

## CONSTITUTION OF SWITZERLAND

{ Adopted by the Federal Parliament on: 18 Dec 1998 }

{ Adopted by Public Referendum on: 18 April 1999 }

{ In force since: 1 Jan 2000 }

{ Amendment (8 Oct 1999) by public referendum on 12 March 2000, enforcement delayed, cf. enforcement act of 24 Sep 2002 }

{ Amendment (15 Dec 2000) by public referendum on 10 June 2001 }

{ Amendment (22 June 2001) by public referendum on 2 Dec 2001 }

{ Amendment (5 Oct 2001) by public referendum on 3 March 2002 }

{ Amendment (4 Oct 2002) by public referendum on 9 Feb 2003, enforcement delayed, cf. enforcement act of 19 June 2003 }

{ Amendment (20 June 2003, public initiative) by public referendum on 8 Feb 2004 }

{ ICL Document Status: 20 Jan 2005 }

{ Editor's Note:

This document is still in the translation and revision process by P. Cerny and A. Tschentscher; it will be updated continuously as the translation progresses. Currently, our final translation only entails Articles 1-49.

The new constitution is a complete revision ('Totalrevision') of the text which does not, however, change the structure of the Swiss Federation under its former constitution 1874. Rather, the new text consolidates the old constitution and its many amendments ('Nachfder Bundesverfassung'). It has been adopted by referendum on 18 April 1999 (59% yes, 41% no) and is in force since 1 Jan 2000. The Department of Justice publishes the constitution in the official languages: German, French, and Italian.

The ICL translation and edition takes into account the official English translation provided to the public by the Swiss Embassy in Washington D.C. However, ICL avoids the use of 'shall' for every kind of normative content; we also add descriptive titles in square brackets where the original does not contain them (e.g., Article 50).

\* The constitutional amendments on judicial reform (8 Oct 1999) and political rights (4 Oct 2002) have already been incorporated into the ICL edition, notwithstanding the fact that their provisions have not completely been set into force or (in the case of Article 139) the old provisions have been kept into force in addition to the new ones. Articles not yet in force at the ICL Document Status date (above) are put into square brackets and marked by an asterisk. For an up to date reference please consult the Federal Administration website. }

**Preamble**In the name of God Almighty!

We, the Swiss People and the Cantons,  
being mindful of our responsibility towards creation,  
in renewing our alliance to strengthen liberty and democracy, independence and  
peace in solidarity and openness towards the world,  
determined, with mutual respect and recognition, to live our diversity in  
unity,  
conscious of our common achievements and our responsibility towards future  
generations,  
certain that free is only who uses his freedom, and that the strength of a  
people is measured by the welfare of the weak,  
hereby adopt the following Constitution:

## **Title 1 General Provisions**

### **Article 1 Swiss Federation**

The Swiss People and the Cantons of Zurich, Berne, Lucerne, Uri, Schwyz, Obwald, Nidwald, Glarus, Zug, Fribourg, Solothurn, Basel-City, Basel-Land, Schaffhausen, Appenzell Outer-Rhodes, Appenzell Inner-Rhodes, St. Gall, Grisons, Aargau, Thurgau, Ticino, Vaud, Valais, NeuchGeneva, and Jura form the Swiss Federation.

### **Article 2 Purpose**

- (1) The Swiss Federation protects the liberty and rights of the people and safeguards the independence and security of the country.
- (2) It promotes common welfare, sustainable development, inner cohesion, and cultural diversity of the country.
- (3) It ensures the highest possible degree of equal opportunities for all citizens.
- (4) It strives to safeguard the long-term preservation of natural resources and to promote a just and peaceful international order.

### **Article 3 Cantons**

The Cantons are sovereign insofar as their sovereignty is not limited by the Federal Constitution; they exercise all rights not transferred to the Federation.

### **Article 4 National Languages**

The National Languages are German, French, Italian, and Romansh.

### **Article 5 Rule of Law**

- (1) The law is the basis for and limitation of state activity.
- (2) State activity must be in the public interest and proportional.
- (3) State institutions and private entities must act in good faith.
- (4) Federation and Cantons respect international law.

## Article 6 Individual and Social Responsibility

Every person is responsible for him- or herself and advances, according to his or her abilities, the goals of state and society.

## Title 2 Basic, Civil, and Social Rights

### Chapter 1 Basic Rights

#### Article 7 Human Dignity

Human dignity is to be respected and protected.

#### Article 8 Equality

- (1) All humans are equal before the law.
- (2) Nobody may be discriminated against, namely for his or her origin, race, sex, age, language, social position, way of life, religious, philosophical, or political convictions, or because of a corporal or mental disability.
- (3) Men and women have equal rights. The law provides for legal and factual equality, particularly in the family, during education, and at the workplace. Men and women have the right to equal pay for work of equal value.
- (4) The law provides for measures to eliminate disadvantages of disabled people.

#### Article 9 Protection Against Arbitrariness and Preservation of Good Faith

Every person has the right to be treated by state institutions without arbitrariness and in good faith.

#### Article 10 Right to Life and Personal Freedom

- (1) Every person has the right to life. The death penalty is prohibited.
- (2) Every person has the right to personal liberty, namely to corporal and mental integrity and freedom of movement.
- (3) Torture and any other form of cruel, inhuman, or degrading treatment or punishment are prohibited.

#### Article 11 Protection of Children and Adolescents

- (1) Children and adolescents have the right to special protection of the personal integrity and to promotion of their development.
- (2) They exercise their rights according to their capacity to discern.

#### Article 12 Right to Aid in Distress

Whoever is in distress without the ability to take care of him- or herself has the right to help and assistance and to the means indispensable for a life led in human dignity.

#### Article 13 Protection of Privacy

- (1) Every person has the right to respect for his or her private and family

life, home, and secrecy of mail and telecommunication.

(2) Every person has the right to be protected against abuse of personal data.

#### Article 14 Right to Marriage and Family

The rights to marriage and family are guaranteed.

#### Article 15 Freedom of Faith and Conscience

(1) The freedom of faith and conscience is guaranteed.

(2) Every person has the right to freely choose his or her religion or non-denominational belief and to profess them alone or in community with others.

(3) Every person has the right to join or belong to a religious community and to receive religious education.

(4) No person may be forced to join a religious community, to conduct a religious act or participate in religious education.

#### Article 16 Freedom of Opinion and Information

(1) The freedom of opinion and information is guaranteed.

(2) Every person has the right to form, express, and disseminate his or her opinions freely.

(3) Every person has the right to receive information freely, to gather it from generally accessible sources, and to disseminate it.

#### Article 17 Freedom of the Media

(1) The freedom of the press, radio and television as well as all other forms of public broadcasting of productions and information is guaranteed.

(2) Censorship is prohibited.

(3) Editorial secrecy is guaranteed.

#### Article 18 Freedom of Language

The freedom of language is guaranteed.

#### Article 19 Right to Primary Education

The right to sufficient and free primary education is guaranteed.

#### Article 20 Freedom of Science

The freedom of scientific research and teaching is guaranteed.

#### Article 21 Freedom of Art

The freedom of art is guaranteed.

#### Article 22 Freedom of Assembly

(1) The freedom of assembly is guaranteed.

(2) Every person has the right to organize assemblies, to participate in or to abstain from them.

## Article 23 Freedom of Association

- (1) The freedom of association is guaranteed.
- (2) Every person has the right to form associations, to join or to belong to them, and to participate in their activities.
- (3) Nobody may be forced to join or to belong to an association.

## Article 24 Freedom of Domicile

- (1) Swiss citizens have the right to establish domicile anywhere within the country.
- (2) They have the right to leave or to return to Switzerland.

## Article 25 Protection Against Expulsion, Extradition, and Removal by Force

- (1) Swiss citizens may not be expelled from the country; they may be extradited to a foreign authority only with their consent.
- (2) Refugees may not be removed by force or extradited to a state in which they are persecuted.
- (3) Nobody may be removed by force to a state where he or she is threatened by torture or other means of cruel and inhuman treatment or punishment.

## Article 26 Guarantee to property

- (1) Property is guaranteed.
- (2) Expropriation and restrictions of ownership equivalent to expropriation are fully compensated.

## Article 27 Economic Freedom

- (1) Economic freedom is guaranteed.
- (2) In particular, it entails the free choice of profession as well as free access to and free exercise of private economic activity.

## Article 28 Freedom to Unionize

- (1) Employees, employers, and their organizations have the right to unionize for the protection of their interests, to form unions and to join or refrain from joining them.
- (2) Conflicts ought to be settled by negotiation and mediation as far as possible.
- (3) Strike and lockout are permitted, provided they concern labor relations and do not violate any obligation to keep labor peace or to resort to conciliation.
- (4) The law may prohibit strikes by certain groups of persons.

## Article 29 General Procedural Guarantees

- (1) In judicial and administrative proceedings, every person has the right to equal and fair treatment as well as adjudication within reasonable time.
- (2) The parties have the right to be heard.

(3) Every person lacking the necessary means has the right to free legal assistance, provided the case does not seem to lack any merit. To the extent necessary for the protection of one's rights, the person also has the right to free legal counsel.

#### [Article 29a Guarantee of Legal Proceedings

Every person has the right to have legal disputes decided by judicial authority. The Federation and the Cantons may in exceptional cases exclude judicial proceedings.]\*

#### Article 30 Judicial Proceedings

(1) Every person whose case is to be judged in judicial proceedings has the right to a court established by law, with jurisdiction, independence, and impartiality. Exceptional tribunals are prohibited.

(2) Every person subjected to civil action has the right to have the case adjudicated by the court of his or her domicile. The law may provide for another venue.

(3) Court hearings and renderings of judgments are public. The law may provide for exceptions.

#### Article 31 Habeas Corpus

(1) A person may only be deprived of his or her liberty in the cases and following the forms provided by law.

(2) Every person deprived of his or her liberty has the right to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest and of his or her rights. The person has to have the opportunity to assert his or her rights. In particular, he or she has the right to have his or her close relatives informed.

(3) Every person taken into pretrial detention has the right to be brought before a judge without delay; the judge decides whether the person remains in detention or is released. Every person held in pretrial detention is entitled to trial within a reasonable time.

(4) Every person deprived of his or her liberty without a trial is entitled to access to a court at any time. The court decides as soon as possible on the lawfulness of the detention.

#### Article 32 Criminal procedure

(1) Everyone is to be presumed innocent until sentenced according to law.

(2) Everyone charged with a criminal offence has the right to be informed promptly and comprehensively of the accusation against him or her. He or she must have the opportunity to assert his or her rights of defence.

(3) Every condemned person has the right to have the judgement reviewed by a higher court. Provided the case is not adjudicated by the Federal Court [Bundesgericht] as court of first and last instance.

### Article 33 Right of Petition

- (1) Every person has the right to address petitions to authorities; no disadvantages may arise from using this right.
- (2) The authorities have to take cognizance of petitions.

### Article 34 Political Rights

- (1) The political rights are guaranteed.
- (2) The guarantee of political rights protects the free formation of opinion by the citizens and the unaltered expression of their will in ballots.

### Article 35 Realization of Fundamental Rights

- (1) Fundamental rights have to be effectuated throughout the entire legal system.
- (2) Whoever exercises a state function is bound to the fundamental rights and obliged to contribute to their implementation.
- (3) The authorities ensure that fundamental rights, as far as they are suitable, also become effective among private parties.

### Article 36 Limitations of Fundamental Rights

- (1) Limitations of fundamental rights require a basis in law. Serious limitations have to be expressly provided for in a statute. Cases of clear and present danger not to be avoided by other means are exempt.
- (2) Limitations of fundamental rights have to be justified by public interest or by the protection of fundamental rights of others.
- (3) Limitations have to satisfy the principle of proportionality.
- (4) The essence of fundamental rights is inviolable.

## Chapter 2 Citizenship and Political Rights

### Article 37 Citizenships

- (1) A Swiss citizen is, who has the citizenship of a Municipality and the citizenship of the Canton.
- (2) No person may be granted a privilege or be disadvantaged because of his or her citizenship rights. Exempt are provisions regarding political rights in home communities [Band corporations as well as rights to a share in their property as long as cantonal law does not provide otherwise.

### Article 38 Acquisition and Loss of Citizenship

- (1) The Federation regulates the acquisition and the loss of citizenship by descent, marriage and adoption. In addition, it regulates the loss of Swiss citizenship for other reasons, as well as the restoration of citizenship [Wiedereinb
- (2) The Federation sets minimal standards for the naturalization of foreigners by the Cantons, and grants naturalization permits.

(3) The Federation facilitates the naturalization of stateless children.

#### Article 39 Exercise of Political Rights

(1) The Federation regulates the exercise of political rights in federal matters; the Cantons regulate the exercise of these rights in cantonal and municipal matters.

(2) Political rights are exercised at the domicile. The Federation and the Cantons may provide for exceptions.

(3) No person may exercise political rights in more than one Canton.

(4) The Cantons may provide that new residents exercise their political rights in cantonal and municipal matters only after a waiting period of up to three months following their taking of residence.

#### Article 40 Swiss citizens domiciled abroad

(1) The Federation supports relations among Swiss citizens domiciled abroad as well as their links with Switzerland. The Federation may support organizations pursuing this goal.

(2) The Federation adopts rules on the rights and duties of Swiss citizens abroad, in particular regarding the exercise of political rights on the federal level, on the duty to render military or substitute service, on welfare and on social security.

### Chapter 3 Social Goals

#### Article 41 [General Provisions]

(1) The Federation and the Cantons, in addition to personal responsibility and private initiative, furthers the achievement that

- a) every person shares in social security;
- b) every person, for his or her health, receives the necessary care;
- c) families as communities of adults and children are protected and supported;
- d) workers can sustain their living through work under adequate conditions;
- e) people looking for housing can find for themselves and for their family adequate housing at acceptable conditions;
- f) children and youths as well as people of working age can further their education and training according to their abilities;
- g) children and youths are encouraged in their development to become independent and socially responsible persons and are supported in their social, cultural, and political integration.

(2) The Federation and the Cantons are working towards the goal that every person is insured against the economic consequences of old age, disability, illness, accidents, unemployment, maternity, orphanhood, and widowhood.

(3) They try to achieve the social goals within their constitutional competencies and with the resources available to them.

(4) From social goals no direct claims to state subsidies may be derived.



## Title 3 Federation, Cantons, and Municipalities

### Chapter 1 Relationship between the Federation and the Cantons

#### Section 1 Tasks of the Federation and the Cantons

##### Article 42 Tasks of the Federation

- (1) The Federation accomplishes tasks allocated to it by the Constitution.
- (2) It assumes the tasks requiring uniform regulation.

##### Article 43 Tasks of the Cantons

The Cantons define the tasks to be accomplished within the framework of their competencies.

#### Section 2 Cooperation between the Federation and the Cantons

##### Article 44 Principles

- (1) The Federation and the Cantons support each other in the fulfillment of their responsibilities and work together.
- (2) They owe each other consideration and support. They grant each other administrative and judicial assistance.
- (3) Disputes between Cantons or between Cantons and the Federation are as far as possible resolved through negotiation or mediation.

##### Article 45 Participation in Federal Decision Making

- (1) The Cantons participate, according to the Constitution, in federal decision-making, particularly regarding legislation.
- (2) The Federation timely and comprehensively informs the Cantons of its projects; it obtains their consideration whenever their interests are concerned.

##### Article 46 Implementation of Federal Law

- (1) The Cantons implement federal legislation according to the Constitution and the law.
- (2) The Federation leaves the Cantons as much organizational scope as possible and takes into account the peculiarities of Cantons.
- (3) The Federation takes into account the financial burden associated with implementing the federal law by leaving sufficient financial resources to the Cantons and by taking care of an equitable financial adjustment.

##### Article 47 Autonomy of the Cantons

The Federation preserves the autonomy of the Cantons.

## Article 48 Intercantonal Treaties

- (1) The Cantons may adopt intercantonal treaties and create common organizations and institutions. They may, in particular, fulfill tasks of regional interest together.
- (2) The Federation may participate within the limits of its competencies.
- (3) Intercantonal treaties may not be contrary to the law or interest of the Federation or to the rights of other Cantons. They have to be made known to the Federation.

## Article 49 Supremacy of and Respect for Federal Law

- (1) Federal law takes precedence over contrary cantonal law.
- (2) The Federation ensures the adherence to the Federal law by the cantons.

## Section 3 Municipalities

### Article 50 [General Provisions]

- (1) The autonomy of Municipalities is guaranteed according to cantonal law.
- (2) The Federation considers the possible consequences of its actions for the Municipalities.
- (3) In doing so, it takes into account the special situation of cities, agglomerations, and mountain regions.

## Section 4 Federal Guarantees

### Article 51 Cantonal Constitutions

- (1) Every Canton adopts a democratic constitution. It requires the approval of the people and has to be subjected to a revision if the majority of the people so requires.
- (2) The cantonal constitutions need the guarantee of the Federation. The Federation guarantees the constitutions if they are not contrary to federal law.

### Article 52 Constitutional Order

- (1) The Federation protects the constitutional order of the Cantons.
- (2) The Federation intervenes, if the order in a Canton is disturbed or threatened and the respective Canton cannot protect it alone or with the help of other Cantons.

### Article 53 Existence and Territory of the Cantons

- (1) The Federation protects the existence and the territory of the Cantons.
- (2) Modifications of the established Cantons require the assent of the electorate and Cantons concerned as well as of the People and the Cantons at

large.

(3) Modifications of the territory of a Canton require the assent of the population and Cantons concerned as well as the approval of the Federal Parliament in the form of a federal decree.

(4) Rectifications of boundaries may be achieved by convention among the Cantons concerned.

## Chapter 2 Powers

### Section 1 Relations with foreign countries

#### Article 54 Foreign Relations

(1) Foreign Relations are a federal matter.

(2) The Federation strives to preserve the independence of Switzerland and its welfare; in particular the Federation contributes to alleviate need and poverty in the world, to promote respect for human rights and democracy, the peaceful coexistence of nations, and the preservation of natural resources.

(3) The Federation considers the competencies of the Cantons and preserves their interests.

#### Article 55 Participation of the Cantons in Decisions of Foreign Policy

(1) The Cantons participate in the preparation of decisions of foreign policy concerning their competencies or their essential interests.

(2) The Federation informs the Cantons timely and comprehensively, and consults them.

(3) The Consideration of the Cantons has particular weight when their competencies are affected. In these cases, the Cantons participate in international negotiations as appropriate.

#### Article 56 Relations between the Cantons and Foreign Countries

(1) The cantons may conclude treaties with foreign countries within the domain relevant to their competencies.

(2) These treaties may not be contrary to the law and interests of the Federation nor to the rights of other Cantons. Before concluding a treaty, the Cantons have to inform the Federation.

(3) The Cantons may deal directly with subordinated foreign authorities; in other cases, the relations of the Cantons with foreign countries are conducted by the Federation.

### Section 2 Security, National and Civil Defense

## Article 57 Security

(1) The Federation and the Cantons provide the security of the country and the protection of the population within the limits of their respective competencies.

(2) They coordinate their efforts in the field of inner security.

## Article 58 Army

(1) Switzerland has an army. The army is organized, in principle, as a militia.

(2) The army serves to prevent war and contributes to maintain peace; it defends the country and its population. It supports the civil authorities to repel serious threats to internal security or to cope with other exceptional circumstances. The law may provide for further tasks.

(3) The use of the army is a federal matter. The Cantons may use their formations for the maintenance of public order on their territory, if the means of the civil authorities are no longer sufficient for the defence against serious threats to inner security.

## Article 59 Military and Alternative Service

(1) Every Swiss man has to render military service. The law provides for an alternative service.

(2) For Swiss women, military service is voluntary.

(3) Swiss men who render neither military nor alternative service owe a tax. The tax is levied by the Federation and is assessed and collected by the Cantons.

(4) The Federation adopts rules on fair compensation for loss of income.

(5) Persons, who render military or alternative service and thereby suffer health impairment or lose their life, have the right, for themselves or for their relatives to appropriate support by the Federation.

## Article 60 Organisation, Instruction, and Equipment of the Army

(1) Legislation on the military as well as on organization, instruction, and on equipment of the army, is a federal matter.

(2) The Cantons are competent, within the limits of federal law, to form cantonal troops, to appoint and to promote officers of such troops, and to furnish a part of their clothing and equipment.

(3) The Federation may take over military installations of the Cantons against adequate compensation.

## Article 61 Civil defence

(1) Legislation on civil protection of people and goods against consequences of armed conflicts is a federal matter.

(2) The Federation adopts rules on the intervention of civil defence in catastrophes and emergencies.

(3) The Federation may make the civil defence service compulsory for men. For

women it is voluntary.

(4) The Federation adopts rules on fair compensation for loss of income.

(5) Persons, who render civil defence service and thereby suffer health impairment or lose their life, have the right for themselves or for their relatives to appropriate support by the Federation.

### Section 3 Education, Research, and Culture

#### Article 62 Education

(1) The school system is a cantonal matter.

(2) The Cantons provide for sufficient primary education open to all children. The primary education is compulsory and is subordinated to state direction or supervision. It is free of charge in public schools. The school year begins between mid-August and mid-September.

#### Article 63 Professional Education and Universities

(1) The Federation adopts rules on professional education.

(2) The Federation operates technical Universities. It may establish, operate, or support further Universities and other institutions of higher learning. The Federation may make its support dependent on the fact that coordination is guaranteed.

#### Article 64 Research

(1) The Federation furthers scientific research.

(2) The Federation may make promotion particularly dependent on the fact that coordination is guaranteed.

(3) The Federation may establish, adopt, or operate research institutions.

#### Article 65 Statistics

(1) The Federation collects the necessary statistical data on the status and evolution of the population, the economy, the society, the territory, and the environment in Switzerland.

(2) The Federation may adopt rules on harmonizing and keeping official registers to facilitate the collection of data.

#### Article 66 Support of Education

(1) The Federation may grant financial contributions to the Canton's expenses for scholarships and other training aids.

(2) In addition to the cantonal measures and while respecting cantonal autonomy in school matters, the Federation may seize own measures to promote education.

#### Article 67 Education of Young People and Adults

(1) In the accomplishment of their tasks, the Federation and the Cantons take into account the special needs for development and protection of children and young people.

(2) The Federation may, in addition to cantonal measures, support the extracurricular work with children and young people and the education of adults.

#### Article 68 Sport

(1) The Federation promotes sport, particularly sport education.

(2) The Federation operates a sport school.

(3) The Federation may adopt rules on youth sport, and may declare sport education compulsory.

#### Article 69 Culture

(1) The Cantons are responsible in matters of culture..

(2) The Federation may support cultural efforts of national interest, and encourage art and music, particularly in matters of education.

(3) In the accomplishment of its tasks, the Federation considers the cultural and linguistic diversity of the country.

#### Article 70 Languages

(1) The official languages of the Federation are German, French, and Italian. In communication with persons of Romansh language, the Romansh is also an official language.

(2) The Cantons designate their official languages. In order to preserve harmony between linguistic communities, they respect the traditional territorial distribution of languages, and consider the indigenous linguistic minorities.

(3) The Federation and the Cantons further communication and exchange between linguistic communities.

(4) The Federation supports the plurilingual Cantons in the fulfillment of their particular tasks.

(5) The Federation supports the measures taken by the Cantons of Grisons and Ticino to maintain and to promote Romansh and Italian.

#### Article 71 Film

(1) The Federation may further Swiss film production and film culture.

(2) The Federation may adopt rules to promote the variety and quality of cinematographic works offered.

#### Article 72 Church and State

(1) The regulation of the relationship between church and state is a cantonal matter.

(2) Within the limits of their competencies, the Federation and the Cantons may take measures to maintain public peace between members of the various

religious communities.

(3) { Abolished by amendment (15 Dec 2000), confirmed and set into force by public referendum on 10 June 2001: "No diocese may be set up without the consent of the Federation." }

## Section 4 Environment and Zoning

### Article 73 Sustainable Development

The Federation and the Cantons are engaged to establish a durable balanced relationship between nature, particularly its renewal capacity, and its use by human beings.

### Article 74 Protection of the Environment

(1) The Federation adopts rules on the protection of human beings and their natural environment against harmful or irritating effects.

(2) The Federation provides for the fact that such effects are avoided. The costs of such avoidance and removal carry the causers..

(3) The execution of the regulations falls to the Cantons, as far as the law does not reserve it for the Federation.

### Article 75 Zoning

(1) The Federation establishes principles on zoning. Zoning is incumbent on the Cantons and serves to achieve an appropriate and moderate use of the land and its ordered inhabitation.

(2) The Federation furthers and coordinates the efforts of the Cantons and collaborates with them.

(3) The Federation and the Cantons consider the needs of zoning while fulfilling their tasks.

### Article 76 Water

(1) The Federation provides within its competencies for the moderate use and protection of the water resources, and for the defence against harmful effects of water.

(2) The Federation establishes principles on the preservation and opening of water resources, on the use of water for the production of energy and for cooling purpose, and on other interventions into the water cycle.

(3) The Federation adopts rules on water protection, on securing appropriate residual water, on hydraulic engineering, on the safety of dams and on interventions to influence precipitation.

(4) The Cantons dispose of the water resources. They may levy duties for the water use within the limits of federal legislation. The Federation has the right to use waters for its transporting enterprises; for which the Federation pays a duty and compensation.

(5) On rights concerning international water resources and therewith connected duties, the Federation decides in consultation with the Cantons concerned. If the Cantons concerned cannot agree upon rights to intercantonal water resources, the Federation will decide

(6) In the fulfilment of its tasks, the Federation considers the requests of the cantons from which the water originates.

#### Article 77 Forests

(1) The Federation provides for the fulfillment of the forest's protective, economic and welfare functions.

(2) The Federation establishes principles for the protection of forest.

(3) The Federation furthers measures for the preservation of forest.

#### Article 78 Nature and Cultural Heritage

(1) The protection of nature and cultural heritage is a cantonal matter.

(2) The Federation considers the requests of the protection of nature and cultural heritage while fulfilling its tasks. The Federation saves scenery, localities, historical sites, and natural and cultural monuments, the Federation preserves them untouched if public interests so request.

(3) The Federation may support efforts towards the protection of nature and cultural heritage, and may by contract or by expropriation, acquire or secure objects of national importance.

(4) The Federation adopts rules on the protection of fauna and flora, and on the preservation of their habitats in the natural variety. The Federation protects endangered species from extinction.

(5) Moors and moorlands of special beauty and national importance are protected. Therein may neither constructions be built, nor may alterations of any kind be made to the soil. Excluded are constructions which serve the protection or the previous agricultural use of the moors and moorlands.

#### Article 79 Fishery and Hunting

The Federation establishes principles over practice of fishery and hunt, in particular for the preservation of the diversity of species of fish, wildly living mammals and birds.

#### Article 80 Animal Protection

(1) The Federation adopts rules on animal protection.

(2) The Federation regulates in particular:

- a. the keeping and care of animals;
- b. experiments and intervention on live animals;
- c. the use of animals;
- d. the importation of animals and animal products;
- e. animal trade and transportation of animals;
- f. the killing of animals

(3) The execution of the regulations falls to the cantons, as far as the law



does not reserve it for the Federation.

## Section 5 Public Works and Transportation

### Article 81 Public Works

The Federation may, in the interest of the whole or a large part of the country, establish and operate public works or support their establishment.

### Article 82 Road Traffic

- (1) The Federation adopts rules on road traffic.
- (2) The Federation exercises supervision over roads of national importance; it may determine which transit roads have to remain open to traffic.
- (3) The use of public roads is free of charge. The Federal Parliament may authorize exceptions.

### Article 83 National Highways

- (1) The Federation guarantees the establishment of a network of national highways and the utilization of these highways.
- (2) The Cantons build and maintain their national highways according to the rules and under supervision of the Federation.
- (3) The Federation and the Cantons carry the costs of the national highways together. The participation of each Canton is allocated according to the charge caused by the national highways, their interest in these highways and their financial capacity.

### Article 84 Alpine Transit

- (1) The Federation protects the alpine area from the negative effects of the transit traffic. The Federation limits the nuisance caused by such traffic to a level not harmful to persons, animals, and plants as well as their environment.
- (2) Transalpine freight in border-to-border transit is to be transported by rail. The Federal Government takes the necessary measures. Exceptions are permitted only if they are inevitable. They have to be specified by law.
- (3) The transit route capacity in the alpine area may not be increased. Excluded from this restriction are by-pass roads, which relieve localities of the transit traffic.

### Article 85 Charge on Heavy Goods Traffic

- (1) The Federation may levy a duty on the heavy goods traffic dependent on motor power or consumption, as far as the heavy traffic causes costs for the public, which are not covered by other services or duties
- (2) Net proceeds of the duty are used for the covering of costs in connection with road traffic.

(3) The Cantons have a share in the net proceeds. The shares are calculated by considering the special effects of the duty on mountainous and peripheral areas.

#### Article 86 Motor Fuels Consumption Tax and other Traffic Charges

(1) The Federation may levy a consumption tax on hydrocarbon fuels.

(2) The Federation levies a duty for the use of the national highways by motor vehicles and trailers, which are not subordinated to the heavy traffic delivery.

(3) The Federation disposes half of the net proceeds from the consumption tax on hydrocarbon fuels as well as net proceeds of the national highway tax for the following tasks and expenses in connection with road traffic:

- a. Construction, maintenance, and operation of national highways;
- b. Measures for the promotion of combined traffic and the transport of accompanied motor vehicles as well as for the separation of traffic;
- c. Contributions to the construction of main roads;
- d. Contributions at buildings of protection against forces of nature and at measures of the environmental and landscape protection made necessary by road traffic;
- e. General contributions to cantonal costs of roads open to motor vehicles, and to the financial compensation in roads;
- f. Contributions to cantons without national highways and to cantons with alpine roads serving international traffic.

(4) If these means are insufficient, the Federation levies an addition to the consumption tax.

#### Article 87 Rail Traffic and further Means of Traffic

The legislation on rail traffic, cable cars, navigation, aviation, and space travel is a federal matter.

#### Article 88 Footpaths and Hiking Trails

(1) The Federation establishes principles on networks of footpaths and hiking trails.

(2) The Federation may support measures of the Cantons to establish and keep such networks, and to coordinate them.

(3) In the fulfilment of its tasks, the Federation gives consideration to footpaths and hiking trails and replaces paths and trails, which it has to waive.

### Section 6 Energy and Communication

#### Article 89 Energy Policy

(1) Within their competencies, the Federation and the Cantons are working towards a sufficient, diversified, reliable, economic and environmental

compatible energy supply as well as to an economical and rational energy consumption.

(2) The Federation establishes principles on the use of domestic and renewable energies and on economical and rational energy consumption.

(3) The Federation adopts rules on the energy consumption of plants, vehicles and appliances. The Federation promotes the development of energy engineerings, particularly in the fields of energy saving and renewable energies.

(4) Measures concerning the consumption of energy in buildings, are primarily a cantonal matter.

(5) In its energy politics, the Federation takes into account the efforts of the Cantons, of the Municipalities, and of economy; it considers the conditions in the individual national areas and the limitations of what is economically bearable.

#### Article 90 Nuclear Energy

Legislation in the field of nuclear energy is a federal matter.

#### Article 91 Transportation of Energy

(1) The Federation adopts rules on transportation and supply of electricity.

(2) Legislation on pipelines for the transport of liquid or gaseous fuels is a federal matter.

#### Article 92 Postal and Telecommunication Services

(1) Postal and telecommunication services are a federal matter.

(2) The Federation provides for sufficient and reasonable priced basic postal and telecommunication services in all national areas. The rates are fixed according to uniform principles.

#### Article 93 Radio and Television

(1) Legislation on radio and television as well as on other forms of diffused productions and information in the field of public telecommunication is a federal matter.

(2) Radio and Television contribute to education and cultural development, to the free formation of opinion, and to entertainment. They consider the peculiarities of the country and the needs of the Cantons. They present events properly and express the variety of opinions adequately.

(3) The independence of radio and television as well as the autonomy in program organization are guaranteed.

(4) The situation and the role of other media, in particular the press, are taken into account.

(5) Program complaints may be submitted to an independent appeal instance.

## Section 7 Economy

### Article 94 Principles of Economic Order

- (1) The Federation and the Cantons adhere to the principle of economic freedom.
- (2) They safeguard the interests of the Swiss national economy and contribute with the private sector of economy to welfare and economic security of the population.
- (3) Within the limits of their competencies, they provide for favorable general conditions for the private sector of economy.
- (4) Derogations from the principle of economic freedom, particularly also measures against competition, are only permissible if they are provided in the Constitution or established by cantonal exclusive rights [Regalrechte].

### Article 95 Private Economic Activity

- (1) The Federation may adopt rules on the exercise of private economic activity.
- (2) The Federation provides for a uniform Swiss economic area. It guarantees that persons with scientific education or with a federal, cantonal or cantonal recognized certificate may exercise their profession throughout all of Switzerland.

### Article 96 Competition Policy

- (1) The Federation adopts rules against economical or social damaging effects or cartels and other restrictions of competition.
- (2) The Federation takes measures
  - a. to prevent abuses in pricing by market-powerful enterprises and organizations of private and public law;
  - b. against unfair competition.

### Article 97 Consumer Protection

- (1) The Federation takes measures for consumer protection.
- (2) It legislates on the remedies available to consumer organizations. In the field of federal legislation against unfair competition, these organizations benefit from the same rights as professional and economic associations.
- (3) The Cantons provide a conciliation procedure or a simple and speedy judicial procedure for cases below a certain value in dispute. The Federal Government specifies the value limitation in litigation.

### Article 98 Banking and Insurance

- (1) The Federation adopts rules on banking and stock markets; it takes thereby into account the specific task and position of the cantonal banks.
- (2) The Federation may adopt rules on financial services in other fields.
- (3) The Federation adopts rules on private insurance.

## Article 99 Monetary Policy

- (1) Money and currency are a federal matter; the Federation is entitled to the exclusive right to coin money and issue bank notes.
- (2) The Swiss National Bank conducts as an independent central bank a currency policy serving the general interest of the country; it is administered with cooperation and under supervision of the Federation.
- (3) The Swiss National Bank builds up sufficient monetary reserves from its profits; a part of these reserves is to be held in gold.
- (4) The net profit of the Swiss National Bank goes to at least two thirds to the Cantons.

## Article 100 Policy on Economic Development

- (1) The Federation takes measures to ensure a balanced economic development, particularly to prevent and fight against unemployment and inflation.
- (2) The Federation considers the economic development of the individual national areas. It cooperates with the Cantons and the economy.
- (3) In finance and credit system, in foreign trade and in public finance, the Federation may, if necessary, deviate from the principle of economic freedom.
- (4) The Federation, Cantons and Municipalities consider in their income and expenditure politics the economic situation.
- (5) The Federation may, for the stabilization of economy, temporarily levy surcharges on federal duties or grant discounts. The absorbed means are to be immobilized; after their release, direct duties will be reimbursed individually and indirect duties will be used to grant discounts or for provision of employment.
- (6) The Federation may obligate corporations to build up provisions of employment reserves, therefore it grants tax privileges, and may obligate also the Cantons to grant such privileges. After the release of the reserves, the corporations decide freely on the use within the limits of the legal purpose of use.

## Article 101 Foreign Trade

- (1) The Federation protects the interests of the Swiss economy abroad.
- (2) In special cases, the Federation may take measures to protect the domestic economy. It may, if necessary, deviate from the principle of economic freedom.

## Article 102 Supply of Essential Goods and Services

- (1) The Federation ensures the supply of the country with vital goods and services for the case of power-politics or martial threats, or of severe shortages which the economy cannot counteract by itself. It takes precautionary measures.
- (2) The Federation may, if necessary, deviate from the principle of economic freedom.

## Article 103 Structural Policy

The Federation may support economically threatened national areas as well as promote economic branches and professions, if reasonable self-help measures are insufficient to ensure their existence. The Federation may, if necessary, deviate from the principle of economic freedom.

## Article 104 Agriculture

(1) The Federation provides for the fact that agriculture achieves a substantial contribution through a lasting and market oriented production:

- a. to secure the provision of the population;
- b. to the maintenance of natural foundations of life and to foster the rural scenery;
- c. to a decentralized inhabitation of the country.

(2) In addition to reasonable self-help of agriculture and if necessary deviating from the principle of economic freedom, the Federation promotes soil-managing rural enterprises.

(3) The Federation aligns the measures in such a way that agriculture fulfills its multi-functional tasks. It has particularly following powers and tasks:

- a. It supplements the rural income by direct payments to achieve an appropriate remuneration for adduced outputs, provided that an ecological performance certificate is given;
- b. It promotes with economically worthy incentives production forms, which are nature near, environmental and animal friendly;
- c. It adopts rules on the declaration of origin, quality, production method and processing method for food;
- d. It protects the environments against impairments by excessive use of fertilizer, chemicals and other auxiliary substances;
- e. It may encourage agricultural research, counseling, and education, and render investment assistance;
- f. It may adopt rules on the consolidation of rural property.

(4) The Federation invests therefore dedicated funds from the agricultural field and general federal funds.

## Article 105 Alcohol

The legislation on production, import, refining and the sale of distilled liquids is a federal matter. The Federation takes particularly into account the harmful effects of the consumption of alcohol.

## Article 106 Gambling

(1) Legislation on gambling and lotteries is a federal matter.

(2) For the establishment and the enterprise of gambling casinos a concession of the Federation is necessary. It considers the regional conditions and the danger of gambling.

(3) The Federation levies a duty for gambling houses dependant on yield; this duty may not exceed 80 percent of the gross yield of gambling from the

enterprise of gambling houses.

(4) For the license of skill play automats with profit possibility the cantons are responsible.

#### Article 107 Weapons and Military Material

(1) The Federation adopts rules against the abuse of weapons, weapon accessories and ammunition.

(2) It legislate on the production, acquisition, distribution, importation, exportation, and transit of military material.

#### Section 8 Housing, Work, Social Security and Health

##### Article 108 Promotion of Construction and Ownership of Housing

(1) The Federation promotes house building, the acquisition of housing and house property for personal requirements of private person's, as well as activities of the building owners and the organizations working with the construction of residences of public utility.

(2) The Federation promotes particularly the procurement and development of land for house building, rationalization and price-reduction of house building as well as reduction of housing costs.

(3) The Federation may adopt rules on the development of land for house building and construction rationalization.

(4) The Federation considers thereby particularly the interests of families and aged, needy, and handicapped persons.

##### Article 109 Landlord and Tenant

(1) The Federation adopts rules against abuses in the rental matter, by name against abusive rent, as well as on voidability of abusive terminations and limited extension of tenancies.

(2) The Federation may adopt rules on the generally binding declaration of framework tenancy agreements. To be able to be declared of general force, these agreements have to account for the legitimate interests of the minorities and the regional characteristics, and respect the principle of equality in front of the law.

##### Article 110 Labor

(1) The Federation may adopt rules on:

- a. the protection of employees;
- b. the relationship between employees and employers, particularly the common regulation on operational and occupational affairs.
- c. employment services;
- d. generally binding effect of collective agreements

(2) Collective agreements may be declared of general force, if they account

for the legitimate minority interests and regional differences appropriately, and respect the principle of equality before the law and the freedom of coalition.

(3) August 1 is Federal National Day. In labour law, it is coequal to a Sunday, and paid.

#### Article 111 Social Security for the Elderly, Survivors, and Disabled Persons

(1) The Federation takes measures for a sufficient provision for old age, survivors, and disabled persons. This is based on three pillars, namely the federal insurance for old age, survivors and disability, employee pension plan and individual precaution.

(2) The Federation provides for the fact, that the federal old age, survivors and disability insurance as well as the employee pension plans may fulfill their purpose continuously.

(3) The Federation may obligate the Cantons to exempt the institutions of the federal old age, survivors, and disability insurance as well as the employee pension plans from tax liability, and to grant the insured persons and its employers on contributions and reversional entitlements tax relief.

(4) The Federation promotes in cooperation with the Cantons individual precaution namely by measures of taxation and ownership policies.

#### Article 112 Old age, Survivors' and Disability Insurance

(1) The Federation adopts rules on the old age, survivors, and disability insurance.

(2) The Federation respects thereby the following principles:

- a. The insurance is mandatory;
- b. The pensions have to cover basic living expenses appropriately;
- c. The maximal pension amounts at most the double of the minimum pension. The pensions will at least be adapted to the development of prices.

(3) The insurance is financed:

- a. by contributions of the insured persons, whereby the employers will pay half of the contributions for their employees
- b. by subsidies of the Federation and, if the law so provides, of the Cantons.

(4) The subsidies of the Federation and the Cantons amount together at most half of the expenditures.

(5) The subsidies of the Federation will be primarily financed by the net proceeds of the tax on tobacco, the tax on distilled spirits, and the tax on the revenue from the operation of casinos.

(6) The Federation encourage the integration of disabled persons, and supports efforts for the benefit of aged, survivors and disabled persons. For this purpose it may use means from the old age, survivors, and disability insurance.

#### Article 113 Employee Pension Plans

(1) The Federation adopts rules on employee pension plans.



(2) The Federation respects thereby the following principles:

- a. Employee pension plans combined with old age, survivors, and disability insurance enable in an appropriate way the continuation of the previous lifestyle;
- b. Employee pension plans are mandatory for employees; the law may provide for exceptions;
- c. The employers insure their employees with a pension institution; as far as necessary, the federation gives them the possibility to insure their employees with a federal pension institution;
- d. Self-employed persons may voluntarily insure themselves with a pension institution;
- e. For particular groups of self-employed persons, the Federation may declare employee pension plans mandatory, in general or only for particular risks.

(3) Employee pension plans is financed through contributions by the insured persons, whereby the employers pay at least half of the contributions of their employees.

(4) Employee pension institutions have to satisfy federal minimum requirements; the Federation may provide for nationwide measures to resolve particular tasks.

#### Article 114 Unemployment Insurance

(1) The Federation adopts rules on unemployment insurance.

(2) The Federation respects thereby the following principles:

- a. The insurance grants an appropriate compensation for loss of earnings, and supports measures to prevent and fight unemployment;
- b. The affiliation is mandatory for employees, the law may provide for exceptions;
- c. Self-employed persons may voluntarily insure themselves.

(3) The unemployment insurance is financed by the contributions of the insured persons, whereby the employers pay half of the contributions for their employees.

(4) The Federation and the Cantons provide for subsidies in extraordinary circumstances.

(5) The Federation may adopt rules on unemployment relief.

#### Article 115 Assistance to Needy Persons

Needy persons are supported by their domiciled Canton (Wohnkanton). The Federation regulates the exceptions and the competencies.

#### Article 116 Family Allocations and Maternity Insurance

(1) In the fulfillment of its tasks the Federation considers the needs of the family. It may support measures to protect the family.

(2) The Federation may adopt rules on family allowance and operates a federal family compensation fund.

(3) The Federation institutes a maternity insurance. It may also obligate persons to contributions that cannot benefit from the insurance.

(4) The Federation may declare the affiliation to a family compensation fund and to the maternity insurance generally or for certain categories of persons as mandatory, and may make its subsidies dependent upon appropriate contributions by the Cantons.

#### Article 117 Health and Accident Insurance

(1) The Federation adopts rules on health and accident insurance.

(2) The Federation may declare health and accident insurance generally or for certain categories of persons as mandatory.

#### Article 118 Protection of Health

(1) Within the limits of its competencies, the Federation takes measures for the protection of health.

(2) The Federation adopts rules on:

- a. the use of food and medicaments, drugs, organisms, chemicals and objects which may endanger health;
- b. fighting contagious, widespread or particularly dangerous human and animal diseases;
- c. protection against ionizing radiation.

#### Article 119 Medical Assistance to Procreation and Gene Technology in the Human Field

(1) Humans are protected against abuses of reproduction medicine and genetic engineering.

(2) The Federation adopts rules on the use of human reproductive and genetic material. It provides thereby for the protection of human dignity, of personality, and of family, and respects particularly the following principles:

- a. All forms of cloning and interference with genetic material of human reproductive cells and embryos is prohibited;
- b. Non-human reproductive and genetic material may not be introduced into human reproductive material or merged with it.
- c. Methods of medically supported procreation may only be used when sterility or the danger of transmission of a serious illness cannot be repaired otherwise, but not in order to induce certain characteristics in the child or to conduct research; the fertilization of human ova outside a woman's body is only permitted under conditions determined by law. No more human ova may be developed into embryos outside a woman's body than are capable of being immediately implanted into her.
- d. The donation of embryos and all other forms of surrogate maternity are prohibited;
- e. With human reproductive material and with products obtained from embryos, no trade may be conducted;

- f. A person's genetic material may only be analyzed, registered or disclosed with the consent of this person, or if the law so provides;
- g. Every person has access to the data concerning his or her ancestry.

#### Article 119a Transplantation Medicine

- (1) The Federation adopts rules in the field of transplantation of organs, tissue, and cells. It provides thereby for the protection of human dignity, personality, and health
- (2) The Federation establishes particularly criteria for the just assignment of organs.
- (3) Donations of human organs, tissue, and cells are free of charge. The trade with human organs is prohibited.

#### Article 120 Gene Technology in the Non-Human Field

- (1) Humans and their environment are protected against abuse of gene technology.
- (2) The Federation adopts rules on the use of reproductive and genetic material of animals, plants, and other organisms. It takes thereby into account the dignity of the creature and the security of man, animal and environment, and protects the genetic multiplicity of animal and plant species.

#### Section 9 Residence and Domicile of Foreigners

##### Article 121 General Provisions

- (1) Legislation on immigration, emigration, residence and domicile of foreigners, and on granting asylum are federal matters.
- (2) Foreigners may be evicted from Switzerland, if they endanger the national security.

#### Section 10 Civil and Criminal Law, Weights and Measures

##### Article 122 Civil Law

- (1) Legislation in the field of civil law is a federal matter.
  - (2) For the organization of the judiciary, civil procedure, and civil justice, the Cantons are responsible.
  - (3) Judgments in civil law are enforceable through all of Switzerland.
- [Revision of Article 122 (8 Oct 1999) that has not yet been set into force:
- (1) Legislation in the field of civil law and civil procedure is a federal matter.
  - (2) The organization of the judiciary and civil justice are cantonal matters, unless otherwise provided by statute.

(3) { abolished }]

#### Article 123 Criminal Law

(1) Legislation in the field of criminal law and criminal procedure is a federal matter.

(2) For the organization of the judiciary, criminal justice, and execution for criminal penalties and measures, the Cantons are responsible, insofar the law does not provide otherwise.

(3) The Federation may grant financial contributions to the Cantons for:

- a. the establishment of institutions
- b. the improvement of the execution of sentences and measures
- c. institutions executing educational measures regarding children, youths, and young adults.

#### Article 123a [Correctional Measures for Particularly Dangerous Criminals]

(1) If a perpetrator of sexual or other violent crimes is qualified by expert testimony necessary for sentencing as extremely dangerous without chance of therapy, he may be enjailed for life due to the high risk of repeat offences. Early release or temporary leave are barred.

(2) New expert testimony is only admissible if new scientific facts establish that the criminal can successfully receive therapy and does no longer present a danger to the public. In case of release due to such new testimony, the administrative agency responsible for the release is liable for any repeat offences.

(3) All expert testimony regarding perpetrators of sexual or other violent crimes must be presented by at least two independent and experienced experts on the basis of all relevant facts.

#### Article 124 Aid to Victims of Criminal Acts

The Federation and the Cantons provide for the fact that persons, who were impaired in their physical, psychological or sexual integrity receive assistance and appropriate compensation, if they suffer in consequence of the criminal act economical difficulties.

#### Article 125 Weights and Measures

Legislation on weights and measures is a federal matter.

### Chapter 3 Finances

#### Article 126 Budget

(1) The Federation holds its expenditures and revenues in the long term in equilibrium.

(2) The maximum amount in the estimated budget of total expenditure to be

granted depends, considering the economic situation, on the estimated revenues.

(3) With extraordinary financial need the maximum amount of Paragraph (2) above may be appropriately increased. The Federal Parliament decides on such an increase according to Article 159 (3) c.

(4) If the expenditure shown in state budget (Staatsrechnung) exceeds the maximum amount of Paragraphs (2) and (3) above, the excess expenditure has to be compensated during the following years.

(5) Details are determined by law.

#### Article 127 Principles of Taxation

(1) The definition of taxes, by name the circle of taxpayers, the object of tax and its assessment, is to be regulated in fundamentals by law.

(2) Insofar the nature of tax allows it, the principles of generality and equability of taxation as well as the principle of taxation according to economic capacity are particularly to be considered.

(3) Intercantonal double taxation is prohibited. The Federation takes the necessary measures.

#### Article 128 Direct Taxes

(1) The Federation may levy a direct tax:

- a. of at most 11.5 percent on the income of natural persons;
- b. of at most 9.8 percent on the net proceed of legal persons;
- c. of at most 0.825 one-tenth of a percent on capital and reserves of legal persons.

(2) The Federation considers in establishing tax scales the burden of direct taxes by the Cantons and the Municipalities.

(3) With tax on the income of natural persons the consequences of cold progression will be periodically equalized.

(4) Tax is assessed and collected by the Cantons. Three tenths of the gross tax yield are given to the Cantons; there from at least one sixth is used for the financial equilibrium among the Cantons.

#### Article 129 Harmonization of Taxes

(1) The Federation establishes principles on the harmonization of direct taxes of the Federation, Cantons, and Municipalities; it considers the harmonization efforts of the Cantons.

(2) The harmonization extends to tax liability, the object and the periodical assessment of taxes, procedural law and law regarding fiscal offences.

Excluded from harmonization are particularly tax scales, tax rates, and tax-exempt amounts.

(3) The Federation may adopt rules against unjustified fiscal privileges.

#### Article 130 Value Added Tax

(1) The Federation may, on supply of goods and services, including own use,

and on imports, levy a value added tax with a maximum rate of 6.5 percent.

(2) 5 percent of tax yield will be used for measures in favour of low income groups.

(3) If, because of the development of age structure, the financing of the old age, survivors, and disability insurance is no longer guaranteed, the value added tax rate may be raised by at most 1 percent point by Federal Statute.

#### Article 131 Special Consumption Taxes

(1) The Federation may levy special consumption taxes on the following:

- a. tobacco and tobacco products;
- b. distilled spirits;
- c. beer;
- d. automobiles and their components;
- e. crude, oil, other mineral fuels, natural gas, and products obtained through refining them, and on motor fuels.

(2) The Federation may levy a surcharge on the consumption tax on motor fuels.

(3) The Cantons receive 10 percent of the net proceeds out of taxation on distilled spirits. These funds are to be used to fight causes and effects of addiction.

#### Article 132 Stamp and Withholding Taxes

(1) The Federation may levy a stamp tax on securities, on insurance premium receipts, and on other documents of commerce; excluded from stamp tax are documents concerning real estates and mortgages transactions.

(2) The Federation may levy a withholding tax on the proceeds of movable capital assets, on lottery gains, and on insurance benefits.

#### Article 133 Customs Duties

Legislation on customs duties and other levies on trans-border goods traffic is a federal matter.

#### Article 134 Exclusion of Cantonal and Municipal Taxation

What federal legislation subjects to value added tax, to a special consumption tax, to stamp tax, and to withholding tax, or declares to be exempt from these taxes, may not be taxed by the Cantons and the Municipalities with taxes of the same kind.

#### Article 135 Financial Equalization

(1) The Federation promotes the financial equalization among the Cantons.

(2) When granting subsidies, the Federation considers the financial capacity of the Cantons and of the mountainous areas.

### Title 4 People and Cantons

## Chapter 1 General Provisions

### Article 136 Political Rights

(1) Political rights in federal matters are entitled to all Swiss citizens who passed the 18th year of age and are not placed under guardianship because of mental illness or weakness. All have the same political rights and obligations.

(2) They may participate in the House of Representatives [Nationalrat] elections and in votes of the Federation as well as seize and sign popular initiatives and referenda in federal matters.

### Article 137 Political Parties

The political parties contribute to the forming of opinion and will of the People.

## Chapter 2 Initiative and Referendum

### Article 138 Popular Initiative for Total Revision of the Federal Constitution

(1) 100 000 citizens entitled to vote may within 18 months of the official publication of their initiative demand a total revision of the Federal Constitution.

(2) This proposal has to be submitted to the people by referendum.

### Article 139 Formulated Popular Initiative for Partial Revision of the Federal Constitution

(1) 100 000 citizens entitled to vote may within 18 months of the official publication of their formulated initiative demand a partial revision of the Federal Constitution.

(2) If the initiative violates the principle of unity of form, the principle of unity of subject matter, or mandatory rules of international law, the Federal Parliament declares it invalid, in whole or in part.

(3) The initiative is submitted to the vote of the people and the Cantons. The Federal Parliament recommends the initiative for adoption or rejection. It may contrast the initiative with a counterproposal.

[Article 139 Popular Initiative for Partial Revision of the Federal Constitution { old version as far as it has preliminarily been kept into force since 19 June 2003 }

(1) 100 000 citizens entitled to vote may propose a partial revision of the Federal Constitution.

(2) The popular initiative for a partial revision of the Federal Constitution may be in the form of a general suggestion or a formulated draft.

(3) If an initiative does not respect the principle of unity of form, the principle of unity of subject matter, or mandatory rules of international

public law, the Federal Parliament declares the initiative invalid, in whole or in part.

(4) If the Federal Parliament approves an initiative in the form of a general suggestion, it prepares a partial revision in the sense of the initiative, and submits it to the vote of the people and the Cantons. If the Federal Parliament rejects the initiative, it submits it to the vote of the People, the People decide if the initiative is to be followed. Does it approve the initiative; the Federal Parliament formulates a corresponding draft.

(5) { paragraph abolished and no longer in force }

(6) The People and the Cantons vote simultaneously on the initiative and the counter draft. { rest of the paragraph abolished and no longer in force }

#### [Article 139a General Popular Initiative

(1) 100 000 citizens entitled to vote may, within 18 months of the official publication of their initiative in the form of a general suggestion, demand to change or abolish provisions of the Federal Constitution or Statutes.

(2) If the initiative violates the principle of unity of form, the principle of unity of subject matter, or mandatory rules of international law, the Federal Parliament declares it invalid, in whole or in part.

(3) If the Federal Parliament consents to the initiative, it adopts the requisite change of the Federal Constitution or of federal law.

(4) The Federal Parliament may contrast the requisite change by the initiative with a counterproposal. The requisite change of the Federal Constitution and the counterproposal are submitted to the vote of the people and the Cantons, the requisite change of federal law and the counterproposal are submitted to the vote of the people.

(5) If rejected by the Federal Parliament, the initiative is submitted to the vote of the people. If the initiative is adopted, the Federal Parliament establishes the requisite change of the Federal Constitution or of federal law.]

#### Article 139b Procedure for Initiative With Counterproposal

[(1) The voters cast their ballot at the same time for  
a. the popular initiative and the requisite change and  
b. the counterproposal of the Federal Parliament.]

(2) They may adopt both proposals. Regarding the priority question, they may select which proposal takes precedence if both are adopted.

(3) Concerning approved constitutional amendments; if the priority question results in one proposal to receive more votes of the people and the other more votes of the Cantons, that proposal is set into force that has the highest sum of voter's percentage points in popular vote plus cantonal vote.

#### Article 140 Mandatory Referendum

(1) The following will be subject to the voting of the People and the Cantons:  
a. Revision of the Federal Constitution;



- b. The entry into organizations for collective security or into supranational communities;
  - c. Federal Statutes declared urgent without constitutional basis and with validity exceeding one year; such Federal Statutes have to be submitted to the vote within one year after their adoption by the Federal Parliament.
- (2) The following will be subject to the vote of the People and the Cantons:
- a. Popular initiatives for total revision of the Federal Constitution;
  - b. Popular initiatives for partial revision of the Federal Constitution in the form of a general suggestion which were rejected by the Federal Parliament;
  - c. The question if a total revision of the Federal Constitution is to be carried out with disagreement of both chambers.

#### Article 141 Optional Referendum

- (1) On the demand by 50 000 citizens entitled to vote or 8 Cantons, within 100 days of the official publication, the following instruments are submitted to the vote of the People:
- a. Federal Statutes;
  - b. Federal Statutes declared urgent with a validity exceeding one year;
  - c. Federal decrees to the extent the Constitution or the law provides for it;
  - d. International treaties which:
    - 1. are unlimited duration and may not be terminated;
    - 2. provide for the entry into an international organization;
    - 3. include important legislative provisions or require the adoption of federal Statutes.
- (2) { abolished since 1 Aug 2003: "The Federal Parliament may submit further international treaties to optional referendum. " }

#### Article 141a Implementation of International Treaties

- (1) If the approval of an international treaty is subject to a mandatory public referendum, the Federal Parliament may include into the approval act those amendments to the Constitution necessary for the implementation of the treaty.
- (2) If the approval of an international treaty is subject to a facultative public referendum, the Federal Parliament may include into the approval act those changes of the law necessary for the implementation of the treaty.

#### Article 142 Required Majorities

- (1) Proposals submitted to vote of the People are accepted if the majority of those voting approves of them.
- (2) Proposals submitted to the vote of the People and the Cantons are accepted if the majority of those voting and the majority of the Cantons approve of them.
- (3) The result of the popular vote in the Canton counts as the vote of that Canton.

(4) The Cantons of Obwald, Nidwald, Basle-City, Basle-Land, Appenzell Outer-Rhodes and Appenzell Inner-Rhodes have each one half of a cantonal vote.

## Title 5 Federal Authorities

### Chapter 1 General Provisions

#### Article 143 Eligibility

Every citizen entitled to vote is eligible into the House of Representatives [Nationalrat], into Federal Government [Bundesrat] and into Federal Court [Bundesgericht].

#### Article 144 Incompatibilities

(1) Members of the House of Representatives [Nationalrat], of the Senate [Stof the Federal Government [Bundesrat] may not at the same time be members of another of these authorities.

(2) Members of the Federal Government [Bundesrat] and full-time judges of the Federal Court [Bundesgericht] may not hold another office of the Federation or a Canton, nor may they exercise another gainful activity.

(3) The Law may provide for other incompatibilities.

#### Article 145 Term of Office

Members of the House of Representatives [Nationalrat], the Federal Government [Bundesrat] and the Chancellor of the Federation [Bundeskanzlerin oder Bundeskanzler] are elected for a term of four years. For judges of the Federal Court [Bundesgericht] term of office amounts to six years.

#### Article 146 Answerability of the State

The Federation is answerable for damage caused illegally by its organs in the exercise of their official activities.

#### Article 147 Hearings and Consultations

The Cantons, the political parties, and the interested circles are heard in the course of the preparation of important decrees and other projects of substantial impact, and on important international treaties.

### Chapter 2 Federal Parliament

#### Section 1 Organisation

#### Article 148 Status

(1) The Federal Parliament exercises the highest authority in the Federation under reservation of the rights of people and Cantons.

(2) The Federal Parliament consists of two chambers, the House of

Representatives [Nationalrat] and the Senate [Stboth chambers are coequal.

#### Article 149 Composition and Election of the House of Representatives

- (1) The House of Representatives [Nationalrat] is composed of 200 representatives of the People.
- (2) The representatives are elected directly by the People according to the system of proportional representation. Every four years a full renewal is proceeding.
- (3) Each Canton forms an election district.
- (4) The seats are allocated among the Cantons in proportion to their population. Each Canton has at least one seat.

#### Article 150 Composition and Election of the Senate

- (1) The Senate consists of 46 delegates of the Cantons.
- (2) The Cantons of Obwald, Nidwald, Basel-City, Basel-Land, Appenzell Outer-Rhodes and Appenzell Inner-Rhodes elect one delegate each, the other Cantons elect two delegates.
- (3) The election into the Senate is regulated by the Canton.

#### Article 151 Session Periods

- (1) The Congress [die Rmeets regularly for sessions. The law regulates the calling of sessions.
- (2) One fourth of the members of a Chamber or the Federal Government [Bundesrat] may request the calling of the chambers to an extraordinary session period.

#### Article 152 Presidency

Each Chamber elects from its midst for a term of one year a President as well as the first VicePresident, and the second VicePresident. The re-election for the following year is excluded.

#### Article 153 Parliamentary Commissions

- (1) Each Chamber appoints commissions from its midst.
- (2) The law may provide for joint commissions.
- (3) The law may delegate certain powers that are not of legislative nature to commissions.
- (4) For the fulfilment of their tasks, the commissions are entitled to the right of information, to the right of consulting documents and to conduct inquiries. Their extent is regulated by law.

#### Article 154 Parliamentary Groups

The members of the Federal Parliament may form parliamentary groups.

#### Article 155 Parliamentary Services

The Federal Parliament has parliamentary services. It may call upon the services of the Federal Administration. The law regulates the details.

## Section 2 Procedure

### Article 156 Separate Deliberation

- (1) The House of Representatives [Nationalrat] and the Senate deliberate separately.
- (2) Decisions of the Federal Parliament require the approval of both Chambers.
- (3) The law establishes provisions to guarantee that decisions are possible in spite of dissension of the chambers regarding:
  - a. the validity or partial validity of popular initiative;
  - [b. the implementation of a general popular initiative adopted by the People;
  - c. the implementation of a proposal by the Federal Parliament to amend the Federal Constitution that has been approved by the People;]
  - d. the budget proposal or amendment.

### Article 157 Joint Deliberation

- (1) The House of Representatives [Nationalrat] and the Senate [Stdeliberate in common as the Federal Parliament in Joint Session under the chairmanship of the President of the House of Representatives [Nationalrat] in order to:
  - a. hold elections;
  - b. rule on conflicts of competencies between the highest federal authorities;
  - c. to rule on petitions for pardon.
- (2) The Federal Parliament in Joint Session assembles for special occasions, and to hear declarations of the Federal Government [Bundesrat].

### Article 158 Meetings to be Public

The meetings of the Chambers are public. The law may provide for exceptions.

### Article 159 Quorum and Majority

- (1) The Chambers may deliberate validly if the majority of its members are present.
- (2) In both Chambers and in the Federal Parliament in Joint session decisions are taken by the majority of those voting.
- (3) The approval of the majority of the members of each chamber is however required for:
  - a. the declaration of urgency of Federal Statutes;
  - b. provision granting subsidies as well as obligation credits and payment frameworks, which cause new unique expenditures of more as 20 million Swiss Francs or new recurring expenditures of more than 2 million of Swiss Francs;
  - c. the increase of total expenditure in the case of extraordinary financial need according to Article 126 (3).
- (4) The Federal Parliament may adjust the amounts according to Paragraph (3)

b. to inflation by ordinance.

#### Article 160 Right to Initiatives and Motions

(1) Every member of the Federal Parliament, every parliamentary group, every parliamentary commission, and every Canton, has the right to submit initiatives to the Federal Parliament.

(2) The members of the Federal Parliament and of the Federal Government have the right to introduce motions concerning an affair under deliberation.

#### Article 161 Prohibition of Instructed Mandates

(1) The members of the Federal Parliament vote without instructions.

(2) They reveal their links with interest groups.

#### Article 162 Immunity

(1) The members of the Federal Parliament and the Federal Government as well as the Federal Chancellor may not be held legally responsible for their statements in the Chambers and before their organs.

(2) The law may provide for further forms of immunity, and extend them to other persons.

### Section 3 Powers

#### Article 163 Form of Laws and Decrees by the Federal Parliament

(1) The Federal Parliament enacts legislative provisions in the form of a Federal Statute or ordinance.

(2) The other acts are issued in the form of a federal decree; a federal decree not subjected to referendum is named a simple federal decree.

#### Article 164 Legislation

(1) All important legislative provisions have to be enacted in the Form of Federal Statutes. These include particularly the fundamental provisions on:

- a. the exercise of political rights;
- b. the restriction of constitutional rights;
- c. the rights and obligations of persons;
- d. the circle of tax payers, and the object and the calculation of taxes;
- e. the tasks and services of the Federation;
- f. the obligations of the Cantons when implementing and executing federal law;
- g. the organization and the procedure of federal authorities.

(2) Legislation powers may be delegated by Federal Statute insofar it is not excluded by the Federal Constitution.

#### Article 165 Urgent Legislation

(1) A Federal Statute who's coming into force tolerates no delay, may be

declared urgent by the majority of each Chamber and put into force immediately. It has to be limited in time.

(2) If a referendum is demanded against an urgent Federal Statute, it ceases to apply one year after its adoption by the Federal Parliament, unless it is approved by the People within that period.

(3) An urgent declared Federal Statute with no constitutional basis ceases to apply one year after its adoption by the Federal Parliament, unless it is adopted within that period by the People and the Cantons. It has to be limited in time.

(4) An urgent declared Federal Statute that was not adopted in votation may not be renewed.

#### Article 166 Foreign Relations and International Treaties

(1) The Federal Parliament participates in shaping foreign policy, and supervises foreign relations.

(2) The Federal Parliament approves international treaties, provided the treaties for which conclusion, by law or international treaty, the Federal Government is responsible.

#### Article 167 Finances

The Federal Parliament decides on federal spending, adopts the estimated budget, and approves the budget review.

#### Article 168 Elections

(1) The Federal Parliament elects the members of the Federal Government [Bundesrat], the Federal Chancellor [Bundeskanzlerin/Bundeskanzler], the judges of the Federal Court [Bundesgericht], and the General.

(2) The law may empower the Federal Parliament to carry out further elections or to confirm appointments.

#### Article 169 High Supervision

(1) The Federal Parliament exercises the high supervision over the Federal Government, the Federal Administration, the Federal Courts and the other organs entrusted with tasks of the Federation.

(2) To the delegations of supervisory commissions as provided by law, no official secrecy may be opposed.

#### Article 170 Evaluation of Efficacy

The Federal Parliament provides for the fact, that the measures of the Federation are reviewed for their effectiveness.

#### Article 171 Mandates to the Federal Government

The Federal Parliament may confer mandates to the Federal Government [Bundesrat]. The law regulates the details, particularly the instruments, with which the Federal Parliament may affect the scope of competencies of the

Federal Government [Bundesrat].

#### Article 172 Relations between the Federation and the Cantons

- (1) The Federal Parliament maintains the relations between the Federation and the Cantons.
- (2) The Federal Parliament guarantees the cantonal constitutions.
- (3) The Federal Parliament approves intercantonal treaties and treaties between Cantons and foreign countries, if the Federal Government or a Canton raises an objection.

#### Article 173 Further Tasks and Powers

- (1) The Federal Parliament has further the following tasks and powers:
  - a. It takes measures to safeguard the external security, the independence, and the neutrality of Switzerland;
  - b. It takes measures to safeguard the inner security;
  - c. If extraordinary circumstances so require, it may issue ordinances or simple federal decrees to fulfill the tasks according to the letters a and b;
  - d. It orders active military service, it mobilizes all or part of the army for it;
  - e. It takes measures to enforce federal Statute;
  - f. It decides on the validity of popular initiatives meeting the formal requirements;
  - g. It cooperates in important planning of state activities;
  - h. It decides on individual acts, insofar a Federal Statute so provides expressly;
  - i. It decides jurisdictional disputes between the highest federal authorities;
  - j. It decides on petitions for pardon and declares amnesties.
- (2) The Federal Parliament deals moreover with affairs, which fall into the competencies of the Federation and are assigned to no other authority.
- (3) The Law may assign further tasks to the Federal Parliament.

### Chapter 3 Federal Government and Federal Administration

#### Section 1 Organisation and Procedure

##### Article 174 Federal Government

The Federal Government is the highest governing and executive authority of the Federation.

##### Article 175 Composition and Election

- (1) The Federal Government [Bundesrat] consists of seven members.
- (2) The members of the Federal Government [Bundesrat] will be elected by the

Federal Parliament after each full renewal of the House of Representatives [Nationalrat].

(3) They are elected among all Swiss citizens eligible to the House of Representatives [Nationalrat] for a term of four years.

(4) Thereby consideration has to be given to the adequate representation of regions and languages.

#### Article 176 Presidency

(1) The President of the Federation [Bundespräsident] chairs the Federal Government [Bundesrat].

(2) The President of the Federation [Bundespräsident] and the Vice-President of the Federal Government [Bundesrat] will be elected by the Federal Parliament from the members of the Federal Government [Bundesrat] for the term of one year.

(3) The re-election for the following year is impossible. The President of the Federation [Bundespräsident] is not eligible to be Vice-President for the following year.

#### Article 177 Principle of Collective Authority and Division into Departments

(1) The Federal Government [Bundesrat] takes its decisions as a collective body.

(2) For the preparation and the execution, the affairs of the Federal Government [Bundesrat] are distributed among its members according to Departments.

(3) The Departments or the administrative units subordinated to them are entrusted with affairs to be settled directly, thereby legal protection has to be guaranteed.

#### Article 178 Federal Administration

(1) The Federal Government [Bundesrat] directs the Federal Administration. It provides for an effective organization and goal-oriented fulfillment of the tasks.

(2) The Federal Administration is divided into Departments; each Department is directed by one member of the Federal Government [Bundesrat].

(3) The law may delegate administrative tasks to organizations and persons of public or private law outside the Federal Administration.

#### Article 179 Federal Chancery

The Federal Chancery [Bundeskanzlei] is the general staff unit of the Federal Government. It is directed by a Federal Chancellor [Bundeskanzlerin/Bundeskanzler].

### Section 2 Powers

#### Article 180 Government Policy



- (1) The Federal Government [Bundesrat] determines the goals and the means of its government policy. It plans and coordinates the activities of the state.
- (2) The Federal Government [Bundesrat] informs the public timely and fully of its activity, unless predominant public or private interests oppose to this.

#### Article 181 Initiative

The Federal Government [Bundesrat] submits to the Federal Parliament drafts of its legislation.

#### Article 182 Legislation and Implementation

- (1) The Federal Government [Bundesrat] issues legislative provisions in the form of ordinances; insofar it is empowered by the constitution or law to it.
- (2) The Federal Government [Bundesrat] provides for the enforcement of legislation, of decrees of the Federal Parliament, and of judgments of judiciary authorities of the Federation.

#### Article 183 Finances

- (1) The Federal Government [Bundesrat] elaborates the financing plan, drafts the estimated budget and establishes the federal accounts.
- (2) The Federal Government [Bundesrat] provides for orderly financial management.

#### Article 184 Foreign Relations

- (1) The Federal Government [Bundesrat] procures the foreign affairs safeguarding the participation rights of the Federal Parliament; it represents Switzerland abroad.
- (2) The Federal Government [Bundesrat] signs treaties and ratifies them. It submits them to the Federal Parliament for approval.
- (3) When the safeguard of the interests of the country so require, the Federal Government [Bundesrat] may issue ordinances and orders. Ordinances have to be limited in time.

#### Article 185 External and Inner Security

- (1) The Federal Government [Bundesrat] takes measures to safeguard the external security, the independence, and the neutrality of Switzerland.
- (2) The Federal Government [Bundesrat] takes measures to safeguard the inner security.
- (3) The Federal Government [Bundesrat] may, directly based on this article, issue ordinances and orders to meet existing or imminent great disturbance of the public order, the external or the inner security. Such ordinances have to be limited in time.
- (4) In urgent cases, the Federal Government [Bundesrat] may mobilize troops. If it mobilizes more than 4000 members of the armed forces for active duty, or if the this mission is expected to last more than three weeks, the Federal

Parliament has to be convened immediately.

#### Article 186 Relations between the Federation and the Cantons

- (1) The Federal Government [Bundesrat] maintains the relations between the Federation and the Cantons, and collaborates with the Cantons.
- (2) The Federal Government [Bundesrat] approves cantonal legislation where the implementation of federal law requires so.
- (3) The Federal Government [Bundesrat] may raise objections against treaties among the Cantons, or between Cantons and foreign countries.
- (4) The Federal Government [Bundesrat] provides for the adherence of federal law, cantonal constitutions and treaties of the Cantons, and takes the necessary measures.

#### Article 187 Further Tasks and Powers

- (1) The Federal Government [Bundesrat] has further the following tasks and powers:  
It supervises the Federal Administration and other organs entrusted with tasks of the Federation;  
It reports regularly to the Federal Parliament of its activity and on the state of the county;  
It carries out appointments that are not entitled to another authority;  
It decides on remedies, insofar the law so provides.
- (2) The law may attribute further tasks and powers to the Federal Government [Bundesrat].

### Chapter 4 Federal Court [Bundesgericht] and other Judicial Authorities

#### Article 188 Position of the Federal Court [Bundesgericht]

- (1) The Federal Court [Bundesgericht] is the highest federal judicial authority.
- (2) The law defines organization and procedure.
- (3) The Federal Court [Bundesgericht] appoints its administration.
- (4) In electing the justices of the Federal Court [Bundesgericht], the Federal Parliament [Bundesversammlung] considers the representation of the official languages.  
[(3) The Court administers itself.  
(4) { abolished }]

#### Article 189 Constitutional Jurisdiction

- (1) The Federal Court [Bundesgericht] has jurisdiction over:  
appeals regarding the violation of constitutional rights;  
appeals regarding the violation of local autonomy and of other guarantees by the Cantons on behalf of public law entities;  
appeals regarding the violation of international or intercanton treaties;

disputes concerning public law between the Federation and the Cantons or between Cantons.

[(1bis) The Court adjudicates complaints concerning the violation, by the Federal Parliament, of content or purpose of a general popular initiative.]

(2) The Law may assign specific cases to other federal institutions.

[Article 189 Jurisdiction of the Federal Court [Bundesgericht]

(1) The Federal Court [Bundesgericht] adjudicates disputes regarding:

- a. federal law;
- b. public international law;
- c. intercantonal law;
- d. cantonal constitutional rights;
- e. local autonomy and other guarantees by the Cantons to public law institutions;
- f. federal and cantonal provisions regarding political rights.

(2) The Court adjudicates disputes between the Federation and Cantons or between Cantons.

(3) The law may provide for additional jurisdiction of the Federal Court [Bundesgericht].

(4) Acts by the Federal Parliament and the Federal Council cannot be disputed in front of the Federal Court. Exceptions are determined by law.]

Article 190 Civil, Criminal, and Administrative Jurisdiction

(1) The law appoints the jurisdiction of the Federal Court [Bundesgericht] in matters of civil, criminal, and administrative law as well as other areas of law.

(2) The Cantons may, with the consent of the Federal Parliament [Bundesversammlung], assign matters of cantonal administrative law to the jurisdiction of the Federal Court [Bundesgericht].

[Article 190 { will be replaced by Article 191 }]

Article 191 Relevant Law

Federal Statute and public international law are authoritative for the Federal Court [Bundesgericht] and other law-applying authorities.

[Article 191 Access to the Federal Court [Bundesgericht]

(1) The law provides for access to the Federal Court [Bundesgericht].

(2) Regarding disputes that do not concern judicial questions of fundamental importance, the law may specify a threshold value.

(3) For specific areas of law the law may exclude access to the Federal Court [Bundesgericht].

(4) Regarding claims that obviously lack any merit the law may specify simplified proceedings.]

## Article 191a Further Judicial Agencies of the Federation

(1) The Federation establishes a criminal court, that adjudicates as first instances those criminal cases assigned by law to the jurisdiction of the Federation. The law may establish additional jurisdiction of the Federal Criminal Court.

(2) The Federation appoints judicial authorities to adjudicate public law disputes within the competencies of federal administration.

(3) The law may provide for further judicial authorities of the Federation.

## [Article 191b Judicial Agencies of the Cantons

(1) The cantons establish judicial agencies to adjudicate civil and public law matters as well as criminal matters.

(2) They may establish common judicial agencies.]

## [Article 191c Judicial Independence

The judicial agencies are independent and only subject to the law in their adjudicative activity.]

# Title 6 Revision of the Federal Constitution and Temporal Provisions

## Chapter 1 Revision

### Article 192 General Principle

(1) Where the Federal Constitution and implementing legislation do not provide otherwise, the revision follows the legislative process.

(2) Where the Federal Constitution and implementing legislation do not provide otherwise, the revision shall follow the legislative process.

### Article 193 Total Revision

(1) A total revision of the Federal Constitution may be proposed by the People or by one of the Chambers, or may be decreed by the Federal Parliament.

(2) If the initiative emanates from the People or if the Chambers disagree, the People decide on the execution of the total revision.

(3) If the People approve a total revision, both Chambers will be newly elected.

(4) The mandatory provisions of international law may not be violated.

### Article 194 Partial Revision

(1) A partial revision of the Federal Constitution may be requested by the People, or be decreed by the Federal Parliament.

(2) The partial revision has to preserve the principle of unity of the subject matter, and may not violate the mandatory provision of international public law.

(3) The popular initiative for partial revision has, moreover, to preserve the principle of unity of form.

## Article 195 Entry into Force

The Constitution revised in total or in part enters into force by the time it is accepted by the People and the Cantons.

## Chapter 2 Transitory Provisions

### Article 196 Transitory Provisions According to the Federal Act of 18 Dec 1998 Regarding a New Federal Constitution

#### 1. Transitory Provision to Art. 84 (Transalpine Traffic)

The transfer of freight transit traffic from road to rail has to be completed ten years after the adoption of the popular initiative for the protection of the alpine regions from transit traffic.

#### 2. Transitory Provision to Art. 85 (Flat Heavy Traffic Charge)

(1) The Federation levies an annual charge, for the use of roads open to general traffic, on each domestic and foreign motor vehicle and trailer having a total weight of over 3.5 tons.

(2) The charge amounts:

a. for trucks and articulated vehicles

over 3,5 up to 12t: CHF 650

over 12 up to 18t: CHF 2000

over 18 up to 26t: CHF 3000

over 26t: CHF 4000

b. for trailers

over 3,5 up to 8t: CHF 650

over 8 up to 10t: CHF 1500

over 10t: CHF 2000

c. for busses: 650 CHF

(3) The charge rates may be adjusted in the form of a Federal Statute; insofar as it is justified by the cost of road traffic.

(4) The Federal Government [Bundesrat] may, moreover, adapt the tariff categories applying to above 12 tons listed in paragraph (2) to possible modifications of weight categories by means of an ordinance in the road traffic statute of 19. December 1958.

(5) The Federal Government [Bundesrat] establishes for vehicles not being on the road in Switzerland during the whole year, suitable gradual rates; it considers the costs of collecting the charge.

(6) The Federal Government [Bundesrat] regulates the execution. It may establish the rates in the terms of paragraph (2) for special categories of vehicles, exempt certain vehicles from the charge and establish special regulations, particularly for travels in border areas. Thereby no vehicles registered abroad may be treated more favourably than Swiss vehicles. The Federal Government [Bundesrat] may provide for fines in cases of infractions. The Cantons collect the charges on vehicles registered in Switzerland.

(7) In the legislative process may be wholly or partly abstained from this charge.

(8) This provision applies until the coming into force of the Statute on heavy traffic duty related to motor power or consumption of December 19, 1997.

### 3. Transitory Provision to Art. 87 (Railroad and other Traffic)

(1) The Major Railroad Projects are the New Alpine Crossing, Rail 2000, the link of Eastern and Western Switzerland to the European high-speed railroad network, and the improvement by active and passive measures of protection against noise along railroad lines.

(2) The Federal Government may in order to finance the Major Railroad Projects:

use the full yield of the global heavy traffic charge set out in Art. 196, cipher 2 until the charge on heavy goods traffic related to motor power or consumption according to Article 85 comes into force, and may for this purpose raise the rates at most by hundred percent;

use no more than two thirds of the yield of the heavy goods traffic charge related to motor power or consumption set out in Art. 85;

use funds yielded by the tax on mineral fuels set out in Art. 86, cipher 3, letter b to cover 25 percent of the total costs for the basic lines of the New Alpine Crossing;

raise funds on the capital markets, but no more than 25 percent of the general costs of the new alpine crossing, Rail 2000, and the link of Eastern and Western Switzerland to the European high-speed railroad network;

raise all value added tax rates (including surtax) set out in Article 196, cipher 14 and Article 130 by 1 percent points;

provide for additional financing from private sources or international organizations.

(3) The financing of the Major Railroad Projects according to paragraph 1 is made by a legally independent fund with own accounts. The proceeds from the tolls and taxes set out in paragraph 2 will be credited to the financial accounts of the Federation, and deposited into the fund the same year. The Federation may grant advances. The Federal Parliament issues the regulations for the fund by means of an ordinance.

(4) The four Major Railroad Projects according to paragraph 1 will be adopted by means of Federal Statutes. For each major project as a whole, its necessity and status of planning have to be established. For the New Apline Crossing (NEAT) project, the various construction phases constitute components in the Federal Law. The Federal Parliament authorizes the necessary funds with credit lines. The Federal Government approves the construction stages and determines the timetable.

(5) This provision applies up to the completion of the construction and the financing (refunding of advances) of the Major Railroad Projects mentioned in paragraph 1.

### 4. Transitory Provision to Art. 90 (Nuclear Energy)

Until September 23, 2000, no general, building, initiation or operating

permits will be granted for new installations for the production of nuclear energy.

5. Transitory Provision to Art. 95 (Private Economic Activity)

Until federal legislation is adopted, the Cantons are obligated to mutually recognize their education or training certificates.

6. Transitory Provision to Art. 102 (Approvisionnement of the Country)

(1) The Federation ensures the provision of the country with bread grain and baking flour.

(2) This transitory provision remains in force until December 31, 2003 at the latest.

7. Transitory Provision to Art. 103 (Structural Policy)

The Cantons may, for no more than ten years from the entry into force of the Constitution, maintain existing regulations which in order to secure the existence of important parts of a particular sector of the hotel and restaurant industry make the opening of new businesses dependant on the need.

8. Transitory Provision to Art. 106 (Gambling)

(1) Article 106 enters into force with the entry into force of new Federal Statute on gambling and casinos.

(2) Until that date, the following provisions apply:

The establishment and operation of casinos is prohibited;

The Cantonal Governments may, under certain limitations mandated by public interest, authorize entertainment gambling as was customary in Kursaals until the Spring of 1925, if the competent authority is of the opinion that this gambling is necessary to maintain or develop tourism, and if it is organized by a Kursaal operator serving this purpose. The Cantons may also prohibit this type of gambling;

On the limitations mandated by public interest, the Federal Government will issue an ordinance. The stake may be no more than CHF 5.--;

Each cantonal gambling license is subject to the approval of the Federal Government;

One fourth of the gross proceeds of the gambling operations have to be credited to the Federation, which ought to use this part, without regard to its own services, for the benefit of victims of natural disasters, and for institutions of public assistance;

The Federation may also take the necessary measures concerning lotteries.

9. Transitory Provision to Art. 110 Subsection 3 (National Day)

(1) Until the entry into force of the new federal legislation, the Federal Government regulates the modalities.

(2) Swiss National Day will not be included in the number of holiday established in Art. 18, paragraph 2 of the Labor Statute of March 13, 1964.

10. Transitory Provision to Art. 112 (Old age, Survivors', and Disability Insurance)

As long as the federal old age, survivors', and disability insurance does not cover the basic living expenses, the Federation grants the Cantons subsidies

for the financing of supplementary benefits.

11. Transitory Provision to Art. 113 (Employment Pension Plans)

Insured persons who belong to the first generation of pension plans and therefore did not contribute for the full time, are to receive according to their income, within 10 to 20 years after the entry into force of the Statute, the minimum level of protection.

12. Transitory Provision to Art. 126 (Financial Order)

(1) The deficit in the financial accounts of the Federation is to be reduced through savings until the accounts are substantially balanced.

(2) The deficit may not exceed 5000 Million Swiss Francs in the 1999 accounts and 2500 Million in the 2000 accounts. In the 2001 accounts, it has to be reduced to at most 2 percent of the revenues.

(3) If the economic situation so requires, the majority of the members of Congress (die Rmay extend by an ordinance the deadlines according to paragraph 2 at most by two years altogether.

(4) The Federal Parliament and the Federal Government [Bundesrat] consider the guidelines of paragraph 2 when establishing the estimated budget and the long-term financing plan, and when deliberating on all proposals having financial consequences.

(5) The Federal Government [Bundesrat] uses all saving opportunities when implementing the budget. Therefore it may freeze credits and credit lines already authorized. Legal claims and subsidies promised in individual cases according to law are reserved.

(6) If the guidelines according to paragraph 2 are missed, the Federal Government [Bundesrat] determines which amount has to be additionally saved.

For this purpose:

it decides on additional savings within its competencies;

it proposes to the Federal Parliament amendments of statutes leading to additional savings.

(7) The Federal Government [Bundesrat] establishes the total sum of the additional savings in such a way that the guidelines may be achieved with a delay of no more than two years. The savings are to be made both on subsidies to third parties and in the field of the Federation itself.

(8) The federal Congress (die Rdecides on the motions of the Federal Government in the same session, and puts the decree into force following the procedure of Art. 165 of the Constitution; they are bound to the amount stated in the saving plan established by the Federal Government according to paragraph 6.

(9) If the deficit in a later yearly account again exceeds 2 percent of the proceeds, it is to be reduced in the following yearly account to this objective. If the economic situation so requires, the Federal Parliament may, by way of an ordinance, extend the period by no more than two years. For the rest the procedure follows paragraphs 4 to 8.

(10) This provision remains in effect until it is replaced by constitutional law measures to limit the federal deficit and the federal debt.



13. Transitory Provision to Art. 128 (Term of Tax Levy)

The direct federal tax may be levied until the end of 2006.

14. Transitory Provision to Art. 130 (Value Added Tax)

(1) Until a statute on value added tax enters into force, the implementing provisions will be established by the Federal Government (Bundesrat). For the implementing provisions, the following principles apply:

a. The following are taxable:

The supply of goods and services that a business provides against payment within Switzerland (including own use);

The Import of goods.

b. The following are exempt from tax, without claim to deduct previous tax:

1. Postal service within the framework of its monopoly with the exception of the transportation of persons;

2. Health services;

3. Social welfare and social security services;

4. Services related to education, teaching, and care of children and young persons;

5. Cultural services;

6. Insurance transactions;

7. Money market and capital market transactions, with the exception of asset management and recovery of debt;

8. Transfer, long term leasing, and letting of immovable property;

9. Betting, lotteries, and other games of chance;

10. Services rendered by non-profit organizations to their members against payment of a statutory fixed contribution;

11. Supply of official Swiss postage stamps used as such.

To safeguard neutrality in regard to competition or to simplify the collection of tax, voluntary taxation of the transactions listed above may be permitted with a right to deduct the tax in advance.

c. Freed of tax are, with a right to deduct previous tax, the following:

The export of goods, and services rendered abroad;

Services in connection with the export or transit of goods.

d. Exempt of tax duty on transactions within Switzerland are the following:

Businesses with a total annual taxable turnover of no more than 75'000 francs;

Businesses with a total annual taxable turnover of no more than 250'000 francs, provided that the amount of tax, after deduction of previous tax, does not regularly exceed 4'000 francs per year;

Farmers, foresters, and gardeners who supply exclusively productions from their own business, and cattle dealers;

Painters and sculptors with respect to works of art created by them personally.

To safeguard neutrality in regard to competition or to simplify the collection of tax, voluntary taxation on transactions, with a right to deduct the tax in advance, may be permitted.

e. The tax amounts to:

1. 2.0 percent on shipments and importation on the following goods which the Federal Government may define in greater detail:

- piped water,
- food and beverages, exempt are alcoholic beverages,
- cattle, poultry, fish,
- cereals,
- seeds, tuber vegetables, and plant bulbs, growing plants, cuttings, grafts, and cut flowers and branches, also when arranged as bouquets, reefs, and in similar ways,
- fodder, silage acids, straw, fertilizers and pesticides
- pharmaceuticals
- newspapers, magazines, books and other printed materials to the extent defined by the Federal Government;

2. 2.0 percent on radio and television activities with the exception of those of commercial character;

3. 6.5 percent on the supply and the importation of other goods, and on all other taxable services.

f. The tax will be calculated on the payment, or, if there is no such payment, and in the case of imports, on the value of the goods or services received.

g. The tax owes:

The Taxpayers who generate taxable turnover;

Receiver of services originating abroad, provided that their total cost exceeds 10'000 francs per year;

Persons liable to pay customs duty or to make a customs declaration, who import goods.

h. The taxpayer owes the tax on his taxable turnover; if the taxpayer uses the goods supplied and the services received to generate taxable turnover within Switzerland or abroad, in the tax accounts the following may be deducted from the tax owed as previously paid tax:

the tax passed on to the taxpayer by other taxpayers, and

the tax paid on the importation of goods or on the acquisition of services from abroad;

2.0 percent of the price on natural products purchased from businesses not subject to tax in accordance with letter d, cipher 3.

For non-commercial expenditures there is no right to deduct previous tax.

i. On tax and deduction for previous tax will, in general, be accounted for every quarter.

k. For turnover taxation in the case of gold coins and refined gold, and of goods that are already subject to special fiscal charges deviating provisions may be issued.

l. Simplifications may be arranged if they neither alter tax revenues nor affect competition in substantial extent, nor create excessive tax accounting difficulties for other tax payers.

m. Tax evasion and tax endangerment will be punished in analogy with other

federal criminal provisions in the field of tax law.

n. The special provisions on the criminal liability of businesses foreseen in article 7 of the Federal law on administrative criminal law of March 22, 1974 may also be applied in cases where a fine of more than 5'000 francs is possible.

(2) During the first five years following the introduction of the value added tax, 5 percent of the yield of this tax will be used to reduce the health insurance premiums to the benefit of persons in lower income strata. The Federal Parliament decides how this dedicated part to special purpose of the value added tax will be used after the expiry of this period.

(3) For defined tourist services in Switzerland, the Federation may set a lower rate of the value added tax by law, provided that the services are largely used by foreigners and the competitive situation so requires.

(4) The authority to levy value added tax is limited until the end of 2006.

15. Transitory Provision to Art. 131 (Beer Tax)

The beer tax will, until the adoption of a Federal Law, be levied according to the law presently in force.

16. Transitory Provision to Art. 132 (Cantonal Share of Withholding Tax)

Until the rearrangement of the financial equalization among the Cantons the share of the yield of the withholding tax amounts 12 percent. If the tax rate for the withholding tax exceeds 30 percents, the share of the Cantons is 10 percent.

Article 197 Transitory Provisions Following the Adoption of the Federal Constitution of 18 April 1999

1. Membership of Switzerland in the UNO

(1) Switzerland becomes a member of the United Nations.

(2) The Federal Council [Bundesrat] is authorized to submit to the General Secretary of the United Nations Organization (UNO) a membership application by Switzerland for this organization and a declaration about the fulfillment of all obligations under the UN-Charta.

