

PANORAMIC

DISPUTE RESOLUTION

Switzerland

 LEXOLOGY

Dispute Resolution

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Contents

Dispute Resolution

LITIGATION

- Court system
- Judges and juries
- Limitation issues
- Pre-action behaviour
- Starting proceedings
- Timetable
- Challenging the court's jurisdiction
- Case management
- Evidence – documents
- Evidence – privilege
- Evidence – pretrial
- Evidence – trial
- Interim remedies
- Remedies
- Settlement
- Enforcement
- Public access
- Costs
- Funding arrangements
- Insurance
- Class action
- Appeal
- Foreign judgments
- Foreign proceedings

ARBITRATION

- UNCITRAL Model Law
- Arbitration agreements
- Choice of arbitrator
- Arbitrator options
- Arbitral procedure
- Court powers to support the arbitral process
- Interim relief
- Award
- Appeal or challenge
- Enforcement
- Costs

ALTERNATIVE DISPUTE RESOLUTION

Types of ADR
Requirements for ADR

MISCELLANEOUS

Interesting features

UPDATE AND TRENDS

Recent developments and future reforms

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The logo for Valfor, featuring the word "valfor" in a bold, lowercase, sans-serif font. The "val" is in a dark blue color, and "for" is in a lighter blue color. The logo is set against a dark blue rectangular background.

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LITIGATION

Court system

What is the structure of the civil court system?

In general, Swiss civil proceedings comprise three judicial instances: the regional or district court (court of first instance), the cantonal high court (second instance, primarily competent for appeals), and the Swiss Federal Supreme Court (the final appellate instance at the federal level). In many cases, parties must first initiate a conciliation proceeding before a designated conciliation authority prior to filing a claim with the court of first instance.

Four Cantons – Zurich, St. Gallen, Berne, and Argovia – provide for specialised commercial courts with jurisdiction over commercial disputes (typically between legal entities) and corporate law matters. These commercial courts act as courts of first instance, and appeals against their decisions have to be brought directly before the Swiss Federal Supreme Court.

As of 1 January 2025, and where a commercial court is available, claimants can file their claim either with the competent conciliation authority or directly with the commercial court. If out-of-court settlement talks are not feasible, voluntary conciliation allows for a cost-effective attempt to discuss an amicable resolution of the dispute.

Many Cantons also have specialised courts of first instance for employment and tenancy matters. These courts are typically composed of mixed panels that include professional judges and representatives of the relevant industry or interest groups – such as tenants' or employers' associations. In labour disputes involving gender discrimination claims, gender parity in the composition of the panel is mandated.

Apart from these general principles, the organisation and composition of courts are governed largely by cantonal law rather than federal statute. Depending on the Canton and the nature of the case, court panels may consist of one, three or, in certain cases, five judges.

Law stated - 2 Juni 2025

Judges and juries

What is the role of the judge and the jury in civil proceedings?

Switzerland no longer uses juries in court proceedings, with the sole exception of criminal cases in the Canton of Ticino.

The judge leads the proceedings and decides on the merits. If the court consists of more than one judge, one judge will be designated to lead the proceedings. The other judges will remain in the background and only get actively involved for major procedural decisions, interim judgments, the main hearing and the deliberations for the final judgment. Court clerks also play a significant role in practice as they assist the judges and provide advice, although they do not have a formal vote in decisions.

In general commercial matters, Swiss judges do not assume an inquisitorial function. Instead, they question parties, witnesses and experts based on the factual allegations and evidence presented by the parties. There is no cross-examination by parties' counsel, but they can request the court to ask a party, witness or expert additional questions.

In contrast, in certain matters, the judge has an inquisitorial role and investigates the facts ex officio (eg, in child-related family matters).

Law stated - 2 Juni 2025

Limitation issues

What are the time limits for bringing civil claims?

Swiss law distinguishes between two types of time limits in civil matters: limitation periods and forfeiture periods. Limitation periods are typically longer, can be suspended under certain conditions, and must be raised by a party to be considered by the court. Forfeiture periods, in contrast, are usually shorter, cannot be suspended and are applied ex officio by the court.

The applicable limitation period depends on the nature of the claim. As a general rule, civil claims are subject to a 10-year limitation period. Certain claims, such as those arising from bodily injury or death, are subject to a 20-year period. Others, including rental payments, are limited to five years, while tort and unjust enrichment claims must be brought within three years of the date the claimant became aware of the damage and the liable party.

Where a related criminal offence provides for a longer limitation period, that period may apply under specific circumstances.

In the context of warranty claims for the sale of movable goods, the limitation period is two years from delivery, even if the defect is discovered later – unless the seller has expressly agreed to a longer liability period or the buyer was intentionally deceived. If defective goods are incorporated into immovable property and cause damage, the limitation period is extended to five years.

Law stated - 2 Juni 2025

Pre-action behaviour

Are there any pre-action considerations the parties should take into account?

In general, Swiss civil procedure law does not recognize mandatory pre-action steps. Neither does Swiss civil procedure law provide for a general pretrial discovery (disclosure of documents or other evidence).

Document production requests can be based on procedural or, where applicable, substantive Swiss law. For example, the client can demand – based on Swiss substantive law – an account of the executed mandate from the principal. In such a case it may make sense to first file a claim only for documents/information before filing a main claim for damages. However, both claims (document production and main claim) can also be filed together.

Document production based on procedural rules can in general only be sought during a pending civil procedure. In some cases, it may also be possible to have the court preserve evidence in a summary proceeding and ahead of the main proceeding (eg, if a witness is terminally ill or repair of a damaged item is required for safety reasons).

Other pre-action considerations include preventing witness tampering, securing evidence in general, taking precautionary measures (eg, asset freezing) and considering litigation financing.

Law stated - 2 Juni 2025

Starting proceedings

How are civil proceedings commenced? How and when are the parties to the proceedings notified of their commencement? Do the courts have the capacity to handle their caseload? Do the courts charge a fee for starting proceedings or issuing a claim?

In most cases, Swiss civil proceedings are commenced by filing a claim with the competent conciliation authority. The latter will then notify the defendant and summon both parties to a conciliation hearing. If no settlement is reached, the conciliation authority will issue the claimant the [authorisation to proceed](#) to the court. Claimant must generally file the claim with the court of first instance within three months of receiving the [authorisation to proceed](#). Upon receipt of the statement of claim, the court will send the statement of claim to the defendant and set a deadline for submitting a statement of defence. Consequently, the parties are served by the court and serving court documents or the statement of claim is not the parties' obligation (although in some Cantons, it is customary for lawyers to send a copy of their submission to opposing counsel).

Swiss courts generally have the capacity to manage their caseload. However, an increase in both the volume and complexity of cases in recent years – combined with challenges in judicial staffing – has contributed to longer proceedings in some jurisdictions.

As of 1 January 2025, the financial barrier to accessing justice has been lowered as courts may now require claimants to only advance 50 per cent of the estimated court costs, instead of the full amount, although exceptions apply. This aims to ease the financial burden on litigants while still ensuring basic cost coverage at the outset of proceedings.

Law stated - 2 Juni 2025

Timetable

What is the typical procedure and timetable for a civil claim?

An ordinary proceeding usually takes between 1.5 and 2.5 years from the filing of the claim with the conciliation authority until the judgment of first instance is handed down. If evidence is gathered extensively – such as through multiple witness examinations or commissioned expert opinions – or if interim decisions are necessary, proceedings before the court of first instance may take significantly longer. Summary proceedings tend to take less time and urgent, ex parte interim measures can be sought within days.

The proceeding usually starts with a conciliation procedure, which typically lasts between three and five months, depending on the availability of the parties and the conciliation authority for the conciliation hearing. After the conciliation procedure, the claimant generally has three months to file the claim with the court of first instance. The first phase of the

court trial generally consists of an exchange of briefs (statement of claim and statement of defence including any counterclaim). Depending on the court and the case, a second exchange of briefs and/or an intermediary hearing can be held. The latter can be used to hold settlement talks or to hear witnesses or both. After the second exchange of briefs, the parties will be summoned to the main hearing, which starts with the parties' pleadings. Thereafter, the court will hear the witnesses and take other evidence. The hearing can be adjourned as necessary.

At the end, the parties hold their final pleadings primarily focused on assessing the results of the taking of evidence and allocating these results to their allegations. After that, the court will start the deliberations on the judgment and draft the reasoning, which can take between a few weeks and several months. Since 1 January 2025, courts will generally issue an [unmotivated decision](#) and the parties have 10 days to request a motivation.

Law stated - 2 Juni 2025

Challenging the court's jurisdiction

Can the parties challenge the court's jurisdiction? If so, how can parties do this? Can parties apply for anti-suit orders and, if so, in what circumstances?

Parties to court proceedings cannot apply for anti-suit injunctions in Switzerland as such orders are not known to the [Swiss Civil Procedure Code](#). In contrast, an arbitral tribunal with seat in Switzerland may do so upon a party's request.

If a claimant initiates proceedings before an incompetent court or conciliation authority, the defendant must protest by raising an objection. However, the conciliation authorities usually do not decide on their own jurisdiction, unless it is an obvious case. Should the conciliation fail and claimant receive the permission to sue, then defendant must repeat his or her objection before the court of first instance, which has the possibility to issue a decision regarding its jurisdiction. Such decision can be appealed.

If a claimant initiates proceedings before an incompetent conciliation authority or court, the defendant must raise a jurisdictional objection at the outset. Conciliation authorities generally do not assess their own jurisdiction, unless the lack of competence is manifest. If the conciliation fails and the claimant obtains authorisation to proceed, the defendant must reassert the jurisdictional objection before the court of first instance, which then has the authority to issue a decision on its own jurisdiction and the one of the conciliation authority. Such decisions are subject to appeal.

Parties may, in principle, agree on the territorial jurisdiction but not derogate from the material jurisdiction. This means that parties can choose a different place of jurisdiction (eg, by choosing Zurich over Geneva), but not determine which specific court within that location will have subject-matter jurisdiction (eg, a commercial versus a general district court).

Law stated - 2 Juni 2025

Case management

Can the parties control the procedure and the timetable? Can they extend time limits?

The parties have only limited control over the procedure and timetable, as the case management lies primarily with the court. However, they may request extensions of deadlines, submit replies to each other's submissions, or both with the effect of prolonging the proceedings. Conversely, in most proceedings, the parties may expedite the process by jointly waiving certain procedural steps, such as the main hearing.

As of 1 January 2025, the revised [Swiss Civil Procedure Code](#) allows for greater procedural flexibility through electronic means: with the mutual consent of the parties, courts may now conduct hearings, examine witnesses and take evidence via video conference or other electronic tools, which may streamline proceedings and reduce delays.

Law stated - 2 Juni 2025

Evidence – documents

Is there a duty to preserve documents and other evidence pending trial? Must parties share relevant documents (including those unhelpful to their case)?

In Swiss civil proceedings, parties are generally obliged to cooperate in the taking of evidence, but there is no general obligation to share all documents relevant to the case or other general pretrial discovery.

During proceedings, parties may file a request for document production with the court, seeking evidence held by the opposing party or third parties. The evidence sought must be precisely designated and relevant to the subject matter, as Swiss law does not permit fishing expeditions. The duty to produce documents can be limited, namely due to confidentiality obligations (eg, attorney–client privilege) or overriding interests (eg, protection of trade secrets).

There is no general rule explicitly requiring the preservation of documents during proceedings, except for obligations based on accounting and tax laws. However, the destruction of documents that could serve as evidence may influence the court's assessment, potentially leading to an inference that the destroyed evidence would have supported the opposing party's claims. Depending on the circumstances, document destruction could also constitute a criminal offence.

Law stated - 2 Juni 2025

Evidence – privilege

Are any documents privileged? Would advice from an in-house lawyer (whether local or foreign) also be privileged?

The correspondence of a party or a third party with an attorney admitted to the bar in Switzerland is privileged.

As of 1 January 2025, the revised [Swiss Civil Procedure Code](#) introduced the right of in-house counsel to invoke privilege in civil proceedings. This in-house counsel privilege requires, inter alia, that the in-house legal department is led by a qualified lawyer and the document or information in question relates to an activity of the in-house counsel that is considered profession-specific for a lawyer (eg, providing legal advice).

This in-house counsel privilege also applies to third parties. A few additional privileges apply, for example, if disclosing information puts a close family member at risk of criminal prosecution.

Law stated - 2 Juni 2025

Evidence – pretrial

Do parties exchange written evidence from witnesses and experts prior to trial?

The exchange of written evidence (eg, expert reports or documents) prior to trial is not mandatory, but may occur voluntarily, for example, to facilitate settlement discussions. Written witness statements and affidavits prepared in advance are not provided for under the [Swiss Civil Procedure Code](#), and their admissibility and evidentiary weight remain a matter of debate.

Witnesses are expected to testify directly before the court, and preparation by counsel is prohibited. Lawyers may only speak with witnesses under strict conditions and in very limited scenarios (eg, to understand a sequence of events essential for evaluating the chances of success in a lawsuit). With respect to private expert opinions and in light of the revised [Swiss Civil Procedure Code](#), which now generally recognizes such opinions as admissible documentary evidence, it must be born in mind that a court may subsequently decide to summon the expert for examination. Therefore, any contact with private experts should be undertaken with particular care so as not to compromise the evidentiary value of their opinion and/or testimony.

Swiss civil procedure law does not provide for general pretrial discovery (eg, disclosure of documents or other evidence). An exchange of written evidence prior to trial is uncommon, except in the context of settlement discussions.

Law stated - 2 Juni 2025

Evidence – trial

How is evidence presented at trial? Do witnesses and experts give oral evidence?

Parties and witnesses are generally questioned personally at the main hearing. If witnesses have been heard abroad (by request of the court), the minutes of the witness hearing will be taken into account. Experts provide their opinion primarily in written form. Upon request by the court, they must, however, testify in person. The court may also conduct an inspection on site (eg, on a property) to better understand the factual circumstances and to get a first-hand experience. Administrative authorities can provide written information, and the court may

ask private entities (eg, a bank) to also provide written information in case a witness hearing is not necessary.

Before taking evidence, the court usually issues a written ruling on the evidence specifying the burden of proof, the admissible evidence and how it will be taken.

Since 1 January 2025, the revised [Swiss Civil Procedure Code \(CPC\)](#) allows for evidence to be taken via video conference or other electronic means, provided both parties consent. This includes the examination of witnesses and experts, and aims to enhance procedural efficiency, particularly in cross-border cases. Following the [revision of the CPC](#), private expert opinions are now generally regarded as admissible (documentary) evidence.

Law stated - 2 Juni 2025

Interim remedies

What interim remedies are available?

In general, there is no limitation as to the content of an interim remedy. It can be any court order that is suitable for averting the impending disadvantage, for example:

- an asset freeze;
- a general prohibition to do something;
- an order to remedy an unlawful situation;
- an instruction to a registration authority or a third party;
- a benefit in kind; or
- where provided for by law, a cash payment.

As a general principle, it is, however, not allowed to anticipate the judgment with the interim measure sought, which is why provisional orders requiring performance (ie, duty to perform a cash payment or a service) are only possible under very restrictive conditions. In general, it is also possible to ask for interim relief if the main proceeding takes place outside of Switzerland. Search orders are a discovery tool and generally not part of Swiss civil procedures, but rather of criminal proceedings.

In cases of special urgency, courts can issue interim measures without prior hearing of the opposing party. However, they must promptly schedule a hearing or set a deadline for the opposing party to respond, ensuring a fair and balanced process.

Law stated - 2 Juni 2025

Remedies

What substantive remedies are available?

The available remedy depends on the nature of the claim. Most claims are monetary, typically seeking payment of a specific amount. Interest may also be claimed if the debtor is in default. Swiss law does not provide for punitive damages.

Courts may also order non-monetary remedies, such as compelling a party to take specific actions (eg, repair a defective item, vacate a property or issue a statement), refrain from certain actions or tolerate acts by another party. Thus, judgments are not limited to monetary awards.

Law stated - 2 Juni 2025

Settlement

Are there any rules governing the settlement process? Can parties keep settlement discussions confidential from the court?

There are no general rules governing the settlement process, and parties are always at liberty to engage in private settlement discussions. According to professional conduct rules for attorneys, any settlement offer, negotiations or related confidential correspondence must remain confidential and can only be submitted to the court or other authorities with the explicit consent of the other party. This confidentiality requirement applies not only to communications between attorneys but also when only one party is represented by an attorney and the other party has explicitly agreed to the confidentiality.

Law stated - 2 Juni 2025

Enforcement

What means of enforcement are available?

For monetary claims, the debt enforcement agency is responsible for the execution. It can seize the debtor's assets, sell them (typically through a public auction) and distribute the proceeds to the creditor. In cases involving non-monetary obligations, such as the obligation to do something, refrain from an action, or tolerate certain acts, the court may order substitute performance, impose criminal penalties for non-compliance or mandate a penalty payment. Additionally, the court can also order physical actions such as the removal of movable property or the eviction of a tenant with the assistance of the police, if necessary.

Law stated - 2 Juni 2025

Public access

Are court hearings held in public? Are court documents available to the public? Are there circumstances in which hearings can be held in private? Is there a mechanism to preserve documents disclosed as part of the court process?

In general, court hearings and the announcement of oral judgments are public. The decision on whether the deliberations on the judgment are also public is governed by cantonal law. Public access can be restricted in whole or in part if required by public interest or the legitimate interests of those involved. Family law cases and conciliation proceedings in general are always confidential and not accessible to the public.

While courts are generally required to publish their judgments, these decisions are anonymised to protect the privacy rights of the parties involved. Third parties do not have the right to access court files, except under specific conditions, such as for academic research.

If the taking of evidence or the production of documents risks disclosing sensitive business information or otherwise jeopardises the legitimate interest of a party or third party, the court can take the necessary measures to protect these interests. This can apply not only to documents but also to hearings or portions of hearings. Furthermore, court settlement talks are private and off the record.

Further exceptions to the principle of public court proceedings and decisions may apply under specific conditions (eg, [special reasons](#)) in the context of arbitration and related state court proceedings (eg, in setting-aside or enforcement proceedings).

Law stated - 2 Juni 2025

Costs

Does the court have power to order costs? Are there any steps a party can take to protect their position on costs both before the start of proceedings and while proceedings are in progress?

The court has the power to order costs. At the beginning of court proceedings, Swiss courts require the claimant to provide an advance on the estimated court costs. Until 1 January 2025, the advance generally covered the full amount of the estimated court costs. Since a revision of the [Swiss Civil Procedure Code \(CPC\)](#), effective as of 1 January 2025, the advance is principally limited to only half of the estimated court costs. This change aims to lower the financial barriers to accessing the courts, particularly for natural persons.

The amount in dispute is the main determinant of court costs, but the subject matter, complexity and duration of proceedings also influence the final costs. The allocation of court costs is governed by federal law, whereas the actual tariffs are a matter of cantonal law. As a result, court costs can vary significantly between Cantons.

Another notable change in effect since the revision of the CPC concerns the allocation and recovery of court costs. Until the end of 2024, the court used the advance on costs to settle its fees, regardless of the outcome of the case. Under the revised law, the advance is now reimbursed if the party that paid it – usually the claimant – is not ultimately ordered to bear the court costs. As a result, the Canton now assumes the collection risk if the liable party fails to pay the court costs.

In cases where the claimant is, among other things, not domiciled or resident in Switzerland, appears insolvent, or has outstanding court costs from previous cases, the defendant can request the court to order the claimant to provide security for the party compensation potentially owed to the defendant. This obligation may be lifted by international treaties.

A party facing significant financial hardship can apply for state-funded legal aid, which covers court fees and legal representation and exempts the applicant from providing security. However, the conditions are very strict and the case must not be without prospect of success. Such request can be submitted either at the beginning of or during the proceedings. Except for very rare and exceptional cases, legal entities (eg, corporations) are not entitled to such financial aid.

Law stated - 2 Juni 2025

Funding arrangements

Are 'no win, no fee' agreements, or other types of contingency or conditional fee arrangements between lawyers and their clients, available to parties? May parties bring proceedings using third-party funding? If so, may the third party take a share of any proceeds of the claim? May a party to litigation share its risk with a third party?

'No win, no fee' agreements – where lawyers acting in court are paid only in the case of success are not permitted in Switzerland. Attorneys must remain professionally independent and evaluate each case objectively, which may suffer if the interests of the attorney are completely merged with the client's interest. However, limited success-based fees in addition to a base fee, which covers the attorney's costs and a reasonable profit margin, are possible, provided they do not compromise the attorney's independence.

Third-party litigation funding is permitted in Switzerland, particularly in commercial disputes. Funders may contractually take a share of any proceeds, but the attorney of the party must remain independent from the funder.

Law stated - 2 Juni 2025

Insurance

Is insurance available to cover all or part of a party's legal costs?

Legal expenses insurance is available in Switzerland and is relatively common. Private individuals obtain coverage for legal costs arising from disputes in areas such as employment law, tenancy law and occasionally in cases involving personal liability. Additionally, legal expenses insurance is often part of broader directors and officers (D&O) liability insurance policies. Legal expenses insurance is also available for businesses and legal entities.

Law stated - 2 Juni 2025

Class action

May litigants with similar claims bring a form of collective redress? In what circumstances is this permitted?

Under current Swiss law, collective redress is still limited. It is possible, under certain conditions, to coordinate claims by joining parties on either the claimant or defendant side, or by assigning claims to a single party who then pursues the claims collectively in one proceeding. However, the [Swiss Civil Procedure Code](#) is not designed for a large number of claimants and/or defendants and has no special civil procedure for collective redress.

Swiss civil procedure law does not provide for class actions so far (except for the action of an association, which is, however, used against violations of the personality of the association's members, not for monetary compensation).

In recent years, there have been initiatives to reform Swiss law by implementing new rules for collective redress. In March 2025, the National Council (one of the parliament's chambers) rejected a proposal by the Federal Council to implement collective redress instruments, including group actions and group settlement procedures. The rejection was based on concerns about the developments it may trigger, such as an increase in litigation.

Law stated - 2 Juni 2025

Appeal

On what grounds and in what circumstances can the parties appeal? Is there a right of further appeal?

In general, parties can appeal judgments from the court of first instance to the cantonal high court and thereafter, as a last instance, to the Swiss Federal Supreme Court, provided the legal requirements are met.

Appeals may be based on the argument that the lower court applied the law incorrectly and/or misapprehended the presented facts. The scope of admissible complaints typically narrows as the case progresses to higher courts. Notably, the Swiss Federal Supreme Court primarily reviews legal issues and generally does not re-evaluate facts unless exceptionally justified.

The depth of judicial review depends on the type of appeal and the specific procedure applicable. In addition to ordinary appeal mechanisms, a party may request revision of a judgment in extraordinary cases, for example, if the proceedings were influenced by a crime.

Law stated - 2 Juni 2025

Foreign judgments

What procedures exist for recognition and enforcement of foreign judgments?

The most important legal instrument governing the recognition and enforcement of foreign judgments in Switzerland remains the Lugano Convention between Switzerland, the European Union, Denmark, Iceland, and Norway (Lugano-States). Judgments issued in these states are subject to relatively liberal recognition requirements under the Convention. Swiss courts may not re-examine the foreign judgment on the merits (*norévision au fond*), except in narrowly defined exceptional cases.

For judgments originating in non-Lugano states, recognition and enforcement are governed by the Swiss Federal Act on Private International Law ([PILA](#)), subject to applicable treaties. Under the PILA, the Swiss courts assess whether minimum conditions – such as jurisdiction, proper service, compatibility with Swiss public policy (*ordre public*) and res judicata – are fulfilled.

Recognition and enforcement typically occur incidentally within the course of enforcement proceedings, unless a separate declaratory procedure is initiated.

Law stated - 2 Juni 2025

Foreign proceedings

Are there any procedures for obtaining oral or documentary evidence for use in civil proceedings in other jurisdictions?

Switzerland is a party to the [Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters](#). This Convention facilitates international cooperation in gathering evidence for civil or commercial proceedings.

Under this Convention, Swiss authorities can assist foreign courts by obtaining oral testimony or documentary evidence. Similarly, Swiss courts can request assistance from foreign authorities to collect evidence for use in Swiss proceedings. These requests are typically made through letters of request (rogatory letters), which are transmitted via the designated central authorities.

In Switzerland, the Federal Office of Justice (FOJ) serves as the federal central authority for international legal assistance. The cantonal authorities act as cantonal central authorities, handling requests within their respective jurisdictions. The FOJ coordinates with these cantonal authorities to process and execute incoming and outgoing requests for evidence gathering and service of documents.

Law stated - 2 Juni 2025

ARBITRATION

UNCITRAL Model Law

Is the arbitration law based on the UNCITRAL Model Law?

Swiss arbitration law is influenced by the UNCITRAL Model Law on International Commercial Arbitration, particularly regarding international arbitration. However, the [Swiss Federal Act on Private International Law](#) applicable to *international arbitration* offers more flexibility, making it user-friendly and efficient.

Switzerland has its own set of rules for *domestic arbitration* stipulated in the [Swiss Civil Procedure Code](#), which are distinct but similarly flexible and liberal.

In both cases, Swiss law emphasises party autonomy, arbitral independence and procedural efficiency.

Law stated - 2 Juni 2025

Arbitration agreements

What are the formal requirements for an enforceable arbitration agreement?

An arbitration agreement must be in writing or in any form that allows proof by text. The parties' signatures are not required. Arbitration agreements made via email are formally valid as long as the text can be reproduced. This criterion of physical reproducibility of the agreement is met if the agreement can be printed or stored in a permanent format (eg, PDF, document, etc).

Law stated - 2 Juni 2025

Choice of arbitrator

If the arbitration agreement and any relevant rules are silent on the matter, how many arbitrators will be appointed and how will they be appointed? Are there restrictions on the right to challenge the appointment of an arbitrator?

Unless the parties have agreed otherwise, the arbitral tribunal (in domestic or international arbitration) will consist of three arbitrators. Each party appoints one arbitrator, and the arbitrators must unanimously elect a president.

A party may challenge an arbitrator whom it has appointed, or in whose appointment it participated, only for reasons it became aware of after the appointment and despite having exercised due diligence prior to the appointment.

Law stated - 2 Juni 2025

Arbitrator options

What are the options when choosing an arbitrator or arbitrators?

In most cases, arbitration institutions provide lists of qualified arbitrators that the parties can choose from. In Switzerland, the Swiss Arbitration Association offers a network of arbitration experts with experience across various sectors.

Given the high degree of professionalisation in the Swiss arbitration market, suitable arbitrators with the appropriate legal and industry expertise are typically readily available. The parties have a wide range of options, ensuring that the selected arbitrator is suitable for the specific case at hand.

Law stated - 2 Juni 2025

Arbitral procedure

Does the domestic law contain substantive requirements for the procedure to be followed?

The parties may either draft their own procedural rules or refer to an existing set of arbitration rules. They may also designate a procedural law of their choice. If the parties have not

determined the procedure, the arbitral tribunal shall establish it to the extent necessary – either directly or by reference to a chosen law or a set of institutional arbitration rules (eg, Swiss Rules of the Swiss Arbitration Centre).

Swiss arbitration law (*lex arbitri*) – whether governed by the [Swiss Federal Act on Private International Law \(PILA\)](#) for international arbitration cases or by the [Swiss Civil Procedure Code \(CPC\)](#) for domestic arbitration cases – provides considerable procedural flexibility. Both frameworks ensure fundamental procedural safeguards such as equal treatment of the parties and the right to be heard. Nonetheless, certain differences exist; for instance, under the CPC, the parties' ability to waive recourse against the arbitral award is more limited than under the PILA.

Law stated - 2 Juni 2025

Court powers to support the arbitral process

What powers do national courts have to support the arbitral process before and during an arbitration?

Swiss courts have several powers to assist the arbitral process. They can intervene if, for example, a party refuses to comply with an interim measure ordered by the arbitral tribunal. The court may also be called upon to appoint or remove arbitrators if the parties are unable to agree, or if an arbitrator must be removed for valid reasons. Additionally, Swiss courts can assist with the taking of evidence, such as compelling a witness to appear, when requested by the arbitral tribunal or a party.

Law stated - 2 Juni 2025

Interim relief

Do arbitrators have powers to grant interim relief?

Unless otherwise agreed by the parties, the arbitral tribunal can grant preliminary or protective measures at the request of one of the parties. If the concerned party does not voluntarily comply, the arbitral tribunal or the requesting party may seek the assistance of the state court to enforce the measure.

Law stated - 2 Juni 2025

Award

When and in what form must the award be delivered?

In international arbitration, the award must follow the procedure and form agreed upon by the parties. If no such agreement exists, the decision will be made by majority vote or, if there is no majority, by the chairperson. The award must be written, dated, signed, and state the reasons. In domestic arbitration, the rules are more detailed, including specific procedural requirements for the award's delivery.

Law stated - 2 Juni 2025

Appeal or challenge

On what grounds can an award be appealed or challenged in the courts?

In general, international arbitration awards are final. The Swiss Federal Supreme Court reviews international arbitration awards, but it does so based on a narrow scope, which includes:

- improper composition of the arbitral tribunal;
- incorrect decision on the tribunal's competence;
- issues beyond the tribunal's mandate or failure to rule on submitted issues;
- violation of equal treatment or the right to be heard; and
- incompatibility with public policy.

Additionally, parties can request revision of an award (also with the Swiss Federal Supreme Court), but this is granted only in exceptional cases and for very limited reasons.

If none of the parties has its domicile, habitual residence, or registered office in Switzerland, they may agree to exclude appeals to the Swiss Federal Supreme Court in the arbitration agreement or in a subsequent agreement. The right to request a revision of an international arbitration award, if it was influenced by a crime, cannot be waived.

In domestic arbitration, the parties may agree that the arbitral award is subject to appeal before the competent cantonal court, whose decision will be final – instead of the Swiss Federal Supreme Court, which would generally be competent for appeals. Unlike in international arbitration, however, the parties cannot waive this right to appeal in advance.

Law stated - 2 Juni 2025

Enforcement

What procedures exist for enforcement of foreign and domestic awards?

The proceeding for the enforcement of foreign arbitration awards in Switzerland is the same as for foreign state court judgments. Recognition and enforcement are typically sought incidentally during the enforcement proceeding. The [New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards](#) governs this process, as Switzerland is a signatory. A large number of jurisdictions have acceded to the New York Convention, which currently counts 172 Contracting States, including the vast majority of UN member states.

For domestic arbitral awards, enforcement follows the same procedure as for state court judgments.

Law stated - 2 Juni 2025

Costs

Can a successful party recover its costs?

Costs are primarily governed by the procedural law the parties choose. These costs typically include:

- costs of the arbitral tribunal (arbitrators' fees and expenses, expert costs, infrastructure costs, etc); and
- party costs (legal fees, expenses, expert costs, travel and accommodation expenses, etc).

The arbitral tribunal decides on the amount and distribution of the costs of the arbitral tribunal and the compensation of the parties' costs in the award, or in a separate award related to costs. Subject to the applicable rules, the arbitral tribunal may order a party to provide security for the compensation of the other party's costs.

Law stated - 2 Juni 2025

ALTERNATIVE DISPUTE RESOLUTION

Types of ADR

What types of ADR process are commonly used? Is a particular ADR process popular?

The distinctive feature of Swiss civil procedural law is (mandatory) conciliation: The [Swiss Civil Procedure Code \(CPC\)](#) usually requires parties to first submit their dispute to a conciliation authority. Only if this attempt fails may the claimant bring the matter before the court. Additionally, courts frequently conduct off-the-record settlement discussions, offering a preliminary assessment to encourage early resolution. This approach results in a substantial number of disputes being settled without proceeding to a full trial. Under the revised CPC, voluntary conciliation is also available, particularly in cases under the jurisdiction of commercial courts, where conciliation is not mandatory, providing an additional attempt to resolve the dispute amicably. Additionally, voluntary mediation is also available, particularly in family and estate law matters.

Law stated - 2 Juni 2025

Requirements for ADR

Is there a requirement for the parties to litigation or arbitration to consider ADR before or during proceedings? Can the court or tribunal compel the parties to participate in an ADR process?

Apart from the mandatory conciliation prior to most civil proceedings, the court cannot compel parties to engage in ADR during a pending court procedure. However, the court can recommend mediation to the parties. Furthermore, the parties may choose to jointly request mediation as an alternative to the conciliation procedure, or at any point during an ongoing case. Depending on the application and the status of the proceedings, mediation can replace

the conciliation attempt or, if the court proceedings have already started, may result in a suspension of the proceedings for the duration of the mediation.

Law stated - 2 Juni 2025

MISCELLANEOUS

Interesting features

Are there any particularly interesting features of the dispute resolution system not addressed in any of the previous questions?

Switzerland's unified [Swiss Civil Procedure Code \(CPC\)](#), effective since 2011, harmonised the different civil procedure codes previously existing in each Canton. Despite this unification, regional practices and habits persist, leading to regional interpretations of the CPC, inconsistencies, and other differences in court procedures. These differences will continue to decrease over time.

Switzerland's four official languages – German, French, Italian, and Romansh – dictate the language of court proceedings based on the region. As of 1 January 2025, with the CPC revision, Cantons can provide for proceedings in English in international commercial disputes as well as for certain procedures before state courts in connection with international arbitration. In these procedures, the parties can also file briefs in English with the Swiss Federal Supreme Court, but the decisions of the Swiss Federal Supreme Court will be handed down in one of the official languages.

In some (more rural) Swiss courts of first instance, lay judges who do not have formal legal education serve on the bench, with assistance from legally trained court clerks.

Law stated - 2 Juni 2025

UPDATE AND TRENDS

Recent developments and future reforms

What were the key cases, decisions, judgments and policy and legislative developments of the past year? Are there any proposals for dispute resolution reform? When will any reforms take effect?

The Swiss parliament approved significant amendments to the [Swiss Civil Procedure Code \(CPC\)](#), which took effect on 1 January 2025. Key changes include the following:

- Establishment of [International Commercial Courts](#): since the revision of the Swiss Civil Procedure Code (CPC), Cantons can designate commercial courts to handle certain international commercial disputes. This allows specialised courts or chambers to hear international cases, enhancing Switzerland's role as a centre for international litigation. Parties may prorogue jurisdiction to these courts if specific conditions are met, such as a foreign party's involvement and a minimum dispute value of 100'000 Swiss francs. Bern has already made plans, and Zurich intends to open its Zurich International Commercial Court for such disputes in 2027.
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Proceedings in English: Parties may agree to use English as the procedural language in these specialised international commercial courts under the revised CPC, including for appeals to the Swiss Federal Supreme Court. This option applies notably in disputes involving foreign parties and increases Switzerland's appeal as a forum for international commercial litigation in English.

- Reduction of the advance on costs: courts may now require an advance payment of no more than 50 per cent of the estimated court costs (with certain exceptions). This measure aims to lower financial barriers and improve access to justice.
- Legal privilege for [in-house counsel](#): under specific conditions, in-house lawyers may invoke privilege and refuse cooperation in the taking of evidence, aligning Switzerland more closely with international privilege standards.
- Recognition of private expert opinions: under the revised CPC, expert opinions commissioned by a party are now formally classified as [documentary evidence](#). While this marks a departure from the previous practice – where such opinions were typically regarded as mere party assertions – their probative value remains subject to judicial discretion in each individual case. While it is generally expected that the relevance of such party-appointed expert opinions will increase, the court may, upon a party's request, still commission a court-appointed expert opinion or deviate from the party-appointed expert opinion based on other evidence.
- Use of [electronic means](#) in civil proceedings: courts may now conduct hearings and gather evidence via video or telephone conferencing, subject to the consent of the parties and compliance with procedural safeguards under the new Ordinance on the Use of Electronic Means in Civil Proceedings.
- Expansion of the [scope of conciliation proceedings](#): conciliation authorities can now propose decisions in disputes with a value of up to 10'000 Swiss francs (previously 5'000 Swiss francs), and voluntary conciliation has been introduced in civil proceedings with only one court instance on the cantonal level, namely the commercial courts.
- Procedural access to justice: new rules enhance, inter alia, access to financial aid, allow direct payment of party compensation to lawyers, and allocate the collection risk for court costs to the Cantons.

Additionally, Switzerland's accession to the [Hague Convention on Choice of Court Agreements \(2005\)](#) took effect on 1 January 2025, improving legal certainty in international commercial disputes and facilitating cross-border enforcement of judgments. This may be particularly relevant for the recognition and enforcement of judgments from the United Kingdom post-Brexit, as the Lugano Convention no longer applies to many such judgments.

In March 2025, proposals to expand collective redress mechanisms were rejected by the National Council (one of the parliament chambers) due to concerns about potential misuse (and consequent increase in litigation) and with reference to the sufficiency of existing legal instruments.

Law stated - 2 Juni 2025