



St. Gallen, 18 September 2026

Media Release

regarding judgment C-5137/2025 of 21 August 2026

First court ruling on the new right of appeal by associations in relation to hospital lists

Cantonal hospital lists must be regarded as a bundle of individual performance mandates. Appeals may not be lodged against hospital lists as such, but only against individual performance mandates. In a landmark judgment, the Federal Administrative Court has decided that this also applies to the newly enacted right of appeal for health insurance associations.

Since 1 January 2024, the Federal Health Insurance Act grants health insurance associations the right to appeal against cantonal decisions concerning hospital lists. prio.swiss, an association that emerged from the associations curafutura and santésuisse, lodged an appeal with the Federal Administrative Court (FAC) against the entire hospital list regarding the field of acute somatic care 2025 of the Canton of Schwyz.

Inadmissible appeal

In a landmark judgment, the FAC establishes that its case law since landmark judgment [DFAC 2012/9](#) also applies to the new provisions in Article 53(1bis) of the Health Insurance Act. Accordingly, a hospital list qualifies primarily as a bundle of individual performance mandates. A canton thereby awards performance mandates to hospitals, birth centers and nursing homes for various medical services for its insured persons. These are grouped together in a hospital list. The law does not provide a hospital list as such to be challenged, but only the individual performance mandates. This principle also applies to appeals lodged by health insurance associations.

In the case at hand, the association prio.swiss challenged the hospital list regarding acute somatic care 2025 of the Canton of Schwyz as a whole and not merely individual performance mandates. The appeal is found to be inadmissible, and the FAC declines to consider it.

This judgment is final and may not be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007.

With its staff of 395 employees (334 FTE) and its 79 judges (70 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities.

Recourse actions are also reviewed by the Court. The FAC is composed of six divisions.

It renders an average of 7,000 judgments every year.