针对瑞士被告的执行

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新加坡判决在瑞士的承认

针对住所在瑞士的被告作出的新加坡判决，如新加坡法院依瑞士间接管辖规则具有管辖权、判决为终局判决且不存在拒绝理由，可依《瑞士国际私法》（IPRG/PILA）第25–27条在瑞士获得承认。PILA第26条规定的间接管辖依据包括：被告住所在新加坡、有效的法院选择协议、被告无保留地应诉，以及就金钱请求而言的反诉关联。针对既未应诉、在新加坡亦无住所的瑞士被告作出的新加坡判决，只有在存在特定依据时才会获得承认。当事人必须约定新加坡管辖，或者必须可类推适用诸如PILA第129条侵权行为地之类的依据。[1]拒绝理由包括公共秩序、未适当送达、剥夺陈述机会以及先前存在相互抵触的瑞士判决。

随后通过瑞士债务执行体系进行执行。债权人提交支付令，债务人提出异议。债权人随后依《瑞士债务执行与破产法》第80条申请终局排除异议，瑞士法院在该程序中附带裁决承认问题。凭外国判决作为终局执行依据，可依DEBA第271条第1款第6项进行扣押，使债权人能在承认裁决作出前冻结瑞士

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资产。宣告瑞士托管机构所持代币上存在推定信托的新加坡所有权判决，会带来第III章所述的概念难题。瑞士法院的解决办法是执行其中的金钱部分，并在适用时依《海牙信托公约》处理信托宣告。

瑞士判决在新加坡的承认

瑞士判决在新加坡须通过普通法上的判决之诉执行，因为《1959年外国判决互惠执行法》的适用范围并未扩展至瑞士。[2]该诉讼要求一项由具有国际意义上管辖权的法院作出的、金额确定的最终且具决定性的判决，即程序开始时被告身处瑞士或已接受瑞士法院管辖。抗辩理由包括欺诈、违反自然公正和公共政策。新加坡法院不会审查实体问题。通常的途径是简易判决，因此瑞士判决可在数月内转化为新加坡判决，此后即可适用新加坡的执行工具，包括扣押交易所账户余额。

《海牙选择法院协议公约》在新加坡通过《2016年选择法院协议法》生效，为基于排他性法院选择条款的判决提供了一条条约途径，但仅适用于缔约国之间。瑞士已签署该公约，但截至2026年6月30日尚未批准，因此两大中心之间无法使用这一条约途径。[3]

问题	新加坡判决在瑞士	瑞士判决在新加坡
法律依据	PILA第25–27条	普通法上的判决之诉
条约	无（无《卢加诺公约》，瑞士未批准2005年海牙公约）	无
管辖权标准	瑞士间接管辖（PILA第26条）	身处当地或接受管辖
实体审查	否	否
	可获承认（宣告、命令）	普通法下不可；仅限金钱判决

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问题	新加坡判决在瑞士	瑞士判决在新加坡
非金钱判决		
临时命令	不予承认	不予承认；须依《民法法》第4(10A)条重新申请
通常耗时	6–12个月，含DEBA程序	3–6个月取得新加坡判决
承认前冻结	依DEBA第271条第1款第6项扣押	协助性Mareva禁令

注释

1. Swiss Private International Law Act（PILA；IPRG），SR 291，第25–27条及第149条；侵权请求的间接管辖依PILA第149条第2款f项。 ↩
2. Reciprocal Enforcement of Foreign Judgments Act 1959，第3–4条，Singapore Statutes Online（2026年6月访问）。 ↩
3. Choice of Court Agreements Act 2016，Singapore Statutes Online；Hague Conference on Private International Law，2005 Convention on Choice of Court Agreements缔约状况表。 ↩

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