

Arbitration - Switzerland

Location, Location, Location

August 27 1999

The scope of review of a Swiss court, when its jurisdiction is objected to in favour of arbitration, depends on the location of the place of arbitration. If the place of arbitration is to be in Switzerland, the court will only perform a summary review of the *prima facie* existence of the arbitration agreement. The court must deny jurisdiction unless such limited review establishes that the arbitration agreement is obviously null and void, inoperative or incapable of being performed. However, if the place of arbitration is to be outside Switzerland, the Swiss court must decide the objection to jurisdiction based on a full review of the case.

Fondation M. v. Banque X., ATF 1222 III 139, SJ 1996, 677-680 (1996).

For further information on this topic please contact Pierre-Yves Tschanz at Tavernier Tschanz by telephone (+ 41 22 704 37 00) or by fax (+41 22 704 3777) or by email (tschanz@ttv.ch).

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Author

**Pierre-Yves
Tschanz**

