# 判决的承认与执行

Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland and Germany),
Solicitor (England & Wales and Hong Kong)
Of Counsel, KGP Legal LLC
alexander.ressos@kgplegal.com.sg
www.ressos.com.sg

## 瑞士判决在新加坡

新加坡对外国判决设有两套成文法制度。《1959年外国判决相互执行法》经2019年修订，其适用范围扩大至非金钱判决和中间命令，适用于依该法在宪报上公布的国家所作出的判决。瑞士未被公布在列。[1]因此，瑞士判决须依普通法，通过基于该判决提起的诉讼予以执行。该判决必须是终局和确定的。瑞士法院必须具有国际意义上的管辖权，即被告当时身在瑞士或接受了瑞士法院的管辖。不得存在欺诈、违反自然公正或违反公共政策的抗辩事由。[2]依普通法，只有给付确定金额的金钱判决才能执行。要求被告转移代币的瑞士命令，在新加坡依普通法不可执行。不过，在为寻求同一救济而在新加坡提起的新诉讼中，新加坡法院可将瑞士法院的认定视为产生争点禁反言（issue estoppel）。

## 新加坡判决在瑞士

新加坡判决在瑞士依PILA第25条至第27条获得承认和执行。新加坡法院必须依瑞士冲突规则具有管辖权。就合同请求而言，这意味着被告住所地、有效的法院选择或履行地。就侵权请求而言，则意味着行为地或结果发生地。判

© 2026 Dr Alexander Ressos. General information only, not legal, tax or investment advice. No client relationship is created. All Singapore law advice is provided by a duly licensed and regulated firm of Singapore advocates and solicitors only on the basis of an express written letter of engagement. More information at SingaporeIQ.com and ressos.com.sg.

决必须是终局的，不得违反瑞士公共政策，也不得是在违反正当程序的情况下作出的。[3]非金钱判决在瑞士可获承认，因此，宣告代币上存在推定信托或要求转移代币的新加坡命令，原则上可以针对身在瑞士的被告执行。临时命令则另当别论。瑞士法院不承认全球冻结禁令，因为它不是终局裁决，而且依《瑞士债务执行与破产法》第271条进行的瑞士扣押，是瑞士提供临时保全的唯一机制。[4]已取得马瑞瓦禁令（Mareva injunction）并需要保全瑞士境内资产的新加坡原告，必须申请瑞士扣押。新加坡的实体判决一经取得，即构成DEBA第271条第1款第6项所承认的扣押理由。

| 执行方向 | 制度 | 金钱判决 | 非金钱判决 | 临时命令 |
|---|---|---|---|---|
| 瑞士判决在新加坡 | 依普通法基于判决提起诉讼 | 可以，前提是判决为终局且瑞士法院具有国际管辖权 | 依普通法不可以（可能产生争点禁反言） | 不可以 |
| 新加坡判决在瑞士 | PILA第25–27条 | 可以，前提是新加坡法院依第26条具有间接管辖权 | 可以 | 不可以；须申请瑞士扣押 |
| 任一方向，仲裁裁决 | 1958年《纽约公约》 | 可以 | 可以 | 紧急仲裁员命令在新加坡可依IAA执行；在瑞士仅具合同效力 |

## 注释

1. Reciprocal Enforcement of Foreign Judgments Act 1959，经Reciprocal Enforcement of Foreign Judgments (Amendment) Act 2019修订，自2019年10月3日起生效。Reciprocal Enforcement of Commonwealth Judgments Act 1921已于2023年3月1日起废止。↩
2. 普通法上的要求见*Hong Pian Tee v Les Placements Germain Gauthier Inc* [2002] SGCA 18，第[12]–[14]段。↩

© 2026 Dr Alexander Ressos. General information only, not legal, tax or investment advice. No client relationship is created. All Singapore law advice is provided by a duly licensed and regulated firm of Singapore advocates and solicitors only on the basis of an express written letter of engagement. More information at SingaporeIQ.com and ressos.com.sg.

3. PILA（SR 291）第25–27条。间接管辖权的依据见第26条，公共政策和正当程序抗辩见第27条。↩
4. 瑞士联邦最高法院一贯拒绝将英国式冻结禁令视为PILA第25条意义上的裁决予以承认。第H部分第V章介绍了作为替代手段的瑞士扣押。↩

## Disclaimer

This article is provided for general information only. It is based on publicly available sources as at its date of publication. These sources have not been independently verified against licences, regulatory registers or the records of the entities concerned. It is not legal, tax, financial or investment advice. Nor is it a recommendation to invest in, transact with or use the services of any entity mentioned. Law and regulation change frequently, so the content may be incomplete or outdated. To the fullest extent permitted by law, Dr Alexander Ressos and the publisher of SingaporeIQ exclude all liability for loss or damage arising from the use of or reliance on this article. Readers should obtain advice on their specific circumstances before acting or refraining from action.

Names and trademarks of the entities discussed belong to their owners and are used for identification only. Their mention implies no endorsement, affiliation or allegation of wrongdoing. All Singapore law advice is provided by a duly licensed and regulated firm of Singapore advocates and solicitors only on the basis of an express written letter of engagement. Corrections and updates: contact@ressos.com.

© 2026 Dr Alexander Ressos. This article may be quoted with attribution to SingaporeIQ (SingaporeIQ.com). Reproduction in full and any commercial use require prior written consent. The Legal Terms at https://singaporeiq.com/legal-terms apply.

Author contact: Dr Alexander Ressos, TEP · contact@ressos.com