

Wills and inheritance contracts in Switzerland

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

Swiss law offers several ways to arrange one's succession, each subject to strict formal requirements. A document that fails to meet them may be challenged and set aside. For internationally mobile families, the question of whether a will made in one country is recognised in another adds a further layer.

1 The handwritten will

A holographic will must be written entirely by hand by the testator, dated with day, month and year and signed (Art. 505 CC). It requires no notary and no witnesses, which makes it simple and inexpensive. Its weaknesses lie in unclear wording, the risk of loss and the possibility that it is never found. Depositing it with the competent cantonal authority or another safe place is therefore advisable.

2 The public will

A public will is drawn up by a notary or another competent official with the participation of two witnesses (Art. 499 CC). The procedure provides a degree of certainty about the testator's identity and capacity and reduces the risk of later disputes. The detailed procedural rules and the competent officials are determined by cantonal law, which is why the practice in Zurich, Zug and Geneva differs in some respects.

3 Inheritance contracts

An inheritance contract is concluded between the testator and one or more other persons, frequently the spouse or the children, and requires the form of a public will. Its main advantage is its binding effect: it can generally be amended or revoked only with the consent of the parties. Heirs may also waive their entitlements, including their compulsory portions, in such a

contract. Inheritance contracts are widely used for business succession and for couples who wish to benefit each other as far as possible.

4 The executor

A testator may appoint one or more executors in a will. The executor administers the estate, settles debts and prepares and carries out the partition in accordance with the will and the law. For estates with assets in several countries, an executor with experience in cross-border matters can considerably ease the process. The executor's appointment should be accepted within the period set by the authorities.

5 International validity

Switzerland applies the Hague Convention on the Conflicts of Laws relating to the Form of Testamentary Dispositions. A will is therefore generally considered formally valid if it complies, among other options, with the law of the place where it was made or with the law of the testator's nationality or domicile. The formal validity of inheritance contracts and the question of which law governs their substance follow separate rules of the PILA, and recognition abroad depends on the law of each country concerned.

6 What pays off in practice

- **Keep the documents consistent.** Several wills in different countries can contradict each other unless each one clearly defines its scope.
- **Store the original safely.** A will that cannot be found has no effect, however carefully it was written.
- **Name an executor.** An appointed executor shortens the administration of the estate and reduces conflicts among heirs.

7 How Ressos Legal helps

I draft wills and inheritance contracts for clients with assets in Switzerland and abroad and can act as executor or coordinate the work of executors in several countries. [Contact me](#) for a first conversation.

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