

Legacy and outlook

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The history of commercial adjudication in Zurich shows a remarkable continuity. The court created in 1866 for the merchants of the canton has survived the unification of substantive law in 1883, the unification of civil procedure in 2011 and the internationalisation of commerce, while keeping its central features: the mixed bench, the attachment to the High Court, the single cantonal instance and the culture of settlement. That continuity is itself an asset for the financial centre. Parties that choose Zurich courts or Zurich arbitration choose an environment whose rules and habits have been stable for generations, and in which change comes through deliberate reform.

Several developments will shape the coming years. The first is the success or failure of the international chamber of the Commercial Court. If the Zurich International Commercial Court comes into operation as planned, its initial caseload will be small, as the government itself expected. Its real test will be whether leading law firms begin to recommend Zurich jurisdiction clauses in English-language contracts between Swiss and foreign parties, particularly in banking, insurance and corporate transactions. The second development concerns the digitalisation of justice. The federal project for electronic communication with courts and authorities, together with the provisions on electronic hearings introduced in 2025, will change the way Zurich courts work, even if the full effect will take several years to appear.¹

The third development concerns the arbitration market. The growth of the Swiss Arbitration Centre's caseload in 2025, the new rules for trust and estate disputes and the steady position of Switzerland in the ICC statistics suggest that Zurich's arbitration practice remains healthy. The competition is nevertheless intense. Singapore, London, Paris and the Gulf centres invest heavily in their arbitration infrastructure, and the rise of state-court alternatives in Germany and Singapore shows that the choice between

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arbitration and litigation is no longer as clear as it once was. Zurich's response is to offer both in a single legal environment, with a commercial court whose expert bench resembles an arbitral tribunal and an arbitration regime whose review by the Federal Supreme Court is among the most predictable in the world.

The fourth development, finally, concerns enforcement. Zurich's position as a place where assets are held makes it a place where judgments and awards are enforced. The Swiss attachment, the New York Convention and the Lugano Convention form a toolkit that international creditors use constantly. The recent case law on attachments against foreign states and the continuing debate about the relationship between civil enforcement and sanctions show that this toolkit operates in a politically sensitive environment. The chapters that follow on economic crime, anti-money-laundering compliance, sanctions and mutual legal assistance describe the other side of the same coin: the obligations that the financial centre accepts in return for the confidence that its courts and enforcement system inspire.

1 Notes

1. Federal Act on Platforms for Electronic Communication in the Judiciary (BEKJ), adopted by Parliament on 20 December 2024. A first part entered into force on 1 October 2025, and the remainder is expected to enter into force on 1 July 2027. Mandatory electronic communication will be possible at the earliest from July 2028: Kanton Basel-Landschaft, “Die Justiz wird digital”, <https://www.baselland.ch/politik-und-behorden/gerichte/die-justiz-wird-digital> (project Justitia 4.0, platform justitia.swiss). ↩

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