorbitant ground of jurisdiction (see *Question 18*).

Voluntary acknowledgement

Voluntary acknowledgement by the defendant makes the judgment binding under the PILA in cases of pecuniary disputes, even where the court did not possess jurisdiction.

Enforcement proceedings

20. Is the enforcement of a foreign judgment, arbitral award or deed subject to formal proceedings or simplified procedures?

The enforcement of foreign judgments and deeds (the latter only under the Lugano Convention) are subject to summary proceedings mostly governed by the Civil Procedure Code (CPC). Foreign arbitral awards are enforced in accordance with the New York Convention (see *Enforcement of arbitral awards in Switzerland*).

21. Are applicants required to institute a new action on the judgment in the form of main proceedings instead of making an application for enforcement based on the judgment?

A new action is not required to enforce a foreign decision in Switzerland.

22. What is the general outline of enforcement proceedings?

Appointing counsel

Applicants are not required to appoint an attorney, but can appear in court themselves if they so choose, however, the appointment of an attorney can be advisable in many cases.

Security for costs

Under the Lugano Convention, if an applicant has benefited from legal aid, this should also be the case for Swiss enforcement proceedings. For Lugano Convention judgments, no security, bond or deposit is required by the party applying for enforcement of a foreign judgment solely on the ground that the applicant is a foreign national or is not domiciled or resident in Switzerland. The Civil Procedure Code (CPC) is applicable with regard to other details.

Regarding the enforcement proceedings under the Swiss Private International Law Act (PILA), the CPC is applicable. The CPC states that the court can demand that the applicant make an advance payment up to the amount of the expected court costs. There is the possibility of applying for legal aid. As enforcement proceedings are summary proceedings, no security for party costs needs to be provided.

Jurisdiction and venue

Under the Lugano Convention, jurisdiction is determined by reference to the place of domicile of the party against whom enforcement is sought or to the place of enforcement. Regarding the preliminary declaration of enforceability, jurisdiction lies either:

- With the court at the domicile or registered office of the defending party.
- At the place where the measures are to be taken.
- At the place where the decision to be enforced was made.

The statements regarding preliminary declaration of enforceability apply to the PILA as well.

Adversarial or without notice (ex parte)

Under the Lugano Convention, the enforcement proceedings are without notice. The defending party however has the possibility of an appeal after the judgment has been recognised where it can bring its arguments. Under the PILA, enforcement proceedings are adversarial.

Timing

The time estimate of the proceedings depends on the procedure chosen and the remedies selected. In general, ordinary debt collection proceedings to pursue monetary claims are quicker than enforcement proceedings concerning non-monetary matters.

Fees

The cantons are competent to set the tariffs for court and party compensation fees. However, court fees regarding the ordinary debt collection proceedings are governed by the Federal Regulation on Fees regarding the Debt Enforcement and Bankruptcy Act (DEBA). The latter fees are generally lower than the fees for ordinary proceedings.

Appeals

Either party can lodge an objection against decisions in which a declaration of enforceability is granted. If decisions regarding the Lugano Convention are concerned, the appellate court freely examines the grounds for refusal provided in the Lugano Convention. The latter applies only to non-incidental decisions regarding enforcement.

23. Can the enforcing court review the foreign judgment as to its substance if all formalities were complied with and if the judgment meets all requirements?

The Swiss court enforcing a foreign judgment is barred from reviewing the judgment as to its substance except for public policy grounds.

Formalities

24. What are the documentary requirements for enforcement?

Documentary requirements

Under the Lugano Convention, a copy of the judgment which satisfies the conditions necessary to establish its authenticity and a certificate using the standard form in Annex V of the Lugano Convention have to be produced.

Under the Swiss Private International Law Act (PILA), the following documents must be enclosed with the request for enforcement:

- A complete and certified copy of the decision.
- A confirmation that no ordinary judicial remedy is available against the decision, or that it is final.
- In case of a judgment by default, a document evidencing that the defending party was summoned in due form and early enough to have had an opportunity to defend itself.

Authentication

Under the Lugano Convention, a certified duplicate of the decision issued by the court which has taken the decision is required. Under the PILA, some Swiss scholars require an authentication of the decision by an official authority whilst others are of the opinion that an affidavit is sufficient.

25. Is it required to translate the judgments into the language of the State where enforcement is requested?

Translations

The court can require a translation of documents into the Swiss official language at the place of the enforcement proceedings (Swiss official languages are German, French or Italian).

Other languages

If documents are in English, a translation is not required in the most cases (see *Enforcement of arbitral awards in Switzerland, Question 18*).

Certification

Under the Lugano Convention, translations need to be certified by a person qualified to do so in one of the states bound by the Lugano Convention. Under the Swiss Private International Law Act (PILA), the court can decide whether a certification of the translation is necessary.

26. What is the format of the application for a declaration of enforceability?

There is no special format required and applications for enforceability can also be submitted orally. However, for foreign judgments, certain formalities need to be complied with, for example using the standard form in Annex V of the Lugano Convention (see *Question 24*).

27. What information must be included in the application regarding the judgment, the claim as awarded in the judgment, the facts and legal grounds of the case, and that the judgment is no longer appealable?

Judgment

No specific information is necessary as long as the judgment is enclosed and identified in the application.

Claim as awarded

In general, no specific information is necessary.

Facts and legal grounds

No specific information is necessary.

Appeals

Under the Lugano Convention, it must be stated in Annex V that the decision is enforceable.

Under the Swiss Private International Law Act (PILA), a confirmation must be enclosed that no ordinary judicial remedy is available against the decision, or that it is final.

28. Is it required to convert the value of the judgment into the local currency?

A foreign monetary decision must be converted into Swiss Francs when commencing debt enforcement proceedings (see *Enforcement of arbitral awards in Switzerland, Question 22*).

PROPOSALS FOR REFORM

29. Are any changes to the law currently under consideration or being proposed?

Despite the amendments to Regulation (EC) 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels Regulation), it is not under consideration to adapt the Lugano Convention (the equivalent to the Brussels Regulation) to the revised Brussels Ia Regulation [Regulation (EU) 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Recast Brussels Regulation)].

ONLINE RESOURCES

The Federal Authorities of the Swiss Confederation

W <https://www.admin.ch/gov/en/start/federal-law/search.html>

Description. The official state website of the Swiss Federation with links to government departments and current legislation.

Swiss Legislation

W <https://www.admin.ch/gov/en/start/federal-law/classified-compilation.html>

Description. Selection of English-language translations of current Swiss acts. Note that translations into English are not official or binding.

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Recent transactions

- Bankruptcy litigation on behalf of creditors in Lehman bankruptcy.
- Representing a foreign investor in proceedings before the financial regulator in relation to an investment into an insurance company.
- Asset freezing and asset recovery litigation on behalf of private parties as well as on behalf of foreign states in connection with mutual legal assistance proceedings.
- Representing clients in ICC and Swiss Rules Arbitration proceedings.
- Representation of clients involved in administrative assistance proceedings in relation to the Federal Tax Administration and Federal Administrative Court.
- Acting on behalf of a retailer in a rental dispute concerning a flagship store.
- Representing claimants and defendants in high-level Directors and Officers (D&O) claims.
- Representing a company in FINMA proceedings concerning legal assistance in connection with stock exchange trades.

Languages. English, German, French

Professional associations/memberships

- Zurich and Swiss Bar Association.
- International Bar Association.
- Law Society (England and Wales).
- British-Swiss Chamber of Commerce.

Publications

- *Litigation and enforcement in Switzerland: overview*, Thomson Reuters, July 2015 with Marcel Frey and Bernhard Lauterburg
- *Assessing the risks – Pre-trial costs in Switzerland*, The Lawyer, March 2015, with Marcel Frey.
- *IFLR Switzerland Guide 2015 – Preliminary judicial protection*, with Bernhard Lauterburg.
- *Dispute Resolution in Switzerland*, Corporate Disputes Magazine January – March 2014, with Marcel Frey.

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- Representing claimants and defendants in high-level Director and Officer (D&O) claims.
- Representing a foreign investor in proceedings before the financial regulator in relation to an investment into an insurance company.

Languages. German, English, French, Afrikaans

Professional associations/memberships. Zurich and Swiss Bar Association; SwissCham Southern Africa

Publications

- *Litigation and enforcement in Switzerland: overview*, Thomson Reuters, July 2015 with Urs Feller and Bernhard Lauterburg
- *Assessing the risks – Pre-trial costs in Switzerland*, The Lawyer, March 2015, with Dr Urs Feller.
- *Dispute Resolution in Switzerland*, Corporate Disputes Magazine January – March 2014, with Dr Urs Feller.
- *Precautionary taking of evidence - Swiss style pre-trial discovery?* *International Bar Association International Litigation News*, April 2013, with Dr Urs Feller.

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