



Dr. Giovanna Montanaro

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Partnerin

Geboren: 1969

Zugelassen als Anwältin: 1996

Sprachen: Deutsch, Englisch, Italienisch, Französisch

TÄTIGKEITSSCHWERPUNKTE

Internationales und nationales Transport-, Handels- und Versicherungsrecht, einschliesslich Luft- und Seerecht. Parteivertretung in Zivilprozessen und Schiedsverfahren sowie Vertragsprüfung und Beratung bei Vertragsgestaltung.

PRAKTISCHE TÄTIGKEIT

Partnerin bei Wartmann Merker (seit 2018)

Associate und Counsel bei einer international tätigen Anwaltskanzlei in Zürich (2000-2017)

Dozentin für Privatrecht bei der EXPERTsuisse für angehende Steuerexperten, Zürich (seit 1998)

Dozentin an der Fachhochschule Nordwestschweiz, Nachdiplomstudium für Internationales Logistikmanagement, Olten und Windisch (2001-2012)

Praktikum bei der Europäischen Kommission, DG MOVE, Brüssel (1999)

Wissenschaftliche Assistentin am Lehrstuhl für Schweizerisches und Europäisches Privatrecht bei Prof. H. Honsell, Zürich (1997-1998)

Substitutin bei einer international tätigen Anwaltskanzlei in Zürich und Genf (1994-1995)

AUSBILDUNG

Universität Zürich, Dr. iur. 2001

The Hague Academy of International Law, Centre for Studies and Research 1999

Universität Zürich, lic.iur. 1994

BERUFSBEZOGENE MITGLIEDSCHAFTEN

ASDA (Schweizerische Vereinigung für Luft- und Raumrecht): Vorstand
SVSR (Schweizerische Vereinigung für Seerecht): Vorstand
IBA (International Bar Association): Vizepräsidentin des Subkomitees Landtransport
EALA (European Air Law Association)
IAWA (International Aviation Womens Association)
SVS (Schweizerische Vereinigung für Schifffahrt und Hafenwirtschaft)
WISTA (Women's International Shipping & Trading Association)
ZSN (Zurich Shipping Network)
DGTR (Deutsche Gesellschaft für Transportrecht)
SSC (Swiss Shippers Council)
ZAV (Zürcher Anwaltsverband)
SAV (Schweizerischer Anwaltsverband)

RECOGNITIONS

Wartmann Merker is recognized by Chambers Global 2024 and Chambers Europe 2024 as a leading Swiss law firm (Switzerland: Litigation).

The Legal 500 EMEA 2024 Edition ranks Giovanna Montanaro as Leading Individual in the practice area Transport and further recommends her in Insurance and Litigation. "Giovanna Montanaro is a top-level attorney in shipping and transport matter. She is efficient and capable to provide effective solutions to problems."

Giovanna Montanaro is recognized by Who's Who Legal Switzerland 2023 as Thought Leader in the category Transport. WWL says: "Giovanna Montanaro is 'considered a leader in the field of transport law' by respondents."

Who's Who Legal Global Guide 2023 recommends Giovanna Montanaro in the practice areas Transport – Aviation Contentious and Transport – Shipping.

Giovanna Montanaro is recommended by Who's Who Legal Switzerland 2023 in the categories Insurance & Reinsurance and Transport. "The 'very well-established' and 'widely respected' Giovanna Montanaro is a highly skilled practitioner focusing on insurance law, particularly in the transport sector."

The Legal 500 EMEA 2023 recommends Giovanna Montanaro in the practice areas Insurance, Transport and Litigation: "Giovanna Montanaro is very knowledgeable in transport and insurance matters and is very practical

Giovanna Montanaro is the winner of the 2023 Lexology Client Choice Award for Switzerland in the category Insurance & Reinsurance.

The Legal 500 EMEA 2022 Edition recommends Giovanna Montanaro in the practice areas Insurance, Transport and Litigation. 'Giovanna Montanaro knows her stuff in the transport/insurance field, and is a good litigator.' 'Quick response time, but still to the

point'.

Who's Who Legal: Transport recommends Giovanna Montanaro as Global Leader 2022 in the fields of Shipping and Aviation Contentious. WWL says: "Giovanna is held in high esteem by peers who commend her first-class shipping practice and consider her 'a true transport law specialist'" and "Giovanna draws high praise from sources who note she is a leading light in the Swiss aviation market."

Who's Who Legal Switzerland 2021 recommended Giovanna Montanaro in Transport and Insurance & Reinsurance: "Giovanna Montanaro is 'definitely an important Zurich-based lawyer in the transport field' and is considered a leading light in the sector and 'one to watch'." In the insurance sector "Giovanna Montanaro is highlighted as 'an excellent lawyer' who is widely regarded as 'definitely one of the rising young market players'."

Giovanna Montanaro is recommended by Legal 500 EMEA 2021 Edition in the practice area Insurance and Transport. "Giovanna Montanaro of Wartmann Merker is a well known and very competent lawyer. She is a leading expert in transport law."

Giovanna Montanaro is recognized by Who's Who Legal: Transport in the fields of Aviation Contentious and Shipping as Global Leader 2021: "Giovanna Montanaro draws high praise from market sources who consider her a top name for contractual and insurance issues in the shipping sector."

Giovanna Montanaro is recognized by Who's Who Legal: Transport 2020 as Leading Individual: "Giovanna Montanaro is a 'very responsive lawyer', commend peers who add that she 'provides well-structured advice on complex issues'."

Who's Who Legal: Switzerland 2020 recognized Giovanna Montanaro in the field of Transport as Most Highly Regarded practitioner and states that she "is 'an excellent lawyer' who is 'brilliant for freight-law-based claims' and 'consistently produces well-structured advice on complex issues.'"

In the field of Insurance & Reinsurance Who's Who Legal: Switzerland 2020 writes: "Giovanna Montanaro ranks highly among peers thanks to her 'excellent communication', with clients noting, 'She is brilliant at explaining complex legal coherences in a few sentences'."

In the insurance sector Who's Who Legal 2019 states that Giovanna Montanaro is highly praised by sources as "one of the best professionals out there" and that she "knows the market extremely well". Who's Who Legal further states that Giovanna Montanaro is "one of the leading individuals" in the field of transport law, well known for her in-depth knowledge of complex maritime and aviation matters.

Giovanna Montanaro was nominated by her peers as one of the world's leading practitioner in the field of Aviation (Who's Who Legal; Aviation 2019).

Giovanna Montanaro is recognized as Thought Leader in Transport by Who's Who Legal Switzerland 2018, 2019 and 2020.

Who's Who Legal 2018 recognizes Giovanna Montanaro for her "concise and comprehensive work" across the transport sector where she provides clients with "fast answers that can be put into action immediately".

In 2017 Who's Who Legal says "The "excellent" Giovanna Montanaro has a "very good

reputation” according to respondents. Her practice focuses on transport law and she regularly assists clients in cross-border disputes.”

Who's Who Legal, Switzerland writes in 2016 that *“Giovanna Montanaro regularly assists clients in resolving multi-jurisdictional disputes, and her “technical abilities” are lauded by peers”.*

In 2015 Who's Who Legal states that *“Giovanna Montanaro in Zürich concentrates on aviation disputes including cargo damage cases and related contract and insurance matters.”*

LEGAL 500 recognizes in 2017 that *“Giovanna Montanaro provides ‘prompt and focused advice’ “*

EXPERT GUIDES, Rising Stars in Aviation: 2015 & 2016

PUBLIKATIONEN

Direktes Forderungsrecht in jedem Fall? – Klar- und Unklarheiten für internationale Handelspartner und Haftpflichtversicherer im Direktprozess gegen die Haftpflichtversicherung, IHR 1/2024, S. 1 ff. (zusammen mit Gina Dürr)

Schweizer AGB-Recht im transportrechtlichen Umfeld, TranspR 9/2021, S. 371 ff.

Erläuterungen zu den AB SPEDLOGSWISS, Hrsg. SPEDLOGSWISS, Basel 2016.

Amstutz/Breitschmid/Furrer/Girsberger/Huguenin/Müller-Chen/Roberto/Rumojungo/Schnyder (Hrsg.): Handkommentar zum Schweizer Privatrecht, 3. Aufl., Zürich 2016, Art. 440-457 OR (Frachtrecht)

Kren/Bertschinger/Breitschmid/Schwander (Hrsg.), Handkommentar zum Schweizerischen Obligationenrecht, Art. 439-457 (Fracht- und Speditionsrecht) sowie Art. 1153-1155 (Warenpapiere), 3. Aufl., Zürich 2016

Das Konnossement, Sicherheit für die Banken im Dokumentenakkreditiv?, IHR 4/2010 (Teil 1), S. 137 ff. und IHR 5/2010 (Teil 2), S. 181 ff.

Luftverkehr (Deliktische Haftung), in: Basedow/Hopt/Zimmermann, Handwörterbuch des Europäischen Privatrechts, Tübingen 2009 - Publikation der englischen Fassung im 2012

Beitrag für die Schweiz in "The Official Guide to Ship Registries 2002", Stamford 2002

Die Haftung des Spediteurs für Schäden an Gütern, unter besonderer Berücksichtigung des Lufttransportes und der Allgemeinen Bedingungen des Schweizerischen Spediteurverbandes (AB SSV), Zürcher Studien zum Privatrecht, Bd. 166, Diss. Zürich 2001

VORTRÄGE

„Recht verpackt?!“, Impulsvortrag und Workshop, KRV Forum SPEDLOGSWISS vom 6. März 2024

"Transportschaden – was tun? Schwerpunkt Strassentransport und CRM-Haftung", Webinar organisiert von Swiss Shippers' Council, 27. Mai und 22. Juni 2021

"Covid – Quo Vadis Force Majeure und Haftung", Swiss Shippers' Forum vom 27. Januar 2021

Panelleitung zu "Multimodal transport: technical and legal issues in worldwide port to port and door to door shipments." an der IBA 2020 Virtually Together Conference, 12. November 2020

"Force Majeure – wo liegen die Risiken für den Verlader?" Swiss Shippers' Forum vom 29. Januar 2020 in Interlaken

Panelleitung zu "Vertragslogik in der Logistik" 9. Luzerner Transport- und Logistiktage, 21. März 2019

Panelleitung zu "Böse Ware im Export" 8. Luzerner Transport- und Logistiktage, 15. März 2018: Böse Ware – Wenn sich die Ware zum Albtraum entwickelt

"Workshop zu den AB SPEDLOGSWISS" Weiterbildungsveranstaltung der SPEDLOGSWISS, Zürich und Olten, 28. und 29. November 2017

Panel-Leitung und Organisation zu "Eigentumsübergang und Retention" 7. Luzerner Transport- und Logistiktage, 16. März 2017

"Mediation of Maritime Disputes: What's new there?" IBA Annual Conference, Washington, 22. September 2016

"Schweizer AGB-Recht im transportrechtlichen Umfeld" Tagung der Deutschen Gesellschaft für Transportrecht, Dresden, 12. November 2015

"Maritime Arbitration in Switzerland" IBA Konferenz des „Maritime and Transport Law Committee“, Genf, 8. Mai 2015

"Atelier sur la responsabilité selon la CMR" Weiterbildungsveranstaltung der SPEDLOGSWISS, Morges, 15. April 2015

"Workshop zur CMR-Haftung" Weiterbildungsveranstaltung der SPEDLOGSWISS, Zürich und Olten, 11. und 18. November 2014

"101 in drafting clauses limiting liability to direct losses" AIJA Seminar der Transport Law Commission, Lissabon, 19. Oktober 2013

"Workshop zur Logistik-Verträgen" Weiterbildungsveranstaltung der SPEDLOGSWISS, Zürich und Wallisellen, 5. und 11. September 2013

"International Sales of Goods in General and CISG in Particular" 5th Asian Maritime Law Conference: "The Future of Shipping", Singapur, 12. April 2013

"Die Pauschalreise" ZAV-Podium, Zürich und Winterthur, 12. und 13. März 2013

"Die Rechtswahlklausel" 78. Sitzung der WOPALIM (Rechtskommission des SSC), Zürich, 31. Oktober 2012

"Credit Insurance" AIJA Seminar "International Contract Academy with a Focus on Retail", Mailand, 26. Oktober 2012

"Financial and Insolvency Issues in Shipping and Shipbuilding" IBA Annual Conference, Dublin, 4. Oktober 2012

"Überblick über zeitrelevante Rechtsfragen in den Transportmedien Strasse, Luft, Wasser und Schiene" 2. Luzerner Transport- und Logistiktage, Luzern, 29. März 2012

"Sales / Distribution Agreements" AIJA International Trade and Transport Symposium, Los Angeles, 13. - 15. Oktober 2011

"Transporting Food – Hot Issues in Cold Chain Cases" AIJA Seminar betreffend "Food Law", Parma, 7. Mai 2011

"Haftung des Frachtführers & Regress gegen den Frachtführer" Transportrechtstagung von Hesse & Partner, 15. September 2009

"Invoking General Conditions in Switzerland" AIJA Seminar der Transport Law Commission, Rotterdam, 31. Oktober 2008

“Standardisierte Klauseln – Incoterms und AGB” AIJA Deutschsprachiges Regionaltreffen, Konstanz 6. Juni 2008

"Autonomous Interpretation and Subsidiary Application of National Law – Why Forum Shopping may be an Interesting Option for Practitioners" AIJA Seminar der Transport Law Commission, Hamburg, 13. Oktober 2006

“Forwarding in a Changed World – Legal Aspects” IUMI Konferenz, New York, 15. - 18. September 2002

"Die Schiedsklausel" 52. Sitzung der WOPALIM (Rechtskommission des SSC), Zürich, März 2002

"Die Haftung des Spediteurs" SSC – Regionalveranstaltung, Winterthur, 19. September 2001