

Insurance Factsheet: Switzerland

Member organisation(s):

Conférence Suisse des Architectes (CSA)

Obligation to insure?

No, civil professional liability insurance may cover personal injury and material damage as well as damage to structures.

Legal Obligation to insure?

There is no legal obligation for architects to take out business liability insurance.

Legal Basis

Commonly used Terms and Conditions:

Art. 98 par. 3 of the Swiss Federal Constitution and Federal Law on Insurance Contracts. These damages can be insured:

- Personal injury and material damage
- Structural damage (defect or material damage owed to planning or construction management errors)
- Purely pecuniary losses.

What are the requirements needed in order to obtain an Insurance?

It depends on the insurer's requirements. Specialist training or corresponding professional experience is required.

Calculation of insurance premium:

Depends on revenue from fees, salaries of the architectural firm, costs of the structure planned or the size of the contract. Combining multiple insurances may influence the premium.

Contractual liability:

- **Liabilities before and/or during the works:**

In general yes.

- **Is the end of the construction phase as a point of departure for a period of specific liabilities?**

Depends on context and the size of the architectural contract. See SIA 118 (2013) and SIA 102 (2014).

Liabilities after work:

- **Harm to the structure (to its soundness or stability):**

Yes

- **Unsuitability for the function:**

It depends

- **Hidden defects:**

It depends

Forms of Insurance contract:

As mentioned above, there is no obligation for architects to take out business liability insurance. Each insurance company is therefore free to determine the form of their insurance contracts.

In particular, the following forms exist:

- Conventional office policy
- Various types of project-specific insurance contracts (ARGE (consortium) or GP (overall designer/planner) insurance, etc.).

Joint and several (in solidum) liability:

Typically only strict liability (causa), except in case of Art. 58 of the Code of Obligations. Joint and individual liability are generally resolved by means of project-specific ARGE insurance. In smaller projects joint and several liability might be insured by multiple providers in the context of a consortium (*Arbeitsgemeinschaft*) under a conventional office policy but is subject to reservations and exclusions.

Insurers respond to a claims made or claims rising basis?

Three models are offered/insured for the duration of cover: Claims Made, Loss Occurrence and Action Committed

Insurances / Agents:

It is a free market, although very strongly regulated.

Duration of Liability:

- **Professional client:**

5 years, see Art. 371 par. 2, Code of Obligations

- **Consumer client:**

Same as professional client

- **Liability during and after construction:**

Basically 5 years, see professional client.