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O Professor Peter Christian Sester é advogado na Alemanha desde 1996 e advogado no Brasil desde 2017. Sester é sócio dos escritórios Warde Advogados (São Paulo) e Peter Sester Advogados (Rio de Janeiro). Sester é Doutor em direito comercial pela Universidade de Heidelberg (Alemanha) e Doutor em economia pela Universidade Humboldt de Berlim (Alemanha). Fez a livre docência na Universidade de Marburg (Alemanha) em direito internacional privado e comparado. Foi professor titular da Universidade St. Gallen (Suíça) e da Universidade Karlsruhe, professor honorário da Universidade Freiburg im Breisgau (Alemanha), diretor do Instituto Law and Finance da Universidade Goethe de Frankfurt am Main (Alemanha) onde ele sucedeu em 2013 o Professor Gunther Teubner. Desde 2019 é Professor da Fundação Getúlio Vargas (Rio de Janeiro) onde ele ensinou arbitragem internacional comercial e societário, *cross-border business transactions* e direito contratual comparado. Desde o início de 2024 é professor-pesquisador da FGV Justiça.

Como melhor aluno na graduação da Universidade de Heidelberg, tornou-se bolsista do Estado de Baden-Württemberg (Alemanha) para o doutorado, e da

Associação Federal de Pesquisa da Alemanha (DFG) para a livre docência. A tese de doutorado em economia sobre o mercado de capitais brasileiro ganhou o prêmio da Associação das Editoras e Livrarias da Alemanha (*Börsenverein des Deutschen Buchhandels*).

Aprovado em concursos públicos (1996 e 1997), rejeitou convite do Ministério da Justiça do Estado de Baden-Württemberg para tornar-se juiz vitalício, tendo optado por seguir carreira acadêmica paralelamente à advocacia. Pelas mesmas razões, rejeitou ofertas para ingressar no Banco Central da Alemanha (*Deutsche Bundesbank*) e na CVM da Alemanha (BaFin).

Fluente em português, inglês, francês e alemão (língua materna). Bom nível de trabalho espanhol.

Posições acadêmicas

Desde 2019 professor Fundação Getúlio Vargas; coordenador da pesquisa de arbitragem da FGV Justiça.

2019-2021. Docente da Universidade Nova de Lisboa de Direito da Arbitragem de Investimento e de Aspectos Jurídicos de Aquisições e Fusões (Portugal).

2018-2019. Professor visitante da Universidade Federal do Rio de Janeiro (Brasil).

2014-2019. Professor titular de direito comercial e Direito Internacional na Universidade St. Gallen (Suíça).

2013-2014. Professor titular de direito comercial e diretor do Instituto Law and Finance da Universidade Goethe de Frankfurt am Main (Alemanha).

2002-2013. Professor titular de direito comercial e diretor do Instituto de Direito da Informação da Universidade de Karlsruhe (hoje denominada Karlsruhe Institute of Technology na Alemanha).

2003-2013. Professor honorário da Universidade Freiburg im Breisgau (Alemanha).

Desde 1999, recebeu numerosos convites como professor visitante de escolas de direito e de administração de empresas: dentre outras, a Cambridge University (RU), London School of Economics (RU), Institute for Advanced Legal Studies (RU), Universidade de Aix-en-Provence (França), Universidade de Montpellier (França), Universidade Nova de Lisboa (Portugal), Universidad Argentina de la Empresa (Argentina), Universidad Austral (Argentina), Universidad de Chile (Chile), Fundação Getúlio Vargas - Escola de Direito do RJ (Brasil), Fundação Getúlio Vargas - Escolas de Direito de SP (Brasil), Insper (Brasil), e Universidade Federal do Rio de Janeiro / COPPEAD (Brasil).

Educação e Qualificação

2017. Exame da Ordem dos Advogados do Brasil (OAB/RJ no 214446).

2008. Doutorado em economia na Universidade de Humboldt em Berlim (Alemanha) – tese sobre o “*Institutional Design of Capital Market Reforms (the Brazilian experience)*”.

2001. “Habilitation” (prova de capacitação para se tornar professor universitário titular, comparável à prova de livre docência no Brasil) em direito comercial, na Universidade de Marburg (Alemanha) – tese sobre “*Complex Contracting in International Project Finance*”.

1995. Doutorado em direito na Universidade de Heidelberg Ruprecht Karl (Alemanha) – tese sobre “*Fiduciary Duties and Voting Rights in Commercial Partnership Meetings*”.

1992-1996. Assessor de magistrado no tribunal de Baden-Baden (Alemanha) – completado com o Segundo Exame do Estado, obtendo grau capacitando-o ao ingresso imediato no quadro da magistratura/ministério público alemão.

1990-1996. Estudos de administração de empresas na Universidade de Hagen (Alemanha) – concluído com o título *Diplom-Kaufmann* (equivalente à graduação em administração de empresas no Brasil).

1988-1992. Estudos de direito na Universidade de Heidelberg Ruprecht Karl (Alemanha) – concluído com o Primeiro Exame do Estado (equivalente à graduação em direito no Brasil) como melhor aluno do ano.

Atividades profissionais

Desde 2022, é membro da Comissão de Mercado de Capitais da OAB Federal e da Comissão de Direito Societário da OAB/RJ.

Desde 2017, possui escritório de advocacia próprio, no Rio de Janeiro, com foco em arbitragens, consultoria e pareceres em direito brasileiro, alemão e europeu.

De 2019-2021, é membro da Comissão Arbitragem da OAB Federal.

De 2019 a 2021, compôs a Direção do CAM-CCBC na função de Vice-Presidente.

De 2015 a 2016, atuou como advogado externo (“*Of Counsel*”) em renomado escritório de advocacia suíço, com foco em arbitragem.

De 2002 a 2015, atuou como advogado externo (“*Of Counsel*”) em escritório de advocacia (“*magic circle firm*”), cujas presença e liderança internacionais são reconhecidas, exercendo atividade focada em direito societário, finanças corporativas (*Leveraged Buyout* e M&A), financiamentos de projetos e bens de capital (aviões, embarcações etc.), operações e regulação do mercado de capitais.

Professor Peter Christian SESTER

24 de abril da 2024.

Bibliografia de Peter Christian Sester

A seguinte bibliografia multilíngue cita primeiro o título dos livros e artigos no idioma original (inglês, alemão, português, francês ou espanhol). Em seguida, os títulos são traduzidos em inglês. A forma de citação segue as regras da Oxford University Press.

Livros (autor único)

1. *Cross-Border Insolvency and Recovery Proceedings / Insolvência Transnacional e Processo de Recuperação de Empresas – Bilingual Article-by-Article Comments on the Chapter VI-A of the Brazilian Insolvency Act* (Juruá, 2023).
2. *Contract Law in International Commercial Arbitration* (International Arbitration Law Library Vol. 66, Wolters Kluwer, 2022).
3. *Business and Investment in Brazil: Law and Practice* (Oxford University Press 2022)
4. *Comentários à Lei de Arbitragem e à Legislação Extravagante [Comments on the Arbitration Act and related legislation]* (Quartier Latin 2020)
5. *Brasilianisches Handels- und Wirtschaftsrecht [Brazilian commercial and economic law]* (2nd edn, Fachmedien Recht und Wirtschaft 2014)
6. *Brasilianisches Handels- und Wirtschaftsrecht [Brazilian commercial and economic Law]* (1st edn, Fachmedien Recht und Wirtschaft 2010)

7. *Institutionelle Reformen in heranreifenden Kapitalmärkten: der brasilianische Aktienmarkt [Institutional reforms in emerging capital markets: the Brazilian stock market]* (de Gruyter 2009)
8. *Projektfinanzierungsvereinbarungen als Gestaltungs- und Regulierungsaufgabe: eine symbiotische Finanzierungsform für privatwirtschaftliche Projekte und Private Public Partnership [Project financing agreements as a challenge for the drafting practice and regulation: a symbiotic financing pattern for private projects and public private partnership]* (Dr. Otto Schmidt Verlag 2004)
9. *Treuepflichtverletzung bei Widerspruch und Zustimmungsverweigerung im Recht der Personenhandelsgesellschaften [Breach of loyalty by obstructive voting in commercial partnership law]* (Nomos Recht 1996)

Livros (coautor)

1. *Beck'sche Synopse zum neuen Schuldrecht [Beck's synopsis on the new Laws of Obligations]* (Verlag CH Beck 2002)

Obras coletivas coordenados

1. *Finanzmarktaufsicht und Finanzmarktstrukturen [Financial Market Supervision and Structures of Financial Markets (in Switzerland)]* (Dike 2017)
2. *Family Offices – Law, Management, and Banking* (Dike 2017)
3. *Law & Economics (Liber amicorum Peter Nobel, 70th anniversary)* (Stämpfli Verlag 2015)

Artigos publicados em revistas jurídicas

1. 'Proof of law, legal expert opinions, and some red flags when conducting arbitrations in Brazil' (2021) 3 German Journal of Arbitration 137
2. 'Transplanting US fraud class actions into Brazilian arbitration' (2021) Volume 265, No 115 New York Law Journal 4

3. 'Desafios da arbitragem societária: do efeito erga omnes até a arbitragem coletiva' [Challenges of corporate arbitration: from the erga omnes effects to collective arbitration] (2019) 62 *Revista de Arbitragem e Mediação* 27
4. 'O efeito vinculante da cláusula compromissória no contexto do direito privado e processual internacional: o caso dos ADRs da Petrobrás' [The binding effect of arbitration clauses (in corporate bylaws) in the light of private international and procedural law: the case of ADRs issued by Petrobrás] (2018) 57 *Revista de Arbitragem e Mediação* 99
5. 'Handelsschiedsgerichtbarkeit in Brasilien – Rechtsrahmen und faktische Gegebenheiten' [Commercial arbitration in Brazil – legal framework and factual circumstances] (2017) 64 *Recht der Internationalen Wirtschaft (RIW)* 701
6. 'Insolvência transnacional – o desafio no Brasil' [*Cross-border insolvency: the challenge in Brazil*] (2017) 205 *Justiça e Cidadania* 54
7. 'Plädoyer für die Rechtmäßigkeit der EZB Rettungspolitik' [Pleading in favor of the legality of the European Central Bank's (sovereign debt) crises policy] (2013) 60 *Recht der Internationalen Wirtschaft (RIW)* 451
8. 'Die Rolle der EZB in der europäischen Staatsschuldenkrise' [The role of the European Central Bank (ECB) in the European sovereign debt crises] (2012) *Europäisches Wirtschaftsrecht und Steuerrecht (EWS)* 80
9. 'The ECB's controversial Securities Market Program (SMP) and its role in relation to the modified EFSF and the future ESM' (2012) *European Company and Financial Law Review (ECFR)* 156
10. 'Finanztransaktionssteuer und Finanzmarktstabilität' [Financial Transaction Tax and Financial Market Stability] (2012) 66 *Zeitschrift für Wirtschafts- und Bankrecht - Wertpapiermitteilungen (WM)* 529
11. 'Beteiligung von privaten Investoren an der Umschuldung von Staatsanleihen im Rahmen des European Stability Mechanism (ESM)' [Participation of private investors in the restructuring of sovereign bonds within the framework of European Stability Mechanism (ESM)] (2011) 65 *Zeitschrift für Wirtschafts- und Bankrecht - Wertpapiermitteilungen (WM)* 1057
12. 'Rechtsrahmen für Erst- und Zweitlistings an der Hong Kong Exchange (HKEx)' [On the legal framework for primary and secondary listing on the Hong Kong Stock Exchange (HKEx)] 2011 *Corporate Finance law* 169
13. 'Der brasilianische Übernahmemarkt – Rechtsgrundlagen für M&A-Transaktionen' [The Brazilian takeover market – legal framework of M&A transactions] 2010 *Corporate Finance law* 425

14. 'Entwicklungslinien des brasilianischen Gesellschafts- und Kapitalmarktrechts' [Development paths of Brazilian company and capital market law] (2010) 57 Recht der Internationalen Wirtschaft (RIW) 97
15. 'Bieterverfahren und Projektverträge im brasilianischen Recht' [Public procurement and project contracts subject to Brazilian (administrative) law] (2010) 57 Recht der Internationalen Wirtschaft (RIW) 269
16. 'Schiedsgerichtsbarkeit im brasilianischen Handels- und Gesellschaftsrecht' [Commercial arbitration in the field of Brazilian commercial and company law] (2010) 57 Recht der Internationalen Wirtschaft (RIW) 680
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19. 'Towards a transnational bank restructuring law? – The attempt of the G20 to initiate and monitor regulatory responses to the "too big to fail" problem' (2010) European Company and Financial Market Law Review (EFCR) 512
20. 'Zur Interpretation der Kapitalmarkteffizienz in Kapitalmarktgesetzen, Finanzmarktrichtlinien und -standards' [The interpretation of the term capital market efficiency provided for in Capital Market Laws and Financial Market Directives and Standards] (2009) 38 Zeitschrift für das gesamte Handels- und Wirtschaftsrecht (ZGR) 310
21. 'Die brasilianische Kapitalmarktaufsicht – Status und Kompetenzen der Comissão de Valores Mobiliários im nationalen Finanzsystem' [The Brazilian Securities Exchange Commission – status and competences within the national financial system] (2009) 81 Schweizerische Zeitschrift für Wirtschafts- und Finanzmarktrecht / Revue suisse de droit des affaires et du marché financier (SZW/RSDA) 26
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26. 'Acerca de la interpretación de la eficiencia del mercado de capitales en leyes, directivas y estándares que regulan tales mercados' [About the interpretation of the term efficiency in capital market laws, directive, and standards] (2009) 4 Revista de Derecho del Mercado de Valores (RDMV) 337
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30. 'Insolvenzfestigkeit der Globalzession bei Kreditlinien und strukturierten Finanzierungen' [Effectiveness of floating assignments (of receivables) in the case of revolving credit (lines) and structured finance] (2007) 61 Zeitschrift für Wirtschafts- und Bankrecht – Wertpapiermitteilungen (WM) 1164
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33. 'Gläubiger- und Anlegerschutz bei evidenten Fairnessverstößen über eine deliktsrechtliche Haftung der handelnden Personen' [Protection of creditors and investors by means of tort law if persons acting on behalf of the debtor/corporation violate basic rules of fairness in business] 2006 Zeitschrift für das gesamte Handels- und Wirtschaftsrecht (ZGR) 1
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37. 'Nueva herramienta para el levantamiento de capital em Europa' [New tools for capturing capital in Europe] (2006) Camchal 30
38. 'Argentinische Staatsanleihen: Schicksal der "Hold Outs" nach Wegfall des Staatsnotsandes' [Argentine sovereign bonds: the destiny of "hold outs" after the end of the state of necessity] (2006) Neue Juristische Wochenschrift (NJW) 2891
39. 'Voraussetzungen und Rechtsfolgen der Eintragung in das neu geschaffene Refinanzierungsregister' [Recordings in the new refinancing register – requirements and consequences] (2005) 59 Zeitschrift für Wirtschafts- und Bankrecht – Wertpapiermitteilungen (WM) 2025
40. 'Darlehenskomponenten in der Akquisitionsfinanzierung: Risiken bei Insolvenz des Darlehensgebers' [Debt capital instruments in acquisition financing: the risks in case of the lender's insolvency] (2005) Zeitschrift für Wirtschaftsrecht (ZIP) 1757
41. 'Plädoyer gegen ein materielles Konzerninsolvenzrecht' [Pleading against a substantial group (concern) insolvency law] (2005) Zeitschrift für Wirtschaftsrecht (ZIP) 2099
42. 'Die Umsetzung der Kapstadt-Konvention: Kollisionen mit dem deutschen Vollstreckungs- und Insolvenzrecht' [Ratification of the Cape Town Convention: conflicts with German execution and insolvency law] (2005) 54 Zeitschrift für Luft- und Weltraumrecht / German Journal of Air and Space Law (ZLW) 493
43. 'Formas para establecer una comercialización directa de productos argentinos en Alemania' [How to establish vehicles for the direct commercialization of Argentine products in Germany] (2005) 3 Revista Panorama Mercosur 50
44. 'Das Wertpapierprospektgesetz (WpPG) – zentrale Punkte des neuen Regimes für Wertpapieremissionen' [Securities Prospectus Act – central topics of the new regime for securities emissions] (2005) 59 Zeitschrift für Wirtschafts- und Bankrecht - Wertpapieremissionen (WM) 1068

45. 'Neue Wege im Außenwirtschaftsrecht' [New approaches in international economic law] (2005) 8 Neue Zeitschrift für Gesellschaftsrecht (NZG) X
46. 'La Libertad de Establecimiento dentro de la Unión Europea y sus Consecuencias para Chile a partir del Acuerdo de Asociación' [Freedom of Establishment within the European Union and its consequences for Chile in the light of the Association Treaty] (2005) 9 Revista de Derecho Internacional y del Mercosur 51
47. 'The Extra-communitarian Effects of Centros, Überseering and Inspire Art with regard to 4th Generation Association Agreements' (2005) 3 European Company and Financial Law Review (ECFR) 3
48. 'Insolvenz feste Direktverträge in der Projektfinanzierung und bei Public-Private-Partnership-Projekten auf der Basis eines Konzessionsvertrages' [Direct contracts in project financing and public private partnership projects based on concession agreements] (2005) 17 Zeitschrift für Bankrecht und Bankwirtschaft (ZBB) / Journal of Banking Law and Banking (JBB) 283
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50. 'Internationale Sicherungsrechte an Flugzeugen auf Basis der Kapstadt-Konvention: Umsetzungsprobleme und praktische Vorwirkungen' [International security interests established on the basis of the Cape Town Convention] (2005) 59 Zeitschrift für Wirtschafts- und Bankrecht - Wertpapieremissionen (WM) 301
51. 'Wirksamkeit der Veräußerung notleidender Darlehensforderungen durch Sparkassen: keine Verletzung von Privatgeheimnissen gemäß § 203 StGB' [Validity of sell-and-purchase contracts of loan claims (sold by saving banks) in the case of the borrower's default: no violation of private secrets (data) in the sense of section 203 of the Penal Law Code] (2005) Der Betrieb 375
52. 'Inhalt und Format von Emissionsprospekten nach dem WpPG' [Content and form of securities emission prospectuses in accordance the (German) Securities Prospectus Act] (2005) 17 Zeitschrift für Bankrecht und Bankwirtschaft (ZBB) / Journal of Banking Law and Banking (JBB) 209
53. 'Mezzanine-Kapital als wirtschaftliches Eigenkapital in Ratingverfahren – eine rechtliche Gestaltungsaufgaben' [Classification of mezzanine-capital as economic equity capital in rating proceedings – a challenge for legal design] (2004) 58 Zeitschrift für Wirtschafts- und Bankrecht – Wertpapieremissionen (WM) 124

54. 'Software-Agent mit Lizenz zum ...? – Vertragsschluss und Verbraucherschutz beim Einsatz von Softwareagenten' [Software agents with a license to...? – Celebration of contracts and consumer protection in case of involvement of software agents] (2004) Computer und Recht (CR) 548
55. 'Zum Entwurf eines Pfandbriefgesetzes' [On the draft bill of a Mortgaged Back Securities Act] (2004) 16 Zeitschrift für Bankrecht und Bankwirtschaft (ZBB) / Journal of Banking Law and Banking (JBB) 135
56. 'Vertragsschluss und Verbraucherschutz beim Einsatz von Software-Agenten' [Celebration of contracts and consumer protection in case of involvement of software agents] (2004) Informatik Spektrum 311
57. 'Rückgriffsanspruch des Händlers in der Lieferkette nach der Schuldrechtsreform – Haftungsverschärfung für Hersteller?' [Recourse claims of traders within supply chains after the reform of the Laws of Obligations – increase of producers' liabilities?] (2003) Phi-Haftpflicht International – Recht und Versicherung 82
58. 'Tatbestand und rechtliche Struktur des Cross-Border-Leasings' [Elements and legal structure of cross-border leasing] (2003) 15 Zeitschrift für Bankrecht und Bankwirtschaft (ZBB) / Journal of Banking Law and Banking (JBB) 94
59. 'US-Cross-Border-Leasing: Eine Risikoanalyse – unter besonderer Berücksichtigung der Risiken aus einer Insolvenz des US-Trusts und aus deliktsrechtlichen Klagen in den USA' [US-cross-border leasing: a risk analysis in the light of a bankruptcy of the US-trust and US suits based on tort law] (2003) 55 Zeitschrift für Wirtschafts- und Bankrecht - Wertpapieremissionen (WM) 1833
60. 'Fortschreibung der typischen Vertragsstruktur für Leasingtransaktionen nach der Schuldrechtsreform' [Continuation of typical contract structures for leasing transactions after the reform of the Laws of Obligation] (2002) 56 Zeitschrift für Wirtschafts- und Bankrecht - Wertpapieremissionen (WM) 2184
61. 'Höchstrichterliche Harmonisierung der Kollisionsregeln im europäischen Gesellschaftsrecht: Durchbruch der Gründungstheorie nach Überseering' [Rulings of superior courts are harmonizing conflict of laws rules in the field of European company law: the success of the incorporation theory after the ruling on the Überseering case] (2002) Europäisches Wirtschafts- und Steuerrecht (EWS) 545
62. 'Vertragsabschluss bei Internet-Auktionen' [Celebration of contracts in the course of internet auctions] (2001) Computer und Recht (CR) 98

63. 'Eckpfeiler eines Verfassungsrechts für *virtuelle Unternehmen*' [Pillars of a constitutional law for virtual enterprises] (2000) *Computer und Recht (CR)* 780
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65. 'Vertragsauslegung im Lichte institutioneller Sonderaufgaben – am Beispiel von Privatisierungsverträgen der Treuhandanstalt' [Contract interpretation in the light of the purpose of organizations with specific tasks] (1999) 44 *Die Aktiengesellschaft (AG)* 558
66. 'Zustimmungspflicht und Zustimmungsverweigerung bei Personengesellschaften' [Obligation to approve resolutions (in shareholder assemblies) and obstructive voting in commercial partnerships] (1997) 52 *Betriebs-Berater (BB)* 1

Contribuições para livros coletivos

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2. 'Bifurcação da Arbitragem: Riscos e Benefícios' [Bifurcation of Arbitration: Risks and Benefits] em *Estudos em Homenagem à Professora Doutora Helena Brito* (Portugal, forthcoming)
3. 'Uma "Restatement" do Direito Contratual Comercial Brasileiro com Base na Alocação de Riscos' [A Restatement of Brazilian Commercial Contract Law on the Basis of Risk Allocation] em *A Evolução do Direito no Século XXI – Homenagem ao Professor Arnoldo Wald* (IASP 2022) 483
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10. 'The rise of arbitration in Brazil' in Sester PC (ed), *International Arbitration: Law and Practice in Brazil* (OUP 2020) 3
11. 'Comments on Brazilian arbitration law' em Sester PC (ed), *International Arbitration: Law and Practice in Brazil* (OUP 2020) 25
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