

## Swiss anti-bribery law

*Dr Alexander Ressos, TEP  
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),  
Solicitor (England & Wales)*

The Swiss Criminal Code (StGB) has contained a modern set of bribery offences since 2000, when the provisions were revised in preparation for the ratification of the OECD Anti-Bribery Convention. Article 322ter StGB punishes the bribery of Swiss public officials, while Article 322quater StGB punishes the official who accepts the bribe. Article 322septies StGB extends the offence to the bribery of foreign public officials and of officials of international organisations. Articles 322quinquies and 322sexies StGB cover the granting and acceptance of an advantage, which differ from bribery because no specific official act needs to be linked to the payment. The offence of foreign bribery is the one that matters most for exporting companies, since it allows Swiss prosecutors to pursue payments made abroad.<sup>1</sup>

The definition of a public official is broad. It includes members of judicial and administrative authorities, employees of public bodies and, according to case law and literature, persons who perform public tasks. In the healthcare sector this raises a practical question that arises in nearly every market: doctors employed by public hospitals are public officials in many countries, so that a payment to them can fall under the foreign bribery offence. A pharmaceutical company that pays a consulting fee to a doctor at a state hospital in Southern Europe or in Asia must therefore assess the transaction under the rules on public bribery, even if the doctor also runs a private practice.<sup>2</sup>

Private bribery was originally regulated in the Federal Act against Unfair Competition (UWG), where it could be prosecuted only upon complaint and only if it distorted competition. A revision that entered into force on 1 July 2016 moved the offence into the Criminal Code. Article 322octies StGB now punishes the active bribery of employees, partners, agents or other auxiliaries of a third party in the private sector, while Article 322novies StGB punishes passive bribery. Since that revision, private

bribery is prosecuted *ex officio*, and the requirement of a distortion of competition no longer applies. Minor cases are prosecuted only upon complaint. The legislator responded to criticism from the OECD and to the scandals around international sports federations, many of which have their seats in Switzerland.<sup>3</sup>

Article 322decies StGB clarifies what does not count as an undue advantage. Advantages that are permitted by service regulations or contractually approved by a third party are excluded, as are minor advantages that are socially customary. The provision is short, but in practice it carries much weight, because companies must decide which gifts, meals and hospitality are acceptable. The pharmaceutical industry has answered this question through detailed internal rules and through industry codes, which in most cases are stricter than the criminal law. Doctors who attend a scientific congress may receive travel and accommodation, for example, while leisure programmes and excessive hospitality are excluded.<sup>4</sup>

## 1 Notes

1. Swiss Criminal Code of 21 December 1937 (StGB, SR 311.0), Articles 322ter to 322decies, inserted by the Federal Act of 22 December 1999, in force since 1 May 2000. To be verified. ↩
2. On the concept of the foreign public official under Article 322septies StGB and on the treatment of doctors in public hospitals, see the commentaries to the Swiss Criminal Code (for example Basler Kommentar Strafrecht, current edition, on Article 322septies) and the OECD Working Group on Bribery's reports on Switzerland. To be verified. ↩
3. Federal Act of 25 September 2015 amending the Swiss Criminal Code (corruption offences), AS 2016 1287, in force since 1 July 2016; Articles 322octies, 322novies and 322decies StGB. The revision was often referred to in public debate as a response to the FIFA affair. To be verified. ↩
4. Article 322decies StGB; for the industry rules on hospitality, see the Pharma Code and the Pharma Cooperation Code of scienceindustries as well as the EFPIA Code of Practice. To be verified. ↩

---

*For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.*

Online version: [helveticaregister.com/basel-swiss-anti-bribery-law](https://helveticaregister.com/basel-swiss-anti-bribery-law)

Copyright © 2026 Dr Alexander Ressos, TEP - Attorney-at-Law (Switzerland), Solicitor (Hong Kong), Solicitor (England & Wales). For more information on legal, tax and trust services in Switzerland, please visit [www.ressos.ch](https://www.ressos.ch)