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The Federal Assembly of the Swiss  
Confederation,  
on the basis of Article 103 of the Federal  
Constitution<sup>2,3</sup>  
and having considered the Dispatch of the  
Federal Council dated  
24 September 1965<sup>4</sup>,  
decrees:

## Section 1 Scope of Application and Definitions



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education and training examinations.

<sup>3</sup> Compulsory purchase procedures are governed by this Act unless the Federal Act of 20 June 1930<sup>12</sup> on Compulsory Purchase provides otherwise.<sup>13</sup>

<sup>4</sup> The procedure before the Federal Administrative Court is governed by this Act, unless the Federal Administrative Court Act of 17 June 2005<sup>14</sup> provides otherwise.<sup>15</sup>







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the ruling.

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## Section 2 General Procedural Principles

### Art. 7

- A. Jurisdiction <sup>1</sup> The authority shall assess its jurisdiction .
- I. Assessment <sup>2</sup> The establishment of jurisdiction by agreement between the authority and the party is not permitted.

### Art. 8

- II. Referral and exchange of views <sup>1</sup> An authority that regards itself as not having jurisdiction shall refer the matter without delay to the competent authority.
- <sup>2</sup> If an authority regards its jurisdiction as doubtful, it shall immediately enter into an exchange of views with the authority which it considers to have jurisdiction.



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ing jurisdiction shall issue a ruling that the matter is inadmissible if a party claims that it has jurisdiction.

<sup>3</sup> Jurisdictional conflicts between authorities, with the exception of jurisdictional conflicts with the Federal Supreme Court, the Federal Administrative Court or with cantonal authorities, shall be decided by the joint supervisory authority, or in the absence of such, the Federal Council.<sup>26</sup>

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b. are related to a party either by marriage or registered partnership or by being the cohabitee of that party;

b<sup>bis</sup>.<sup>28</sup> are related to a party by blood or by marriage in a direct line or collaterally to the third degree;

c. are the representative of a party or if they have acted for a party in the same matter;

d. could be regarded for other reasons as lacking impartiality in the matter.

<sup>2</sup> In the event of any dispute over withdrawal, the supervisory authority shall decide, or if the dispute relates to the recusal of a member of a collegial authority, then the board shall decide in the absence of the member concerned.

















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<sup>2</sup> If no notice need be given to the parties, the period begins on the day following the day on which it is triggered.

<sup>2bis</sup> A notice that may only be served against the signature of the addressee or of another authorised person is deemed to have been served at the latest on the seventh day following the first unsuccessful attempt at service. <sup>51</sup>

<sup>3</sup> If the last day of the period is a Saturday, a Sunday or a public holiday recognised under federal or cantonal law, the period ends on the next working day. The law of the canton in which the party or its representative is resident or has its registered office is authoritative. <sup>52</sup>

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sular mission at the latest on the last day of the period.

<sup>1bis</sup> Written submissions to the Federal Institute of Intellectual Property<sup>55</sup> may not be validly filed via a Swiss diplomatic or consular mission.<sup>56</sup>

<sup>2</sup> If the party files the submission in time but with an authority that is not competent, the period is deemed to have been complied with.

<sup>3</sup> The period allowed for an advance payment to be made is complied with if the payment in favour of the authority is made in time to Swiss Post or if a postal or bank account in Switzerland is debited.<sup>57</sup>







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rect rights or obligations that it.

- a. refrains from, discontinues or revokes unlawful acts;
- b. rectifies the consequences of unlawful acts;
- c. confirms the illegality of such acts.

<sup>2</sup> The authority shall decide by way of a ruling.

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that it designates.

- a. submissions from parties and the comments made thereon by the authorities;
- b. any documents serving as evidence;
- c. copies of rulings already issued.

<sup>1bis</sup> The authority may make the documents available for inspection electronically provided the party or his representative is in agreement.<sup>66</sup>

<sup>2</sup> The authority issuing the ruling may charge a fee for the inspection of the files of a case that has been concluded; the Federal Council shall regulate the assessment of the fee.



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ity of the Confederation, require that secrecy be preserved;

- b. essential private interests, and in particular those of respondents, require that secrecy be preserved;
- c. the interests of an official investigation that has not yet been concluded so requires.

<sup>2</sup> Any refusal to allow inspection may only extend to the documents that must remain confidential.

<sup>3</sup> At no time may a party be refused the right to inspect his own submissions, the official documents he has submitted in evidence or rulings issued to him; he may be refused the right to inspect the transcripts of his own statements only if the investigation has not yet been concluded



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- a. interim orders that cannot be contested separately by appeal;
- b. rulings that are contestable by objection;
- c. rulings in which the authority grants the application of the parties in full;
- d. enforcement measures;
- e. other rulings in proceedings of first instance if there is a risk in any delay, the parties have the right to appeal against the ruling and no other provision of federal law guarantees the right to preliminary hearing.





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<sup>2</sup> In appeal proceedings, the language of the contested decision is decisive. If the parties use a different official language, the proceedings may be conducted in this language.

<sup>3</sup> If a party files official documents that are not in an official language, the authority may with the consent of the other parties waive the requirement of a translation.

<sup>4</sup> If necessary, the authority shall order a translation to be obtained.

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the parties waive their right of appeal and how the parties intend to allocate the costs.

<sup>2</sup> In order to encourage an agreement, the authority may appoint a neutral and suitably qualified natural person to be a mediator.

<sup>3</sup> The mediator shall be bound only by the law and his mandate from the authority. He may take evidence; for inspections, reports from experts and the examination of witnesses, he shall require prior authorisation from the authority.

<sup>4</sup> The authority shall make the agreement the content of its ruling, unless the agreement is defective in terms of Article 49.

<sup>5</sup> If an agreement is reached, the authority shall not charge any procedural fees. If no agreement is reached, the authority may dispense with imposing the costs of mediation on the parties, provided the interests involved justify this.

<sup>6</sup> A party may at any time request that the suspension of the proceedings be revoked.

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means. The ruling must carry an electronic signature in accordance with the Federal Act of 18 March 2016<sup>71</sup> on Electronic Signatures. The Federal Council shall regulate:

- a. the form of signature to be used;
- b. the format of the ruling and its accompanying documents;
- c. the form and method of transmission;
- d. the time at which notification is deemed to have been given.<sup>72</sup>

<sup>2</sup> The authority may verbally notify the parties present of interim orders, but it must confirm the ruling to them in writing if any party requests this at the time; the period allowed for applying for legal remedies in this case begins from the time of written confirmation.<sup>73</sup>



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tions on legal remedies.

<sup>2</sup> The instructions on legal remedies must indicate the ordinary remedies, the competent authority and the period for applying for legal remedies.

<sup>3</sup> The authority may dispense with stating the grounds for the ruling and providing instructions on legal remedies if it grants the applications of the parties in full and no party requests that the grounds be stated.

## Art. 36

II. Official publication The authority may notify its rulings by publication in an official gazette: <sup>74</sup>

- a. to any party whose place of residence is unknown and who has no contactable representative;
- b. <sup>75</sup>to any party who resides abroad and has no contactable representative provided service at their place of residence is impossible or if the party, in contravention of Article 11 paragraph 1, has failed to indicate a domicile for service in Switzerland;
- c. <sup>76</sup>in any case with numerous parties;
- d. <sup>77</sup>in any case which the identification of all the parties would entail unreasonable expense.











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**Art. 48<sup>93</sup>**

D. Locus standi <sup>1</sup> A right of appeal shall be accorded to anyone who:

- a. has participated or has been refused the opportunity to participate in proceedings before the lower instance;
- b. has been specifically affected by the contested ruling; and
- c. has a interest that is worthy of protection in the revocation or amendment of the ruling.

<sup>2</sup> Persons, organisations and authorities who are granted a right of appeal by another federal act shall also be entitled to appeal.

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**Art. 55**II. Precaution-  
ary measures1. Suspensive  
effect<sup>1</sup> An appeal shall have a suspensive effect.<sup>2</sup> If the ruling does not relate to the payment of money, the lower instance may revoke the suspensive effect of any appeal in its ruling; once the appeal has been filed, the appellate authority, its president or the instructing judge has the same power.<sup>96</sup><sup>3</sup> The appellate authority, its president or the instructing judge may reinstate the suspensive effect revoked by the lower instance; an application for the reinstatement of the suspensive effect must be decided immediately.<sup>97</sup><sup>4</sup> If the suspensive effect is revoked arbitrarily or an application for the reinstatement of the suspensive effect is arbitrarily not granted or granted late, the public corporation or autonomous institution on whose behalf the authority has issued the ruling shall be liable for any loss or damage incurred thereby.<sup>5</sup> The provisions of other federal acts under which an appeal does not have a suspensive effect are reserved.<sup>98</sup>



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any new ruling and inform the appellate authority of the same.

<sup>3</sup> The appellate authority shall proceed with the appeal unless it is rendered groundless by the new ruling of the lower instance; Article 57 applies if the new ruling is based on facts that are substantially different or creates a legal position that is substantially different.

## Art. 59

### V. Recusal

The appellate authority may not appoint persons to hear the appeal who serve the lower instance or who participated in the drafting of the contested ruling; if the contested ruling is based on an instruction from the appellate authority, Article 47 paragraphs 2–4 also apply.



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olates federal law or is based on an incorrect or incomplete determination of the facts of the case; the contested ruling may not be amended to the prejudice of a party on the grounds that it is inadequate, other than in the case of an amendment in favour of a respondent.

<sup>3</sup> If the appellate authority intends to amend the contested ruling to the prejudice of a party, it shall notify the party of this intention and allow him the opportunity to respond.

<sup>4</sup> In no event do the grounds for the application bind the appellate authority.

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successful party. If the party is only party unsuccessful, the procedural costs shall be reduced. In exceptional cases, they may be remitted.

<sup>2</sup> No procedural costs shall be imposed on lower instances or appellant federal authorities that are unsuccessful; persons other than federal authorities that file an appeal and are unsuccessful shall be required to pay procedural costs provided the dispute relates to the pecuniary interests of public corporations or autonomous institutions.

<sup>3</sup> Procedural costs may only be imposed on a successful party if the costs were incurred through a violation of procedural duties.

<sup>4</sup> The appellate authority, its president or the instructing judge shall obtain from the appellant an advance payment to cover costs equivalent to the expected level of the costs. The appellant must be allowed a suitable period within which to make payment, subject to the case being dismissed without entering into its substance in the event of non-payment. If there are special reasons, the advance payment to cover costs may be waived in full or in part. <sup>102</sup>

<sup>4bis</sup> The authority's own fees are governed by the extent and difficulty of the matter in dispute, the form of the proceedings and the financial circumstances of the parties. They shall amount to:

- a. 100–5000 francs in non-pecuniary disputes;
- b. 100–50 000 francs in other dis-

putes <sup>103</sup>





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and necessary.

<sup>2</sup> The award shall be quantified in the decision and imposed on the public corporation or autonomous institute in whose name the lower instance issued its ruling, unless it may be imposed on an unsuccessful respondent.

<sup>3</sup> It may be imposed on an unsuccessful respondent, depending on his ability to pay, provided the party participated in the proceedings by filing an independent application.

<sup>4</sup> The public corporation or autonomous institution in whose name the lower instance issued its ruling shall be liable for the payment of an award imposed on an unsuccessful respondent in the event that it is found to be unrecoverable.

<sup>5</sup> The Federal Council shall regulate the calculation of the award.<sup>108</sup> Article 16 paragraph 1 letter a of the Administrative Court Act of 17 June 2005<sup>109</sup> and Article 73 of the Law Enforcement Authorities Act of 19 March 2010<sup>110</sup> are reserved.<sup>111</sup>









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“ The person making the report does not have the rights of a party.

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Section 4 Special Authorities <sup>125</sup>

Art. 7171 <sup>126</sup>

A. ...

Art. 72 <sup>127</sup>

- B. Federal Council

I. As appellate authority

1. Admissibility of the appeal

a. Subject matter
- An appeal to the Federal Council is admissible against:

a. rulings relating to the internal and external security of the country, neutrality, diplomatic protection and the other matters relating to external relations, unless international law confers the right to have the matter judged by a court;

b. first instance rulings on the performance-related element of the salaries of federal personnel.











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## Final Provision of the Amendment of 18 March 1994 <sup>141</sup>

The new law applies to all appeals that are filed with an appellate authority following the commencement of the Amendment of 18 March 1994.

## Final Provision to the Amendment of 17 June 2005 <sup>142</sup>

The Federal Council may for ten years following the commencement of the Amendment of 17 June 2005 limit the possibility of filing submissions electronically with authorities to proceedings before specific authorities.