



# Attachment in Switzerland

7<sup>th</sup> DIS BALTIC ARBITRATION DAYS Riga 2018

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[www.attachment.ch](http://www.attachment.ch)

# Attachment in Switzerland

## **1) Attachment based on enforceable Arbitration Award (AA)**

- where: location of assets (or residence of debtor)
- no formal request for enforcement of AA
- requirements for attachment:
  - claim creditor / debtor
  - enforceable title (AA)
  - assets belonging to debtor
- ex parte proceedings, prima facie evidence

# Attachment in Switzerland

## **2) Attachment before enforceable AA**

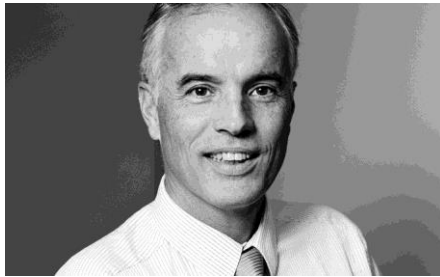
- where: location of assets (or residence of debtor)
- requirements for attachment:
  - claim creditor / debtor
  - no residence of debtor in Switzerland
    - acknowledgement of debt or
    - sufficient connection claim / Switzerland
  - assets belonging to debtor
- ex parte proceedings, prima facie evidence

# Attachment in Switzerland

## **3) Federal Supreme Court**

- 2 March 2017 (4A\_405/2016)
  - extension of deadline for submission by Arbitrator
- 2 July 2012 (138 III 520)
  - incomplete translation English AA / German
- 25 September 2014 (5A\_165/2014)
  - public policy: absolute exception, restrictive

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