

# DECLARATION/RESERVATION/NOTIFICATION

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Declarations

Reservations

Articles: 1,2,4,8,15,16,17,23

09-01-2026

*(Translation)*

*(modification)*

[...] Switzerland amends, with effect from 1 January 2026, the declaration relating to Articles 15, 16 and 17, made by Switzerland at the time of its ratification on 2 November 1994, which shall henceforth read as follows, the other reservations and declarations of Switzerland remaining unchanged:

1. In accordance with Article 35, Switzerland declares that the taking of evidence in accordance with Articles 15, 16 and 17 requires prior permission from the Federal Office of Justice (FOJ). Paragraph 3 below applies notwithstanding. A copy of the request for permission must be sent to the central authority of the canton where the evidence is to be taken.
2. The commissioner within the meaning of Article 17 may take evidence himself or only supervise the taking of evidence. He will ensure that the provisions of the Convention and the conditions attached to the permission or the conditions set out in paragraph 3 below are observed. In the event of an impediment, the commissioner may appoint a representative. The court may appoint several commissioners.
3. Persons who are staying in Switzerland may be questioned or examined without prior permission by a commissioner located abroad or take part in a hearing abroad by means of a conference call, videoconference, or by any other electronic means of audio or video transmission, providing the following conditions are satisfied:

a) the FOJ and the central authority of the canton in the territory of which the person concerned is staying at the time of the conference call or videoconference (Article 19) are given reasonable advance notice of the date of the conference call or videoconference; advance notice is deemed to be reasonable if the FOJ receives the information in question at least fourteen days before the conference call or videoconference;

b) the following information accompanies the advance notice given:

- the name and reference number of the action;
- the name of the competent court;
- the names and addresses of the parties and their representatives (including representatives in Switzerland, if any);
- the name and the private or professional address of the person concerned and the name of the canton where they are staying at the time of the conference call or videoconference;
- the names, if they are known, and positions of the other persons taking part in the conference call or videoconference;
- the nature and object of the action and the subject of the conference call or videoconference;
- the exact type of the means of communication used and, if they are already known, the login details;
- the name of a contact person for the FOJ and the cantonal central authority;

c) if the court has appointed a commissioner, a copy of the decision is attached to the advance notice; it includes, among other things, the commissioner's name and private or professional address;

d) the authorities may demand additional information;

e) the cantonal central authority or a different authority it has designated may take part in the conference call or the videoconference (Article 19);

f) a declaration by the person concerned acknowledging that they have read the present conditions and consenting to take part in the conference call or videoconference is attached to the advance notice;

g) the person concerned may withdraw their consent at any time;

h) the rules laid down in Articles 20 and 21 must be respected;

i) the person concerned has the right to be questioned and to communicate in their mother tongue and may ask for a translation of the key statements made by the other persons taking part in the conference call or the videoconference;

j) the technology employed guarantees an adequate level of security of personal data against any unwarranted processing; during a videoconference, all the participants must receive the audio and video signal simultaneously;

k) the results of the taking of evidence are used exclusively for the purposes of the proceedings in the context of which the evidence was taken.

4. Requests within the meaning of paragraph 1 above and the advance notice within the meaning of paragraph 3 above may be submitted electronically to the FOJ; they must be written in an official language of the canton concerned or accompanied by a translation.

5. The provisions of Swiss criminal law on secrecy obligations, particularly article 273 of the criminal code (RS 311.0), remain applicable.

*02-11-1994*

(Translation)

Re Article 1

1. With regard to Article 1, Switzerland takes the view that the Convention applies exclusively to the Contracting States. Moreover, regarding the conclusions of the Special Commission which met in The Hague in April 1989,

Switzerland believes that, whatever the opinion of the Contracting States on the exclusive application of the Convention, priority should in any event be given to the procedures provided for in the Convention regarding requests for the taking of evidence abroad.

Re Articles 2 and 24

2. In accordance with Article 35, first paragraph, Switzerland designates the cantonal authorities listed in the annex (*see Authorities*) as Central Authorities as referred to in Articles 2 and 24 of the Convention. Requests for the taking of evidence or the execution of any other judicial act may also be addressed to the Federal Justice and Police Department in Bern, which will forward them to the appropriate Central Authority.

Re Article 4, second and third paragraphs

3. In accordance with Articles 33 and 35, Switzerland declares, with regard to Article 4, second and third paragraphs, that Letters of Request and any accompanying documents must be in the language of the authority requested to execute them, i.e. in German, French or Italian, or accompanied by a translation into one of these languages, depending on the part of Switzerland in which the documents are to be executed. The documents confirming execution will be drawn up in the official language of the requested authority.

Re Article 8

4. In accordance with Article 35, second paragraph, Switzerland declares, with regard to Article 8, that members of the judicial personnel of the requesting authority of another Contracting State may be present at the execution of a Letter of Request provided they have obtained prior authorization from the executing authority.

Re Articles 15, 16 and 17

5. In accordance with Article 35, Switzerland declares that evidence may be taken according to Articles 15, 16 and 17 subject to prior authorization by the Federal Justice and Police Department. A request for authorization must be addressed to the Central Authority in the canton where the evidence is to be taken.

Re Article 23

6. In accordance with Article 23, Switzerland declares that Letters of Request issued for the purpose of obtaining pre-trial discovery of documents will not be executed if:

- a) the request has no direct and necessary link with the proceedings in question; or
- b) a person is required to indicate what documents relating to the case are or were in his/her possession or keeping or at his/her disposal; or
- c) a person is required to produce documents other than those mentioned in the request for legal assistance, which are probably in his/her possession or keeping or at his/her disposal; or
- d) interests worthy of protection of the concerned persons are endangered.