

The Federal Supreme Court

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The Federal Supreme Court in Lausanne conducts its proceedings in the official languages of the Confederation. Its judgments are written in the language of the contested decision. English plays a role only in one area: appeals against international arbitral awards. Since 2021, parties may submit their briefs in English in such appeals. The court may also accept exhibits in English without translation.¹ The judgments themselves are written in German, French or Italian, but the court's practice in arbitration matters is followed internationally, and English translations of its leading decisions are published by private commentators.

The appeal to the Federal Supreme Court is a limit on the use of English in cantonal proceedings. If a cantonal court conducts proceedings in English and delivers its judgment in English, the Federal Supreme Court must deal with an appeal against an English judgment. The revised Civil Procedure Code and the related amendments to the Federal Supreme Court Act allow the court to accept English submissions in certain cases, but the court's own judgments remain in an official language.² This creates a linguistic break between the first instance and the appeal, which the parties must take into account.

1 Notes

1. Loyens & Loeff, "Revision of Swiss Arbitration Law effective as of January 2021", loyensloeff.com: with the revised Chapter 12 of the Private International Law Act, in force 1 January 2021, "briefs and submissions in setting aside proceedings before the SFSC can now also be submitted in English". Bär & Karrer, "The use of English in Swiss civil proceedings", 23 January 2025, baerkarrer.ch: the Federal Supreme Court cannot issue judgments in English. The acceptance of English exhibits without translation is not covered by these sources. ↩

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2. Bär & Karrer, "The use of English in Swiss civil proceedings", 23 January 2025, baerkarrer.ch: Art. 42 para. 1bis of the Federal Supreme Court Act, in force since 1 January 2025, permits submissions to the Federal Supreme Court in English if the proceedings before the lower court were conducted in English; the Federal Supreme Court cannot issue its judgments in English. Also Homburger, bulletin on the ZPO revision, homburger.ch. ↩

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