English before the Swiss courts: the revision of the Code of Civil Procedure

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The monopoly of the official languages before the Swiss state courts was breached, in a measured way, on 1 January 2025. The revision of the Code of Civil Procedure that entered into force on that date authorises the cantons to provide that proceedings may be conducted in English in international commercial disputes.[1] The jurisdiction of an international commercial court presupposes an amount in dispute of at least CHF 100,000, the domicile or registered office abroad of at least one party and an agreement between the parties conferring jurisdiction on the cantonal court.[2] Bern has announced the opening of its international commercial court for May 2026 and Zurich is preparing its own for 2027, while Geneva is examining a draft law.[3] Before the Federal Supreme Court, the parties may file their written submissions in English, but orders and judgments continue to be issued in an official language.[4] In international arbitration matters, the option of filing submissions in English before the Federal Supreme Court has existed since the revision of Chapter 12 of the Private International Law Act, which entered into force on 1 January 2021.[5]

For the Geneva financial centre, this development calls for a nuanced reading. It responds to a genuine demand: trading, financing and management contracts concluded with foreign counterparties are mostly drafted in English, and the obligation to translate thousands of pages in order to litigate in Geneva has long favoured arbitration or the English courts. A Geneva state court sitting in English would make it possible to keep in Geneva disputes which would otherwise go to London or Singapore. It does not weaken French as the language of the financial centre: judgments will remain available in the official language, the ordinary courts will continue to sit in French and French-speaking clients will retain the advantage of justice rendered in their own language.

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The question facing Geneva is one of positioning. Zurich and Bern have taken a lead in the field of international commercial disputes in English. Geneva has assets of its own: the presence of the international organisations, a long-standing tradition of arbitration, a community of multilingual lawyers and a French-speaking clientele that finds no equivalent elsewhere in Switzerland. The creation of a Geneva international commercial court could combine the two: English for trading and financing disputes, French for the French-speaking clientele of Africa, the Maghreb and Europe. Chapter IV of this Part will return to the professions that this combination calls upon.

Caution. A court sitting in English does not release the parties from Swiss substantive law and its concepts, forged in German, French and Italian. Practitioners who plead in English will need to master the correspondence between the English terms of the contract and the categories of the Code of Obligations, failing which the proceedings will gain in accessibility what they lose in precision.

1 Notes

1. Art. 129 para. 2 let. b of the Civil Procedure Code (CPC), in the version in force since 1 January 2025; Pestalozzi, "Proceedings in English before Swiss State Courts Soon a Reality in Bern and Zurich", pestalozzilaw.com (accessed September 2026). ↩
2. Art. 6 para. 4 let. c CPC; Pestalozzi, cited above. ↩
3. Pestalozzi, cited above, which mentions the Bern International Commercial Court (May 2026), the Zurich International Commercial Court (2027) and the discussions in Geneva. ↩
4. Art. 42 para. 1bis of the Federal Supreme Court Act (LTF); Pestalozzi, cited above. ↩
5. Art. 77 para. 2bis LTF, introduced by the revision of Chapter 12 of the Private International Law Act (LDIP), which entered into force on 1 January 2021; Besson, Sébastien and Rigozzi, Antonio, "La réforme du droit suisse de l'arbitrage international", Revue de l'arbitrage, 2021, no. 1, p. 11 et seq. ↩

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