

## Courts and civil procedure

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Swiss courts conduct their proceedings in the official language of the canton. In Zug, that means German. Parties who submit documents in another language may be required to provide a translation, while the court may appoint an interpreter for oral hearings. For a long time, English played no formal role in the Swiss courts, although judges often accepted exhibits in English without translation if the parties agreed and the judges understood the language.

The revision of the Civil Procedure Code that entered into force on 1 January 2025 changed this position. It allows the cantons to provide that proceedings before their courts may be conducted in English at the request of all parties in international commercial disputes. It also allows them to establish international commercial courts for international commercial disputes.<sup>1</sup> Several cantons have used these possibilities. The canton of Bern was the first to use this possibility. Its parliament amended the cantonal act on the organisation of the courts and the public prosecutor's office (GSOG) to create the Bern International Commercial Court as a new chamber of the Bern commercial court. After the referendum period had expired unused on 5 January 2026, May 2026 was set as the target date for its opening.<sup>2</sup> Although the institutional and procedural conditions are in place, the Bernese judiciary had not publicly reported by the end of September 2026 whether the chamber is fully staffed or whether first claims have been filed. In practice, its jurisdiction is likely to take effect only with some delay, because clauses choosing the court are usually agreed in new contracts.<sup>3</sup> Zurich is preparing a Zurich International Commercial Court at its commercial court, with a start expected in 2027, while in Geneva an association promotes the creation of a similar court.<sup>4</sup>

The canton of Zug has not followed this course. Zug has no commercial court of its own, so commercial disputes are heard by the ordinary courts, the Cantonal Court at first instance and the Obergericht on appeal. The

canton has not made use of the authorisation in Art. 129 para. 2 lit. b of the Civil Procedure Code in its cantonal law on the organisation of the courts (GOG), which the federal provision requires before English may be used. German therefore remains the language of proceedings before the civil courts of Zug without exception. Submissions, hearings, minutes and judgments are in German, although English exhibits and contracts are in practice often accepted without translation to save costs, unless a party or the court requests one. Unlike Zurich and Bern, the canton has not pursued plans for an international commercial court or for English-language proceedings. Its courts nonetheless deal with many international commercial disputes, since many of the parties are international companies based in the canton. English-language proceedings would allow these companies to litigate in the language of their contracts and their internal documents, and would reduce the costs of translation. Against this, the courts would need judges and clerks able to conduct proceedings and draft judgments in English. The parties' right of appeal to the Federal Supreme Court would raise the question of the language of the appeal.<sup>5</sup> Whether the canton takes up the option in the future will be an important indicator of how far it is prepared to integrate English into its public institutions.

## 1 Notes

1. Swiss Civil Procedure Code (ZPO), Art. 129 para. 2 as in force since 1 January 2025, text on [app.zpo-cpc.ch](http://app.zpo-cpc.ch): cantonal law may provide that, at the request of all parties, another national language or English is used, English only "in internationalen handelsrechtlichen Streitigkeiten nach Artikel 6 Absatz 4 Buchstabe c vor dem Handelsgericht oder dem ordentlichen Gericht". Homburger, bulletin "Revision der Schweizerischen Zivilprozessordnung", [homburger.ch](http://homburger.ch), and Pestalozzi, "Die revidierte ZPO tritt am 1. Januar 2025 in Kraft", [pestalozzilaw.com](http://pestalozzilaw.com): under Art. 6 para. 4 lit. c the cantons may give their commercial courts jurisdiction over international commercial disputes with a value of at least CHF 100,000 where the parties agree and at least one party is domiciled or seated abroad. ↩
2. Canton of Bern, amendment of the Gesetz über die Organisation der Gerichtsbehörden und der Staatsanwaltschaft (GSOG) creating the Bern International Commercial Court as a chamber of the commercial court; referendum period expired unused on 5 January 2026; opening envisaged for May 2026 (Pestalozzi, 1 April 2026, [pestalozzilaw.com](http://pestalozzilaw.com)). ↩
3. Author's review of public announcements of the Bernese judiciary, status end of September 2026; jurisdiction of the chamber depends on

a choice-of-court agreement of the parties under Art. 6 para. 4 lit. c ZPO. ↩

4. Pestalozzi, "Proceedings in English before Swiss State Courts Soon a Reality in Bern and Zurich", 1 April 2026, pestalozzilaw.com: Bern International Commercial Court expected to launch in May 2026 after the referendum period expired on 5 January 2026; Zurich International Commercial Court expected in 2027, with legislative adoption expected later in 2026; the Geneva International Legal Association was created to promote a commercial court in Geneva. Canton of Zurich, press release "Zürich soll ein internationales Handelsgericht erhalten", July 2025, zh.ch (search result). No steps by Basel-Stadt are reported in these sources. ↩
5. Obergericht des Kantons Zug, Bericht und Antrag zur Änderung des Gerichtsorganisationsgesetzes (Zivil- und Strafrechtspflege), Vorlage Nr. 3638.1 – 17499, 8 November 2023, kr-geschaefte.zug.ch: in implementing the new Art. 129 para. 2 ZPO, the Obergericht proposes amending § 7 GOG so that civil proceedings may be conducted in another national language or in English where the judges concerned master that language and all members of a collegiate court agree; the parties would have no right to proceedings in a language other than German. The cantonal GOG as in force at the end of September 2026 contains no provision allowing English as the language of proceedings (author's review of the cantonal law). ↩

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