

Raphael Brunner
Legal Partner

Scientific Publications

International Guide to Export Controls and Economic Sanctions, chapter Switzerland (pages 783-803), Second Edition, Hrsg. American Bar Association, August 2023 (ISBN/GTIN978-1-63905-281-3)

Dual-Use Export Controls in Europe, chapter Switzerland (pages 341-347), Hrsg. WorldECR, 2023, (ISBN 978-1-7396115-1-4)

World Encryption Controls, chapter Switzerland (pages 255-261), Hrsg. WorldECR, 2021 (ISBN: 978-0-9934917-7-1)

Graphic Presentation of new Incoterms ® 2020, MME Magazine, Oktober 2019

Ein Stolperstein im schweizerischen Regressrecht fällt, in Transportrecht 10-2018, Luchterhand Verlag, Oktober 2018

Goodbye Gini-Durlemann, in: Jusletter weblaw, www.jusletter.ch, 2. Juli 2018

Allgemeine Geschäftsbedingungen, Anwendbares Recht und Gerichtsstand in: Schaden im Warentransport, Vertragsgestaltung - Versicherung - Schadenersatz, HAVE Schriftenreihe, S. 311- 339, Hrsg. Barbara Klett und Andreas Furrer, Schulthess, Mai 2016 (ISBN 978-3-7255-7304-2)

Internationale Transportgeschäfte - transportrechtliche Regeln und Standarddokumente in: Handbuch Internationales Handels- und Wirtschaftsrecht, S. 91 – 158, Hrsg. Münch/Passadelis/Lehne, Helbing Lichtenhahn, September 2015 (ISBN 978-3-7190-3374-3)

Switzerland discovers the Netherlands on the international insolvency map NIPR 33/3 2015, S. 383 – 389, Hrsg. Asser Institute, The Hague, Netherlands, September 2015

Das Bundesgericht entdeckt die Niederlande auf der Karte des internationalen Insolvenzrechts, Ein Entscheid mit Signalwirkung? ZZZ 2014/2015, S. 56-63, Hrsg. DIKE Verlag, September 2015

CMR claims – forum shopping turns into forum running: the impact of ECJ judgment C-452/12 of 19 December 2013 Maritime and Transport Law News Newsletter of the International Bar Association Legal Practice Division, Volume 10 No. 1, Juni 2014

Unterschiedliche Rechtsprechung in Bezug auf die Durchbrechung der Haftungsbeschränkung und die Frage der Sperrwirkung von negativen Feststellungsklagen gemäss CMR Transportrecht, 3-2013, S. 99 – 102, Luchterhand Verlag, März 2013

Electronic transport documents and shipping practice - not yet a married couple European Transport Law, Vol. XLIII No. 2, 2008, S. 123 – 168, Juni 2008.

A participation to the discussion on the question of remuneration of salvors for the prevention of environmental pollution
www.uctshiplaw.com/assign2006/brunnnersalvage.pdf 2006, July 2006.

Journalistic Publications

Cross-border road transport: focus on fair competition, Federal Council advocates equal opportunities and transparency and implements EU Mobility Package I., MME Magazine, 17 July 2023

Russia Sanctions: Ban on the provision of services to legal entities established in Russia How far do these sanctions really go?, Due to the new sanctions measures of the eighth sanctions package, the existing ban on the provision of certain services (specifically, accounting, auditing, tax consulting, management consulting and communications consulting) to legal entities established in Russia has been extended. As of October 7, 2022, the provision of engineering and architectural services, as well as IT consulting and legal services, to legal entities established in Russia is also generally prohibited. However, the ban contains numerous exceptions. We clarify what is permissible and what is not., MME Magazine, 27 October 2022

Effects of the Russia sanctions on employees in Switzerland, What do the sanctions against natural persons and companies that have been put into force as a result of Russia's attack on Ukraine mean for employees of sanctioned persons or companies?, MME Magazine, 22 March 2022

USA passes new law against forced labour in China, Joe Biden's administration has pushed a new law through Congress on 23 December 2021 that will come into force on 22 June 2022, MME Magazine, 10 January 2022

Nothing is possible without ICP (Internal Compliance Program), With the partial revision of the Chemicals Control Ordinance (ChCO), the Federal Council has changed the control and authorization procedures for the handling of chemicals that can be used for both civilian and military applications. In this respect, the competences of the State Secretariat for Economic Affairs (SECO) have been increased. In the same course, amendments were also made to the War Material Ordinance (WMO). According to both the revised ChCO and WMO, proof of a functioning and sustainable ICP is a basic prerequisite to obtain an export authorisation as of November 1, 2021, MME Magazine, 18 November 2021

EVER GIVEN under arrest in Egypt after blockade of Suez Canal, An Egyptian court ordered the arrest of the EVER GIVEN, loaded with 20,000 TEU, on 13 April 2021 due to claims by the Suez Canal Authority (SCA). This leads to great uncertainty among the parties interested in the cargo. What happens next? What are the risks? Which precautions should be taken?, MME Magazine, 16 April 2021

Classified intelligence information cannot be used against an exporter without granting the right to be heard, In June 2020, the SECO suspected the Zurich-based company Galika Ltd. of concealing exports that would serve Russia's armaments, MME Magazine, 11 March 2021

Flagging out, Deep-sea ships under Swiss flag and Flagging Out, MME Magazine, 06 October 2020

Ocean-going yachts under the Swiss flag – a pure gimmick?, The conditions for the registration of ocean-going yachts under the Swiss flag are strict. We highlight the registration requirements for registering ocean-going yachts under the Swiss flag and show under which circumstances the Swiss flag at the stern of an ocean-going yacht is not only beautiful but also make sense, MME Magazine, 11 August 2020

The crux of the "Ex Works" Incoterm clause from the perspective of export control, The use of international trade terms such as Incoterms® 2020 offers parties to an international trade transaction a standardized way of handling their contractual relationship, MME Magazine, 24 July 2020

Commodity Trading and Maritime Industry in the focus of US Sanctions Enforcement, U.S. targets illicit shipping and sanctions evasion practices by the commodity trading and maritime industry, MME Magazine, 10 June 2020

Import + export of medical equipment, On March 25, 2020, the Federal Council introduced an authorisation requirement for the export of protective medical equipment. The corresponding amendment to the COVID 19 Ordinance came into force at 00.00 hrs on March 26, 2020. There are exceptions to the licensing requirement for exports to EU and European Free Trade Association (EFTA) members, 27 March 2020

Corona and Cross Border Trade, Coronavirus and the challenges of international trade, 24 March 2020

Schweiz ermöglicht die Finanzierung humanitärer Lieferung in den Iran, Erläuterung zum "Swiss Humanitarian Trade Arrangement" (SHTA), MME Magazin, 06. März 2020

Verordnung über die Ausfuhr und Vermittlung von Gütern zur Internet- und Mobilfunküberwachung, Die Verordnung über die Ausfuhr und Vermittlung von Gütern zur Internet- und Mobilfunküberwachung soll ins ordentliche Recht überführt werden, MME Magazin, 26. Mai 2017

EU urges Switzerland to intensify cooperation on Sanctions, EU urged Switzerland to further harmonize it's sanction program with EU sanctions, MME Magazine, 07 April 2017

Achtung, es droht Totalverlust Artikel über Sinn und Zweck einer Waretransportversicherung International Transport Journal, ITJ 47-48, 2012, in Zusammenarbeit mit Jean-Marc Heiz, GWP Insurance Broker AG

Vorhang runter nach Katastrophe am Kap oder Brand beim indischen Lieferanten Artikel über die möglichen Auswirkungen von Naturkatastrophen auf globale Wertschöpfungsketten International Transport Journal, ITJ 31-34, 2012, in Zusammenarbeit mit Christoph Enders, GWP Insurance Broker AG

Mit Eiscrème CHF 350'000 in den Sand gesetzt Artikel über Haftungsrisiken und Versicherung eines Logistikdienstleisters International Transport Journal, ITJ 17-18 2012, in Zusammenarbeit mit Jean-Marc Heiz, GWP Insurance Broker AG

Golduhren als gewöhnliche Wertsendung versandt Artikel über die Haftung des Frachtführers bei Wertsendung und Versicherung International Transport Journal, ITJ 07-08, 2012, in Zusammenarbeit mit Jean-Marc Heiz, GWP Insurance Broker AG

Logistikverträge - Warenannahme organisieren Artikel über die Prüfungspflicht des Empfängers bei der Warenannahme International Transport Journal, ITJ, 45-46, 2011, in Zusammenarbeit mit Jean-Marc Heiz, GWP Insurance Broker AG

Logistikverträge - Schnittstellen klar definieren Artikel über die Wichtigkeit der Schnittstellendefinition in Logistikverträgen in Bezug auf Haftungsrisiken und Versicherung International Transport Journal, ITJ, 39-40, 2011, in Zusammenarbeit mit Albert Weigelt, GWP Insurance Broker AG

Rechtliche Risiken von Naturkatastrophen Swiss Export Journal, 4. Quartal 2011, S. 8, Oktober 2011
Court Decisions of the Federal Supreme Court of Switzerland

9C_752/2015 of December 28, 2016 (to be published as leading case): The Federal Supreme Court has denied liability of an asset manager of a pension fund.

5A_619/2015 of December 21, 2015 (officially published as leading case: BGE 142 III 110): The court decided that a party in single party proceedings is entitled to a compensation for lawyers' fees in case the party succeeds in appeal proceedings.

5A_248/2014 of March 27, 2015 (officially published as leading case: BGE 141 III 222): For the first time in history a Dutch insolvency order has been recognised by a Swiss court. The Federal Supreme Court followed our motion and changed its previous jurisprudence.

4A_284/2012 of September 25, 2012 (officially published as leading case: BGE 138 III 708): The Federal Supreme Court decided, that a negative declaratory action filed in the Netherlands based on Art. 31 CMR has the effect of lis pendens and therefore blocks an affirmative action filed in Switzerland at a later time.

4A_184/2008 of November 18, 2009: Liability of a skydiver for damaging the aircraft while jumping from the aircraft whereas the damage led to the aircraft crashing. the crashing of the aircraft.

1C_287/2008 of January 12, 2009: International judicial assistance in criminal matters; right of appeal of a depositor in connection with the seizure of documents (art. 9a lit. b IRSV).
