

ANDREAS FANKHAUSER

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Personal details

- Year of birth: 1971
- Nationality: Swiss
- Languages: German (native), English, French

Areas of specialization

- Arbitration and Litigation
- Aviation, Aerospace and Transportation
- International Trade and Investment
- Engineering and Construction
- Product Risk and Liability
- Insurance and Reinsurance

Fields of legal expertise

- Civil Law
- European Law
- International Law

Admissions

Representation of parties before all Swiss courts and official bodies, registered with the Attorney Registry of the Canton of Zurich since 2000.

Professional experience

More than 15 years of in commercial litigation before Swiss courts as well as in commercial and investment arbitrations (both institutional and ad hoc) in different industry sectors, mainly appearing as counsel but also sitting as arbitrator. Non-contentious work involves giving advice in commercial law matters, including contractual and regulatory advice to aviation/aerospace entities as well as their insurers.

- Since 2012 Partner (shareholder and member of the board of directors, co-head of the litigation and arbitration practice group) at Baumgartner Mächler Attorneys Ltd., Zurich
- Since 2014 President of the board of directors of RedAct Kommunikation AG, Zurich
- 2007-2012 Partner at gbf Gerspacher Bell Fankhauser, Zurich
- 2001-2007 Associate at Schellenberg Wittmer, Zurich
- 2000-2001 Judge at District Court of Zurich
- 1998-2001 Legal secretary (law clerk) at District Court of Zurich
- 1997-1998 Trainee at District Court of Zurich

Notable cases:

- Swiss enforcement proceedings between a company owned by the Ukrainian state and a US company concerning an investment arbitration award rendered under the Rules of the Arbitration Institute of the Stockholm Chamber of Commerce
- Litigation between owner of a Gulfstream GV aircraft and its operator
- Litigation between a Polish company and a Swiss company concerning the sale and purchase and operation of a Gulfstream G550 aircraft
- Swiss enforcement proceedings between a leading Russian bank and a Russian mining and metals company
- Advice concerning enforcement in Switzerland of an arbitral award rendered against a sovereign State under the auspices of the Permanent Court of Arbitration in The Hague
- ICC arbitration between two individuals concerning the ownership of a Dutch company in the phosphorus industry
- ICC arbitration between a Russian company and a UAE company concerning aircraft purchase agreements
- Setting aside proceedings before the Swiss Supreme Court, which resulted in a leading case clarifying the standard for challenging the basis of interim awards regarding an arbitral tribunal's jurisdiction
- Swiss Rules arbitration between a Luxembourg company and a Turkish party concerning share purchase agreements of Latvian, Lithuanian and Romanian companies
- Litigation between a victim's family and a regional airport in Switzerland arising out of a Raytheon (Hawker Beechcraft) 390 aircraft accident in December 2010 near Samedan
- Litigation between a regional airport in Switzerland and a helicopter operator arising out of a helicopter accident in June 2008

- Litigation between a liability insurer and the government of Switzerland arising out of an aircraft accident in the city of Basel in July 2007
- Contractual and regulatory advice to an Asian airline
- Advice on preventive measures to manufacturers of defective equipment and household consumer products, such as mobile heating units
- Advice on product risk and liability to a manufacturer of certain aircraft engine components
- Litigation between a helicopter operator and the family of the victim of a helicopter accident in April 2005 near Gotthard Pass
- Ad hoc arbitration concerning investments in coal mines in Bosnia and Herzegovina
- Litigation arising out of a mid-air collision between a Bashkirian Tupolev Tu-154 passenger aircraft and a DHL Boeing 757 cargo aircraft over Southern Germany in July 2002
- Litigation arising out of a Crossair Avro RJ100 aircraft accident near Zurich airport in November 2001
- Various proceedings under the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards

Education

1992-1997 University of Zurich, law degree (Lizentiat)

Panel of arbitrators

Shanghai International Arbitration Center (Shanghai International Economic and Trade Commission): Panel member / arbitrator

Professional associations

International Bar Association, Swiss and Zurich Bar Associations, Swiss Arbitration Association, German Institution of Arbitration, Shanghai International Arbitration Center, London Court of International Arbitration, European Air Law Association, Swiss Association of Air and Space Law, Space Angels Network, Swiss Maritime Law Association, Swiss Association of Tort and Insurance Law, Swiss-Chinese Chamber of Commerce

Indication of external recognition

- Who's Who Legal: regularly ranked as a leading practitioner in aviation law
- Expert Guides: regularly ranked as a leading practitioner in aviation law
- Expert Guides: regularly ranked as a leading practitioner in international trade law

Publications

- Regular contributions to Aviation Newsletter of International Law Office (2013 – present)
- Swiss Chapter in Air Transport of Law Business Research Ltd. (2009 – 2016 editions)