

Isabelle Fellrath

Publications

ENVIRONMENT & ENERGY

Books/chap. in books

ENVIRONMENTAL, SOCIAL AND GOVERNANCE LEGAL AND REGULATORY REQUIREMENTS IN SWITZERLAND: FROM THEORY TO PRACTICE (forthcoming)

Articles 16, 17 et 18 LPE, in P. Moor, A.-C. Favre, A. Flückiger, COMMENTAIRE ROMAND DE LA LOI SUR LA PROTECTION DE L'ENVIRONNEMENT, Stämpfli, 1st edn 2024 (forthcoming)

Sites contaminés : entre risques individuels et risques sociaux, in A.-C. Favre (ed.), PROCÉDURES TERRITORIALES ET RISQUES ENVIRONNEMENTAUX, CEDIDAC (forthcoming)

Transfert d'entreprises et responsabilités environnementales, in D. Dürr, M. Lardi (eds), UNTERNEHMENSFÜHRUNG UND RECHT, REGULATORISCHES UMFELD FÜR KMU, Dike Verlag, 2nd edn 2019, Chap. 27

Force Majeure and Hardship Clauses in Energy Supply Agreements, in K. Makuch, R. M. Pereira (eds), ENVIRONMENTAL AND ENERGY LAW, Wiley-Blackwell Publishing, 2012, Chapter 11, 240-252 (co-author)

DROIT DE L'ÉNERGIE: RECUEIL DE TEXTES INTERNATIONAUX, EUROPÉENS ET SUISSES, Schulthess, 2011 (co-editor)

A STUDY OF SELECTED PRINCIPLES OF INTERNATIONAL ENVIRONMENTAL LAW IN THE LIGHT OF SUSTAINABLE DEVELOPMENT, University of Nottingham, 1998, ASIN B001AJP622

Articles / Opinions in the media

Responsabilité civile pour le préjudice écologique : vers une nécessaire réforme en droit suisse ?, UMWELTRECHT IN DER PRAXIS (2024/4)

A Lausanne, ces vestiges du passé qui plombent nos assiettes, LE TEMPS, 23 June 2021, 2

L'état de nécessité climatique : un concept peu convaincant, LE TEMPS, 24 January 2020, 9 (co-author)

Une décision fédérale claire s'impose urgemment pour la 5G, LE TEMPS, 12 December 2019, 10

Le citoyen face à la densification urbaine et la transition énergétique, LE TEMPS, 1 April 2019, 8

Attention à la pollution lors du transfert d'activités ou de biens fonciers, News Signatures: Réflexions, 24HEURES, 29 November 2018, 2

Paramètres généraux de répartition des frais d'investigation, de surveillance et d'assainissement des sites pollués : état de la pratique et de la jurisprudence en droit suisse, UMWELTRECHT IN DER PRAXIS (2018/4) 283-304

A qui la responsabilité financière des assainissements des sites pollués?, Expert, LE TEMPS, 8 September 2017, 8

Paradigme des défis actuels à la Grande Cariçaie, News Signatures: Réflexions, 24HEURES, 24 August 2017, 2

	<p>Sortir du nucléaire et milliards d'indemnités : le droit n'est pas si clair, Débats, LE TEMPS, 8 November 2016, 8</p> <p>Developments under the CO2 emission reduction regulation, EUROPEAN ENERGY JOURNAL (2015) 63-65</p> <p>Swiss Supreme Court : Nuclear Security, EUROPEAN ENERGY JOURNAL (2013) 6-9</p> <p>Restructuring the Swiss Electricity Market and the Progressive Phasing Out of Nuclear Energy, A. de Hauteclercque et al. (eds), EU ENERGY LAW & POLICY YEARBOOK (2012) 61-70</p> <p>Energy Law: Swiss Report, EUROPEAN ENERGY JOURNAL (2011) 62-65</p>
Book reviews	<p>M. Roggenkamp et al. (eds), Energy Law in Europe: National, EU and International Regulation, Oxford University Press, 2nd edn 2008, in 18 EUROPEAN ENERGY AND ENVIRONMENTAL LAW REVIEW (2009) 141–143</p> <p>D. Zillman et al. (eds), Beyond the Carbon Economy Energy Law in Transition, Oxford University Press, 2008, in 18 EUROPEAN ENERGY AND ENVIRONMENTAL LAW REVIEW (2009) 77–78</p> <p>H.T. Anker, B. Olsen, A. Rønne (eds), Legal Systems and Wind Energy: A Comparative Perspective, Kluwer law international, 2009, in 19 EUROPEAN ENERGY AND ENVIRONMENTAL LAW REVIEW (2010)</p>
Speaking engagements	<p>Sports Events and Sustainability: Friends or Foes?, ASSOCIATION SUISSE DE DROIT DU SPORT , Centre nationals de sport de Macolin, 27-29 November 2024</p> <p>ESG Remediation and Damages, AFAA 5TH ANNUAL CONFERENCE ON AFRICAN ARBITRATION UNBOUND: ADVANCING ARBITRATION AND ESG IN AFRICA, Douala, 9-11 October 2024</p> <p>Environmental and Sustainability Issues in Maritime Arbitration , CAMEROON ARBITRATION WEEK 2024, Douala, 7-10 October 2024</p> <p>Durabilité et PME suisses - Quels enjeux?, COLLECTIF DE PATRONS DE PME, Morges, 20 September 2024</p> <p>La responsabilité environnementale en droit civil suisse : rapport in La responsabilité environnementale. Journées internationales polonaises de l'Association Henri Capitant, Łódź, 5-7 June 2023</p> <p>Sites contaminés, Proportionnalité des mesures d'assainissement : jalons juridiques et application, CENTRE D'HYDROGÉOLOGIE ET DE GÉOTHERMIE DE L'UNIVERSITÉ DE NEUCHÂTEL, FORMATION CONTINUE EN GESTION DES SITES POLLUÉS, module avancé : Investigation de détail, Neuchâtel, 27-28 October 2022</p> <p>Proportionnalité des mesures d'assainissement : les principes juridiques, LES SITES CONTAMINÉS, HAUTE ÉCOLE D'INGÉNIERIE ET DE GESTION DU CANTON DE VAUD/INSTITUT INTERDISCIPLINAIRE DU DÉVELOPPEMENT DE L'ENTREPRISE, Yverdon, 19 May 2021</p> <p>Proportionnalité des mesures d'assainissement dans la jurisprudence, RENCONTRE 2020 DES SPÉCIALISTES DES SITES CONTAMINÉS, OFEV, Bern, 17 September 2020</p> <p>Sites contaminés : entre risques individuels et risques sociaux, DEMI-</p>

ARBITRATION & SPORT

Books/chap. in books

JOURNÉE DE DROIT DE L'ENVIRONNEMENT : PROCÉDURES TERRITORIALES ET RISQUES ENVIRONNEMENTAUX, CEDIDAC, Lausanne, 8 October 2019

Responsabilité environnementale : répartition des frais entre perturbateurs ; Quels enseignements des pratiques cantonales et fédérale ?, RENCONTRE 2017 DES SPÉCIALISTES DES SITES CONTAMINÉS, OFEV, Bern, 7 June 2017

What Legal Qualification for Take or Pay Provision (Gas, Electricity) In Swiss Law? 6TH SAINT-GALL INTERNATIONAL ENERGY FORUM, Saint-Gall, 13 – 14 December 2012

Restructuring the Swiss Electricity Market and the Progressive Phasing out of Nuclear Energy in the Aftermath of the Fukushima Disaster, ANNUAL EU ENERGY LAW AND POLICY, 7TH ANNUAL CONFERENCE, Claeys & Casteels, Brussels, 31 January – 1 February 2012

Droit de la concurrence, Les restrictions illicites à la libre concurrence et les procédures à suivre – Défis pour la branche, ASSOCIATION DES ENTREPRISES ÉLECTRIQUES SUISSES (VSE/AES), Lausanne, April 2010

Groupe de travail et d'étude sur la responsabilité civile pour le dommage causé à l'environnement, MILAN UNIVERSITY LAW FACULTY, Italy, July-August 1997

Articles/casenotes/
Opinions in the media

Commentary to Art. 1 and 2 SRIA, in T. Zuberbuhler et al. (eds), SWISS RULES OF INTERNATIONAL ARBITRATION: COMMENTARY, Kluwer / Schulthess, 2nd edn 2013 (co-author)

CULTURAL PROPERTY DISPUTES: THE ROLE OF ARBITRATION IN RESOLVING Non CONTRACTUAL DISPUTES, Transnational Publishers / Brill Academic Publishers, 2004 (334 pp)

Athletes' submission to sports association and organization regulations in Swiss law (submitted to AKTUELLE JURISTISCHE PRAXIS) (co-author)

Lessons learnt from 2021 and evolving concepts of significance in arbitration (ADR Personality), LAGOS COURT OF ARBITRATION, NEWSLETTER, March 2022, 5

Arbitration is no silver bullet for the adjudication of business-related human rights, AAA BLOG (<https://afaa.ngo/page-18097/10425130>), May 2, 2021, AFRICAN JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW (forthcoming)

Vers une marchandisation du contentieux commercial en Suisse, LE TEMPS, 10 June 2020, 9

Chronique de jurisprudence étrangère (Suisse), 2003-2017, REV. ARB. (2017) 1231-1257 ; (2016) 1169-1198 ; (2015) 1185-1213 ; (2014) 991-1020 ; (2013) 1047-1069 (2012) 845-866 ; (2011) 1069-1091 ; (2010) 877-909 ; (2009) 827-872 ; (2008) 749-775 ; (2007) 861-881 ; (2006) 827-855 ; (2005) 171-196 (with P.-Y. Tschanz)

La sanzione per il mancato rispetto di una clausola *multistep* conciliazione/arbitrato e le conseguenze per gli atti già compiuti dal

tribunale arbitrale? Nota sulla sentenza del 16 marzo 2016, caso n° 4A_628/2015, Tribunale Federale Svizzero pubblicata nel DTF 142 III 296, XXVII RIVISTA DELL' ARBITRATO (2017) 613-635

L'ammissibilità di consulenti esterni del tribunale arbitrale nel diritto svizzero, Nota sulla sentenza del 21 maggio 2015, caso n° 4A_709/2014, Tribunale Federale Svizzero, XXVI RIVISTA DELL' ARBITRATO (2016) 353-370 (co-author)

Annotations and Summaries of Decisions of the Swiss Federal Supreme Court Issued in 2011 and 2012 Concerning International Arbitration, JOURNAL OF INTERNATIONAL TRADE AND ARBITRATION LAW/ ULUSLARARASI TICARET VE TAHKIM HUKUKU DERGISI (2013) 191-219 (co-author)

Consent to Arbitrate: A Prerequisite to Arbitration, JOURNAL OF INTERNATIONAL TRADE AND ARBITRATION LAW/ ULUSLARARASI TICARET VE TAHKIM HUKUKU DERGISI (2012) 241-252 (co-author)

The Swiss Supreme Court Decides: India v. Crédit Agricole Suisse, X ART ANTIQUITY AND LAW (2005) 401-413

Caselaw review in ILO (co-author): Arbitrator's ICC Challenge Process Under New York Convention Scrutiny, 31 October 2013; No Two-Tier Judicial Review of Constitution of Arbitral Tribunal, 16 August 2012; Supreme Court Vacates International Arbitration Award on Material Public Policy Grounds, 28 June 2012; Supreme Court Saves Pathological Arbitration Clause, 8 March 2012; Third Parties and Arbitration Clauses in Promisor/Promissee Contracts?, 17 November 2011; Supreme Court Confirms Benchmarks on Pre-Arbitration Conciliation Duties, 17 August 2011; Parties' Right to Be Heard on Costs, 28 July 2011; Validity of The Conventional Waiver of Judicial Challenge Against Swiss International Arbitration Awards, 14 July 2011; Recent Developments in Swiss Arbitration Law, June 2011; Supreme Court Rules on Prior Involvement of Arbitrators, March 2011; When an Offer to Arbitrate Is Binding on The Offering Party?, 18 November 2010; First Annulment of International Arbitration Award on Ground of Infringement on Procedural Public Policy, July 2010; No Immediate Review of Arbitral Interim Measures, 3 June 2010; Supreme Court: Arbitrators' Broad Discretion to Construe Contractual Concepts, 29 April 2010; Switzerland: Insolvency – Debt Restructuring Moratorium - *Lis Pendens* (1988 Lugano Convention), 4 March 2010; Arbitration Agreements and Piercing the Corporate Veil, 5 November 2009; The Uneasy Relationship Between Arbitration and Bankruptcy, 30 July 2009

Speaking Engagements

Due process in virtual arbitration: Adjustments, constraints, challenges, INTERNATIONAL ARBITRATION AND MEDIATION (ADVANCED COURSE), LL.M. International Business law, Faculty of Law, Criminal Justice and Public Administration, UNIL, Lausanne, yearly, since 2023

Contracts of employment under the FIFA RSTP and the Swiss Code of Obligations: Interactions, UNIL- CAS SPORTS ARBITRATION FORUM, SWISS LAW AND INTERNATIONAL SPORTS DISPUTES, Court of Arbitration for Sports, Lausanne, 25 November 2022

Funding of International Commercial Arbitration, INTERNATIONAL ARBITRATION AND MEDIATION (ADVANCED COURSE), LL.M. International Business law, Faculty of Law, Criminal Justice and Public Administration, UNIL, Lausanne, yearly, 2020-2023

Arbitration Hot Topics and Career Prospects, Guest Speaker, INAUGURATION SESSION OF THE ALTERNATIVE DISPUTE RESOLUTION COMMITTEE, Xavier University Bhubaneswar law school, India, 22 September 2021

Protecting Human Rights through Arbitration: The Hague Rules on Business and Human Rights Arbitration, panellist, AFAA 2ND ANNUAL CONFERENCE ON REFORM AND INNOVATION OF INTERNATIONAL DISPUTE RESOLUTION: AFRICAN PERSPECTIVES, Accra, Ghana, 14-16 June 2021

Cash-strapped : How Can Mining Companies Finance Legal Disputes?, Moderator, CONFERENCE ON SOCIAL LICENSE AND DISPUTE RESOLUTION IN THE EXTRACTIVE INDUSTRIES, UNIL, Lausanne, 19 February 2021

Intrinsic Inadequacy or Unwarranted Ignorance of Voluntary Arbitration in National Environmental Matters?, ASA GENEVA GROUP, 29 October 2020

Conflits de droit du travail et arbitrage, SWISSLEGAL, Zurich, 7 May 2019

Why Does Arbitration Matter? Some Practical Insights, Brown Bag Seminar, NO PEACE WITHOUT JUSTICE, Brussels, 30 January 2012

MISCEL.

Books/chap. in books

Switzerland and WTO Law, in Baker & McKenzie (ed.), REDBOOK ON WTO LAW IN MAJOR TRADING COUNTRIES, 2001 (co-author)

Articles / Opinions
in the media

Au Vendée Globe, la course à l'égalité, LE TEMPS, 8 February 2023, 4

« Crop tops » : regrettable dérive ou renouveau méritoire ?, LE TEMPS, 12 October 2020, 8

Droit de grève et cause féminine : le temps du silence est révolu, Débats, LE TEMPS, 30 April 2019, 8

L'hypocrisie de la réglementation de la prostitution, Débats, LE TEMPS, 19 December 2018, 10

Mutilation génitale: une première condamnation pour l'exemple, Débats, LE TEMPS, 19 November 2018, 8

Abus sexuels: questionnements sur l'exposition des victimes, Débats, LE TEMPS, 23 February 2018, 9

Offsetting Losses and Profits in Case of Breach of Commercial Sale/Purchase Agreements under Swiss Law and the Vienna Convention on the International Sales of Goods, XX PRAXIS DES INTERNATIONALEN PRIVAT UND VERFAHRENSRECHT (2009/4) 1-12 (co-author)

La procédure de gestion des listes de personnes affectées par les sanctions des Nations Unies devant le Tribunal fédéral suisse, REVUE DE DROIT ADMINISTRATIF ET FISCAL (2009/I) 146-160 (co-author)

Women Micro-Entrepreneurs in Developing Countries, 6 EUROPEAN WOMEN ENTREPRENEURS JOURNAL (1996) 10-22