

Dormant assets: from loss of contact to transfer to the Confederation

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Swiss banks hold assets whose owners have stopped responding and cannot be traced. This article follows the procedure that applies to such assets today, from the loss of contact through searches, reporting and publication to liquidation and the transfer of the proceeds to the Confederation. It also explains why the procedure exists, since the rules grew out of the controversy over the assets of victims of National Socialism that shook the Swiss financial centre in the 1990s.

1 An inheritance from the post-war decades

For decades after the Second World War, heirs searching for the accounts of relatives who had disappeared met demands for proof that were hard to satisfy, such as death certificates for people murdered in the camps, while the banks' own searches remained limited. Early federal measures did not settle the matter. According to the English-language Wikipedia entry on the Bergier commission, a decree of 1945 on dormant assets was valid for only two years and was not publicised internationally. In the procedure under the federal decree of 1962, 46 banks declared 739 dormant assets totalling CHF 6.2 million, as volume 15 of the Independent Commission of Experts' studies records.

The question returned in 1995, when Jewish organisations began asking Swiss banks about assets of Holocaust victims, as swissinfo recounts. In 1997 the Federal Council, the Swiss National Bank and private institutions created a humanitarian fund of CHF 300 million for victims of the Holocaust, according to the same source. The Independent Commission of Experts chaired by Jean-François Bergier, established by federal decree on 13 December 1996, was given the task of shedding light on assets deposited in the Swiss financial centre between 1933 and 1945 that the entitled persons had not recovered after the war, as *Le Courrier* recalled on 24

November 2022. A committee chaired by Paul Volcker, the former chairman of the US Federal Reserve, searched for such accounts together with the Swiss Bankers Association. Its report of 1999, according to the French-language Wikipedia entry on the dormant accounts affair, estimated dormant assets at between CHF 200 and 400 million spread over 53,886 accounts in 59 banks. On 12 August 1998 the large Swiss banks agreed a global settlement under which they paid USD 1.25 billion, then equivalent to CHF 1.87 billion, as *swissinfo* reported.

2 From loss of contact to searches and reporting

The procedure today rests on the Banking Act (BankA), the Banking Ordinance (BankO) and the Swiss Bankers Association's guidelines on the treatment of assets without contact and dormant assets held in Swiss banks, which have been in force since 1 July 2022 and are published on FINMA's website. The Association had adopted its first guidelines on the subject in 2004, according to *Monde économique*. It also issues other professional rules, some of which FINMA may recognise as minimum standards.

Under the 2022 guidelines, assets become assets without contact once the client breaks off all contact and the bank remains unable to reach them. They become dormant ten years after the last documented contact, in accordance with Article 45 BankO. Throughout this period, the rights of the client and of the client's heirs remain preserved despite the absence of contact. Loss of contact thus triggers duties for the bank while leaving the client's rights intact.

Once contact is lost, the bank must first conduct internal searches and then, where needed, external ones. It must also report assets without contact exceeding CHF 500 to the central database managed by the Swiss Banking Ombudsman, according to the 2022 guidelines. Rules of this kind, which the banks adopted after the dormant accounts affair, serve to preserve the rights of entitled persons and to make their searches easier.

The historical experience explains the emphasis on proof. Heirs of victims of National Socialism often had no document establishing the existence of the account, the death of the holder or their own status as heirs. The compensation procedures had to adapt their evidentiary requirements to those exceptional circumstances by admitting presumptions and indirect evidence. The arbitral tribunal charged with distributing the 1998 settlement paid USD 150 million to 1,934 claimants of assets deposited with Swiss banks in six years of operation, according to the French-language Wikipedia entry on the affair. The large Swiss banks were also required to

publish online the names of holders of dormant accounts so that possible heirs could identify them.

3 Publication, liquidation and transfer

The revised provisions of the Banking Act on dormant assets have been in force since 1 January 2015, according to the Federal Office of Justice. They allow banks to liquidate such assets when no entitled person comes forward after a public call. Article 37m BankA requires the assets to be published for one year after fifty years of dormancy, as *Monde économique* summarises it. Under the 2022 guidelines, assets exceeding CHF 500 are published on an electronic platform once they have been dormant for fifty years or without contact for sixty years. Publication takes place annually.

If no entitled person comes forward, the bank liquidates the assets and pays the net proceeds to the Federal Finance Administration. At that point the claims are extinguished under Article 37m BankA. The procedure thus ends the private claim and transfers its economic value to the Confederation, which is the last stage of a sequence that begins with the loss of contact.

4 Prescription and the long tail of claims

The rules on limitation help explain why old claims remain possible. Under Swiss law, the claim for restitution of a bank deposit in principle begins to prescribe only once the relationship is terminated, which allows heirs to claim old assets provided they can establish their entitlement. Banks have at times raised other arguments, including the extinction of accounts through account-keeping fees or administrative closures.

The historical controversy has not fully closed either. In 2012, lawyers for claimants filed a complaint before a court in Washington accusing Swiss banks of obstructing the proper implementation of the 1998 agreement, as 20 minutes reported on 3 May 2012. In 2026, according to TRT Français of 4 February 2026, American senators stated in the context of an investigation by the Senate Judiciary Committee that Credit Suisse had held some 900 accounts linked to the Nazi regime.

5 What to take from it

A staged procedure. Assets pass from loss of contact to dormancy after ten years, then to publication after fifty years of dormancy or sixty without contact, before liquidation.

Rights survive until the end. The entitlements of the client and the heirs remain intact throughout, until the final liquidation under Article 37m BankA extinguishes them.

History shaped the rules. The duties to search, report and publish grew out of the lessons that the banks drew from the dormant accounts affair of the 1990s.

6 Sources

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