

Switzerland simplifies the hearing of Swiss residents by foreign courts

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Key takeaways

- Switzerland generalizes the use of videoconferencing in cross-border civil and commercial proceedings
- Prior approval by the Federal Office of Justice is replaced by a simple notification system
- Reform applies to all states and maintains confidentiality obligations

Introduction

Switzerland simplifies the hearing of Swiss residents by foreign courts.

Starting 1 January 2026, Switzerland will implement a major reform that generalizes the use of videoconferencing tools in cross-border civil and commercial proceedings.

Abolition of Prior Approval and Introduction of a Notification System

Under the current system, the hearing of individuals located in Switzerland by foreign courts or commissioners via videoconference is possible only with the prior approval from the Federal Office of Justice.

The new framework eliminates the prior approval requirement and introduces a straightforward notification system. In a nutshell, the notification must be sent at least fourteen days before the scheduled hearing and include key details, such as a statement from the individual concerned confirming i.a. her/his consent to be heard by the foreign court or commissioner via videoconference. Such consent may be withdrawn at any time.

The reform applies to all states (including those with which no treaty with Switzerland exists), ensuring uniform treatment in cross-border civil and commercial matters.

Further details on this change can be found on Pestalozzi's prior legal updates. The Federal Office of Justice will provide more details on each of the underlying conditions in its guidelines on International Judicial Assistance in Civil Matters, which will likely be updated at the beginning of next year.

Confidentiality Obligations and Voluntary Document Production

Importantly, this reform does not change the fact that the person heard by the foreign court or commissioner must comply with any applicable confidentiality obligations (e.g. banking secrecy, manufacturing or trade secrets). Being specified that, from a Swiss perspective, the foreign court or commissioner cannot lift such confidentiality obligations.

Finally, in addition to simplifying hearings via videoconference, the reform also codifies the Swiss practice of allowing voluntary document production in foreign civil proceedings.

Overall, these changes reduce administrative burdens, accelerate foreign proceedings and strengthen Switzerland's position as a modern jurisdiction for international cooperation.

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No legal or tax advice

This legal update provides a high-level overview and does not claim to be comprehensive. It does not represent legal or tax advice. If you have any questions relating to this legal update or would like to have advice concerning your particular circumstances, please get in touch with your contact at Pestalozzi Attorneys at Law Ltd. or one of the contact persons mentioned in this legal update.

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