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Dispute Resolution in Construction Contracts in Switzerland

Michael Cartier

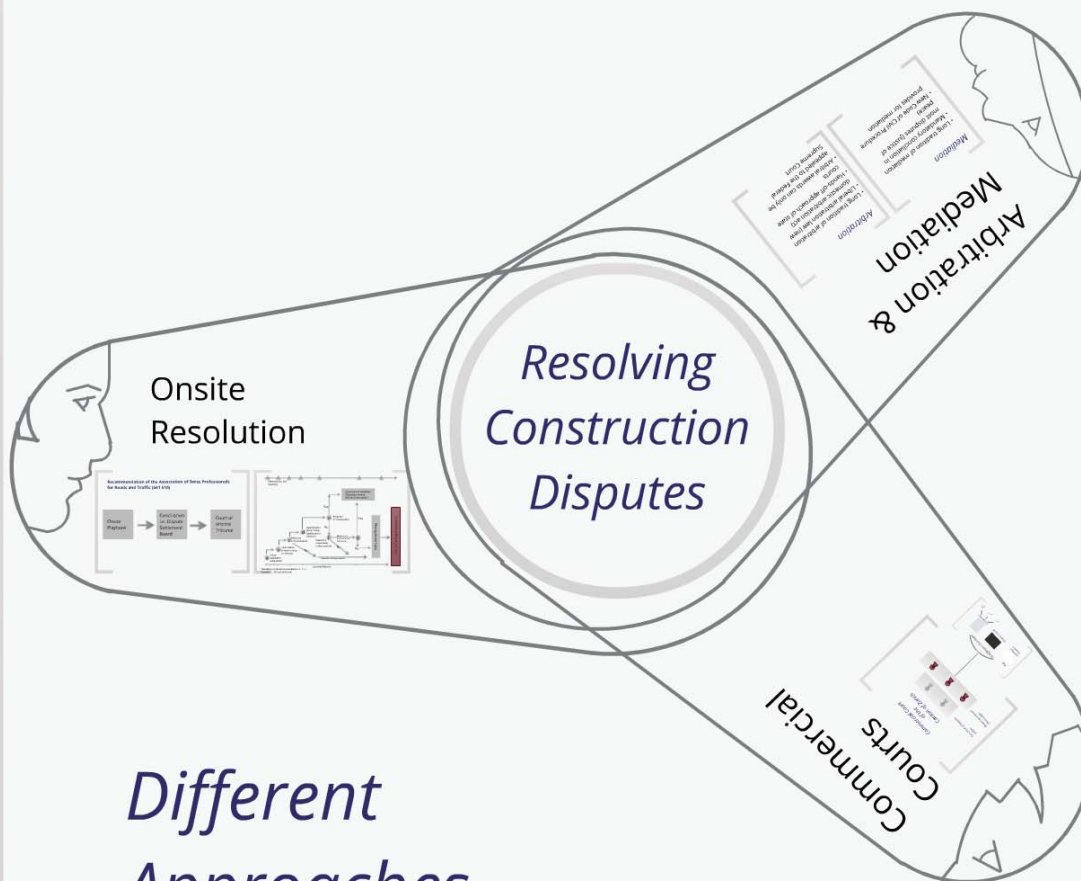
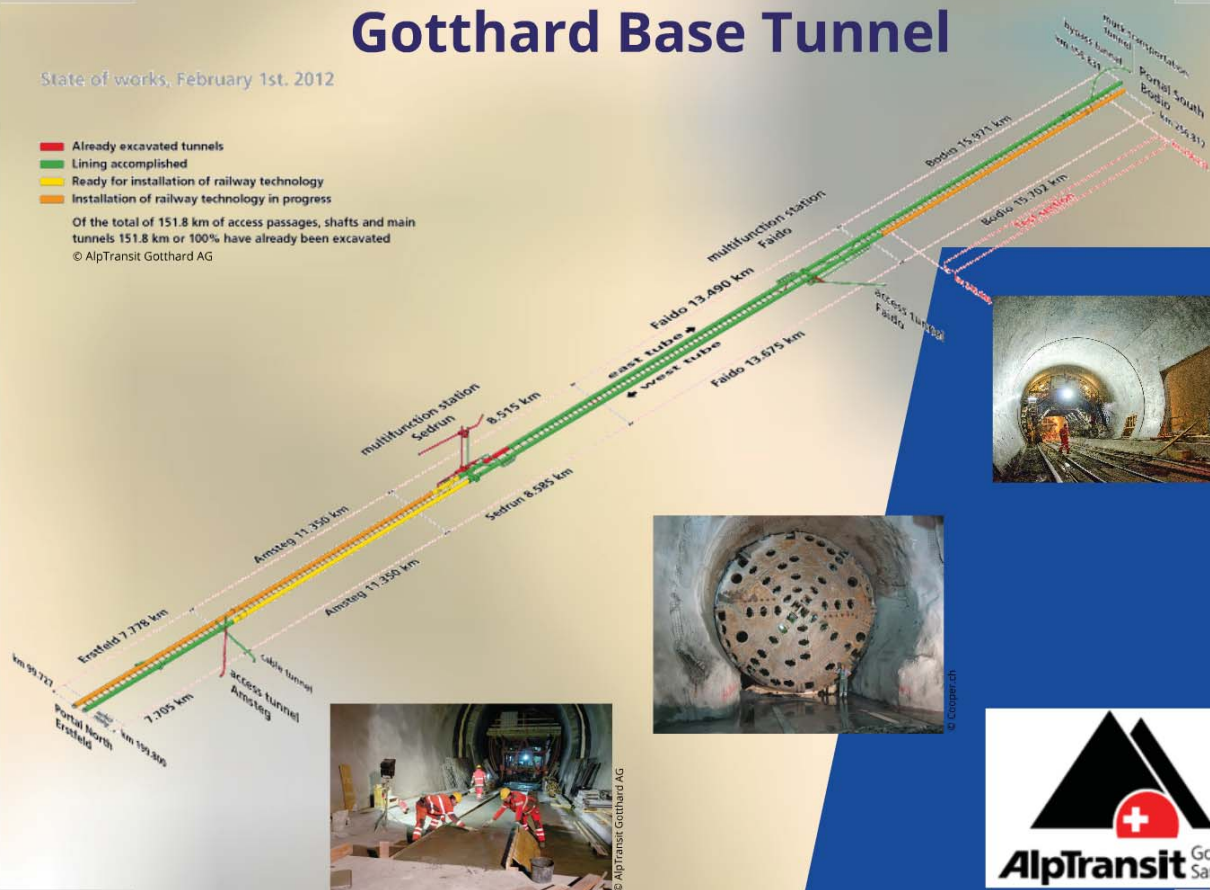


Gotthard Base Tunnel

State of works, February 1st, 2012

- Already excavated tunnels
- Lining accomplished
- Ready for installation of railway technology
- Installation of railway technology in progress

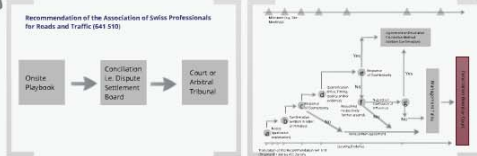
Of the total of 151.8 km of access passages, shafts and main tunnels 151.8 km or 100% have already been excavated
© AlpTransit Gotthard AG



Different Approaches

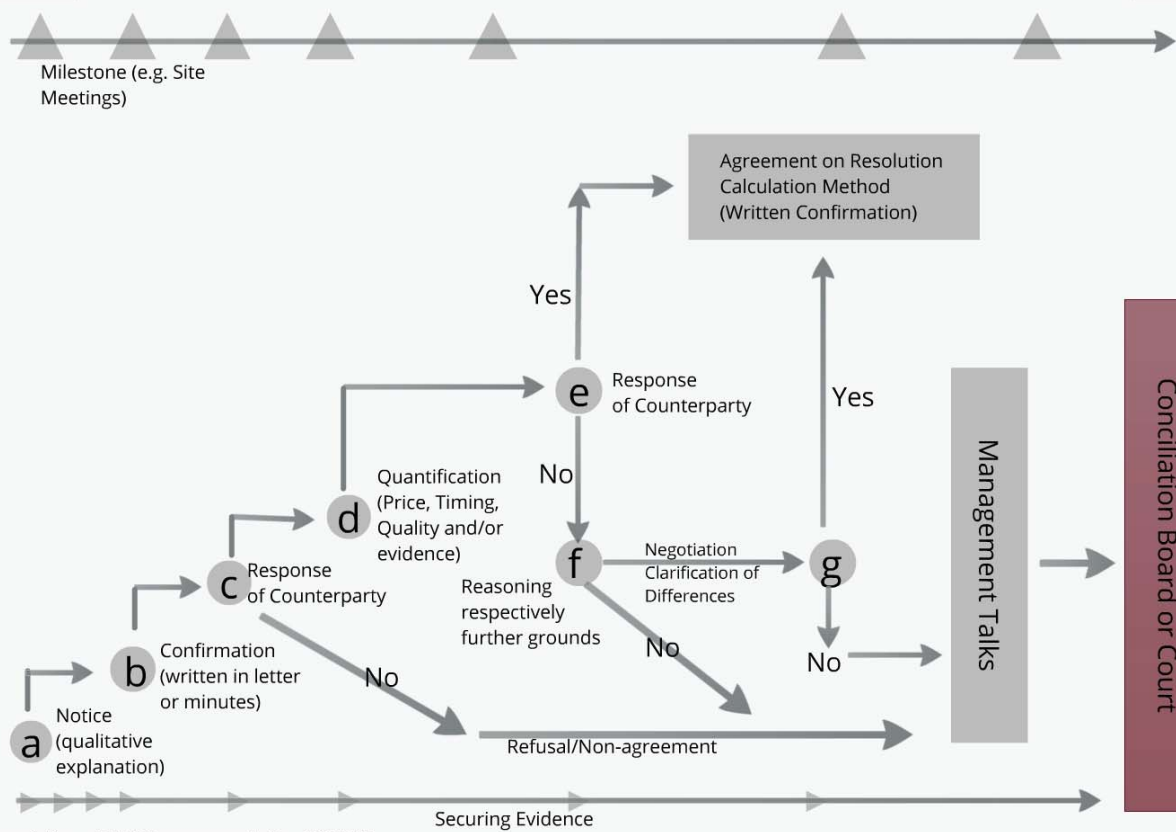
Resolving Construction Disputes

Onsite Resolution

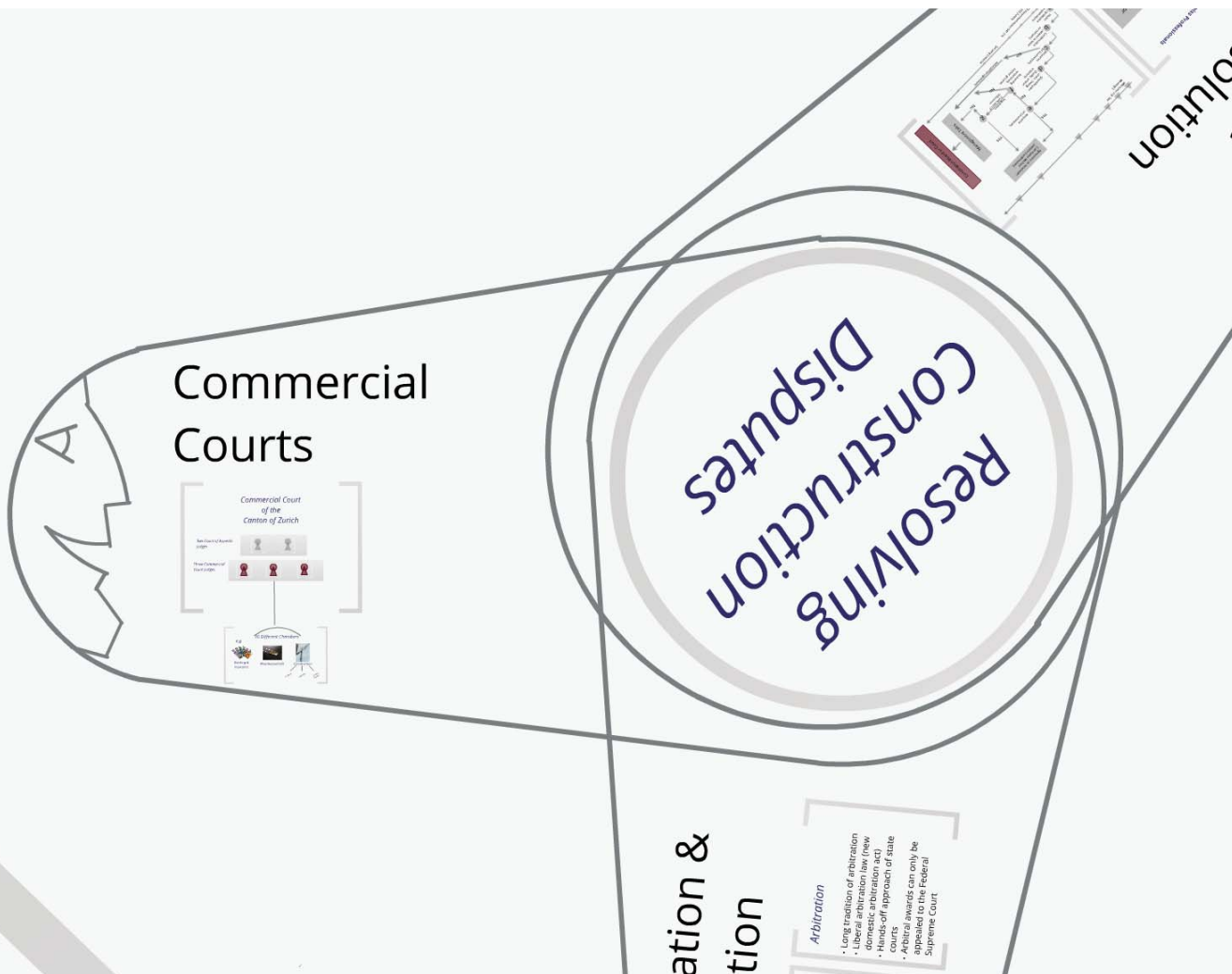


Recommendation of the Association of Swiss Professionals for Roads and Traffic (641 510)





Translation of VSS Recommendation 641 510
(Original © 1998 by VSS Zurich)



Commercial Court of the Canton of Zurich

Two Court of Appeals
Judges



Three Commercial
Court Judges



10 Different Chambers

e.g.



Banking &
Insurance



Pharmaceuticals

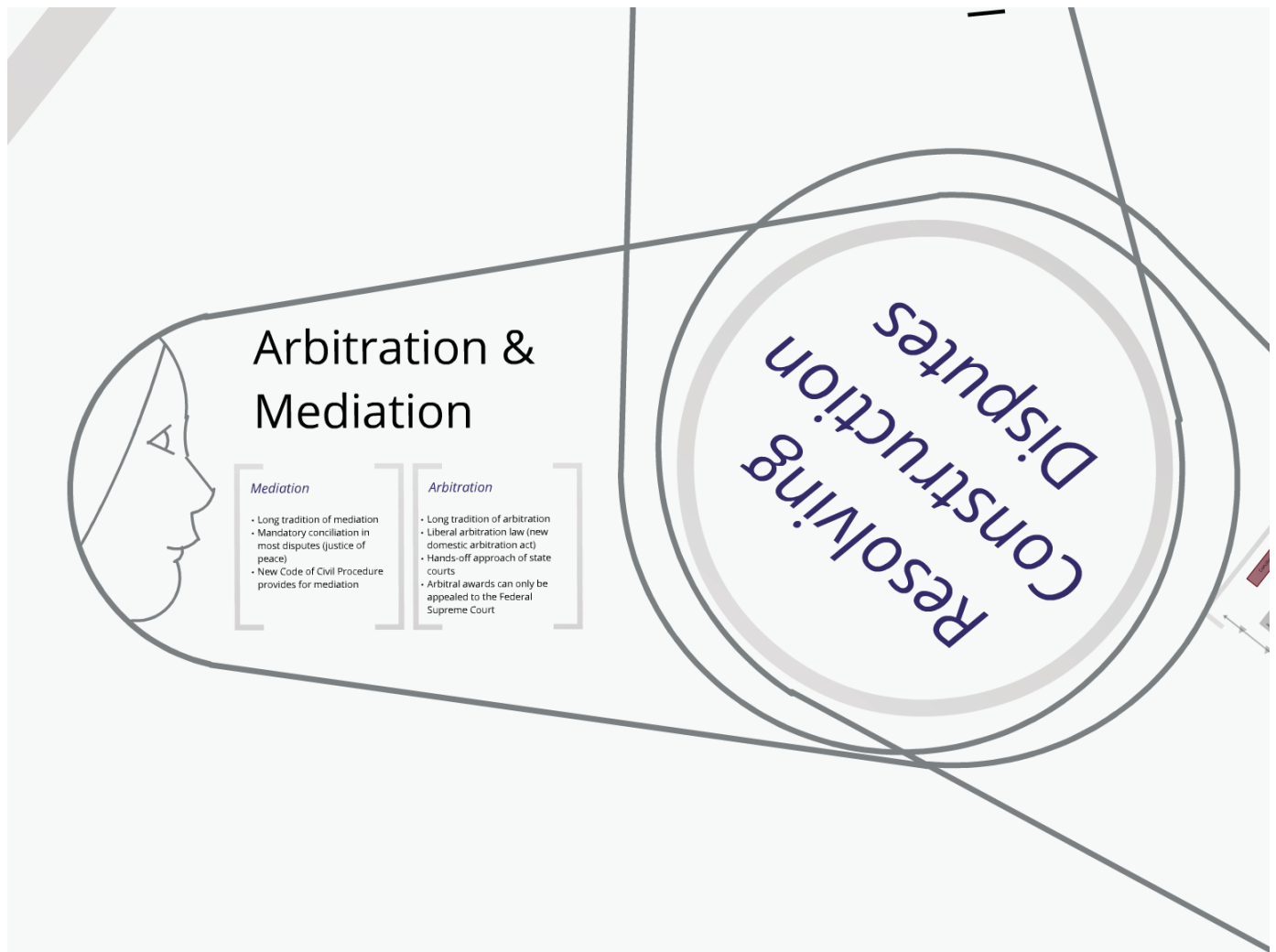


Construction

Architects

Engineers

Building
Experts



Mediation

- Long tradition of mediation
- Mandatory conciliation in most disputes (justice of peace)
- New Code of Civil Procedure provides for mediation

Arbitration

- Long tradition of arbitration
- Liberal arbitration law (new domestic arbitration act)
- Hands-off approach of state courts
- Arbitral awards can only be appealed to the Federal Supreme Court





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