

Bundesverwaltungsgericht
Tribunal administratif fédéral
Tribunale amministrativo federale
Tribunal administrativ federal



The Federal Administrative Court

Published by

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Layout

Die Gestalter AG, St. Gallen

Printed by

Niedermann Druck, St. Gallen

© 2025

Swiss Federal
Administrative Court

This publication is available also
in German, French and Italian.



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
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Welcome to the Federal Administrative Court

We are delighted that you are interested in the Federal Administrative Court (hereafter, the Court), its remit and organisation. You may also, if you wish, join a guided tour to discover the building and admire the originality of its architecture. It would be our pleasure to welcome you on that occasion.

The Court, which opened its doors in 2007 and has been based in St. Gallen since 2012, is the largest of Switzerland's federal courts. It hears appeals against decisions made by federal administrative authorities and, in certain cases, by cantonal authorities. The Court comprises six Divisions which render about 7000 judgments and decisions under public law each year, three-quarters of which are final. The areas handled are multifarious, covering in particular infrastructure law, taxation, the economy, education, social insurance, and the law on asylum and foreign nationals. The judgments handed down by the Court often have a direct impact on people's lives in Switzerland.

In addition to 78 judges, the Court employs 250 court clerks and 145 employees in the divisional registries and General Secretariat. The judges and court clerks in the six Divisions of the Court are highly qualified lawyers with certified expertise. Through their commitment and recognised competencies, the staff in the divisional registries and General Secretariat ensure the smooth operation of the Court. To handle incoming appeals, which may be filed in all the official languages, two thirds of the Court's members and staff work in German, one quarter in French, and the rest in Italian. The result is a highly enriching cultural and linguistic diversity.

This brochure provides a broad overview of the activities of the Federal Administrative Court. We wish you pleasant reading.

Claudia Cotting-Schalch
President of the Federal Administrative Court

Duties and organisation

The Federal Administrative Court assesses appeals against decisions of the federal administrative authorities. The Court consists of six Divisions and a General Secretariat.

Litigants who disagree with the decisions of federal administrative authorities may, in most cases, appeal to the Federal Administrative Court. The Court, which is based in St. Gallen, handles appeals involving a broad range of subjects: infrastructure projects for rail, air and road transport, legal issues relating to the environment, competition, education, social security and health care, as well as international administrative assistance and asylum. The Court may also hear appeals against certain decisions issued by cantonal governments, for example in the field of health insurance.



Final decisions

The six Divisions of the Federal Administrative Court handle 6,500 proceedings a year on average. In most legal matters, its decisions may be appealed before the Federal Supreme Court in the last instance. Since the rulings handed down by the Federal Administrative Court are final in many cases – in asylum matters, for example – only about a quarter of its decisions can be appealed. Although the judgments of the Federal Administrative Court have societal and political consequences affecting people's lives in Switzerland, by virtue of the constitution and by law, its judges are independent and bound solely by the Law. They are elected by the Swiss Federal Assembly for a six-year term of office.

Executive bodies

The Plenary Court, comprising all the judges, is responsible for adopting the court rules and signing off on the annual report. At the request of the Administrative Commission, it appoints the members of the Divisions and elects their presidents. It also proposes the designation of the Court Presidium to the Judiciary Committee of the Federal Assembly. The President and Vice-President of the Federal Administrative Court are elected by the Federal Parliament for a two-year term of office; they may be re-elected once. Together with three other judges, they form the Administrative Commission in charge of the organisational and administrative affairs of the Court. The President of the Court chairs the Plenary Court and the Administrative Commission, and represents the Court externally. The presidents of the six Divisions form the Presidential Council. The Presidential Council and the United Divisions are responsible, among other things, for co-ordinating jurisprudence.

The six Divisions

The remits of the six Divisions of the Federal Administrative Court extend from A as in asylum to Z as in zoning.

The six Divisions of the Federal Administrative Court deal mainly with the legality of decisions made under the jurisdiction of the federal administrative authorities. The remits of the six Divisions range from A as in asylum to Z as in zoning. Additionally, within the scope of their respective remits, the Divisions handle decisions on requests for mutual administrative or legal assistance from Swiss and foreign authorities.

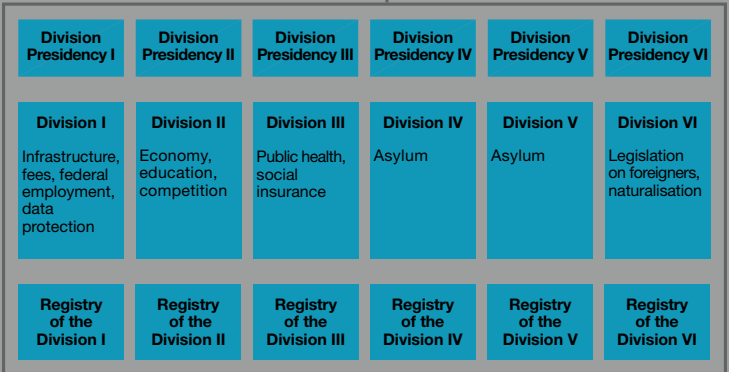
Official languages

Legal documents may be submitted to the Divisions in any of Switzerland's official languages (German, French or Italian). As a rule, judgments are handed down in the language of the contested decision. Accordingly, the staff in each Division can work in all the official languages. The judges are assisted by about 240 court clerks, all with legal training, who help with the decision-making and drafting of judgments. Each Division also has its own registry handling administrative matters.

Overview of Division remits

Division I specifically deals with cases relating to infrastructure, the environment, levies, federal employees and data protection. Division II is organised in eight sections and focuses on economic affairs, competition and education. Division III handles cases relating mainly to social security and public health. Divisions IV and V are responsible for asylum-related matters, while Division VI is responsible for proceedings relating to foreign nationals and citizenship law.

The remits of the six Divisions are listed in more detail at: www.bvger.ch



The General Secretariat

The General Secretariat provides a wide range of services to ensure the smooth running of the Court.

The General Secretariat is responsible for the centralised and uniform handling of administrative tasks. Around 70 members of staff work in Finance and Services, Human Resources, Scientific Services, Legal Services, IT and Transformation, as well as in central staffing services. The Executive Secretary heads the General Secretariat and is responsible, among other things, for preparing and implementing the resolutions passed by the executive bodies.

Tasks

The Finance and Services section is responsible for financial planning and budgeting, accounting, financial reporting, controlling and quality management. In addition, it maintains Court infrastructure. Human Resources (HR) helps new judges and employees settle in at the Court and advises employees on their career development, for example. The IT & Transformation section is responsible, alone or in collaboration with federal or private providers, for all processes and services relating to informatics, digitisation projects and organisational development.

Multi-faceted support services

Legal Services performs tasks relating to legal inquiries and supports the executive bodies, the Presidium and Executive Secretary in their management functions. Scientific Services take care of non-legal specialist support for the judiciary in such areas as the library, publication/documentation, country analyses and economics. Central staffing services include the Central Registry and the scanning centre, the language department and Communication. The latter advises and supports the executive bodies in matters of internal and external communication. The officer in charge of data and information protection, and public relations also acts in an advisory capacity.









Transparent Communication

The Federal Administrative Court practices proactive, timely, comprehensive and open communication – both internally and externally.

The Federal Administrative Court values timely, open and reliable communication, both internally and externally. Relying on the principle of public judicial proceedings, the Court ensures transparency and trust. Each year in its annual report, the Court provides detailed information about the development of its activities and business.

FAC judgments database

To make its decisions accessible and known to the public, the Court generally publishes all substantive judgments as well as its key procedural decisions on its website (www.bvger.ch) in the electronic FAC judgments database. Landmark judgments are also recorded in the FAC Decisions Bulletin (DFAC Bulletin), also available electronically. In all publications, protection of privacy is of special concern.

Media relations

The media are the link between the Court and the public. The Media and Communications Service in the Communication section of the General Secretariat is responsible for media relations. Journalists who regularly report on the jurisprudence of the Federal Administrative Court can apply to the Court for accreditation.

Internal communication

The Federal Administrative Court seeks to ensure trust-building and transparent communication both internally and externally. Internal communication ensures the smooth flow of information, strengthens employee identification with the Court and enhances job attractiveness.



The Code of Ethics

The judges at the Federal Administrative Court perform their duties in full awareness of their ethical responsibility. This is reflected in their Code of Ethics.

Pursuant to the Code of Ethics adopted in 2011, the judges of the Federal Administrative Court are committed to universally recognised values and exemplary behaviour. The Code consists of twenty statements subdivided into five chapters devoted respectively to independence, impartiality, diligence, collegiality and management culture. The Code of Ethics of the Federal Administrative Court is designed to encourage continuous dialogue and an ethics-based culture. This manifests itself externally in the Court's services, and internally in the well-being of its employees.

Trust in the judicial system

The statements in the Code of Ethics are anchored to the individual constitutional right to a fair and just hearing before an independent and impartial court. In a state governed by the rule of law, it is essential that judges perform their duties diligently and that they strive to preserve and enhance trust in the judicial system. In awareness thereof, as of the responsibilities of judicial office, the judges undertake to perform their duties collegially, with the appropriate independence, impartiality and diligence.

The Code of Ethics can be viewed on the website of the Federal Administrative Court: www.bvger.ch

An attractive employer

The Federal Administrative Court is a modern and attractive employer. It has the continuous development of its staff very much at heart.

The largest of the federal courts with its 470 employees, the Federal Administrative Court is an attractive employer with a reach extending far beyond the local region. Employees of the Federal Administrative Court are covered by the Federal Personnel Act and enjoy modern working conditions. These include among other things an appropriate salary, above-average social insurance benefits, flexible working hours, a modern workplace and support in their professional development.

Court clerks and legal assistants

The 250 court clerks are the largest group of FAC employees. All court clerks hold a degree in law. Between two and four court clerks are assigned to each of the 70 judges or work together in a pool system for several judges. They work on case preparation and decision-making, and they draft the judgments. The legal assistants in the divisional registries also play an important part: they all have a commercial diploma.

Diversified jobs in the General Secretariat

The General Secretariat, the service centre of the Court, offers a highly varied range of jobs. The Secretariat employs finance, IT, HR and communications specialists, housekeeping staff, translators, scientific employees, lawyers, administrative assistants and librarians. Given the multilingual environment of the Federal Administrative Court, mastery of a second, and ideally a third, national language is a huge advantage.



History of the FAC

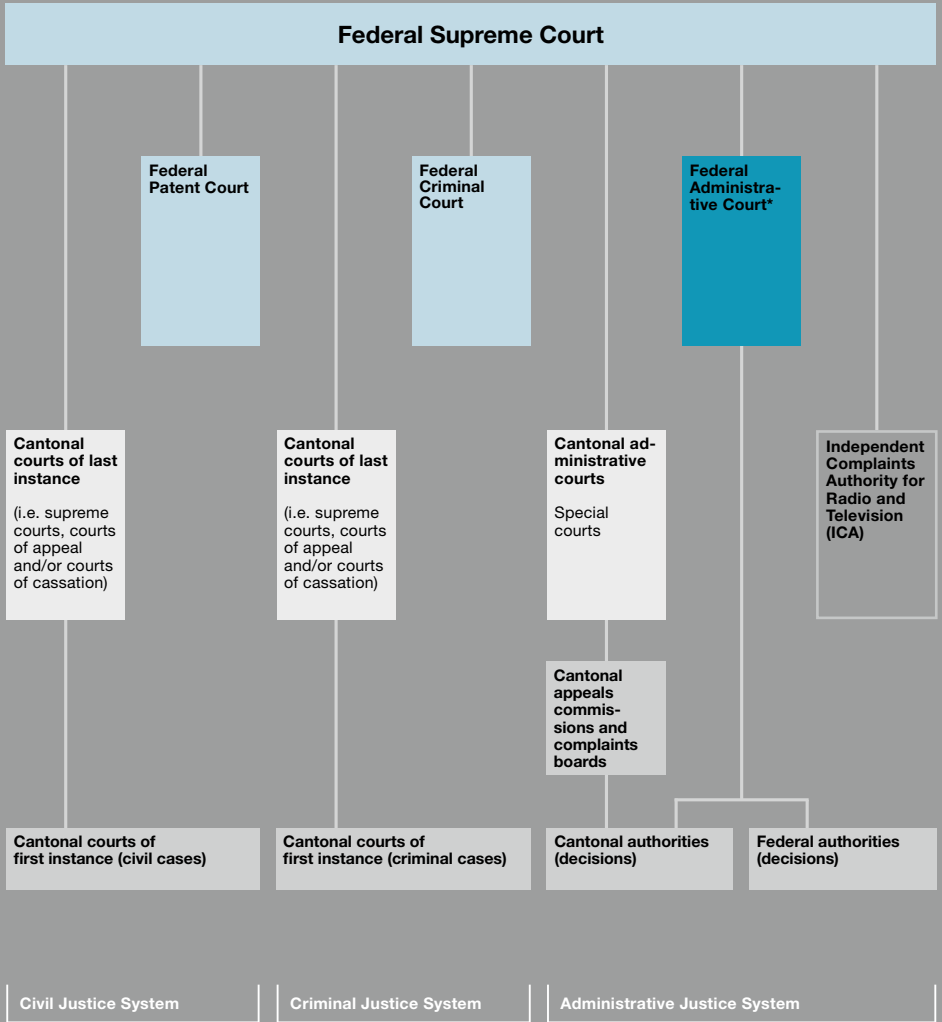
Established in 2007, the Federal Administrative Court has found its place in the Swiss judicial landscape.

The Federal Administrative Court is the largest court in Switzerland. It was founded in the wake of the referendum for the reform of the judicial system in 2000. The Court superseded more than thirty federal appeals commissions and complaints boards. Today, each of the three major language regions in Switzerland is home to a federal court: French-speaking Switzerland to the Federal Supreme Court in Lausanne, Ticino to the Federal Criminal Court in Bellinzona, and German-speaking Switzerland to the Federal Administrative Court in St. Gallen. The Federal Patent Court is also based in St. Gallen. The Federal Insurance Court in Lucerne was incorporated into the Federal Supreme Court in 2007.



Key dates

- 2000 The Swiss electorate and the cantons vote in favour of judicial reform.
- 2001 Federal Council message on the revision of the federal judicial system and supplementary message on the location of the federal courts.
- 2002 Bellinzona and St. Gallen designated as locations for the Federal Administrative Court and Federal Criminal Court respectively.
- 2004 Agreement signed between the Confederation and the Canton of St. Gallen for the construction of a new building to house the Federal Administrative Court.
- 2005 The Federal Administrative Court is structured into five Divisions; their respective remits are defined. Parliament enacts the Federal Supreme Court Act, the Federal Administrative Court Act and the Ordinance on the Appointment of Judges to the Federal Administrative Court. Appointment of 72 new Federal Administrative Court judges and the Presidium by the United Federal Assembly.
- 2006 The federal appeals commissions and complaints boards are abolished.
- 2007 The Federal Administrative Court starts operation on 1 January in temporary locations in and around Bern.
- 2012 In January, after a three-and-a-half-year construction period, the Canton of St. Gallen, as the owner of the court building, hands over the keys to the Federal Administrative Court. In July, the Court opens its doors in St. Gallen.
- 2016 Following a decision of the Plenary Court, the Federal Administrative Court is organised into six, rather than five, Divisions effective 1 July.
- 2017 The Federal Administrative Court celebrates its 10th anniversary with an open-doors day.
- 2022 The Federal Administrative Court celebrates its 15th anniversary altogether, and its 10th in St. Gallen.



* In around three quarters of all cases, the Federal Administrative Court is the court of last instance.



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