

Partner
LL.M., FCI Arb



Bar admission : Geneva (Zurich 2012)
Nationality : Swiss
Languages : German, English, French,
Italian

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AREAS OF EXPERTISE

- > Arbitration
- > Distribution / Agency
- > International Sales
- > Construction
- > Mergers & Acquisitions
- > Enforcement / Attachments
- > Commercial Litigation

INDUSTRY SECTORS

- > Aviation
- > Construction & Engineering
- > Energy
- > Oil & Gas
- > Pharmaceutical & Biotech
- > Transportation

PROFESSIONAL PRACTICE

Flavio Peter is a partner with Peter & Kim Ltd in Geneva and Zurich specializing in international and domestic arbitration and related litigation proceedings, including enforcement and attachment proceedings before local courts and setting aside proceedings before the Swiss Federal Supreme Court.

Flavio primarily acts as party representative in disputes arising under construction contracts, international sales contracts, disputes concerning long term gas supply contracts, but also agency and distribution agreements, joint venture contracts, and post-M&A disputes. Flavio regularly also sits as chairman, sole arbitrator or co-arbitrator and has gained vast experience as administrative secretary to arbitral tribunals in several international and domestic arbitration proceedings (conducted in accordance with the ICC Arbitration and ADR Rules, Swiss Rules, UNCITRAL Arbitration Rules, VIAC Rules, DIS Rules as well as in ad hoc proceedings).

During his professional experience Flavio has acted in more than 45 arbitrations under a variety of substantive laws, including in particular the laws of Switzerland, Germany, Austria, Italy, Turkey, Sweden, the US (e.g. Delaware and California) or England and Wales, and of course the CISG.

Flavio is a member of the Swiss Arbitration Marketing Committee and co-chair of ASAbelow40. He holds a teaching assignment with the University of Zurich (for international arbitration and CISG) and is a Fellow of the CI Arb.

RANKING

- > Who's Who Legal (WWL): Global Leader in 2022/2023; Future Leader (non-partners section) (2017-2021) and one of the "Most Highly Recommended" practitioners (non-partners section, 2021)
- > Ranked in the Legal 500 under Dispute Resolution: Arbitration, Switzerland

CAREER

- > Partner with Peter & Kim, Geneva (joined as Counsel in September 2021)
- > Attorney-at-Law with Wenger & Vieli Ltd., Zurich (2012 - 2021)
- > Trainee with Wenger & Vieli Ltd., Zurich (2010 - 2011)
- > Internship with leading business law firm in Zurich and with a local district court in the Canton of Lucerne (CH) (2009)

EDUCATION

- > Master of Laws (LL.M.), University of California at Berkeley (2013 - 2014)
- > Admitted to the Zurich Bar (2012)
- > CDT, Certificat du Droit Transnational, University of Geneva (2008)
- > MLaw, University of Lucerne (2008)
- > BLaw, University of Lucerne (2006)

PROFESSIONAL ASSOCIATIONS

- > ASA, Swiss Arbitration Association (Co-Chair of ASA Below 40)
- > CI Arb, Fellow of the Chartered Institute of Arbitrators
- > YAAP, Young Austrian Arbitration Practitioners
- > YIAG, Young International Arbitration Group
- > AIJA, International Association of Young Lawyers
- > Swiss Bar Association (SAV)

FLAVIO PETER

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QUOTES

- > Who's Who Legal (WWL): Global Leader - Arbitration 2022 / 2023

"Flavio is very experienced as both tribunal member and counsel in disputes"

"He is diligent and focused in his approach"

"Flavio is an excellent arbitration lawyer, who already has manifold experience in the field despite his young age"

Who's Who Legal (WWL):
Switzerland – Arbitration 2023

"the next big arbitration lawyer in Switzerland"

REPRESENTATIVE CASES

- > Counsel in a USD > 250 million dispute representing a large Turkish construction firm in a construction related JV dispute under the ICC Rules.
- > Counsel in a > USD 500 million dispute representing a mining conglomerate in an ICC arbitration concerning the building of a smelting facility
- > Lead counsel in a CHF 145 million arbitration under the Swiss Rules concerning sale and purchase of securities (under Liechtenstein/Austrian law)
- > Lead counsel in setting aside proceedings before the Swiss Federal Supreme Court successfully defending an Award rendered under the Swiss Rules, resulting in a seminal decision (BGE 147 III 379) on the question whether, after one of the initial arbitrators resigned and had to be replaced, an arbitral tribunal in its new formation has to repeat a hearing (and other important procedural steps).

PUBLICATIONS

- > The Myth of Partial Awards on Advances on Costs in International Commercial Arbitration in Switzerland under the Swiss Rules, 39 ASA Bull. 3/2021 (with Dr. Urs Weber-Stecher).
- > The Swiss Federal Supreme Court's decision 4A_332/2020 of 1 April 2021 and its considerations on art. 14 Swiss Rules – if an allegedly biased arbitrator participated in the arbitration, but is replaced, should the arbitral tribunal in its new composition repeat the hearing?, in: Lexology, 26 April 2021
- > The Consequences of a Tribunal Secretary's Breach of Duties – the Games of Thrones edition, in: 37 ASA Bull. 2/2019, pp. 145 et seqq. (with Eliane Fischer, Freshfields Bruckhaus Deringer).
- > Commentary on Articles 389-399 of the Swiss Code of Civil Procedure (re. domestic arbitration), 3rd ed., Basle 2017, (with Dr. Michael Mráz);

LECTURES AND SPEAKING ENGAGEMENTS

A few noteworthy examples include:

- > Speaker at New Developments in International Commercial Arbitration 2022 conference, Review of the Recent Case Law of the Swiss Federal Supreme Court, Neuchâtel, 4 November 2022
- > Speaker at the ASA Winter Conference 2022, Obligations of the parties to act in "good faith" (from a procedural perspective), Geneva, 4 February 2022
- > Speaker at the MAA's Generations in International Arbitration 2021 webinar, CISG article 42 – "Who's Claims are Claimed?", 19 March 2021
- > Lecture on International Arbitration – Implementation of Key Concepts from a Practitioner's Perspective, University of Lucerne, 2020, 2021 and 2022;
- > Lecture on Introduction to International Arbitration in Switzerland, University of Zurich, LL.M. on Business Law, April 2020 and 2022 and 2024.

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