

Language before Swiss courts

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Swiss civil procedure is organized by canton. Article 129(1) of the Civil Procedure Code provides that proceedings are conducted in the official language of the canton, which in Ticino is Italian. Since the revision in force on 1 January 2025, Art. 129(2) allows the cantons to permit, at the request of all parties, another national language or English, the latter before the commercial court or before the ordinary court in international commercial disputes.¹ Ticino has no commercial court, and whether and how far it will use the English option remains to be seen. Before the Federal Supreme Court written submissions must be made in one of the official languages (Art. 42(1) FSCA). The proceedings are conducted in one of the official languages, as a rule in that of the contested decision (Art. 54(1) FSCA).² A Ticinese case therefore reaches the Federal Supreme Court in Italian and is decided in Italian, a subject that Chapter J.II has treated in detail.

Documents in a foreign language are admissible in Swiss proceedings, but the court may order a translation. Ticinese courts usually accept documents in German, French and English without translation, because judges and lawyers read these languages. Documents in Italian from Italy pose no linguistic problem in Ticino, although their terminology may be foreign to the Swiss judge. Here the false friends of this chapter reappear inside the courtroom. A Ticinese *pretore* who reads an Italian *atto di precetto* or a *fideiussione omnibus* must understand them as institutions of Italian law. A lawyer who presents them should explain them in that light.

1 Notes

1. Swiss Civil Procedure Code of 19 December 2008 (CPC), SR 272, Art. 129, Italian text as in force on 1 January 2025 (Codice di procedura civile),
<https://www.fedlex.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/>

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2010/262/20250101/it/html/ fedlex-data-admin-ch-eli-cc-2010-262-20250101-it-html-3.html. ↩

2. FSCA, Art. 42(1) and 54(1), Italian text (above): "Il procedimento si svolge in una delle lingue ufficiali (tedesco, francese, italiano, rumantsch grischun), di regola nella lingua della decisione impugnata."
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