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# Manual

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Status as of 28 February 2022





# Table of contents

Status as of 28 February 2022

<b>Federal Constitution of the Swiss Confederation</b> of 18 April 1999 (Status as of 07.03.2021) (101)	1
<b>Federal Act on the Federal Assembly (Parliament Act, ParIA)</b> of 13 December 2002 (Status as of 18.12.2021) (171.10)	83
<b>Standing Orders of the National Council (SO-NC)</b> of 3 October 2003 (Status as of 07.09.2020) (171.13)	153
<b>Standing Orders of the Council of States (SO-CS)</b> of 20 June 2003 (Status as of 28.02.2022) (171.14)	179
<b>Federal Act on Political Rights (PRA)</b> of 17 December 1976 (Status as of 01.11.2015) (161.1)	195
<b>Federal Act on the Consultation Procedure (Consultation Procedure Act, CPA)</b> of 18 March 2005 (Status as of 26.11.2018) (172.061)	233
<b>Government and Administration Organisation Act (GAOA)</b> of 21 March 1997 (Status as of 02.12.2019) (172.010)	239



*English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.*



## **Federal Constitution of the Swiss Confederation**

of 18 April 1999 (Status as of 7 March 2021)

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### **Preamble**

In the name of Almighty God!

*The Swiss People and the Cantons,*

mindful of their responsibility towards creation,

resolved to renew their alliance so as to strengthen liberty, democracy, independence and peace in a spirit of solidarity and openness towards the world,

determined to live together with mutual consideration and respect for their diversity, conscious of their common achievements and their responsibility towards future generations,

and in the knowledge that only those who use their freedom remain free, and that the strength of a people is measured by the well-being of its weakest members,

*adopt the following Constitution<sup>1</sup>:*

### **Title 1            General Provisions**

#### **Art. 1            The Swiss Confederation**

The People and the Cantons of Zurich, Bern, Lucerne, Uri, Schwyz, Obwalden and Nidwalden, Glarus, Zug, Fribourg, Solothurn, Basel Stadt and Basel Landschaft, Schaffhausen, Appenzell Ausserrhoden and Appenzell Innerrhoden, St. Gallen, Graubünden, Aargau, Thurgau, Ticino, Vaud, Valais, Neuchâtel, Geneva, and Jura form the Swiss Confederation.

#### **Art. 2            Aims**

<sup>1</sup> The Swiss Confederation shall protect the liberty and rights of the people and safeguard the independence and security of the country.

AS 2007 5225

<sup>1</sup> Adopted by the popular vote on 18 April 1999 (FedD of 18 Dec. 1998, FCD of 11 Aug. 1999; AS 1999 2556; BBl 1997 I 1, 1999 162 5986).

<sup>2</sup> It shall promote the common welfare, sustainable development, internal cohesion and cultural diversity of the country.

<sup>3</sup> It shall ensure the greatest possible equality of opportunity among its citizens.

<sup>4</sup> It is committed to the long term preservation of natural resources and to a just and peaceful international order.

### **Art. 3**            Cantons

The Cantons are sovereign except to the extent that their sovereignty is limited by the Federal Constitution. They exercise all rights that are not vested in the Confederation.

### **Art. 4**            National languages

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

### **Art. 5**            Rule of law

<sup>1</sup> All activities of the state are based on and limited by law.

<sup>2</sup> State activities must be conducted in the public interest and be proportionate to the ends sought.

<sup>3</sup> State institutions and private persons shall act in good faith.

<sup>4</sup> The Confederation and the Cantons shall respect international law.

### **Art. 5a<sup>2</sup>**        Subsidiarity

The principle of subsidiarity must be observed in the allocation and performance of state tasks.

### **Art. 6**            Individual and collective responsibility

All individuals shall take responsibility for themselves and shall, according to their abilities, contribute to achieving the tasks of the state and society.

## **Title 2        Fundamental Rights, Citizenship and Social Goals**

### **Chapter 1    Fundamental Rights**

### **Art. 7**            Human dignity

Human dignity must be respected and protected.

<sup>2</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct. 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

**Art. 8** Equality before the law

<sup>1</sup> Every person is equal before the law.

<sup>2</sup> No person may be discriminated against, in particular on grounds of origin, race, gender, age, language, social position, way of life, religious, ideological, or political convictions, or because of a physical, mental or psychological disability.

<sup>3</sup> Men and women have equal rights. The law shall ensure their equality, both in law and in practice, most particularly in the family, in education, and in the workplace. Men and women have the right to equal pay for work of equal value.

<sup>4</sup> The law shall provide for the elimination of inequalities that affect persons with disabilities.

**Art. 9** Protection against arbitrary conduct and principle of good faith

Every person has the right to be treated by state authorities in good faith and in a non-arbitrary manner.

**Art. 10** Right to life and to personal freedom

<sup>1</sup> Every person has the right to life. The death penalty is prohibited.

<sup>2</sup> Every person has the right to personal liberty and in particular to physical and mental integrity and to freedom of movement.

<sup>3</sup> Torture and any other form of cruel, inhuman or degrading treatment or punishment are prohibited.

**Art. 10a<sup>3</sup>** Ban on covering the face\*

<sup>1</sup> No person may cover their face in public spaces or in places that are accessible to the public or where services are offered to anyone wishing to partake of them; the ban does not apply to places of worship.

<sup>2</sup> No person may force another person to cover their face on the grounds of their sex.

<sup>3</sup> The law shall provide for exceptions. These may only be justified on the grounds of health, safety, weather conditions or local custom.

**Art. 11** Protection of children and young people

<sup>1</sup> Children and young people have the right to the special protection of their integrity and to the encouragement of their development.

<sup>2</sup> They may personally exercise their rights to the extent that their power of judgement allows.

<sup>3</sup> Adopted by the popular vote on 7 March 2021, in force since 7 March 2021 (FedD of 19 June 2020, FCD of 31 May 2021 – AS **2021** 310; BBl **2017** 6447; **2019** 2913; **2020** 5507; **2021** 1185).

\* With transitional provision.

**Art. 12** Right to assistance when in need

Persons in need and unable to provide for themselves have the right to assistance and care, and to the financial means required for a decent standard of living.

**Art. 13** Right to privacy

<sup>1</sup> Every person has the right to privacy in their private and family life and in their home, and in relation to their mail and telecommunications.

<sup>2</sup> Every person has the right to be protected against the misuse of their personal data.

**Art. 14** Right to marry and to have a family

The right to marry and to have a family is guaranteed.

**Art. 15** Freedom of religion and conscience

<sup>1</sup> Freedom of religion and conscience is guaranteed.

<sup>2</sup> Every person has the right to choose freely their religion or their philosophical convictions, and to profess them alone or in community with others.

<sup>3</sup> Every person has the right to join or to belong to a religious community, and to follow religious teachings.

<sup>4</sup> No person may be forced to join or belong to a religious community, to participate in a religious act, or to follow religious teachings.

**Art. 16** Freedom of expression and of information

<sup>1</sup> Freedom of expression and of information is guaranteed.

<sup>2</sup> Every person has the right freely to form, express, and impart their opinions.

<sup>3</sup> Every person has the right freely to receive information to gather it from generally accessible sources and to disseminate it.

**Art. 17** Freedom of the media

<sup>1</sup> Freedom of the press, radio and television and of other forms of dissemination of features and information by means of public telecommunications is guaranteed.

<sup>2</sup> Censorship is prohibited.

<sup>3</sup> The protection of sources is guaranteed.

**Art. 18** Freedom to use any language

The freedom to use any language is guaranteed.

**Art. 19** Right to basic education

The right to an adequate and free basic education is guaranteed



**Art. 20** Academic freedom

Freedom of research and teaching is guaranteed.

**Art. 21** Freedom of artistic expression

Freedom of artistic expression is guaranteed.

**Art. 22** Freedom of assembly

<sup>1</sup> Freedom of assembly is guaranteed.

<sup>2</sup> Every person has the right to organise meetings and to participate or not to participate in meetings.

**Art. 23** Freedom of association

<sup>1</sup> Freedom of association is guaranteed.

<sup>2</sup> Every person has the right to form, join or belong to an association and to participate in the activities of an association.

<sup>3</sup> No person may be compelled to join or to belong to an association.

**Art. 24** Freedom of domicile

<sup>1</sup> Swiss citizens have the right to establish their domicile anywhere in the country.

<sup>2</sup> They have the right to leave or to enter Switzerland.

**Art. 25** Protection against expulsion, extradition and deportation

<sup>1</sup> Swiss citizens may not be expelled from Switzerland and may only be extradited to a foreign authority with their consent.

<sup>2</sup> Refugees may not be deported or extradited to a state in which they will be persecuted.

<sup>3</sup> No person may be deported to a state in which they face the threat of torture or any other form of cruel or inhumane treatment or punishment.

**Art. 26** Guarantee of ownership

<sup>1</sup> The right to own property is guaranteed.

<sup>2</sup> The compulsory purchase of property and any restriction on ownership that is equivalent to compulsory purchase shall be compensated in full.

**Art. 27** Economic freedom

<sup>1</sup> Economic freedom is guaranteed.

<sup>2</sup> Economic freedom includes in particular the freedom to choose an occupation as well as the freedom to pursue a private economic activity.

**Art. 28** Right to form professional associations

<sup>1</sup> Employees, employers and their organisations have the right to join together in order to protect their interests, to form associations and to join or not to join such associations.

<sup>2</sup> Disputes must wherever possible be resolved through negotiation or mediation.

<sup>3</sup> Strikes and lock outs are permitted if they relate to employment relations and if they do not contravene any requirements to preserve peaceful employment relations or to conduct conciliation proceedings.

<sup>4</sup> The law may prohibit certain categories of person from taking strike action.

**Art. 29** General procedural guarantees

<sup>1</sup> Every person has the right to equal and fair treatment in judicial and administrative proceedings and to have their case decided within a reasonable time.

<sup>2</sup> Each party to a case has the right to be heard.

<sup>3</sup> Any person who does not have sufficient means has the right to free legal advice and assistance unless their case appears to have no prospect of success. If it is necessary in order to safeguard their rights, they also have the right to free legal representation in court.

**Art. 29a<sup>4</sup>** Guarantee of access to the courts

In a legal dispute, every person has the right to have their case determined by a judicial authority. The Confederation and the Cantons may by law preclude the determination by the courts of certain exceptional categories of case.

**Art. 30** Judicial proceedings

<sup>1</sup> Any person whose case falls to be judicially decided has the right to have their case heard by a legally constituted, competent, independent and impartial court. Ad hoc courts are prohibited.

<sup>2</sup> Unless otherwise provided by law, any person against whom civil proceedings have been raised has the right to have their case decided by a court within the jurisdiction in which they reside.

<sup>3</sup> Unless the law provides otherwise, court hearings and the delivery of judgments shall be in public.

**Art. 31** Deprivation of liberty

<sup>1</sup> No person may be deprived of their liberty other than in the circumstances and in the manner provided for by the law.

<sup>4</sup> Adopted by the popular vote on 12 March 2000, in force since 1 Jan. 2007 (FedD of 8 Oct. 1999, FCD of 17 May 2000, FedD of 8 March 2005; AS **2002** 3148, **2006** 1059; BBl **1997** I 1, **1999** 8633, **2000** 2990, **2001** 4202).

<sup>2</sup> Any person deprived of their liberty has the right to be notified without delay and in a language they can understand of the reasons for their detention and of their rights. They must be given the opportunity to exercise their rights, in particular, the right to have their next-of-kin informed.

<sup>3</sup> Any person in pre-trial detention has the right to be brought before a court without delay. The court decides whether the person must remain in detention or be released. Any person in pre-trial detention has the right to have their case decided within a reasonable time.

<sup>4</sup> Any person who has been deprived of their liberty by a body other than a court has the right to have recourse to a court at any time. The court shall decide as quickly as possible on the legality of their detention.

### **Art. 32** Criminal proceedings

<sup>1</sup> Every person is presumed innocent until they have been found guilty by a legally enforceable judgment.

<sup>2</sup> Every accused person has the right to be notified as quickly and comprehensively as possible of the charge brought against them. They must be given the opportunity to assert their rights to a proper defence.

<sup>3</sup> Every convicted person has the right to have their conviction reviewed by a higher court, with the exception of cases in which the Federal Supreme Court sits at first instance.

### **Art. 33** Right of petition

<sup>1</sup> Every person has the right, without prejudice, to petition the authorities.

<sup>2</sup> The authorities must acknowledge receipt of such petitions.

### **Art. 34** Political rights

<sup>1</sup> Political rights are guaranteed.

<sup>2</sup> The guarantee of political rights protects the freedom of the citizen to form an opinion and to give genuine expression to his or her will.

### **Art. 35** Upholding of fundamental rights

<sup>1</sup> Fundamental rights must be upheld throughout the legal system.

<sup>2</sup> Whoever acts on behalf of the state is bound by fundamental rights and is under a duty to contribute to their implementation.

<sup>3</sup> The authorities shall ensure that fundamental rights, where appropriate, apply to relationships among private persons.

**Art. 36** Restrictions on fundamental rights

<sup>1</sup> Restrictions on fundamental rights must have a legal basis. Significant restrictions must have their basis in a federal act. The foregoing does not apply in cases of serious and immediate danger where no other course of action is possible.

<sup>2</sup> Restrictions on fundamental rights must be justified in the public interest or for the protection of the fundamental rights of others.

<sup>3</sup> Any restrictions on fundamental rights must be proportionate.

<sup>4</sup> The essence of fundamental rights is sacrosanct.

**Chapter 2** Citizenship and Political Rights**Art. 37** Citizenship

<sup>1</sup> Any person who is a citizen of a commune and of the Canton to which that commune belongs is a Swiss citizen.

<sup>2</sup> No person may be given preferential treatment or suffer prejudice because of their citizenship. The foregoing does not apply to regulations on political rights in citizens' communes and corporations or to participation in the assets thereof, unless cantonal legislation provides otherwise.

**Art. 38** Acquisition and deprivation of citizenship

<sup>1</sup> The Confederation shall regulate the acquisition and deprivation of citizenship by birth, marriage or adoption. It shall also regulate the deprivation of Swiss citizenship on other grounds, together with the reinstatement of citizenship.

<sup>2</sup> It shall legislate on the minimum requirements for the naturalisation of foreign nationals by the Cantons and grant naturalisation permits.

<sup>3</sup> It shall enact simplified regulations on the naturalisation of:

- a. third generation immigrants;
- b. stateless children.<sup>5</sup>

**Art. 39** Exercise of political rights

<sup>1</sup> The Confederation shall regulate the exercise of political rights in federal matters, and the Cantons shall regulate their exercise at cantonal and communal matters.

<sup>2</sup> Political rights are exercised in the commune in which a citizen resides, although the Confederation and the Cantons may provide for exceptions.

<sup>3</sup> No person may exercise their political rights contemporaneously in more than one Canton.

<sup>5</sup> Adopted by the popular vote on 12 Feb. 2017, in force since 12 Feb. 2017 (FedD of 30 Sept. 2016, FCD of 13 April 2017 – AS **2017** 2643; BBl **2015** 769 1327, **2017** 3387).

<sup>4</sup> A Canton may provide that a person newly registered as a resident may exercise the right to vote in cantonal and communal matters only after a waiting period of a maximum of three months of permanent settlement.

#### **Art. 40**            The Swiss abroad

<sup>1</sup> The Confederation shall encourage relations among the Swiss abroad and their relations with Switzerland. It may support organisations that pursue this objective.

<sup>2</sup> It shall legislate on the rights and obligations of the Swiss abroad, in particular in relation to the exercise of political rights in the Confederation, the fulfilment of the obligation to perform military or alternative service, welfare support and social security.

### **Chapter 3    Social Objectives**

#### **Art. 41**

<sup>1</sup> The Confederation and the Cantons shall, as a complement to personal responsibility and private initiative, endeavour to ensure that:

- a. every person has access to social security;
- b. every person has access to the health care that they require;
- c. families are protected and encouraged as communities of adults and children;
- d. every person who is fit to work can earn their living by working under fair conditions;
- e. any person seeking accommodation for themselves and their family can find suitable accommodation on reasonable terms;
- f. children and young people as well as persons of employable age can obtain an education and undergo basic and advanced training in accordance with their abilities;
- g. children and young people are encouraged to develop into independent and socially responsible people and are supported in their social, cultural and political integration.

<sup>2</sup> The Confederation and Cantons shall endeavour to ensure that every person is protected against the economic consequences of old-age, invalidity, illness, accident, unemployment, maternity, being orphaned and being widowed.

<sup>3</sup> They shall endeavour to achieve these social objectives within the scope of their constitutional powers and the resources available to them.

<sup>4</sup> No direct right to state benefits may be established on the basis of these social objectives.

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**Title 3            Confederation, Cantons and Communes**  
**Chapter 1       Relations between the Confederation and the Cantons**  
**Section 1       Duties of the Confederation and the Cantons**

**Art. 42           Duties of the Confederation**

<sup>1</sup> The Confederation shall fulfil the duties that are assigned to it by Federal Constitution.

<sup>2</sup> ...<sup>6</sup>

**Art. 43           Duties of the Cantons**

The Cantons decide on the duties that they must fulfil within the scope of their powers.

**Art. 43a<sup>7</sup>       Principles for the allocation and fulfilment of state tasks**

<sup>1</sup> The Confederation only undertakes tasks that the Cantons are unable to perform or which require uniform regulation by the Confederation.

<sup>2</sup> The collective body that benefits from a public service bears the costs thereof.

<sup>3</sup> The collective body that bears the costs of a public service may decide on the nature of that service.

<sup>4</sup> Universally provided services must be made available to every person in a comparable manner.

<sup>5</sup> State tasks must be fulfilled economically and in accordance with demand.

**Section 2       Cooperation between the Confederation and the Cantons**

**Art. 44           Principles**

<sup>1</sup> The Confederation and the Cantons shall support each other in the fulfilment of their duties and shall generally cooperate with each other.

<sup>2</sup> They owe each other a duty of consideration and support. They shall provide each other with administrative assistance and mutual judicial assistance.

<sup>3</sup> Disputes between Cantons or between Cantons and the Confederation shall wherever possible be resolved by negotiation or mediation.

<sup>6</sup> Repealed by the popular vote on 28 Nov. 2004, with effect from 1 Jan. 2008 (FedD of 3 Oct. 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>7</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

**Art. 45** Participation in federal decision-making

<sup>1</sup> In the cases specified by the Federal Constitution, the Cantons shall participate in the federal decision making process, and in particular in the legislative process.

<sup>2</sup> The Confederation shall inform the Cantons of its intentions fully and in good time. It shall consult the Cantons where their interests are affected.

**Art. 46** Implementation of federal law

<sup>1</sup> The Cantons shall implement federal law in accordance with the Federal Constitution and federal legislation.

<sup>2</sup> The Confederation and the Cantons may together agree that the Cantons should achieve specific goals in the implementation of federal law and may to this end conduct programmes that receive financial support from the Confederation.<sup>8</sup>

<sup>3</sup> The Confederation shall allow the Cantons all possible discretion to organise their own affairs and shall take account of cantonal particularities.<sup>9</sup>

**Art. 47** Autonomy of the Cantons

<sup>1</sup> The Confederation shall respect the autonomy of the Cantons.

<sup>2</sup> It shall leave the Cantons sufficient tasks of their own and respect their organisational autonomy. It shall leave the Cantons with sufficient sources of finance and contribute towards ensuring that they have the financial resources required to fulfil their tasks.<sup>10</sup>

**Art. 48** Intercantonal agreements

<sup>1</sup> The Cantons may enter into agreements with each other and establish common organisations and institutions. In particular, they may jointly undertake tasks of regional importance together.

<sup>2</sup> The Confederation may participate in such organisations or institutions within the scope of its powers.

<sup>3</sup> Agreements between Cantons must not be contrary to the law, to the interests of the Confederation or to the rights of other Cantons. The Confederation must be notified of such agreements.

<sup>8</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>9</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>10</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>4</sup> The Cantons may by intercantonal agreement authorise intercantonal bodies to issue legislative provisions that implement an intercantonal agreement, provided the agreement:

- a. has been approved under the same procedure that applies to other legislation;
- b. determines the basic content of the provisions.<sup>11</sup>

<sup>5</sup> The Cantons shall comply with intercantonal law.<sup>12</sup>

**Art. 48a<sup>13</sup>** Declaration of general application and requirement of participation

<sup>1</sup> At the request of interested Cantons, the Confederation may declare intercantonal agreements to be generally binding or require Cantons to participate in intercantonal agreements in the following fields:

- a. the execution of criminal penalties and measures;
- b.<sup>14</sup> school education in the matters specified in Article 62 paragraph 4;
- c.<sup>15</sup> cantonal institutions of higher education;
- d. cultural institutions of supra-regional importance;
- e. waste management;
- f. waste water treatment;
- g. urban transport;
- h. advanced medical science and specialist clinics;
- i. institutions for the rehabilitation and care of invalids.

<sup>2</sup> A declaration of general application is made in the form of a federal decree.

<sup>3</sup> The law shall specify the requirements for a declaration of general application and for a participation requirement and regulate the procedure.

**Art. 49** Precedence of and compliance with federal law

<sup>1</sup> Federal law takes precedence over any conflicting provision of cantonal law.

<sup>2</sup> The Confederation shall ensure that the Cantons comply with federal law.

<sup>11</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBI **2002** 2291, **2003** 6591, **2005** 951).

<sup>12</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBI **2002** 2291, **2003** 6591, **2005** 951).

<sup>13</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBI **2002** 2291, **2003** 6591, **2005** 951).

<sup>14</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBI **2005** 5479 5547 7273, **2006** 6725).

<sup>15</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBI **2005** 5479 5547 7273, **2006** 6725).



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### **Section 3      Communes**

#### **Art. 50**

- <sup>1</sup> The autonomy of the communes is guaranteed in accordance with cantonal law.
- <sup>2</sup> The Confederation shall take account in its activities of the possible consequences for the communes.
- <sup>3</sup> In doing so, it shall take account of the special position of the cities and urban areas as well as the mountain regions.

### **Section 4      Federal Guarantees**

#### **Art. 51              Cantonal constitutions**

- <sup>1</sup> Each Canton shall adopt a democratic constitution. This requires the approval of the People and must be capable of being revised if the majority of those eligible to vote so request.
- <sup>2</sup> Each cantonal constitution shall require the guarantee of the Confederation. The Confederation shall guarantee a constitution provided it is not contrary to federal law.

#### **Art. 52              Constitutional order**

- <sup>1</sup> The Confederation shall protect the constitutional order of the Cantons.
- <sup>2</sup> It shall intervene when public order in a Canton is disrupted or under threat and the Canton in question is not able to maintain order alone or with the aid of other Cantons.

#### **Art. 53              Number and territory of the Cantons**

- <sup>1</sup> The Confederation shall protect the existence and territory of the Cantons.
- <sup>2</sup> Any change in the number of Cantons requires the consent of the citizens and the Cantons concerned together with the consent of the People and the Cantons.
- <sup>3</sup> Any change in territory between Cantons requires the consent both of the Cantons concerned and of their citizens as well as the approval of the Federal Assembly in the form of a Federal Decree.
- <sup>4</sup> Inter-cantonal boundary adjustments may be made by agreement between the Cantons concerned.

## **Chapter 2 Powers**

### **Section 1 Relations with Foreign States**

#### **Art. 54 Foreign relations**

- <sup>1</sup> Foreign relations are the responsibility of the Confederation.
- <sup>2</sup> The Confederation shall ensure that the independence of Switzerland and its welfare is safeguarded; it shall in particular assist in the alleviation of need and poverty in the world and promote respect for human rights and democracy, the peaceful co-existence of peoples as well as the conservation of natural resources.
- <sup>3</sup> It shall respect the powers of the Cantons and protect their interests.

#### **Art. 55 Participation of the Cantons in foreign policy decisions**

- <sup>1</sup> The Cantons shall be consulted on foreign policy decisions that affect their powers or their essential interests.
- <sup>2</sup> The Confederation shall inform the Cantons fully and in good time and shall consult with them.
- <sup>3</sup> The views of the Cantons are of particular importance if their powers are affected. In such cases, the Cantons shall participate in international negotiations in an appropriate manner.

#### **Art. 56 Relations between the Cantons and foreign states**

- <sup>1</sup> A Canton may conclude treaties with foreign states on matters that lie within the scope of its powers.
- <sup>2</sup> Such treaties must not conflict with the law or the interests of the Confederation, or with the law of any other Cantons. The Canton must inform the Confederation before concluding such a treaty.
- <sup>3</sup> A Canton may deal directly with lower ranking foreign authorities; in other cases, the Confederation shall conduct relations with foreign states on behalf of a Canton.

### **Section 2 Security, National Defence, Civil Defence**

#### **Art. 57 Security**

- <sup>1</sup> The Confederation and the Cantons shall within the scope of their powers ensure the security of the country and the protection of the population.
- <sup>2</sup> They shall coordinate their efforts in the area of internal security.

#### **Art. 58 Armed forces**

- <sup>1</sup> Switzerland shall have armed forces. In principle, the armed forces shall be organised as a militia.

<sup>2</sup> The armed forces serve to prevent war and to maintain peace; they defend the country and its population. They shall support the civilian authorities in safeguarding the country against serious threats to internal security and in dealing with exceptional situations. Further duties may be provided for by law.

<sup>3</sup> The deployment of the armed forces is the responsibility of the Confederation.<sup>16</sup>

#### **Art. 59** Military service and alternative service

<sup>1</sup> Every Swiss man is required to do military service. Alternative civilian service shall be provided for by law.

<sup>2</sup> Military service is voluntary for Swiss women.

<sup>3</sup> Any Swiss man who does not do military or alternative service is liable to pay a tax. This tax is levied by the Confederation and assessed and collected by the Cantons.

<sup>4</sup> The Confederation shall legislate for fair compensation for loss of income.

<sup>5</sup> Persons who suffer damage to their health or lose their lives while doing military or alternative civilian service are entitled to appropriate support from the Confederation, whether for themselves or for their next of kin.

#### **Art. 60** Armed forces organisation, training and equipment

<sup>1</sup> Armed forces legislation, together with the organisation, training and equipment of the armed forces, is the responsibility of the Confederation.

<sup>2</sup> ...<sup>17</sup>

<sup>3</sup> The Confederation may, in return for appropriate compensation, take over the running of cantonal military installations

#### **Art. 61** Civil defence

<sup>1</sup> The legislation on the civil defence of persons and property against the effects of armed conflicts is the responsibility of the Confederation.

<sup>2</sup> The Confederation shall legislate on the deployment of civil defence units in the event of disasters and emergencies.

<sup>3</sup> It may declare civil defence service to be compulsory for men. For women, such service is voluntary.

<sup>4</sup> The Confederation shall legislate on fair compensation for loss of income.

<sup>16</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>17</sup> Repealed by the popular vote on 28 Nov. 2004, with effect from 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>5</sup> Persons who suffer damage to their health or lose their lives while doing civil defence service are entitled to appropriate support from the Confederation, whether for themselves or for their next of kin.

### Section 3 Education, Research and Culture

#### Art. 61a<sup>18</sup> Swiss Education Area

<sup>1</sup> The Confederation and the Cantons shall, within the scope of their powers, jointly ensure the high quality and accessibility of the Swiss Education Area.

<sup>2</sup> They shall coordinate their efforts and ensure their cooperation through joint administrative bodies and other measures.

<sup>3</sup> They shall ensure in the fulfilment of their duties<sup>19</sup> that general and vocational courses of study achieve equal recognition in society.

#### Art. 62 School education\*

<sup>1</sup> The Cantons are responsible for the system of school education.

<sup>2</sup> They shall ensure the provision of an adequate basic education that is available to all children. Basic education is mandatory and is managed or supervised by the state. At state schools it is free of charge.<sup>20</sup>

<sup>3</sup> The Cantons shall ensure that adequate special needs education is provided to all children and young people with disabilities up to the age of 20.<sup>21</sup>

<sup>4</sup> Where harmonisation of school education is not achieved by means of coordination in the areas of school entry age and compulsory school attendance, the duration and objectives of levels of education, and the transition for one level to another, as well as the recognition of qualifications, the Confederation shall issue regulations to achieve such harmonisation.<sup>22</sup>

<sup>5</sup> The Confederation shall regulate the start of the school year.<sup>23</sup>

<sup>18</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

<sup>19</sup> Revised by the Editing Committee of the Federal Assembly, Art. 58 para. 1 ParlA (SR **171.10**).

\* With transitional provision.

<sup>20</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

<sup>21</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>22</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

<sup>23</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

<sup>6</sup> The Cantons shall participate in the drafting of federal legislation on school education that affects cantonal responsibilities, and special account shall be taken of their opinions.<sup>24</sup>

**Art. 63<sup>25</sup>** Vocational and professional education and training

<sup>1</sup> The Confederation shall issue regulations on vocational and professional education and training.

<sup>2</sup> It shall encourage the provision of a diverse and accessible range of courses in vocational and professional education and training.

**Art. 63<sup>a26</sup>** Higher education institutions

<sup>1</sup> The Confederation shall manage the Federal Institutes of Technology. It may establish, take over or manage additional universities and other higher education institutions.

<sup>2</sup> It shall support the cantonal universities and may make financial contributions to other higher education institutions that it recognises.

<sup>3</sup> The Confederation and the Cantons are jointly responsible for the coordination and guarantee of quality in Swiss higher education. In fulfilling this responsibility, they shall take account of the autonomy of the universities and the various bodies responsible for them and ensure the equal treatment of institutions with the same functions.

<sup>4</sup> In order to fulfil their duties, the Confederation and the Cantons shall enter into agreements and delegate certain powers to joint administrative authorities. The law shall regulate the powers that may be delegated, and determine the principles governing the organisation of and procedures for coordination.

<sup>5</sup> If the Confederation and the Cantons fail to reach their common goals by means of coordination, the Confederation shall issue regulations on levels of studies and the transition from one level to another, on postgraduate education and on the recognition of institutions and qualifications. In addition, the Confederation may impose standard funding principles for subsidising of universities, and may make subsidies contingent on universities sharing particularly cost-intensive activities.

<sup>24</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

<sup>25</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

<sup>26</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

**Art. 64** Research

<sup>1</sup> The Confederation shall promote scientific research and innovation.<sup>27</sup>

<sup>2</sup> It may make its support conditional in particular on quality assurance and coordination being guaranteed.<sup>28</sup>

<sup>3</sup> It may establish, take over or run research institutes.

**Art. 64a**<sup>29</sup> Continuing education and training

<sup>1</sup> The Confederation shall specify principles governing continuing education and training.

<sup>2</sup> It may promote continuing education and training.

<sup>3</sup> The law shall specify the fields of and the criteria for such promotion.

**Art. 65** Statistics

<sup>1</sup> The Confederation shall compile the necessary statistical data on the status and trends in the population, the economy, society, education, research, the land and the environment in Switzerland.<sup>30</sup>

<sup>2</sup> It may issue regulations on the harmonisation and maintenance of official registers in order to reduce the cost of compiling data.

**Art. 66** Education grants<sup>31</sup>

<sup>1</sup> The Confederation may contribute to cantonal expenditure on grants provided to students at universities and higher education institutions. It may encourage the intercantonal harmonisation of education grants and lay down principles for the payment of education grants.<sup>32</sup>

<sup>2</sup> It may also supplement cantonal measures while preserving cantonal autonomy in education matters by taking its own measures to promote education.

<sup>27</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

<sup>28</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

<sup>29</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

<sup>30</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

<sup>31</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

<sup>32</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

**Art. 67** Encouragement of children and young people<sup>33</sup>

<sup>1</sup> In fulfilling their duties, the Confederation and Cantons shall take account of the special need of children and young people to receive encouragement and protection.

<sup>2</sup> The Confederation may supplement cantonal measures by supporting extra-curricular work with children and young people.<sup>34</sup>

**Art. 67a**<sup>35</sup> Musical education

<sup>1</sup> The Confederation and Cantons shall encourage musical education, in particular that of children and young people.

<sup>2</sup> They shall endeavour within the scope of their powers to ensure high-quality music teaching in schools. If the Cantons are unable to harmonise the goals of music teaching in schools by means of coordination, the Confederation shall issue the required regulations.

<sup>3</sup> In consultation with the Cantons, the Confederation shall set out principles to help young people to engage in musical activities and to encourage musically gifted persons.

**Art. 68** Sport

<sup>1</sup> The Confederation shall encourage sport, and in particular education in sport.

<sup>2</sup> It shall operate a sports school.

<sup>3</sup> It may issue regulations on sport for young people and declare the teaching of sport in schools to be compulsory.

**Art. 69** Culture

<sup>1</sup> Cultural matters are a cantonal responsibility.

<sup>2</sup> The Confederation may support cultural activities of national interest as well as art and music, in particular in the field of education.

<sup>3</sup> In the fulfilment of its duties, it shall take account of the cultural and linguistic diversity of the country.

<sup>33</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

<sup>34</sup> Adopted by the popular vote on 21 May 2006, in force since 21 May 2006 (FedD of 16 Dec. 2005, FCD of 27 July 2006; AS **2006** 3033; BBl **2005** 5479 5547 7273, **2006** 6725).

<sup>35</sup> Adopted by the popular vote on 23 Sept. 2012, in force since 23 Sept. 2012 (FedD of 15 March 2012, FCD of 29 Jan. 2013; AS **2013** 435; BBl **2009** 613, **2010** 1, **2012** 3443 6899, **2013** 1135).

**Art. 70** Languages

<sup>1</sup> The official languages of the Confederation are German, French and Italian. Romansh is also an official language of the Confederation when communicating with persons who speak Romansh.

<sup>2</sup> The Cantons shall decide on their official languages. In order to preserve harmony between linguistic communities, the Cantons shall respect the traditional territorial distribution of languages and take account of indigenous linguistic minorities.

<sup>3</sup> The Confederation and the Cantons shall encourage understanding and exchange between the linguistic communities.

<sup>4</sup> The Confederation shall support the plurilingual Cantons in the fulfilment of their special duties.

<sup>5</sup> The Confederation shall support measures by the Cantons of Graubünden and Ticino to preserve and promote the Romansh and the Italian languages.

**Art. 71** Cinema

<sup>1</sup> The Confederation may encourage Swiss film production and film culture.

<sup>2</sup> It may issue regulations to promote the diversity and the quality of the cinematographic works that are offered.

**Art. 72** Church and state

<sup>1</sup> The regulation of the relationship between the church and the state is the responsibility of the Cantons.

<sup>2</sup> The Confederation and the Cantons may within the scope of their powers take measures to preserve public peace between the members of different religious communities.

<sup>3</sup> The construction of minarets is prohibited.<sup>36</sup>

**Section 4** Environment and Spatial Planning**Art. 73** Sustainable development

The Confederation and the Cantons shall endeavour to achieve a balanced and sustainable relationship between nature and its capacity to renew itself and the demands placed on it by the population.

<sup>36</sup> Adopted by the popular vote on 29 Nov. 2009, in force since 29 Nov. 2009 (FedD of 12 June 2009, FCD of 5 May 2010; AS **2010** 2161; BBl **2008** 6851 7603, **2009** 4381, **2010** 3437).



**Art. 74** Protection of the environment

<sup>1</sup> The Confederation shall legislate on the protection of the population and its natural environment against damage or nuisance.

<sup>2</sup> It shall ensure that such damage or nuisance is avoided. The costs of avoiding or eliminating such damage or nuisance are borne by those responsible for causing it.

<sup>3</sup> The Cantons are responsible for the implementation of the relevant federal regulations, except where the law reserves this duty for the Confederation.

**Art. 75** Spatial planning

<sup>1</sup> The Confederation shall lay down principles on spatial planning. These principles are binding on the Cantons and serve to ensure the appropriate and economic use of the land and its properly ordered settlement.

<sup>2</sup> The Confederation shall encourage and coordinate the efforts of the Cantons and shall cooperate with them.

<sup>3</sup> Confederation and Cantons shall take account of the requirements of spatial planning in fulfilling their duties.

**Art. 75a<sup>37</sup>** National Land Survey

<sup>1</sup> The National Land Survey is the responsibility of the Confederation.

<sup>2</sup> The Confederation shall issue regulations on official surveying.

<sup>3</sup> It may issue regulations on the harmonisation of official information relating to the land.

**Art. 75b<sup>38</sup>** Second homes\*

<sup>1</sup> No more than 20 per cent of the total stock of residential units and the gross residential floor area in any commune may be used as second homes.

<sup>2</sup> The law shall require communes to publish their first home percentage plan and a detailed report on its implementation every year.

**Art. 76** Water

<sup>1</sup> The Confederation shall within the scope of its powers ensure the economic use and the protection of water resources and provide protection against the harmful effects of water.

<sup>37</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>38</sup> Adopted by the popular vote on 11 March 2012, in force since 11 March 2012 (FedD of 17 June 2011, FCD of 20 June 2012; AS **2012** 3627; BBl **2008** 1113 8757, **2011** 4825, **2012** 6623).

\* With transitional provision.

<sup>2</sup> It shall lay down principles on the conservation and exploitation of water resources, the use of water for the production of energy and for cooling purposes, as well as on other measures affecting the water-cycle.

<sup>3</sup> It shall legislate on water protection, on ensuring appropriate residual flow, on hydraulic engineering and the safety of dams, and on measures that influence precipitation.

<sup>4</sup> The Cantons shall manage their water resources. They may levy charges for the use of water, subject to the limits imposed by federal legislation. The Confederation has the right to use water for its transport operations subject to payment of a charge and compensation.

<sup>5</sup> The Confederation, in consultation with the Cantons concerned, shall decide on rights to international water resources and the charges for them. If Cantons are unable to agree on rights to intercantonal water resources, the Confederation shall decide.

<sup>6</sup> The Confederation shall take account of the concerns of the Cantons where the water originates in fulfilling its duties.

#### **Art. 77**            Forests

<sup>1</sup> The Confederation shall ensure that the forests are able to fulfil their protective, commercial and public amenity functions.

<sup>2</sup> It shall lay down principles on the protection of the forests.

<sup>3</sup> It shall encourage measures for the conservation of the forests.

#### **Art. 78**            Protection of natural and cultural heritage

<sup>1</sup> The protection of natural and cultural heritage is the responsibility of the Cantons.

<sup>2</sup> In the fulfilment of its duties, the Confederation shall take account of concerns for the protection of natural and cultural heritage. It shall protect the countryside and places of architectural, historical, natural or cultural interest; it shall preserve such places intact if required to do so in the public interest.

<sup>3</sup> It may support efforts made for the protection of natural and cultural heritage and acquire or preserve properties of national importance by contract or through compulsory purchase.

<sup>4</sup> It shall legislate on the protection of animal and plant life and on the preservation of their natural habitats and their diversity. It shall protect endangered species from extinction.

<sup>5</sup> Moors and wetlands of special beauty and national importance shall be preserved. No buildings may be built on them and no changes may be made to the land, except for the construction of facilities that serve the protection of the moors or wetlands or their continued use for agricultural purposes.

**Art. 79** Fishing and hunting

The Confederation shall lay down principles on fishing and hunting and in particular on the preservation of the diversity of fish species, wild mammals and birds.

**Art. 80** Protection of animals

<sup>1</sup> The Confederation shall legislate on the protection of animals.

<sup>2</sup> It shall in particular regulate:

- a. the keeping and care of animals;
- b. experiments on animals and procedures carried out on living animals;
- c. the use of animals;
- d. the import of animals and animal products;
- e. the trade in animals and the transport of animals;
- f. the killing of animals.

<sup>3</sup> The enforcement of the regulations is the responsibility of the Cantons, except where the law reserves this to the Confederation.

**Section 5** Public Construction Works and Transport**Art. 81** Public Construction Works

The Confederation may in the interests of the country as a whole or a large part of it carry out and operate public construction works, or provide support for such construction works.

**Art. 81a**<sup>39</sup> Public transport

<sup>1</sup> The Confederation and the Cantons shall ensure that an adequate range of public transport services is provided on rail, roads, water and by cableway in all regions of the country. In doing so, appropriate account must be taken of the interests of rail freight transport.

<sup>2</sup> The costs of public transport shall be covered to an appropriate extent by the prices paid by users.

**Art. 82** Road transport

<sup>1</sup> The Confederation shall legislate on road transport.

<sup>2</sup> It shall exercise oversight over roads of national importance; it may decide which transit roads must remain open to traffic.

<sup>39</sup> Adopted by the popular vote on 9 Feb. 2014, in force since 1 Jan. 2016 (FedD of 20 June 2013, FCD of 13 May 2014, FCD of 2 June 2014, FCD of 6 June 2014; AS **2015** 645; BBl **2010** 6637, **2012** 1577, **2013** 4725 6518, **2014** 4113 4117).

<sup>3</sup> Public roads may be used free of charge. The Federal Assembly may authorise exceptions.

**Art. 83<sup>40</sup>** Road infrastructure

<sup>1</sup> The Confederation and the cantons shall ensure that there is adequate road infrastructure in all regions of the country.

<sup>2</sup> The Confederation shall ensure the construction of a network of national highways and guarantee that they remain useable. It shall construct, operate and maintain the national highways. It shall bear the costs thereof. It may assign this task wholly or partly to public or private bodies or combined public-private bodies.

**Art. 84** Alpine transit traffic\*

<sup>1</sup> The Confederation shall protect the Alpine region from the negative effects of transit traffic. It shall limit the nuisance caused by transit traffic to a level that is not harmful to people, animals and plants or their habitats.

<sup>2</sup> Transalpine goods traffic shall be transported from border to border by rail. The Federal Council shall take the measures required. Exceptions are permitted only when there is no alternative. They must be specified in detail in a federal act.

<sup>3</sup> The capacity of the transit routes in the Alpine region may not be increased. This does not apply to by-pass roads that reduce the level of transit traffic in towns and villages.

**Art. 85** Heavy vehicle charge\*

<sup>1</sup> The Confederation may levy a capacity or mileage-related charge on heavy vehicle traffic where such traffic creates public costs that are not covered by other charges or taxes.

<sup>2</sup> The net revenue from the charge shall be used to cover the costs incurred in connection with overland transport.<sup>41</sup>

<sup>3</sup> The Cantons are entitled to a share of the net revenue. In the assessment of the shares allocated, the particular consequences that levying the charge have for mountainous and remote regions shall be taken into account.

<sup>40</sup> Adopted by the popular vote on 12 Feb. 2017, in force since 1 Jan. 2018 (FedD of 30 Sept. 2016, FCD of 10 Nov. 2016 – AS **2017** 6731; BBl **2015** 2065, **2016** 7587, **2017** 3387).

\* With transitional provision

\* With transitional provision

<sup>41</sup> Adopted by the popular vote on 9 Feb. 2014, in force since 1 Jan. 2016 (FedD of 20 June 2013, FCD of 13 May 2014, FCD of 2 June 2014, FCD of 6 June 2014; AS **2015** 645; BBl **2010** 6637, **2012** 1577, **2013** 4725 6518, **2014** 4113 4117).

**Art. 85<sup>a42</sup>** Charge for using the national highways

The Confederation shall levy a charge for the use of the national highways by motor vehicles and trailers that are not liable to pay the heavy vehicle charge.

**Art. 86<sup>43</sup>** Use of charges for tasks and costs in connection with road transport\*

<sup>1</sup> A fund shall be set up to finance the national highways and contributions towards measures to improve the road transport infrastructure in cities and urban areas.

<sup>2</sup> The following monies shall be allocated to the fund:

- a. the net proceeds of the national highways charge in accordance with Article 85a;
- b. the net proceeds of the special consumption tax in accordance with Article 131 paragraph 1 letter d;
- c. the net proceeds of the surcharge in accordance with Article 131 paragraph 2 letter a;
- d. the net proceeds of the charge in accordance with Article 131 paragraph 2 letter b;
- e. a percentage of the net proceeds from the consumption tax on all motor fuels, with the exception of aviation fuels, in accordance with Article 131 paragraph 1 letter e; this shall amount to 9 per cent each of the net proceeds under letter c and 9 per cent of one half of the net proceeds of the consumption tax on all motor fuels, with the exception of aviation fuels, but no more than 310 million francs per year; the indexation of this amount shall be regulated by law;
- f. in general, 10 per cent of the net proceeds of consumption tax on all motor fuels, with the exception of aviation fuels, in accordance with Article 131 paragraph 1 letter e;
- g. the proceeds to cover additional expenditure on new sections of the national highways from the special finance programme in accordance with paragraph 3 letter g and from contributions made by the Cantons;
- h. other monies allocated by law in connection with road transport.

<sup>3</sup> A special finance programme shall be administered for the following tasks and costs in connection with road transport:

- a. contributions towards measures to promote combined transport and the transport of motor vehicles and drivers;
- b. contributions towards the cost of main roads;

<sup>42</sup> Adopted by the popular vote on 12 Feb. 2017, in force since 1 Jan. 2018 (FedD of 30 Sept. 2016, FCD of 10 Nov. 2016 – AS **2017** 6731; BBl **2015** 2065, **2016** 7587, **2017** 3387).

<sup>43</sup> Adopted by the popular vote on 12 Feb. 2017, in force since 1 Jan. 2018, para. 2 let. g and 3 let. g in force since 1 Jan. 2020 (FedD of 30 Sept. 2016, FCD of 10 Nov. 2016 – AS **2017** 6731; BBl **2015** 2065, **2016** 7587, **2017** 3387).

\* With transitional provision.

- c. contributions towards protective structures to prevent natural disasters and measures to protect the environment and countryside from the effects of road traffic;
- d. general contributions towards the costs incurred by the Cantons for roads open to motor vehicles;
- e. contributions to Cantons without national highways;
- f. research and administration;
- g. contributions to the fund in accordance with paragraph 2 letter g.

<sup>4</sup> The special finance programme shall be allocated one half of the net proceeds of the consumption tax on all motor fuels, with the exception of aviation fuels, in accordance with Article 131 paragraph 1 letter e, under deduction of the monies under paragraph 2 letter e.

<sup>5</sup> Where the special finance programme has a proven need and in order to form appropriate reserves in the special finance programme, proceeds from the consumption tax in accordance with Article 131 paragraph 1 letter d shall be allocated to the special finance programme instead of the fund.

#### **Art. 87** Railways and other modes of transport\*

The legislation on rail transport, cableways, shipping, aviation and space travel is the responsibility of the Confederation.

#### **Art. 87a<sup>44</sup>** Railway infrastructure\*

<sup>1</sup> The Confederation shall bear the principal burden of financing railway infrastructure.

<sup>2</sup> Railway infrastructure shall be financed from a fund. The following resources shall be allocated to the fund:

- a. a maximum of two thirds of the revenue from the heavy vehicle charge under Article 85;
- b. the revenue from the increase in value added tax under Article 130 paragraph 3<sup>bis</sup>;
- c. 2.0 per cent of the receipts from the direct federal taxation of private individuals;
- d. 2,300 million francs each year from the general federal budget; the indexation of this amount shall be regulated by law.

<sup>3</sup> The Cantons shall participate appropriately in the financing of railway infrastructure. The details shall be regulated by law.

\* With transitional provision

<sup>44</sup> Adopted by the popular vote on 9 Feb. 2014, in force since 1 Jan. 2016 (FedD of 20 June 2013, FCD of 13 May 2014, FCD of 2 June 2014, FCD of 6 June 2014; AS 2015 645; BBl 2010 6637, 2012 1577, 2013 4725 6518, 2014 4113 4117).

\* With transitional provision.

<sup>4</sup> The law may provide for additional financing from third parties.

**Art. 87<sup>b45</sup>** Use of charges for tasks and costs in connection with air traffic

One half of the net proceeds of the consumption tax on aviation fuels and the surcharge on the consumption tax on aviation fuels shall be used for the following tasks and costs in connection with air traffic:

- a. contributions towards environmental protection measures made necessary by air traffic;
- b. contributions towards security measures to protect against unlawful acts against air traffic, and in particular against terrorist attacks and the hijacking of aircraft, insofar as such measures are not the responsibility of national authorities;
- c. contributions towards measures to ensure a high technical level of safety in air traffic.

**Art. 88<sup>46</sup>** Footpaths, hiking trails and cycle paths

<sup>1</sup> The Confederation shall lay down principles with regard to the network of footpaths, hiking trails and cycle paths.

<sup>2</sup> It may support and coordinate measures by the cantons and third parties to construct and maintain such networks and to provide information about them. In doing so, it shall respect the powers of the cantons.

<sup>3</sup> It shall take account of these networks in the fulfilment of its duties. It shall replace paths and trails that it has to close.

## Section 6 Energy and Communications

**Art. 89** Energy policy

<sup>1</sup> Within the scope of their powers, the Confederation and Cantons shall endeavour to ensure a sufficient, diverse, safe, economic and environmentally sustainable energy supply as well as the economic and efficient use of energy.

<sup>2</sup> The Confederation shall establish principles on the use of local and renewable energy sources and on the economic and efficient use of energy.

<sup>3</sup> The Confederation shall legislate on the use of energy by installations, vehicles and appliances. It shall encourage the development of energy technologies, in particular in the fields of saving energy and the renewable energy sources.

<sup>45</sup> Adopted by the popular vote on 12 Feb. 2017, in force since 1 Jan. 2018 (FedD of 30 Sept. 2016, FCD of 10 Nov. 2016 – AS 2017 6731; BBl 2015 2065, 2016 7587, 2017 3387).

<sup>46</sup> Adopted by the popular vote on 23 Sept. 2018, in force since 23 Sept. 2018 (FedD of 13 March 2018, FCD of 21 Jan. 2019 – AS 2019 525; BBl 2016 1791, 2017 5901, 2018 1859, 2019 1311).

<sup>4</sup> The Cantons shall be primarily responsible for measures relating to the use of energy in buildings.

<sup>5</sup> The Confederation shall take account in its energy policy of the efforts made by the Cantons, the communes and the business community; it shall take account of the conditions in the individual regions of the country and the limitations of what is economically feasible.

**Art. 90** Nuclear energy\*

The Confederation is responsible for legislation in the field of nuclear energy.

**Art. 91** Transport of energy

<sup>1</sup> The Confederation shall legislate on the transport and the supply of electrical energy.

<sup>2</sup> The Confederation is responsible for legislation on transmission and distribution systems for the transport of liquid or gaseous fuels.

**Art. 92** Postal and telecommunications services

<sup>1</sup> The Confederation is responsible for postal and telecommunications services.

<sup>2</sup> The Confederation shall ensure the adequate, universal and reasonably priced provision of postal and telecommunications services in all regions of the country. The rates shall be fixed according to standard principles.

**Art. 93** Radio and television

<sup>1</sup> The Confederation is responsible for legislation on radio and television as well as on other forms of public broadcasting of features and information.

<sup>2</sup> Radio and television shall contribute to education and cultural development, to the free shaping of opinion and to entertainment. They shall take account of the particularities of the country and the needs of the Cantons. They shall present events accurately and allow a diversity of opinions to be expressed appropriately.

<sup>3</sup> The independence of radio and television as well as their autonomy in deciding on programming is guaranteed.

<sup>4</sup> Account must be taken of the role and duties of other media, in particular the press.

<sup>5</sup> Complaints about programmes may be submitted to an independent complaints authority.

\* With transitional provision



## Section 7 The Economy

### Art. 94 Principles of the economic system

<sup>1</sup> The Confederation and the Cantons shall abide by the principle of economic freedom.

<sup>2</sup> They shall safeguard the interests of the Swiss economy as a whole and, together with the private sector, shall contribute to the welfare and economic security of the population.

<sup>3</sup> They shall endeavour within the scope of their powers to create favourable general conditions for the private sector.

<sup>4</sup> Any divergence from the principle of economic freedom, and in particular measures designed to restrain competition, shall be permitted only if they are provided for in the Federal Constitution or based on cantonal monopoly rights.

### Art. 95 Professional activities in the private sector\*

<sup>1</sup> The Confederation may legislate on professional activities in the private sector.

<sup>2</sup> It shall seek to create a unified Swiss economic area. It shall guarantee that persons with an academic qualification or with a federal or cantonal educational qualification or an educational qualification recognised by a Canton are able to practise their profession throughout Switzerland.

<sup>3</sup> For the protection of the economy, private property and shareholders, and to guarantee sustainable corporate governance, the law shall regulate Swiss companies limited by shares listed on stock exchanges in Switzerland or abroad in accordance with the following principles:

- a. the general meeting votes on an annual basis on the total amount of all remuneration (money and the value of benefits in kind) given to the board of directors, the executive board and the board of advisors. It elects on an annual basis the president of the board of directors, the individual members of the board of directors and the remuneration committee, and the independent representatives of voting rights. Pension funds vote in the interests of their insured members and disclose how they have voted. Shareholders may vote remotely online; they may not be represented by a governing officer of the company or by a custodian bank;
- b. the governing officers may not be given severance or similar payments, advance payments, bonuses for company purchases and sales, additional contracts as consultants to or employees of other companies in the group. The management of the company may not be delegated to a legal entity;
- c. the articles of association regulate the amount of credits, loans and pensions payable to governing officers, their profit-sharing and equity participation plans and the number of mandates they may accept outside the group, as

\* With transitional provision

well as the duration of employment contracts of members of the executive board;

- d. persons violating the provisions under letters a-c are liable to a custodial sentence not exceeding three years and to a monetary penalty not exceeding six times their annual remuneration.<sup>47</sup>

#### **Art. 96**            Competition policy

<sup>1</sup> The Confederation shall legislate against the damaging effects in economic or social terms of cartels and other restraints on competition.

<sup>2</sup> It shall take measures:

- a. to prevent abuses in price maintenance by dominant undertakings and private and public law organisations;
- b. against unfair competition.

#### **Art. 97**            Consumer protection

<sup>1</sup> The Confederation shall take measures to protect consumers.

<sup>2</sup> It shall legislate on the legal remedies available to consumer organisations. These organisations shall have the same rights under the federal legislation on unfair competition as professional and trade associations.

<sup>3</sup> The Cantons shall provide a conciliation procedure or a simple and rapid court procedure for claims of up to a certain sum. The Federal Council determines this sum.

#### **Art. 98**            Banks and insurance companies

<sup>1</sup> The Confederation shall legislate on the banking and stock exchange system; in doing so, it shall take account of the special function and role of the cantonal banks.

<sup>2</sup> It may legislate on financial services in other fields.

<sup>3</sup> It shall legislate on private insurance.

#### **Art. 99**            Monetary policy

<sup>1</sup> The Confederation is responsible for money and currency; the Confederation has the exclusive right to issue coins and banknotes.

<sup>2</sup> The Swiss National Bank, as an independent central bank, shall pursue a monetary policy that serves the overall interests of the country; it shall be administered with the cooperation and under the supervision of the Confederation.

<sup>47</sup> Adopted by the popular vote on 3 March 2013, in force since 3 March 2013 (FCD of 15 Nov. 2012 and 30 April 2013; AS **2013** 1303; BBI **2006** 8755, **2008** 2577, **2009** 299, **2012** 9219, **2013** 3129).

<sup>3</sup> The Swiss National Bank shall create sufficient currency reserves from its revenues; part of these reserves shall be held in gold.

<sup>4</sup> A minimum of two thirds of the net profits made by the Swiss National Bank shall be allocated to the Cantons.

**Art. 100** Economic policy

<sup>1</sup> The Confederation shall take measures to achieve balanced economic development, and in particular to prevent and combat unemployment and inflation.

<sup>2</sup> It shall take account of economic development in individual regions of the country. It shall cooperate with the Cantons and the business community.

<sup>3</sup> In the field of money and banking, in foreign economic affairs and in the field of public finance, the Confederation may if necessary depart from the principle of economic freedom.

<sup>4</sup> The Confederation, the Cantons and the communes shall take account of the economic situation in their revenue and expenditure policies.

<sup>5</sup> To stabilise the economic situation, the Confederation may temporarily levy surcharges or grant rebates on federal taxes and duties. The accumulated funds must be held in reserve; following their release, direct taxes shall be individually refunded, and indirect taxes used to grant rebates or to create jobs.

<sup>6</sup> The Confederation may oblige businesses to accumulate reserves for the creation of jobs; it shall for this purpose grant tax concessions and may require the Cantons to do the same. Following the release of the reserves, businesses shall be free to decide how the funds are applied within the scope of the uses permitted by law.

**Art. 101** Foreign economic policy

<sup>1</sup> The Confederation shall safeguard the interests of the Swiss economy abroad.

<sup>2</sup> In special cases, it may take measures to protect the domestic economy. In doing so, it may if necessary depart from the principle of economic freedom.

**Art. 102** National economic supply\*

<sup>1</sup> The Confederation shall ensure that the country is supplied with essential goods and services in the event of the threat of politico-military strife or war, or of severe shortages that the economy cannot by itself counteract. It shall take precautionary measures to address these matters.

<sup>2</sup> In exercising its powers under this Article, it may if necessary depart from the principle of economic freedom.

\* With transitional provision

**Art. 103**      Structural policy\*

The Confederation may support regions of the country that are under economic threat and promote specific economic sectors and professions, if reasonable self-help measures are insufficient to ensure their existence. In exercising its powers under this Article, it may if necessary depart from the principle of economic freedom.

**Art. 104**      Agriculture

<sup>1</sup> The Confederation shall ensure that the agricultural sector, by means of a sustainable and market oriented production policy, makes an essential contribution towards:

- a. the reliable provision of the population with foodstuffs;
- b. the conservation of natural resources and the upkeep of the countryside;
- c. decentralised population settlement of the country.

<sup>2</sup> In addition to the self-help measures that can reasonably be expected in the agriculture sector and if necessary in derogation from the principle of economic freedom, the Confederation shall support farms that cultivate the land.

<sup>3</sup> The Confederation shall organise measures in such a manner that the agricultural sector fulfils its multi-functional duties. It has in particular the following powers and duties:

- a. supplementing revenues from agriculture by means of direct subsidies in order to achieve of fair and adequate remuneration for the services provided, subject to proof of compliance with ecological requirements;
- b. encouraging by means of economically advantageous incentives methods of production that are specifically near-natural and respectful of both the environment and livestock;
- c. legislating on declarations of origin, quality, production methods and processing procedures for foodstuffs;
- d. protecting the environment against the detrimental effects of the excessive use of fertilisers, chemicals and other auxiliary agents;
- e. at its discretion, encouraging agricultural research, counselling and education and subsidise investments;
- f. at its discretion, legislating on the consolidation of agricultural property holdings.

<sup>4</sup> For these purposes, the Confederation shall provide both funds earmarked for the agricultural sector and general federal funds.

\* With transitional provision

**Art. 104<sup>48</sup>** Food security

In order to guarantee the supply of food to the population, the Confederation shall create the conditions required for:

- a. safeguarding the basis for agricultural production, and agricultural land in particular;
- b. food production that is adapted to local conditions and which uses natural resources efficiently;
- c. an agriculture and food sector that responds to market requirements;
- d. cross-border trade relations that contribute to the sustainable development of the agriculture and food sector;
- e. using food in a way that conserves natural resources.

**Art. 105** Alcohol

The legislation on the manufacture, import, rectification and sale of alcohol obtained by distillation is the responsibility of the Confederation. The Confederation shall in particular take account of the harmful effects of alcohol consumption.

**Art. 106<sup>49</sup>** Gambling

<sup>1</sup> The Confederation shall legislate on gambling; in doing so it shall take account of cantonal interests.

<sup>2</sup> A licence from the Confederation is required in order to establish and operate a casino. In granting such a licence, the Confederation shall take account of regional circumstances. It shall levy a revenue-related tax on casinos; this tax must not exceed 80 per cent of the gross revenues from gambling. It shall be used to fund the Old-age, Survivors' and Invalidity Insurance.

<sup>3</sup> The cantons are responsible for granting licences for and supervising the following:

- a. gambling activities that are available to an unlimited number of people, are offered at more than one location and which are based on the same random draw or a similar procedure; the foregoing does not apply to the jackpot systems in casinos;
- b. betting on sports;
- c. games of skill.

<sup>4</sup> Paragraphs 2 and 3 also apply to telecommunications-based gambling.

<sup>48</sup> Adopted by the popular vote on 24. Sept. 2017, in force since 24 Sept. 2017 (FedD of 14 March 2017, FCD of 30 Nov. 2017 – AS **2017** 6735; BBl **2014** 6135, **2015** 5753, **2017** 2495 7829).

<sup>49</sup> Adopted by the popular vote on 11 March 2012, in force since 11 March 2012 (FedD of 29 Sept. 2011, FCD of 20 June 2012; AS **2012** 3629; BBl **2009** 7019, **2010** 7961, **2012** 6623).

<sup>5</sup> The Confederation and the cantons shall take account of the dangers of gambling. They shall ensure that appropriate protection is provided through legislation and supervisory measures and in doing so shall take account of the different characteristics of the games and the form and location of the gambling opportunity offered.

<sup>6</sup> The cantons shall ensure that the net revenues from gambling in accordance with paragraph 3 letters a and b are used in their entirety for charitable purposes, in particular in the fields of culture, social projects and sport.

<sup>7</sup> The Confederation and the cantons shall coordinate their efforts to fulfil their tasks. To this end the law shall establish a joint body, one half of whose members shall be from the federal implementing bodies and the other half from the cantonal implementing bodies.

#### **Art. 107**      Weapons and war material

<sup>1</sup> The Confederation shall legislate against misuse of weapons and their accessories and ammunition.

<sup>2</sup> It shall legislate on the manufacture, procurement and sale of war material as well as the import, export and transit of such material.

### **Section 8      Housing, Employment, Social Security and Health**

#### **Art. 108**      Construction of housing and home ownership

<sup>1</sup> The Confederation shall encourage the construction of housing, the acquisition of the ownership of apartments and houses for the personal use of private individuals, as well as the activities of developers and organisations involved in the construction of public utility housing.

<sup>2</sup> It shall encourage in particular the acquisition and development of land for the construction of housing, increased efficiency in construction and the reduction of construction and housing costs.

<sup>3</sup> It may legislate on the development of land for housing construction and on increasing the efficiency of construction.

<sup>4</sup> In doing so, it shall take particular account of the interests of families, elderly persons, persons on low incomes and persons with disabilities.

#### **Art. 109**      Landlord and tenant

<sup>1</sup> The Confederation shall legislate against abuses in tenancy matters, and in particular against unfair rents, as well as on the procedure for challenging unlawfully terminated leases and the limited extension of leases.

<sup>2</sup> It may legislate to declare framework leases to be generally applicable. Such leases may be declared generally applicable only if they take appropriate account of the justified interests of minorities and regional particularities, and respect the principle of equality before the law.

**Art. 110** Employment\*

<sup>1</sup> The Confederation may legislate on:

- a. employee protection;
- b. relations between employer and employee, and in particular on common regulations on operational and professional matters;
- c. recruitment services;
- d. the declaration of collective employment agreements to be generally applicable.

<sup>2</sup> Collective employment agreements may be declared generally applicable only if they take appropriate account of the justified interests of minorities and regional particularities, and they respect the principle of equality before the law and the right to form professional associations.

<sup>3</sup> August 1 is the National Day of the Swiss Confederation. In terms of employment law, it is regarded as equivalent to a Sunday, with equivalent rights to pay.

**Art. 111** Old-age, survivors' and invalidity pension provision

<sup>1</sup> The Confederation shall take measures to ensure adequate financial provision for the elderly, surviving spouses and children, and persons with disabilities. These shall be based on three pillars, namely the Federal Old-age, Survivors' and Invalidity Insurance, the occupational pension scheme and private pension schemes.

<sup>2</sup> The Confederation shall ensure that the Federal Old-age, Survivors' and Invalidity Insurance and the occupational pension scheme are able to fulfil their purpose at all times.

<sup>3</sup> It may require the Cantons to exempt institutions of the Federal Old-age, Survivors' and Invalidity Insurance and the occupational pension scheme from liability to pay tax and to grant insured persons and their employers tax relief on contributions and reversionary rights.

<sup>4</sup> In cooperation with the Cantons, it shall encourage private pension schemes, in particular through measures relating to taxation policy and the policy of promoting property ownership.

**Art. 112** Old-age, Survivors' and Invalidity Insurance

<sup>1</sup> The Confederation shall legislate on the Old-age, Survivors and Invalidity Insurance.

<sup>2</sup> In doing so, it shall adhere to the following principles:

- a. the insurance is compulsory;

\* With transitional provision

<sup>abis</sup>.<sup>50</sup> it provides cash and non-cash benefits;

- b. pensions must be sufficient to cover basic living expenses adequately;
- c. the maximum pension must not be more than twice the minimum pension;
- d. pensions must as a minimum be adjusted in line with price trends.

<sup>3</sup> The insurance is funded:

- a. through contributions from those insured, whereby employers must pay one half of the contributions payable by their employees;
- b.<sup>51</sup> through subsidies from the Confederation.

<sup>4</sup> The subsidies from the Confederation may not exceed one half of the disbursements made under the scheme.<sup>52</sup>

<sup>5</sup> The subsidies from the Confederation shall in the first place be funded from the net proceeds of the tax on tobacco, the tax on distilled spirits and the tax on the revenues from gaming houses.

<sup>6</sup> ...<sup>53</sup>

#### **Art. 112a<sup>54</sup>** Supplementary benefits

<sup>1</sup> Confederation and Cantons shall pay supplementary benefits to people whose basic living expenses are not covered by benefits under the Old-age, Survivors and Invalidity Insurance.

<sup>2</sup> The law determines the extent of the supplementary benefits as well as the tasks and responsibilities of the Confederation and Cantons.

<sup>50</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct. 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>51</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct. 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>52</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct. 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>53</sup> Repealed by the popular vote on 28 Nov. 2004, with effect from 1 Jan. 2008 (FCD of 3 Oct. 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>54</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct. 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).



**Art. 112b<sup>55</sup>** Promoting the rehabilitation of people eligible for invalidity benefits\*

<sup>1</sup> The Confederation shall encourage the rehabilitation of people eligible for invalidity benefits by providing cash and non-cash benefits. For this purpose, it may use resources from the Invalidity Insurance.

<sup>2</sup> The Cantons shall encourage the rehabilitation of people eligible for invalidity benefits, in particular through contributions to the construction and running of institutions that provide accommodation and work.

<sup>3</sup> The law determines the goals of rehabilitation and the principles and criteria.

**Art. 112c<sup>56</sup>** Aid for elderly people and people with disabilities\*

<sup>1</sup> The Cantons shall provide for assistance and care in the home for elderly people and people with disabilities.

<sup>2</sup> The Confederation shall support national efforts for the benefit of elderly people and people with disabilities. For this purpose, it may use resources from the Old-age, Survivors and Invalidity Insurance.

**Art. 113** Occupational pension scheme\*

<sup>1</sup> The Confederation shall legislate for an occupational pension scheme.

<sup>2</sup> In doing so, it shall adhere to the following principles:

- a. the occupational pension scheme, together with the Old-age, Survivors' and Invalidity Insurance, enables the insured person to maintain his or her previous lifestyle in an appropriate manner.
- b. the occupational pension scheme is compulsory for employees; the law may provide for exceptions.
- c. employers shall insure their employees with a pension institution; if required, the Confederation shall make it possible for employees to be insured with a federal pension institution.
- d. self-employed persons may insure themselves on a voluntary basis with a pension institution.
- e. for specific groups of self-employed persons, the Confederation may declare the occupational pension scheme to be compulsory, either in general terms or for individual risks only.

<sup>55</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

\* With transitional provision.

<sup>56</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

\* With transitional provision.

\* With transitional provision

<sup>3</sup> The occupation pension scheme is funded from the contributions of those insured, whereby employers must pay a minimum of one half of the contributions of their employees.

<sup>4</sup> Pension schemes must satisfy the minimum requirements under federal law; the Confederation may provide for national measures to resolve particular difficulties.

#### **Art. 114**          Unemployment insurance

<sup>1</sup> The Confederation shall legislate on unemployment insurance.

<sup>2</sup> In doing so, it shall adhere to the following principles:

- a. the insurance guarantees appropriate compensation for loss of earnings and supports measures to prevent and combat unemployment;
- b. the insurance is compulsory for employees; the law may provide for exceptions;
- c. self-employed persons may insure themselves voluntarily.

<sup>3</sup> The insurance is funded by the contributions from those insured, whereby one half of the contributions of employees shall be paid by their employers.

<sup>4</sup> Confederation and Cantons shall provide subsidies in extraordinary circumstances.

<sup>5</sup> The Confederation may enact regulations on social assistance for the unemployed.

#### **Art. 115**          Support for persons in need

Persons in need shall be supported by their Canton of residence. The Confederation regulates exceptions and powers.

#### **Art. 116**          Child allowances and maternity insurance

<sup>1</sup> In the fulfilment of its duties, the Confederation shall take account of the needs of families. It may support measures for the protection of families.

<sup>2</sup> It may issue regulations on child allowances and operate a federal family allowances compensation fund.

<sup>3</sup> It shall establish a maternity insurance scheme. It may also require persons who cannot benefit from that insurance to make contributions.

<sup>4</sup> The Confederation may declare participation in a family allowances compensation fund and the maternity insurance scheme to be compulsory, either in general terms or for individual sections of the population, and make its subsidies dependent on appropriate subsidies being made by the Cantons.

#### **Art. 117**          Health and accident insurance

<sup>1</sup> The Confederation shall legislate on health and accident insurance.

<sup>2</sup> It may declare health and the accident insurance to be compulsory, either in general terms or for individual sections of the population.

**Art. 117<sup>a57</sup>** Primary medical care

<sup>1</sup> The Confederation and the Cantons shall within the scope of their powers ensure the adequate provision of high quality primary medical care that is accessible to all. They shall recognise and promote family medicine as an essential component of primary care.

<sup>2</sup> The Confederation shall legislate on:

- a. basic and continuing education and training for family medicine professions and the requirements for practising these professions;
- b. appropriate remuneration for family medicine services.

**Art. 118** Health protection

<sup>1</sup> The Confederation shall, within the limits of its powers, take measures for the protection of health.

<sup>2</sup> It shall legislate on:

- a. the use of foodstuffs as well as therapeutic products, narcotics, organisms, chemicals and items that may be dangerous to health;
- b. the combating of communicable, widespread or particularly dangerous human and animal diseases;
- c. protection against ionising radiation.

**Art. 118<sup>a58</sup>** Complementary medicine

The Confederation and the Cantons shall within the scope of their powers ensure that consideration is given to complementary medicine.

**Art. 118<sup>b59</sup>** Research on human beings

<sup>1</sup> The Confederation shall legislate on research on human beings where this is required in order to protect their dignity and privacy. In doing so, it shall preserve the freedom to conduct research and shall take account of the importance of research to health and society.

<sup>2</sup> The Confederation shall adhere to the following principles in relation to biological and medical research involving human beings:

<sup>57</sup> Adopted by the popular vote on 18 May 2014, in force since 18 May 2014 (FedD of 19 Sept. 2013, FCD of 18 Aug. 2014; AS **2014** 2769; BBl **2010** 2939, **2011** 7553, **2013** 7347, **2014** 6349).

<sup>58</sup> Adopted by the popular vote on 17 May 2009, in force since 17 May 2009 (FedD of 3 Oct. 2008, FCD of 21 Oct. 2009; AS **2009** 5325; BBl **2005** 6001, **2006** 7591, **2008** 8229, **2009** 7539).

<sup>59</sup> Adopted by the popular vote on 7 March 2010, in force since 7 March 2010 (FedD of 25 Sept. 2009, FCD of 15 April 2010; AS **2010** 1569; BBl **2007** 6713, **2009** 6649, **2010** 2625).

- a. It is a requirement for any research project that the participants or their legal representatives have given their informed consent. The law may provide for exceptions. A refusal is binding in every case.
- b. The risks and stress for the participants must not be disproportionate to the benefits of the research project.
- c. A research project involving persons lacking the capacity to consent may be conducted only if findings of equal value cannot be obtained from research involving persons who have the capacity to consent. If the research project is not expected to bring any immediate benefit to the persons lacking the capacity to consent, the risks and stress must be minimal.
- d. An independent assessment of the research project must have determined that the safety of the participants is guaranteed.

**Art. 119**      Reproductive medicine and gene technology involving human beings

<sup>1</sup> Human beings shall be protected against the misuse of reproductive medicine and gene technology.

<sup>2</sup> The Confederation shall legislate on the use of human reproductive and genetic material. In doing so, it shall ensure the protection of human dignity, privacy and the family and shall adhere in particular to the following principles:

- a. All forms of cloning and interference with the genetic material of human reproductive cells and embryos are unlawful.
- b. Non-human reproductive and genetic material may neither be introduced into nor combined with human reproductive material.
- c.<sup>60</sup> The procedures for medically-assisted reproduction may be used only if infertility or the risk of transmitting a serious illness cannot otherwise be overcome, but not in order to conceive a child with specific characteristics or to further research; the fertilisation of human egg cells outside a woman's body is permitted only under the conditions laid down by the law; no more human egg cells may be developed into embryos outside a woman's body than are required for medically-assisted reproduction.
- d. The donation of embryos and all forms of surrogate motherhood are unlawful.
- e. The trade in human reproductive material and in products obtained from embryos is prohibited.
- f. The genetic material of a person may be analysed, registered or made public only with the consent of the person concerned or if the law so provides.
- g. Every person shall have access to data relating to their ancestry.

<sup>60</sup> Adopted by the popular vote on 14 June 2015, in force since 14 June 2015 (FedD of 12 Dec. 2014, FCD of 21 Aug. 2015; AS **2015** 2887; BBl **2013** 5853, **2014** 9675, **2015** 6313).

**Art. 119a<sup>61</sup>** Transplant medicine

<sup>1</sup> The Confederation shall legislate in the field of organ, tissue and cell transplants. In doing so, it shall ensure the protection of human dignity, privacy and health.

<sup>2</sup> It shall in particular lay down criteria for the fair allocation of organs.

<sup>3</sup> Any donation of human organs, tissue and cells must be free of charge. The trade in human organs is prohibited.

**Art. 120** Non-human gene technology\*

<sup>1</sup> Human beings and their environment shall be protected against the misuse of gene technology.

<sup>2</sup> The Confederation shall legislate on the use of reproductive and genetic material from animals, plants and other organisms. In doing so, it shall take account of the dignity of living beings as well as the safety of human beings, animals and the environment, and shall protect the genetic diversity of animal and plant species.

**Section 9 Residence and Permanent Settlement of Foreign Nationals****Art. 121** Legislation on foreign nationals and asylum\* <sup>62</sup>

<sup>1</sup> The Confederation is responsible for legislation on entry to and exit from Switzerland, the residence and the permanent settlement of foreign nationals and on the granting of asylum.

<sup>2</sup> Foreign nationals may be expelled from Switzerland if they pose a risk to the security of the country.

<sup>3</sup> Irrespective of their status under the law on foreign nationals, foreign nationals shall lose their right of residence and all other legal rights to remain in Switzerland if they:

- a. are convicted with legal binding effect of an offence of intentional homicide, rape or any other serious sexual offence, any other violent offence such as robbery, the offences of trafficking in human beings or in drugs, or a burglary offence; or
- b. have improperly claimed social insurance or social assistance benefits.<sup>63</sup>

<sup>61</sup> Adopted by the popular vote on 7 Feb. 1999, in force since 1 Jan 2000 (FedD of 26 June 1998, FCD of 23 March 1999; AS **1999** 1341; BBl **1997** III 653, **1998** 3473, **1999** 2912 8768).

\* With transitional provision

\* With transitional provision.

<sup>62</sup> Adopted by the popular vote on 9 Feb. 2014, in force since 9 Feb. 2014 (FedD of 27 Sept. 2013, FCD of 13 May 2014; AS **2014** 1391; BBl **2011** 6269, **2012** 3869, **2013** 291 7351, **2014** 4117).

<sup>63</sup> Adopted by the popular vote on 28 Nov. 2010, in force since 28 Nov. 2010 (FedD of 18 June 2010, FCD of 17 March 2011; AS **2011** 1199; BBl **2008** 1927, **2009** 5097, **2010** 4241, **2011** 2771).

<sup>4</sup> The legislature shall define the offences covered by paragraph 3 in more detail. It may add additional offences.<sup>64</sup>

<sup>5</sup> Foreign nationals who lose their right of residence and all other legal rights to remain in Switzerland in accordance with paragraphs 3 and 4 must be deported from Switzerland by the competent authority and must be made subject to a ban on entry of from 5–15 years. In the event of reoffending, the ban on entry is for 20 years.<sup>65</sup>

<sup>6</sup> Any person who fails to comply with the ban on entry or otherwise enters Switzerland illegally commits an offence. The legislature shall issue the relevant provisions.<sup>66</sup>

#### **Art. 121a<sup>67</sup> Control of immigration\***

<sup>1</sup> Switzerland shall control the immigration of foreign nationals autonomously.

<sup>2</sup> The number of residence permits for foreign nationals in Switzerland shall be restricted by annual quantitative limits and quotas. The quantitative limits apply to all permits issued under legislation on foreign nationals, including those related to asylum matters. The right to permanent residence, family reunification and social benefits may be restricted.

<sup>3</sup> The annual quantitative limits and quotas for foreign nationals in gainful employment must be determined according to Switzerland's general economic interests, while giving priority to Swiss citizens; the limits and quotas must include cross-border commuters. The decisive criteria for granting residence permits are primarily a application from an employer, ability to integrate, and adequate, independent means of subsistence.

<sup>4</sup> No international agreements may be concluded that breach this Article.

<sup>5</sup> The law shall regulate the details.

<sup>64</sup> Adopted by the popular vote on 28 Nov. 2010, in force since 28 Nov. 2010 (FedD of 18 June 2010, FCD of 17 March 2011; AS **2011** 1199; BBl **2008** 1927, **2009** 5097, **2010** 4241, **2011** 2771).

<sup>65</sup> Adopted by the popular vote on 28 Nov. 2010, in force since 28 Nov. 2010 (FedD of 18 June 2010, FCD of 17 March 2011; AS **2011** 1199; BBl **2008** 1927, **2009** 5097, **2010** 4241, **2011** 2771).

<sup>66</sup> Adopted by the popular vote on 28 Nov. 2010, in force since 28 Nov. 2010 (FedD of 18 June 2010, FCD of 17 March 2011; AS **2011** 1199; BBl **2008** 1927, **2009** 5097, **2010** 4241, **2011** 2771).

<sup>67</sup> Adopted by the popular vote on 9 Feb. 2014, in force since 9 Feb. 2014 (FedD of 27 Sept. 2013, FCD of 13 May 2014; AS **2014** 1391; BBl **2011** 6269, **2012** 3869, **2013** 291 7351, **2014** 4117).

\* With transitional provision.

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

### Art. 122<sup>68</sup> Civil law

<sup>1</sup> The Confederation is responsible for legislation in the field of civil law and the law of civil procedure.

<sup>2</sup> The Cantons are responsible for the organisation of the courts and the administration of justice in civil matters, unless the law provides otherwise.

### Art. 123<sup>69</sup> Criminal law

<sup>1</sup> The Confederation is responsible for legislation in the field of criminal law and the law of criminal procedure.

<sup>2</sup> The Cantons are responsible for the organisation of the courts, the administration of justice in criminal cases as well as for the execution of penalties and measures, unless the law provides otherwise.

<sup>3</sup> The Confederation may issue regulations on the execution of penalties and measures. It may grant subsidies to the Cantons for:

- a. the construction of penal institutions;
- b. improvements in the execution of penalties and measures;
- c. institutions that conduct educative measures for the benefit of children, adolescents and young adults.<sup>70</sup>

### Art. 123a<sup>71</sup>

<sup>1</sup> If a sex offender or violent offender is regarded in the reports required for sentencing as being extremely dangerous and his or her condition assessed as untreatable, he or she must be incarcerated until the end of his or her life due to the high risk of reoffending. Early release and release on temporary licence are not permitted.

<sup>2</sup> Only if new scientific findings prove that the offender can be cured and thus no longer represents a danger to the public can new reports be drawn up. If the offender is released on the basis of these new reports, the authorities granting his or her release must accept liability if he reoffends.

<sup>68</sup> Adopted by the popular vote on 12 March 2000, in force since 1 Jan. 2007 (FedD of 8 Oct. 1999, FCD of 17 May 2000, FedD of 8 March 2005; AS **2002** 3148, **2006** 1059; BBl **1997** I 1, **1999** 8633, **2000** 2990, **2001** 4202).

<sup>69</sup> Adopted by the popular vote on 12 March 2000, in force since 1 April 2003 (FCD of 8 Oct. 1999, FCD of 17 May 2000, FCD of 24 Sept. 2002; AS **2002** 3148; BBl **1997** I 1, **1999** 8633, **2000** 2990, **2001** 4202).

<sup>70</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>71</sup> Adopted by the popular vote on 8 Feb. 2004, in force since 8 Feb. 2004 (FedD of 20 June 2003, FCD of 21 April 2004; AS **2004** 2341; BBl **2000** 3336, **2001** 3433, **2003** 4434, **2004** 2199).

<sup>3</sup> All reports assessing sex offenders or violent offenders must be drawn up by at least two experienced specialists who are independent of each other. The reports must take account of all the principles that are important for the assessment.

**Art. 123b<sup>72</sup>** No time limit for the right to prosecute or for penalties for sexual or pornography offences involving prepubescent children

The right to prosecute sexual or pornography offences involving prepubescent children and the penalties for such offences is not subject to a time limit.

**Art. 123c<sup>73</sup>** Measure relating to sexual offences involving children or persons who are incapable of judgement or resistance

Persons convicted of harming the sexual integrity of a child or of a dependent person shall permanently lose the right to carry on a profession or voluntary activity involving minors or dependent persons.

**Art. 124** Victim support

The Confederation and the Cantons shall ensure that persons who have suffered harm to their physical, mental or sexual integrity as the result of a criminal act receive support and are adequately compensated if they experience financial difficulties as a result of that criminal act.

**Art. 125** Weights and measures

The Confederation is responsible for legislation on weights and measures.

## Chapter 3 Financial System

**Art. 126<sup>74</sup>** Financial management

<sup>1</sup> The Confederation shall maintain its income and expenditure in balance over time.

<sup>2</sup> The ceiling for total expenditure that is to be approved in the budget is based on the expected income after taking account of the economic situation.

<sup>3</sup> Exceptional financial requirements may justify an appropriate increase in the ceiling in terms of paragraph 2. The Federal Assembly shall decide on any increase in accordance with Article 159 paragraph 3 letter c.

<sup>72</sup> Adopted by the popular vote on 30 Nov. 2008, in force since 30 Nov. 2008 (FedD of 13 June 2008, FCD of 23 Jan. 2009; AS **2009** 471; BBl **2006** 3657, **2007** 5369, **2008** 5245, **2009** 605).

<sup>73</sup> Adopted by the popular vote on 18 May 2014, in force since 18 May 2014 (FCD of 20 Feb. 2014; AS **2014** 2771; BBl **2009** 7021, **2011** 4435, **2012** 8819, **2014** 6349 1779).

<sup>74</sup> Adopted by the popular vote on 2 Dec. 2001, in force since 2 Dec. 2001 (FedD of 22 June 2001, FCD of 4 Feb. 2002; AS **2002** 241; BBl **2000** 4653, **2001** 2387 2878, **2002** 1209).



<sup>4</sup> If the total expenditure in the federal accounts exceeds the ceiling in terms of paragraphs 2 or 3, compensation for this additional expenditure must be made in subsequent years.

<sup>5</sup> The details are regulated by law.

#### **Art. 127** Principles of taxation

<sup>1</sup> The main structural features of any tax, in particular those liable to pay tax, the object of the tax and its assessment, are regulated by law.

<sup>2</sup> Provided the nature of the tax permits it, the principles of universality and uniformity of taxation as well as the principle of taxation according to ability to pay are applied.

<sup>3</sup> Intercantonal double taxation is prohibited. The Confederation shall take the measures required.

#### **Art. 128** Direct taxes\*

<sup>1</sup> The Confederation may levy a direct tax:

- a. of a maximum of 11.5 per cent on the income of private individuals;
- b.<sup>75</sup> of a maximum of 8.5 per cent of the net profit of legal entities;
- c.<sup>76</sup> ...

<sup>2</sup> The Confederation, in fixing the taxation rates, shall take account of the burden of direct taxation imposed by the Cantons and communes.

<sup>3</sup> In relation to the tax on the income of private individuals, regular revisions shall be made to compensate for the consequences of an increased tax burden due to inflation.

<sup>4</sup> The tax is assessed and collected by the Cantons. A minimum of 17 per cent of the gross revenue from taxation is allocated to the Cantons. This share may be reduced to 15 per cent if the consequences of financial equalisation so require.<sup>77</sup>

#### **Art. 129** Tax harmonisation

<sup>1</sup> The Confederation shall set out principles on the harmonisation of the direct taxes imposed by the Confederation, the Cantons and the communes; it shall take account of the efforts towards harmonisation made by the Cantons.

\* With transitional provision

<sup>75</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2007 (FedD of 19 March 2004, FCD of 26 Jan. 2005, FCD of 2 Feb. 2006; AS **2006** 1057; BBl **2003** 1531, **2004** 1363, **2005** 951).

<sup>76</sup> Repealed by the popular vote on 28 Nov. 2004, with effect from 1 Jan. 2007 (FedD of 19 March 2004, FCD of 26 Jan. 2005, FCD of 2 Feb. 2006; AS **2006** 1057; BBl **2003** 1531, **2004** 1363, **2005** 951).

<sup>77</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>2</sup> Harmonisation shall extend to tax liability, the object of the tax and the tax period, procedural law and the law relating to tax offences. Matters excluded from harmonisation shall include in particular tax scales, tax rates and tax allowances.

<sup>3</sup> The Confederation may issue regulations to prevent unjustified tax benefits.

#### **Art. 130<sup>78</sup>** Value added tax\*

<sup>1</sup> The Confederation may levy value added tax on the supply of goods, on services, including goods and services for personal use, and on imports, at a standard rate of a maximum of 6.5 per cent and at a reduced rate of at least 2.0 per cent.

<sup>2</sup> The law may provide for the taxation of accommodation services at a rate between the reduced rate and the standard rate.<sup>79</sup>

<sup>3</sup> If, due to demographic changes, the financing of the Old-Age, Survivors' and Invalidity Insurance is no longer guaranteed, the standard rate may be increased by federal act by a maximum of 1 percentage point and the reduced rate by a maximum of 0.3 of a percentage point.<sup>80</sup>

<sup>3bis</sup> In order to finance railway infrastructure, the rates shall be increased by 0.1 of a percentage point.<sup>81</sup>

<sup>4</sup> 5 per cent of the non-earmarked revenues shall be used to reduce the health insurance premiums of persons on low incomes, unless an alternative method of assisting such persons is provided for by law.

#### **Art. 131** Special consumption taxes\*

<sup>1</sup> The Confederation may level special consumption taxes on:

- a. tobacco and tobacco products;
- b. distilled spirits;
- c. beer;
- d. automobiles and their parts;

<sup>78</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2007 (FedD of 19 March 2004, FCD of 26 Jan. 2005, FCD of 2 Feb. 2006; AS **2006** 1057; BBl **2003** 1531, **2004** 1363, **2005** 951).

\* With transitional provision

<sup>79</sup> The legislature has made use of this power; see Art. 25 para. 4 of the Value Added Tax Act of 12 June 2009 (SR **641.20**), under which the rate of value added tax amounts to 3.7% (special rate for accommodation services), valid from 1 Jan. 2018 until 31 Dec. 2027.

<sup>80</sup> The legislature has made use of this power; see Art. 25 para. 1 and 2 of the Value Added Tax Act of 12 June 2009 (SR **641.20**) under which the rates of value added tax amounts to 7.7% (standard rate) and 2.5% (reduced rate) valid from 1 Jan. 2018 until 31 Dec. 2027.

<sup>81</sup> Adopted by the popular vote on 9 Feb. 2014, in force since 1 Jan. 2016 (FedD of 20 June 2013, FCD of 13 May 2014, FCD of 2 June 2014, FCD of 6 June 2014; AS **2015** 645; BBl **2010** 6637, **2012** 1577, **2013** 4725 6518, **2014** 4113 4117).

\* With transitional provision

- e. petroleum, other mineral oils, natural gas and products obtained by refining these resources, as well as on motor fuels.

<sup>2</sup> It may also levy:

- a. a surcharge on the consumption tax on motor fuels with the exception of aviation fuels;
- b. a charge that applies when motor vehicles are powered by means other than motor fuels in accordance with paragraph 1 letter e.<sup>82</sup>

<sup>2bis</sup> If the monies are insufficient to carry out the tasks provided for under Article 87b in connection with air traffic, the Confederation shall levy a surcharge on the consumption tax on aviation fuels.<sup>83</sup>

<sup>3</sup> The Cantons shall receive ten per cent of the net proceeds from the taxation of distilled spirits. These funds must be used to fight the causes and effects of substance addiction.

#### **Art. 132** Stamp duty and withholding tax

<sup>1</sup> The Confederation may levy a stamp duty on securities, on receipts for insurance premiums and on other commercial deeds; deeds relating to property and mortgage transactions are exempt from stamp duty.

<sup>2</sup> The Confederation may levy a withholding tax on income from moveable capital assets, on lottery winnings and on insurance benefits. 10 per cent of the tax revenue shall be allocated to the Cantons.<sup>84</sup>

#### **Art. 133** Customs duties

The Confederation is responsible for legislation on customs duties and other duties on the cross-border movement of goods.

#### **Art. 134** Exclusion of cantonal and communal taxation

Anything that is declared by federal legislation to be subject to, or exempt from value added tax, special consumption taxes, stamp duty or withholding tax may not be made liable to similar taxes by the Cantons or communes.

<sup>82</sup> Adopted by the popular vote on 12 Feb. 2017, in force since 1 Jan. 2018 (FedD of 30 Sept. 2016, FCD of 10 Nov. 2016 – AS **2017** 6731; BBl **2015** 2065, **2016** 7587, **2017** 3387).

<sup>83</sup> Adopted by the popular vote on 12 Feb. 2017, in force since 1 Jan. 2018 (FedD of 30 Sept. 2016, FCD of 10 Nov. 2016 – AS **2017** 6731; BBl **2015** 2065, **2016** 7587, **2017** 3387).

<sup>84</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

**Art. 135<sup>85</sup>** Equalisation of financial resources and burdens

<sup>1</sup> The Confederation shall issue regulations on the equitable equalisation of financial resources and burdens between the Confederation and the Cantons as well as among the Cantons.

<sup>2</sup> The equalisation of financial resources and burdens is intended in particular to:

- a. reduce the differences in financial capacity among the Cantons;
- b. guarantee the Cantons a minimum level of financial resources;
- c. compensate for excessive financial burdens on individual Cantons due to geo-topographical or socio-demographic factors;
- d. encourage intercantonal cooperation on burden equalisation;
- e. maintain the tax competitiveness of the Cantons by national and international comparison.

<sup>3</sup> The funds for the equalisation of financial resources shall be provided by those Cantons with a higher level of resources and by the Confederation. The payments made by those Cantons with a higher level of resources shall amount to a minimum of two thirds and a maximum of 80 per cent of the payments made by the Confederation.

**Title 4      The People and the Cantons****Chapter 1    General Provisions****Art. 136**      Political rights

<sup>1</sup> All Swiss citizens over the age of eighteen, unless they lack legal capacity due to mental illness or mental incapacity, have political rights in federal matters. All citizens have the same political rights and duties.

<sup>2</sup> They may participate in elections to the National Council and in federal popular votes, and launch or sign popular initiatives and requests for referendums in federal matters.

**Art. 137**      Political parties

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

<sup>85</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

## Chapter 2 Initiative and Referendum

### **Art. 138** Popular initiative requesting the total revision of the Federal Constitution

<sup>1</sup> Any 100,000 persons eligible to vote may within 18 months of the official publication of their initiative propose a total revision of the Federal Constitution.<sup>86</sup>

<sup>2</sup> This proposal must be submitted to a vote of the People.

### **Art. 139<sup>87</sup>** Popular initiative requesting a partial revision of the Federal Constitution in specific terms

<sup>1</sup> Any 100,000 persons eligible to vote may within 18 months of the official publication of their initiative request a partial revision of the Federal Constitution.

<sup>2</sup> A popular initiative for the partial revision of the Federal Constitution may take the form of a general proposal or of a specific draft of the provisions proposed.

<sup>3</sup> If the initiative fails to comply with the requirements of consistency of form, and of subject matter, or if it infringes mandatory provisions of international law, the Federal Assembly shall declare it to be invalid in whole or in part.

<sup>4</sup> If the Federal Assembly is in agreement with an initiative in the form of a general proposal, it shall draft the partial revision on the basis of the initiative and submit it to the vote of the People and the Cantons. If the Federal Assembly rejects the initiative, it shall submit it to a vote of the People; the People shall decide whether the initiative should be adopted. If they vote in favour, the Federal Assembly shall draft the corresponding bill.

<sup>5</sup> An initiative in the form of a specific draft shall be submitted to the vote of the People and the Cantons. The Federal Assembly shall recommend whether the initiative should be adopted or rejected. It may submit a counter-proposal to the initiative.

<sup>86</sup> Adopted by the popular vote on 9 Feb. 2003, in force since 1 Aug. 2003 (FedD of 4 Oct. 2002, FCD of 25 March 2003, FedD of 19 June 2003; AS **2003** 1949; BBl **2001** 4803 6080, **2002** 6485, **2003** 3111 3954 3960).

<sup>87</sup> Adopted by the popular vote on 27 Sept. 2009, in force since 27 Sept. 2009 (FedD of 19 Dec. 2008, FCD of 1 Dec. 2009; AS **2009** 6409; BBl **2008** 2891 2907, **2009** 13 8719).

**Art. 139a**<sup>88</sup>**Art. 139b**<sup>89</sup> Procedure applicable to an initiative and counter-proposal

<sup>1</sup> The People vote on the initiative and the counter-proposal at the same time.<sup>90</sup>

<sup>2</sup> The People may vote in favour of both proposals. In response to the third question, they may indicate the proposal that they prefer if both are accepted.

<sup>3</sup> If in response to the third question one proposal to amend the Constitution receives more votes from the People and the other more votes from the Cantons, the proposal that comes into force is that which achieves the higher sum if the percentage of votes of the People and the percentage of votes of the Cantons in the third question are added together.

**Art. 140** Mandatory referendum

<sup>1</sup> The following must be put to the vote of the People and the Cantons:

- a. amendments to the Federal Constitution;
- b. accession to organisations for collective security or to supranational communities;
- c. emergency federal acts that are not based on a provision of the Constitution and whose term of validity exceeds one year; such federal acts must be put to the vote within one year of being passed by the Federal Assembly.

<sup>2</sup> The following are submitted to a vote of the People:

- a. popular initiatives for a total revision of the Federal Constitution;
- abis.<sup>91</sup> ...
- b.<sup>92</sup> popular initiatives for a partial revision of the Federal Constitution in the form of a general proposal that have been rejected by the Federal Assembly;

<sup>88</sup> Adopted by the popular vote on 9 Feb. 2003 (FedD of 4 Oct. 2002, FCD of 25 March 2003; AS **2003** 1949; BBl **2001** 4803 6080, **2002** 6485, **2003** 3111). Repealed in the Popular Vote on 27 Sept. 2009, with effect from 27 Sept. 2009 (FedD of 19 Dec. 2008, FCD of 1 Dec. 2009; AS **2009** 6409; BBl **2008** 2891 2907, **2009** 13 8719). This article in its version in the FedD of 4 Oct. 2002 never came into force.

<sup>89</sup> Adopted by the popular vote on 9 Feb. 2003, para. 2 und 3 in force since 1 Aug. 2003 (FedD of 4 Oct. 2002, FCD of 25 March 2003, FedD of 19 June 2003; AS **2003** 1949; BBl **2001** 4803 6080, **2002** 6485, **2003** 3111 3954 3960). Para. 1 in its version in the FedD of 4 Oct. 2002 never came into force.

<sup>90</sup> Adopted by the popular vote on 27 Sept. 2009, in force since 27 Sept. 2009 (FedD of 19 Dec. 2008, FCD of 1 Dec. 2009; AS **2009** 6409; BBl **2008** 2891 2907, **2009** 13 8719).

<sup>91</sup> Adopted by the popular vote on 9 Feb. 2003 (FedD of 4 Oct. 2002, FCD of 25 March 2003; AS **2003** 1949; BBl **2001** 4803 6080, **2002** 6485, **2003** 3111). Repealed in the Popular Vote on 27 Sept. 2009, with effect from 27 Sept. 2009 (FedD of 19 Dec. 2008, FCD of 1 Dec. 2009; AS **2009** 6409; BBl **2008** 2891 2907, **2009** 13 8719). This let. in its version of FedD of 4 Oct. 2002 never came into force.

<sup>92</sup> Adopted by the popular vote on 27 Sept. 2009, in force since 27 Sept. 2009 (FedD of 19 Dec. 2008, FCD of 1 Dec. 2009; AS **2009** 6409; BBl **2008** 2891 2907, **2009** 13 8719).

- c. the question of whether a total revision of the Federal Constitution should be carried out, in the event that there is disagreement between the two Councils.

#### **Art. 141** Optional referendum

<sup>1</sup> If within 100 days of the official publication of the enactment any 50,000 persons eligible to vote or any eight Cantons request it, the following shall be submitted to a vote of the People:<sup>93</sup>

- a. federal acts;
- b. emergency federal acts whose term of validity exceeds one year;
- c. federal decrees, provided the Constitution or an act so requires;
- d. international treaties that:
  - 1. are of unlimited duration and may not be terminated,
  - 2. provide for accession to an international organisation,
  - 3.<sup>94</sup> contain important legislative provisions or whose implementation requires the enactment of federal legislation.

<sup>2</sup> ...<sup>95</sup>

#### **Art. 141a**<sup>96</sup> Implementation of international treaties

<sup>1</sup> If the decision on ratification of an international treaty is subject to a mandatory referendum, the Federal Assembly may incorporate in the decision on ratification the amendments to the Constitution that provide for the implementation of the treaty.

<sup>2</sup> If the decision on ratification of an international treaty is subject to an optional referendum, the Federal Assembly may incorporate in the decision on ratification the amendments to the law that provide for the implementation of the treaty.

#### **Art. 142** Required majorities

<sup>1</sup> Proposals that are submitted to the vote of the People are accepted if a majority of those who vote approve them.

<sup>2</sup> Proposals that are submitted to the vote of the People and Cantons are accepted if a majority of those who vote and a majority of the Cantons approve them.

<sup>93</sup> Adopted by the popular vote on 9 Feb. 2003, in force since 1 Aug. 2003 (FedD of 4 Oct. 2002, FCD of 25 March 2003, FedD of 19 June 2003; AS **2003** 1949; BB1 **2001** 4803 6080, **2002** 6485, **2003** 3111 3954 3960).

<sup>94</sup> Adopted by the popular vote on 9 Feb. 2003, in force since 1 Aug. 2003 (FedD of 4 Oct. 2002, FCD of 25 March 2003, FedD of 19 June 2003; AS **2003** 1949; BB1 **2001** 4803 6080, **2002** 6485, **2003** 3111 3954 3960).

<sup>95</sup> Repealed by the popular vote on 9 Feb. 2003, with effect from 1 Aug. 2003 (FedD of 4 Oct. 2002, FCD of 25 March 2003, FedD of 19 June 2003; AS **2003** 1949; BB1 **2001** 4803 6080, **2002** 6485, **2003** 3111 3954 3960).

<sup>96</sup> Adopted by the popular vote on 9 Feb. 2003, in force since 1 Aug. 2003 (FedD of 4 Oct. 2002, FCD of 25 March 2003, FedD of 19 June 2003; AS **2003** 1949; BB1 **2001** 4803 6080, **2002** 6485, **2003** 3111 3954 3960).

<sup>3</sup> The result of a popular vote in a Canton determines the vote of the Canton.

<sup>4</sup> The Cantons of Obwalden, Nidwalden, Basel-Stadt, Basel-Landschaft, Appenzell Ausserrhoden and Appenzell Innerrhoden each have half a cantonal vote.

## **Title 5      Federal Authorities**

### **Chapter 1    General Provisions**

#### **Art. 143      Eligibility for election**

Any person eligible to vote may be elected to the National Council, the Federal Council or the Federal Supreme Court.

#### **Art. 144      Incompatibility**

<sup>1</sup> No member of the National Council, of the Council of States, of the Federal Council or judge of the Federal Supreme Court may at the same time be a member of any other of these bodies.

<sup>2</sup> No member of the Federal Council or full-time judges of the Federal Supreme Court may hold any other federal or cantonal office or undertake any other gainful economic activity.

<sup>3</sup> The law may provide for further forms of incompatibility.

#### **Art. 145      Term of office**

The members of the National Council and of the Federal Council as well as the Federal Chancellor are elected for a term of office of four years. Judges of the Federal Supreme Court have a term of office of six years.

#### **Art. 146      State liability**

The Confederation shall be liable for damage or loss unlawfully caused by its organs in the exercise of official activities.

#### **Art. 147      Consultation procedure**

The Cantons, the political parties and interested groups shall be invited to express their views when preparing important legislation or other projects of substantial impact as well as in relation to significant international treaties.



## **Chapter 2    Federal Assembly**

### **Section 1    Organisation**

#### **Art. 148        Status**

<sup>1</sup> Subject to the rights of the People and the Cantons, the Federal Assembly is the supreme authority of the Confederation.

<sup>2</sup> The Federal Assembly comprises two chambers, the National Council and the Council of States; both chambers shall be of equal standing.

#### **Art. 149        Composition and election of the National Council**

<sup>1</sup> The National Council is composed of 200 representatives of the People.

<sup>2</sup> The representatives are elected directly by the People according to a system of proportional representation. A general election is held every four years.

<sup>3</sup> Each Canton constitutes an electoral constituency.

<sup>4</sup> The seats are allocated to the Cantons according to their relative populations. Each Canton has at least one seat.

#### **Art. 150        Composition and election of the Council of States**

<sup>1</sup> The Council of States is composed of 46 representatives of the Cantons.

<sup>2</sup> The Cantons of Obwalden, Nidwalden, Basel-Stadt, Basel-Landschaft, Appenzell Ausserrhoden and Appenzell Innerrhoden each elect one representative; the other Cantons each elect two representatives.

<sup>3</sup> The Cantons determine the rules for the election of their representatives to the Council of States.

#### **Art. 151        Sessions**

<sup>1</sup> The Councils convene in session regularly. The convening of sessions is governed by law.

<sup>2</sup> The Federal Council or one quarter of the members of either Council may request that the Councils be convened for an extraordinary session.

#### **Art. 152        Presidency**

Each Council elects a President from its members for a term of one year, together with a first Vice-President and a second Vice-President. Re-election for the following year is not permitted.

#### **Art. 153        Parliamentary committees**

<sup>1</sup> Each Council forms committees from its members.

<sup>2</sup> The law may provide for joint committees.

<sup>3</sup> The law may delegate specific powers, which may not be legislative in their nature, to committees.

<sup>4</sup> In order to fulfil their duties, the committees have the right to information and to inspect documents and the power to conduct investigations. The extent of such rights and powers is governed by the law.

#### **Art. 154** Parliamentary groups

The members the Federal Assembly may form parliamentary groups.

#### **Art. 155** Parliamentary Services

The Federal Assembly has parliamentary services at its disposal. It may call on the services of offices of the Federal Administration. The details are regulated by law.

## **Section 2 Procedure**

#### **Art. 156** Separate proceedings

<sup>1</sup> The proceedings of the National Council and Council of States take place separately.

<sup>2</sup> Decisions of the Federal Assembly require the agreement of both Chambers.

<sup>3</sup> Provision shall be made by the law to ensure that in the event of disagreement between the Councils decisions are made on:

- a. the validity or partial invalidity of a popular initiative;
- b.<sup>97</sup> the implementation of a popular initiative in the form of a general proposal that has been adopted by the People;
- c.<sup>98</sup> the implementation of a Federal Decree initiating a total revision of the Federal Constitution that has been approved by the People;
- d. the budget or any amendment to it.<sup>99</sup>

#### **Art. 157** Joint proceedings

<sup>1</sup> The National Council and Council of States hold joint proceedings as the United Federal Assembly under the presidency of the President of the National Council in order to:

<sup>97</sup> Adopted by the popular vote on 27 Sept. 2009, in force since 27 Sept. 2009 (FedD of 19 Dec. 2008, FCD of 1 Dec. 2009; AS **2009** 6409; BBl **2008** 2891 2907, **2009** 13 8719).  
<sup>98</sup> Adopted by the popular vote on 27 Sept. 2009, in force since 27 Sept. 2009 (FedD of 19 Dec. 2008, FCD of 1 Dec. 2009; AS **2009** 6409; BBl **2008** 2891 2907, **2009** 13 8719).  
<sup>99</sup> Adopted by the popular vote on 9 Feb. 2003, lets. a and d in force since 1 Aug. 2003 (FedD of 4 Oct. 2002, FCD of 25 March 2003, FedD of 19 June 2003; AS **2003** 1949; BBl **2001** 4803 6080, **2002** 6485, **2003** 3111 3954 3960).

- a. conduct elections;
- b. decide on conflicts of jurisdiction between the highest federal authorities;
- c. decide on applications for pardons.

<sup>2</sup> The United Federal Assembly also convenes for special events and to hear declarations made by the Federal Council.

#### **Art. 158** Public meetings

Meetings of the Councils are held in public. The law may provide for exceptions.

#### **Art. 159** Quorum and required majority

<sup>1</sup> The Councils are quorate if a majority of their members is present.

<sup>2</sup> Decisions are taken in both Chambers and in the United Federal Assembly by the majority of those who vote.

<sup>3</sup> However, the consent of an absolute majority of the members of each of the two Councils is required for:

- a. a declaration that a federal act is urgent;
- b. provisions on subsidies, guarantee credits or spending ceilings that involve new non-recurrent expenditure of more than 20 million francs or new recurrent expenditure of more than 2 million francs;
- c.<sup>100</sup> an increase in overall expenditure in the case of extraordinary financial requirements in terms of Article 126 paragraph 3.

<sup>4</sup> The Federal Assembly may, by ordinance, adjust subsidies made in terms of paragraph 3 letter b in line with inflation.<sup>101</sup>

#### **Art. 160** Right to submit initiatives and motions

<sup>1</sup> Any Council member, parliamentary group, parliamentary committee or Canton has the right to submit an initiative to the Federal Assembly.

<sup>2</sup> Council members and the Federal Council have the right to submit motions on business that is under discussion.

#### **Art. 161** Prohibition of voting instructions

<sup>1</sup> No member of the Federal Assembly may vote on the instructions of another person.

<sup>2</sup> Members must disclose their links to interest groups.

<sup>100</sup> Adopted by the popular vote on 2 Dec. 2001, in force since 2 Dec. 2001 (FedD of 22 June 2001, FCD of 4 Feb. 2002; AS **2002** 241; BBI **2000** 4653, **2001** 2387 2878, **2002** 1209).

<sup>101</sup> Adopted by the popular vote on 2 Dec. 2001, in force since 2 Dec. 2001 (FedD of 22 June 2001, FCD of 4 Feb. 2002; AS **2002** 241; BBI **2000** 4653, **2001** 2387 2878, **2002** 1209).

**Art. 162** Immunity

<sup>1</sup> The members of the Federal Assembly and the Federal Council as well as the Federal Chancellor may not be held liable for statements that they make in the Assembly or in its organs.

<sup>2</sup> The law may provide for further forms of immunity and extend its scope to include other persons.

**Section 3 Powers****Art. 163** Form of Federal Assembly enactments

<sup>1</sup> The Federal Assembly shall enact provisions that establish binding legal rules in the form of federal acts or ordinances.

<sup>2</sup> Other enactments are promulgated in the form of a federal decree; a federal decree that is not subject to a referendum is known as a “simple federal decree”.

**Art. 164** Legislation

<sup>1</sup> All significant provisions that establish binding legal rules must be enacted in the form of a federal act. These include in particular fundamental provisions on:

- a. the exercise of political rights;
- b. the restriction of constitutional rights;
- c. the rights and obligations of persons;
- d. those liable to pay tax as well as the subject matter and assessment of taxes and duties;
- e. the duties and services of the Confederation;
- f. the obligations of the Cantons in relation to the implementation and enforcement of federal law;
- g. the organisation and procedure of the federal authorities.

<sup>2</sup> Legislative powers may be delegated by federal act unless this is prohibited by the Federal Constitution.

**Art. 165** Emergency legislation

<sup>1</sup> Federal acts whose coming into force cannot be delayed (emergency federal acts) may be declared urgent by an absolute majority of the members of each of the two Councils and be brought into force immediately. Such acts must be of limited duration.

<sup>2</sup> If a referendum is requested on an emergency federal act, the act must be repealed one year after being passed by the Federal Assembly if it has not in the meantime been approved by the People.

<sup>3</sup> An emergency federal act that does not have the Constitution as its basis must be repealed one year after being passed by the Federal Assembly if it has not in the meantime been approved by the People and the Cantons. Any such act must be of limited duration.

<sup>4</sup> An emergency federal act that is not approved in a popular vote may not be renewed.

**Art. 166** Foreign relations and international treaties

<sup>1</sup> The Federal Assembly shall participate in shaping foreign policy and supervise the maintenance of foreign relations.

<sup>2</sup> It shall approve international treaties, with the exception of those that are concluded by the Federal Council under a statutory provision or an international treaty.

**Art. 167** Finance

The Federal Assembly determines the expenditure of the Confederation, adopts the budget and approves the federal accounts.

**Art. 168** Appointments

<sup>1</sup> The Federal Assembly elects the members of the Federal Council, the Federal Chancellor, the judges of the Federal Supreme Court and, in times of war, the Commander-in-Chief of the armed forces ("the General").

<sup>2</sup> The law may authorise the Federal Assembly to make or confirm other appointments.

**Art. 169** Oversight

<sup>1</sup> The Federal Assembly exercises oversight over the Federal Council and the Federal Administration, the federal courts and other bodies entrusted with the tasks of the Confederation.

<sup>2</sup> Official secrecy does not apply in dealings with the special delegations of supervisory committees that are established under the law.

**Art. 170** Evaluation of effectiveness

The Federal Assembly shall ensure that federal measures are evaluated with regard to their effectiveness.

**Art. 171** Tasks of the Federal Council

The Federal Assembly may assign functions to the Federal Council. The details are regulated by law, and in particular the means by which the Federal Assembly may intervene in matters that fall within the remit of the Federal Council.

**Art. 172** Relations between the Confederation and the Cantons

<sup>1</sup> The Federal Assembly shall ensure the maintenance of good relations between the Confederation and the Cantons.

<sup>2</sup> It shall guarantee the cantonal constitutions.

<sup>3</sup> It shall decide whether to approve intercantonal agreements and treaties between Cantons and foreign countries where the Federal Council or a Canton raises an objection to any such treaty.

**Art. 173** Further duties and powers

<sup>1</sup> The Federal Assembly has the following additional duties and powers:

- a. Taking measures to safeguard external security and the independence and neutrality of Switzerland.
- b. Taking measures to safeguard internal security.
- c. If extraordinary circumstances require, issuing ordinances or simple federal decrees in order to fulfil its duties under letters (a) and (b).
- d. Regulating active service and mobilising the armed forces or sections thereof for this purpose.
- e. Taking measures to enforce federal law.
- f. Ruling on the validity of popular initiatives that meet the formal requirements.
- g. Participating in the general planning of state activities.
- h. Deciding on individual acts where a federal act expressly so provides.
- i. Deciding on conflicts of jurisdiction between the highest federal authorities.
- k. Issuing pardons and deciding on amnesties.

<sup>2</sup> The Federal Assembly also deals with matters that fall within the remit of the Confederation and are not the responsibility of any other authority.

<sup>3</sup> Other duties and powers may be delegated by law to the Federal Assembly.

**Chapter 3** Federal Council and Federal Administration**Section 1** Organisation and Procedure**Art. 174** Federal Council

The Federal Council is the supreme governing and executive authority of the Confederation.

**Art. 175** Composition and election

<sup>1</sup> The Federal Council has seven members.

<sup>2</sup> The members of the Federal Council are elected by the Federal Assembly following each general election to the National Council.

<sup>3</sup> They are elected for a term of office of four years. Any Swiss citizen eligible for election to the National Council may be elected to the Federal Council.<sup>102</sup>

<sup>4</sup> In electing the Federal Council, care must be taken to ensure that the various geographical and language regions of the country are appropriately represented.<sup>103</sup>

#### **Art. 176**          Presidency

<sup>1</sup> The President of the Confederation chairs the Federal Council.

<sup>2</sup> The President and the Vice-President of the Federal Council are elected by the Federal Assembly from the members of the Federal Council for a term of office of one year.

<sup>3</sup> Re-election for the following year is not permitted. The President may not be elected Vice-President for the following year.

#### **Art. 177**          Principle of collegiality and allocation to departments

<sup>1</sup> The Federal Council reaches its decisions as a collegial body.

<sup>2</sup> For the purposes of preparation and implementation, the business of the Federal Council is allocated to its individual members according to department.

<sup>3</sup> Business may be delegated to and directly dealt with by departments or their subordinate administrative units; in such cases, the right to legal recourse is guaranteed.

#### **Art. 178**          Federal Administration

<sup>1</sup> The Federal Council is in charge of the Federal Administration. It ensures that it is organised appropriately and that it fulfils its duties effectively.

<sup>2</sup> The Federal Administration is organised into Departments; each Department is headed by a member of the Federal Council.

<sup>3</sup> Administrative tasks may by law be delegated to public or private organisations, entities or persons that do not form part of the Federal Administration.

#### **Art. 179**          Federal Chancellery

The Federal Chancellery is the general administrative office of the Federal Council. It is headed by a Federal Chancellor.

<sup>102</sup> Adopted by the popular vote on 7 Feb. 1999, in force since 1 Jan 2000 (FedD of 9 Oct. 1998, FCD of 2 March 1999; AS **1999** 1239; BBl **1993** IV 554, **1994** III 1370, **1998** 4800, **1999** 2475 8768).

<sup>103</sup> Adopted by the popular vote on 7 Feb. 1999, in force since 1 Jan 2000 (FedD of 9 Oct. 1998, FCD of 2 March 1999; AS **1999** 1239; BBl **1993** IV 554, **1994** III 1370, **1998** 4800, **1999** 2475 8768).

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## Section 2 Powers

### Art. 180 Government policy

<sup>1</sup> The Federal Council decides on the objectives of federal government policy and the means by which they should be achieved. It plans and coordinates state activities.

<sup>2</sup> It informs the general public fully and in good time about its activities, unless overriding public or private interests prevent this.

### Art. 181 Right to initiate legislation

The Federal Council submits drafts of Federal Assembly legislation to the Federal Assembly.

### Art. 182 Law-making and implementation of legislation

<sup>1</sup> The Federal Council enacts legislative provisions in the form of ordinances, provided it has the authority to do so under the Constitution or the law.

<sup>2</sup> It ensures the implementation of legislation, the resolutions of the Federal Assembly and the judgments of federal judicial authorities.

### Art. 183 Finances

<sup>1</sup> The Federal Council draws up the financial plan and the draft budget and prepare the federal accounts.

<sup>2</sup> It ensures orderly financial management.

### Art. 184 Foreign relations

<sup>1</sup> The Federal Council is responsible for foreign relations, subject to the right of participation of the Federal Assembly; it represents Switzerland abroad.

<sup>2</sup> It signs and ratifies international treaties. It submits them to the Federal Assembly for approval.

<sup>3</sup> Where safeguarding the interests of the country so requires, the Federal Council may issue ordinances and rulings. Ordinances must be of limited duration.

### Art. 185 External and internal security

<sup>1</sup> The Federal Council takes measures to safeguard external security, independence and neutrality of Switzerland.

<sup>2</sup> It takes measures to safeguard internal security.

<sup>3</sup> It may in direct application of this Article issue ordinances and rulings in order to counter existing or imminent threats of serious disruption to public order or internal or external security. Such ordinances must be limited in duration.



<sup>4</sup> In cases of emergency, it may mobilise the armed forces. Where it mobilises more than 4,000 members of the armed forces for active service or where the deployment of such troops is expected to last for more than three weeks, the Federal Assembly must be convened without delay.

**Art. 186** Relations between the Confederation and the Cantons

<sup>1</sup> The Federal Council is responsible for maintaining relations between the Confederation and the Cantons and collaborates with the latter.

<sup>2</sup> It may approve cantonal legislation when required to do so by federal law.

<sup>3</sup> It may object to treaties between Cantons or between Cantons and foreign countries.

<sup>4</sup> It ensures compliance with federal law, as well as the cantonal constitutions and cantonal treaties and takes the measures required to fulfil this duty.

**Art. 187** Further duties and powers

<sup>1</sup> The Federal Council also has the following duties and powers:

- a. Supervising the Federal Administration and the other bodies entrusted with federal duties.
- b. Reporting regularly to the Federal Assembly on the conduct of its business as well as on the situation in Switzerland.
- c. Making appointments that do not fall within the remit of other authorities.
- d. Dealing with appeals, where the law so provides.

<sup>2</sup> Other duties and powers may be delegated by law to the Federal Council.

**Chapter 4<sup>104</sup> Federal Supreme Court and other Judicial Authorities**

**Art. 188** Status

<sup>1</sup> The Federal Supreme Court is the supreme judicial authority of the Confederation.

<sup>2</sup> Its organisation and procedure are governed by law.

<sup>3</sup> The Federal Supreme Court has its own administration.

**Art. 189** Jurisdiction of the Federal Supreme Court

<sup>1</sup> The Federal Supreme Court hears disputes concerning violations of:

- a. federal law;
- b. international law;

<sup>104</sup> Adopted by the popular vote on 12 March 2000, in force since 1 Jan. 2007 (FedD of 8 Oct. 1999, FCD of 17 May 2000, FedD of 8 March 2005; AS 2002 3148, 2006 1059; BB1 1997 I 1, 1999 8633, 2000 2990, 2001 4202).

- c. inter-cantonal law;
- d. cantonal constitutional rights;
- e. the autonomy of the communes and other cantonal guarantees in favour of public law corporations;
- f. federal and cantonal provisions on political rights.

<sup>1</sup>bis ...<sup>105</sup>

<sup>2</sup> It hears disputes between the Confederation and Cantons or between Cantons.

<sup>3</sup> The jurisdiction of the Federal Supreme Court may be extended by law.

<sup>4</sup> Acts of the Federal Assembly or the Federal Council may not be challenged in the Federal Supreme Court. Exceptions may be provided for by law.

#### **Art. 190**          Applicable law

The Federal Supreme Court and the other judicial authorities apply the federal acts and international law.

#### **Art. 191**          Access to the Federal Supreme Court

<sup>1</sup> Access to the Federal Supreme Court is guaranteed by law.

<sup>2</sup> For disputes that do not relate to a legal issue of fundamental importance, the law may stipulate a threshold for the amount in dispute.

<sup>3</sup> The law may exclude access to the Federal Supreme Court in relation to specific matters.

<sup>4</sup> The law may provide for a simplified procedure for appeals that are manifestly unfounded.

#### **Art. 191a**<sup>106</sup>      Other federal judicial authorities

<sup>1</sup> The Confederation shall appoint a criminal court, which hears at first instance criminal cases that by law come under federal jurisdiction. The law may confer further powers on the Federal Criminal Court.

<sup>2</sup> The Confederation shall appoint judicial authorities to hear public law disputes that come under the jurisdiction of the Federal Administration.

<sup>3</sup> The law may provide for further federal judicial authorities.

<sup>105</sup> Adopted by the popular vote on 9 Feb. 2003 (FedD of 4 Oct. 2002, FCD of 25 March 2003; AS **2003** 1949; BBl **2001** 4803 6080, **2002** 6485, **2003** 3111). Repealed in the Popular Vote on 27 Sept. 2009, with effect from 27 Sept. 2009 (FedD of 19 Dec. 2008, FCD of 1 Dec. 2009; AS **2009** 6409; BBl **2008** 2891 2907, **2009** 13 8719). This paragraph in its version of FedD of 4 Oct. 2002 never came into force.

<sup>106</sup> Adopted by the popular vote on 12 March 2000, para. 1 in force since 1 April 2003, paras 2 and 3 in force since 1 Sept. 2005 (FedD of 8 Oct. 1999, FCD of 17 May 2000, FedD of 24 Sept. 2002; AS **2002** 3148; BBl **1997** I 1, **1999** 8633, **2000** 2990, **2001** 4202, **2005** 1475).

**Art. 191b** Cantonal judicial authorities

<sup>1</sup> The Cantons shall appoint judicial authorities to judge civil and public law disputes and criminal law cases.

<sup>2</sup> They may appoint joint judicial authorities.

**Art. 191c** Independence of the judiciary

The judicial authorities are independent in the exercise of their judicial powers and are bound only by the law.

**Title 6****Revision of the Federal Constitution and Transitional Provisions****Chapter 1 Revision****Art. 192** Principle

<sup>1</sup> The Federal Constitution may be totally or partially revised at any time.

<sup>2</sup> Unless the Federal Constitution and the legislation based on it provides otherwise, any revision of the Federal Constitution is made by the legislative process.

**Art. 193** Total revision

<sup>1</sup> A total revision of the Federal Constitution may be proposed by the People or by either of the two Councils or be decreed by the Federal Assembly.

<sup>2</sup> If the initiative emanates from the People or if the two Chambers are unable to agree, the People decide on whether a total revision should be carried out.

<sup>3</sup> If the People vote for a total revision, new elections shall be held to both Chambers.

<sup>4</sup> The mandatory provisions of international law must not be violated.

**Art. 194** Partial revision

<sup>1</sup> A partial revision of the Federal Constitution may be requested by the People or decreed by the Federal Assembly.

<sup>2</sup> The partial revision must respect the principle of cohesion of subject matter and must not violate mandatory provisions of international law.

<sup>3</sup> The popular initiative for partial revision must also respect the principle of consistency of form.

**Art. 195** Commencement

The totally or partly revised Federal Constitution comes into force when it is approved by the People and the Cantons.

## Chapter 2 Transitional Provisions

**Art. 196** Transitional provisions in terms of the Federal Decree of 18 December 1998 on a new Federal Constitution<sup>107</sup>

### 1. *Transitional provision to Art. 84 (Transalpine transit traffic)*

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

### 2. *Transitional provision to Art. 85 (Flat-rate heavy vehicle charge)*

<sup>1</sup> The Confederation shall levy an annual charge for the use of roads that are open to general traffic on domestic and foreign motor vehicles and trailers that have a maximum permissible weight of over 3.5 tonnes.

<sup>2</sup> This charge amounts to:

	Fr.
a. for trucks and articulated motor vehicles of	
– over 3.5 to 12 t	650
– over 12 to 18 t	2000
– over 18 to 26 t	3000
– over 26 t	4000
b. for trailers of	
– over 3.5 to 8 t	650
– over 8 to 10 t	1500
– over 10 t	2000
c. for coaches	650

<sup>3</sup> The rates of the charge may be adjusted by federal act insofar as this is justified by the cost of road transport.

<sup>4</sup> In addition, the Federal Council may adjust by ordinance the tariff category above 12 t in accordance with paragraph 2 to comply with any amendments to the weight categories contained in the Road Traffic Act of 19 December 1958<sup>108</sup>.

<sup>5</sup> For vehicles that are not on the road in Switzerland for the entire year, the Federal Council shall determine suitably graduated rates of the charge; it shall take account of the costs of collecting the charge.

<sup>6</sup> The Federal Council shall regulate the implementation of the charge. It may determine rates in terms of paragraph 2 for special categories of vehicle, exempt certain vehicles from the charge and issue special regulations, in particular for journeys in border areas. Such regulations must not result in vehicles registered abroad being

<sup>107</sup> Adopted by the popular vote on 3 March 2002, in force since 3 March 2002 (FedD of 5 Oct. 2001, FCD of 26 April 2002; AS **2002** 885; BBl **2000** 2453, **2001** 1183 5731, **2002** 3690).

<sup>108</sup> SR **741.01**

treated more favourably than Swiss vehicles. The Federal Council may provide for fines in respect of contraventions. The Cantons shall collect the charge on vehicles registered in Switzerland.

<sup>7</sup> The charge may be limited or abolished by law.

<sup>8</sup> This provision applies until the Heavy Vehicle Charge Act of 19 December 1997<sup>109</sup> comes into force.

*3. Transitional provisions to Art. 86 (Use of charges for tasks and costs in connection with road transport), Art. 87 (Railways and other carriers) and Art. 87a (Railway infrastructure)*<sup>110</sup>

<sup>1</sup> The major rail projects include the New Rail Link through the Alps (NRLA), RAIL 2000, the connection of Eastern and Western Switzerland to the European High Speed Rail Network as well as the improvement of noise protection along railway lines through active and passive measures.

<sup>2</sup> Until the interest payments and repayments on the advances made to the fund in accordance with Article 87a paragraph 2 have been made in full, the monies in accordance with Article 86 paragraph 2 letter c shall be allocated to the special finance programme for road transport in accordance with Article 86 paragraph 4 instead of the fund in accordance with Article 86 paragraph 2.<sup>111</sup>

<sup>2bis</sup> In order to finance railway infrastructure and thereafter to finance the interest and repayments on the advances made to the fund in accordance with Article 87a paragraph 2, the Federal Council may use monies in accordance with paragraph 2 until 31 December 2018. The monies shall be calculated in accordance with Article 86 paragraph 2 letter e.<sup>112</sup>

<sup>2ter</sup> The percentage in accordance with Article 86 paragraph 2 letter f applies from two years after this provision comes into force. Prior to that, it shall be 5 per cent.<sup>113</sup>

<sup>3</sup> The financing of the major rail projects in accordance with paragraph 1 shall be carried out through the fund under Article 87a paragraph 2.<sup>114</sup>

<sup>4</sup> The four major rail projects in terms of paragraph 1 shall be adopted by federal acts. Proof must be established of the necessity and readiness for implementation

<sup>109</sup> SR **641.81**

<sup>110</sup> Adopted by the popular vote on 12 Feb. 2017, in force since 1 Jan. 2018 (FedD of 30 Sept. 2016, FCD of 10 Nov. 2016 – AS **2017** 6731; BBl **2015** 2065, **2016** 7587, **2017** 3387).

<sup>111</sup> Adopted by the popular vote on 12 Feb. 2017, in force since 1 Jan. 2018 (FedD of 30 Sept. 2016, FCD of 10 Nov. 2016 – AS **2017** 6731; BBl **2015** 2065, **2016** 7587, **2017** 3387).

<sup>112</sup> Adopted by the popular vote on 12 Feb. 2017, in force since 1 Jan. 2018 (FedD of 30 Sept. 2016, FCD of 10 Nov. 2016 – AS **2017** 6731; BBl **2015** 2065, **2016** 7587, **2017** 3387).

<sup>113</sup> Adopted by the popular vote on 12 Feb. 2017, in force since 1 Jan. 2018 (FedD of 30 Sept. 2016, FCD of 10 Nov. 2016 – AS **2017** 6731; BBl **2015** 2065, **2016** 7587, **2017** 3387).

<sup>114</sup> Adopted by the popular vote on 9 Feb. 2014, in force since 1 Jan. 2016 (FedD of 20 June 2013, FCD of 13 May 2014, FCD of 2 June 2014, FCD of 6 June 2014; AS **2015** 645; BBl **2010** 6637, **2012** 1577, **2013** 4725 6518, **2014** 4113 4117).

For each major project in its entirety. In the case of the NRLA project, each of the construction phases shall form the subject matter of a federal act. The Federal Assembly shall approve the required financing through guarantee credits. The Federal Council shall approve the construction phases and determine the time schedule.

<sup>5</sup> This provision applies until the conclusion of the construction work and of the financing (through repayment of the advances) of the major rail projects mentioned in paragraph 1.

*4. Transitional provision to Art. 90 (Nuclear energy)*

Until 23 September 2000, no general, construction, start-up or operating licences for new facilities for the production of nuclear energy may be granted.

*5. Transitional provision to Art. 95 (Private economic activity)*

Until the enactment of federal legislation, the Cantons must mutually recognise their education or training qualifications.

*6. Transitional provision to Art. 102 (National economic supply)*

<sup>1</sup> The Confederation shall guarantee the national supply of bread grain and baking flour.

<sup>2</sup> This transitional provision remains in force until 31 December 2003 at the latest.

*7. Transitional provision to Art. 103 (Structural policy)*

For no more than ten years from the date on which the Constitution comes into force, the Cantons may retain existing regulations that make the opening of new businesses dependent on establishing a need, in order to guarantee the existence of important parts of a specific branch of the hotel and restaurant industry.

8.<sup>115</sup> ...

*9. Transitional provision to Art. 110 para. 3 (National Day of the Swiss Confederation)*

<sup>1</sup> Until the amended federal legislation comes into force, the Federal Council shall regulate the details.

<sup>2</sup> The National Day of the Swiss Confederation shall not be included in the calculation of the number the public holidays in accordance with Article 18 paragraph 2 of the Employment Act of 13 March 1964<sup>116</sup>.

10.<sup>117</sup> ...

<sup>115</sup> Art. 106 was revised on 11 March 2012.

<sup>116</sup> SR **822.11**

<sup>117</sup> Repealed by the popular vote on 28 Nov. 2004, with effect from 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951)

*11. Transitional provision to Art. 113 (Occupational Pension Scheme)*

Insured persons who belong to the generation working at the time of the introduction of the occupational pension scheme and therefore do not contribute for the full period shall receive the statutory minimum benefits, according to their income, within 10 to 20 years of the Act coming into force.

*12.<sup>118</sup> ...*

*13.<sup>119</sup> Transitional provision to Art. 128 (Duration of tax levy)*

The power to levy the direct federal tax shall be limited until the end of 2035.

*14.<sup>120</sup> Transitional provision to Art. 130 (Value Added Tax)<sup>121</sup>*

<sup>1</sup> The power to levy value added tax is limited until the end of 2035.<sup>122</sup>

<sup>2</sup> In order to guarantee the funding of invalidity insurance, the Federal Council shall raise the value added tax rates from 1 January 2011 until 31 December 2017 as follows: ...

<sup>3</sup> The revenue from the increase in rates in accordance with paragraph 2 will be allocated in full to the Compensation Fund for Invalidity Insurance.<sup>123</sup>

<sup>4</sup> In order to secure the financing of railway infrastructure, the Federal Council shall raise the tax rates under Article 25 of the Value Added Tax Act of 12 June 2009<sup>124</sup> from 1 January 2018 by 0.1 of a percentage point, in the event of an extension of the time limit under paragraph 1 until 31 December 2030 at the latest.<sup>125</sup>

<sup>5</sup> The entire revenue from the increase under paragraph 4 shall be allocated to the fund under Article 87a.<sup>126</sup>

<sup>118</sup> Art. 126 was revised on 2 Dec. 2001.

<sup>119</sup> Adopted by the popular vote on 4 March 2018, in force since 1 Jan. 2021 (FedD of 16 June 2017, FCD of 13 Feb. 2019; AS **2019** 769; BBl **2016** 6221, **2017** 4205, **2018** 2761).

<sup>120</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2007 (FedD of 19 March 2004, FCD of 26 Jan. 2005, FCD of 2 Feb. 2006; AS **2006** 1057; BBl **2003** 1531, **2004** 1363, **2005** 951).

<sup>121</sup> Adopted by the popular vote on 27 Sept. 2009, in force since 1 Jan. 2011 (FedD of 13 June 2008 and of 12 June 2009, FCD of 7 Sept. 2010; AS **2010** 3821; BBl **2005** 4623, **2008** 5241, **2009** 4371 4377 4379 8719).

<sup>122</sup> Adopted by the popular vote on 4 March 2018, in force since 1 Jan. 2021 (FedD of 16 June 2017, FCD of 13 Feb. 2019; AS **2019** 769; BBl **2016** 6221, **2017** 4205, **2018** 2761).

<sup>123</sup> Adopted by the popular vote on 27 Sept. 2009, in force since 1 Jan. 2011 (FedD of 13 June 2008 and of 12 June 2009, FCD of 7 Sept. 2010; AS **2010** 3821; BBl **2005** 4623, **2008** 5241, **2009** 4371 4377 4379 8719).

<sup>124</sup> SR **641.20**

<sup>125</sup> Adopted by the popular vote on 9 Feb. 2014, in force since 1 Jan. 2016 (FedD of 20 June 2013, FCD of 13 May 2014, FCD of 2 June 2014, FCD of 6 June 2014; AS **2015** 645; BBl **2010** 6637, **2012** 1577, **2013** 4725 6518, **2014** 4113 4117).

<sup>126</sup> Adopted by the popular vote on 9 Feb. 2014, in force since 1 Jan. 2016 (FedD of 20 June 2013, FCD of 13 May 2014, FCD of 2 June 2014, FCD of 6 June 2014; AS **2015** 645; BBl **2010** 6637, **2012** 1577, **2013** 4725 6518, **2014** 4113 4117).

15.<sup>127</sup> ...

16.<sup>128</sup> ...

**Art. 197<sup>129</sup>** Transitional provisions following the adoption of the Federal Constitution of 18 April 1999

*1. Accession of Switzerland to the United Nations*

<sup>1</sup> Switzerland shall accede to the United Nations.

<sup>2</sup> The Federal Council shall be authorised to submit an application to the Secretary General of the United Nations (UN) requesting Switzerland's accession to the organisation, together with a declaration on the acceptance of the obligations contained in the UN Charter<sup>130</sup>.

*2.<sup>131</sup> Transitional provision to Art. 62 (School education)*

From the date on which the Federal Decree of 3 October 2003<sup>132</sup> on the New System of Financial Equalisation and the Allocation of Tasks between the Confederation and Cantons comes into force, the Cantons shall, until they have their own approved special-needs school strategies, but for a minimum of three years, assume responsibility for the current payments made by the Invalidity Insurance for special needs education (including the special needs pre-school education in accordance with Art. 19 of the Federal Act of 19 June 1959<sup>133</sup> on Invalidity Insurance).

*3.<sup>134</sup> Transitional provision to Art. 83 (National highways)*

The Cantons shall construct the national highways listed in the Federal Decree of 21 June 1960<sup>135</sup> on the National Highway Network (in its version valid on the commencement of the Federal Decree of 3 Oct. 2003<sup>136</sup> on the New System of Financial Equalisation and the Allocation of Tasks between the Confederation and Cantons) in accordance with the regulations of and subject to the oversight of the

<sup>127</sup> Repealed by the popular vote on 4 March 2018, with effect from 1 Jan. 2021 (FedD of 16 June 2017, FCD of 13 Feb. 2019; AS **2019** 769; BBl **2016** 6221, **2017** 4205, **2018** 2761).

<sup>128</sup> Repealed by the popular vote on 28 Nov. 2004, with effect from 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951)

<sup>129</sup> Adopted by the popular vote on 3 March 2002, in force since 3 March 2002 (FedD of 5 Oct. 2001, FCD of 26 April 2002; AS **2002** 885; BBl **2000** 2453, **2001** 1183 5731, **2002** 3690).

<sup>130</sup> SR **0.120**

<sup>131</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>132</sup> AS **2007** 5765

<sup>133</sup> SR **831.20**

<sup>134</sup> Article 83 has now been revised. Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>135</sup> SR **725.113.11**

<sup>136</sup> AS **2007** 5765



Confederation. The Confederation and Cantons shall share the costs. The share of the costs borne by the individual Cantons shall be determined by the burden imposed on them by the national highways, their interest in these highways, and their financial capacity.

*4.<sup>137</sup> Transitional provision to Art. 112b (Promoting the rehabilitation of people eligible for invalidity benefits)*

From the date on which the Federal Decree of 3 October 2003<sup>138</sup> on the New System of Financial Equalisation and the Allocation of Tasks between the Confederation and Cantons comes into force, the Cantons shall assume responsibility for the current payments made by the Invalidity Insurance to institutions, workshops and residential homes until they have an approved strategy on people with disabilities that also regulates the granting of cantonal contributions towards the construction and running of institutions that accept residents from outside the relevant canton, but for a minimum of three years.

*5.<sup>139</sup> Transitional provision to Art. 112c (Aid for elderly people and people with disabilities)*

The current payments under Article 101<sup>bis</sup> of the Federal Act of 20 December 1946<sup>140</sup> on the Old-Age and Survivors' Insurance for assistance and care in the home for elderly people and people with disabilities shall continue to be paid by the Cantons until cantonal regulations on the financing of assistance and care in the home come into force.

*7.<sup>141</sup> Transitional Provision to Art. 120 (Non-human gene technology)*

Swiss agriculture shall remain free of gene technology for a period of five years following the adoption of this constitutional provision. In particular, the following may neither be imported nor placed on the market:

- a. genetically modified plants that are capable of propagation, parts of plants and seeds that are intended for agricultural, horticultural or forestry use in the environment;
- b. genetically modified animals that are intended for the production of food-stuffs and other agricultural products.

<sup>137</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>138</sup> AS **2007** 5765

<sup>139</sup> Adopted by the popular vote on 28 Nov. 2004, in force since 1 Jan. 2008 (FCD of 3 Oct 2003, FCD of 26 Jan. 2005, FCD of 7 Nov. 2007; AS **2007** 5765; BBl **2002** 2291, **2003** 6591, **2005** 951).

<sup>140</sup> SR **831.10**

<sup>141</sup> Adopted by the popular vote on 27 Nov. 2005, in force since 27 Nov. 2005 (FedD of 17 June 2005, FCD of 19 Jan. 2006; AS **2006** 89; BBl **2003** 6903, **2004** 4937, **2005** 4039, **2006** 1061).

*8.<sup>142</sup> Transitional provision to Art. 121 (Residence and Permanent Settlement of Foreign Nationals)*

The legislature must define and add to the offences covered by Article 121 paragraph 3 and issue the criminal provisions relating to illegal entry in accordance with Article 121 paragraph 6 within five years of the adoption of Article 121 paragraphs 3–6 by the People and the Cantons.

*9.<sup>143</sup> Transitional provision to Art. 75b (Second homes)*

<sup>1</sup> If the relevant legislation does not come into force within two years of the adoption of Article 75b, the Federal Council shall issue the required implementing provisions on construction, sale and recording in the land register by ordinance.

<sup>2</sup> Building permits for second homes granted between 1 January of the year following the adoption of Article 75b and the date on which the implementing provisions come into force shall be null and void.

*10.<sup>144</sup> Transitional provision to Art. 95 para. 3*

Until the statutory provisions come into force, the Federal Council shall issue the required implementing provisions within one year of the adoption of Article 95 paragraph 3 by the People and the Cantons.

*11.<sup>145</sup> Transitional provision to Art. 121a (Control of immigration)*

<sup>1</sup> International agreements that contradict Article 121a must be renegotiated and amended within three years of its adoption by the People and the Cantons.

<sup>2</sup> If the implementing legislation for Article 121a has not come into force within three years of its adoption by the People and the Cantons, the Federal Council shall issue temporary implementing provisions in the form of an ordinance.

<sup>142</sup> Adopted by the popular vote on 28 Nov. 2010, in force since 28 Nov. 2010 (FedD of 18 June 2010, FCD of 17 March 2011; AS **2011** 1199; BBl **2008** 1927, **2009** 5097, **2010** 4241, **2011** 2771).

<sup>143</sup> Adopted by the popular vote on 11 March 2012, in force since 11 March 2012 (FedD of 17 June 2011, FCD of 20 June 2012; AS **2012** 3627; BBl **2008** 1113 8757, **2011** 4825, **2012** 6623).

<sup>144</sup> Adopted by the popular vote on 3 March 2013, in force since 3 March 2013 (FCD of 15 Nov. 2012 und 30 April 2013; AS **2013** 1303; BBl **2006** 8755, **2008** 2577, **2009** 299, **2012** 9219, **2013** 3129).

<sup>145</sup> Adopted by the popular vote on 9 Feb. 2014, in force since 9 Feb. 2014 (FedD of 27 Sept. 2013, FCD of 13 May 2014; AS **2014** 1391; BBl **2011** 6269, **2012** 3869, **2013** 291 7351, **2014** 4117).

*12.<sup>146</sup> Transitional provision to Art. 10a  
(Ban on covering the face)*

The implementing legislation for Article 10a must be drawn up within two years of its adoption by the People and the Cantons.

Commencement Date: 1 January 2000<sup>147</sup>

## Final Provisions of the Federal Decree of 18 December 1998

### II

<sup>1</sup> The Federal Constitution of the Swiss Confederation of 29 May 1874<sup>148</sup> is repealed.

<sup>2</sup> The following provisions of the Federal Constitution, which must be re-enacted as statute law, continue to apply until the corresponding statutory provisions come into force:

*a. Art. 32<sup>quater</sup> para. 6<sup>149</sup>*

Hawking and other forms of itinerant sale of spirits are prohibited.

*b. Art. 36<sup>quinquies</sup> para. 1 first sentence, 2 second–last sentence and 4 second sentence<sup>150</sup>*

<sup>1</sup> For the use of first and second class national highways, the Confederation shall levy an annual charge of 40 francs on each Swiss and foreign motor vehicle and trailer with a total weight not exceeding 3.5 tonnes. ...

<sup>2</sup> ... The Federal Council may exempt specific vehicles from the charge and issue special regulations, in particular for journeys made in border areas. Such regulations must not result in vehicles registered abroad being treated more favourably than

<sup>146</sup> Adopted by the popular vote on 7 March 2021, in force since 7 March 2021 (FedD of 19 June 2020, FCD of 31 May 2021 – AS 2021 310; BBl 2017 6447; 2019 2913; 2020 5507; 2021 1185).

<sup>147</sup> FedD of 28 Sept. 1999 (AS 1999 2555; BBl 1999 7922).

<sup>148</sup> [BS 1 3; AS 1949 1511, 1951 606, 1957 1027, 1958 362 768 770, 1959 224 912, 1961 476, 1962 749 1637 1804, 1964 97, 1966 1672, 1969 1249, 1970 1649, 1971 325 905 907, 1972 1481 1484, 1973 429 1051 1455, 1974 721, 1975 1205, 1976 713 715 2003, 1977 807 1849 2228 2230, 1978 212 484 1578, 1979 678, 1980 380, 1981 1243 1244, 1982 138, 1983 240 444, 1984 290, 1985 150, 151 658 659 1025 1026 1648, 1987 282 1125, 1988 352, 1991 246 247 1122, 1992 1578 1579, 1993 3040 3041, 1994 258 263 265 267 1096 1097 1099 1101, 1995 1455, 1996 1490 1491 1492 2502, 1998 918 2031, 1999 741 743 1239 1341]

<sup>149</sup> Art. 105.

<sup>150</sup> Art. 86 para. 2.

Swiss vehicles. The Federal Council may impose fines for contraventions of the regulations. The Cantons shall collect the charge for vehicles registered in Switzerland and monitor compliance of all vehicles with the regulations.

<sup>4</sup> ... The charge may be extended by federal act to further categories of vehicle that are not liable to pay the heavy vehicle charge.

*c. Art. 121<sup>bis</sup> para. 1, 2 and para. 3 first and second sentence<sup>151</sup>*

<sup>1</sup> If the Federal Assembly decides to submit a counter-proposal, voters shall be asked three questions on the same ballot paper. Each voter has the unrestricted right to state:

1. whether he or she prefers the popular initiative to the existing law;
2. whether he or she prefers the counter-proposal to the existing law;
3. which of the two proposals should come into force in the event that the People and the Cantons prefer both proposals to the existing law.

<sup>2</sup> The absolute majority shall be calculated separately for each question. Unanswered questions shall not be taken into consideration.

<sup>3</sup> If both the popular initiative and the counter-proposal are accepted, the result of the third question shall be decisive. The proposal that receives the greater number of votes from the People and from the Cantons on this question shall come into force.

...

### III

The Federal Assembly shall adapt amendments to the Federal Constitution of 29 May 1874 to the new Federal Constitution as regards their form. The decree issued to this effect shall not be subject to a referendum.

### IV

<sup>1</sup> This Decree must be submitted to a vote of the People and the Cantons.

<sup>2</sup> The Federal Assembly shall determine its commencement date.

<sup>151</sup> See now: Art. 139b.

## Contents

Preamble .....	
----------------	--

## Title 1 General Provisions

The Swiss Confederation .....	Art. 1
Aims .....	Art. 2
Cantons .....	Art. 3
National languages.....	Art. 4
Rule of law.....	Art. 5
Subsidiarity .....	Art. 5a
Individual and collective responsibility .....	Art. 6

## Title 2 Fundamental Rights, Citizenship and Social Goals

### Chapter 1 Fundamental Rights

Human dignity .....	Art. 7
Equality before the law .....	Art. 8
Protection against arbitrary conduct and principle of good faith.....	Art. 9
Right to life and to personal freedom.....	Art. 10
Ban on covering the face .....	Art. 10a
Protection of children and young people .....	Art. 11
Right to assistance when in need .....	Art. 12
Right to privacy .....	Art. 13
Right to marry and to have a family .....	Art. 14
Freedom of religion and conscience .....	Art. 15
Freedom of expression and of information .....	Art. 16
Freedom of the media .....	Art. 17
Freedom to use any language.....	Art. 18
Right to basic education.....	Art. 19
Academic freedom.....	Art. 20
Freedom of artistic expression .....	Art. 21
Freedom of assembly.....	Art. 22
Freedom of association.....	Art. 23
Freedom of domicile.....	Art. 24
Protection against expulsion, extradition and deportation .....	Art. 25
Guarantee of ownership.....	Art. 26
Economic freedom.....	Art. 27
Right to form professional associations .....	Art. 28

General procedural guarantees.....	Art. 29
Guarantee of access to the courts.....	Art. 29a
Judicial proceedings.....	Art. 30
Deprivation of liberty .....	Art. 31
Criminal proceedings.....	Art. 32
Right of petition.....	Art. 33
Political rights.....	Art. 34
Upholding of fundamental rights.....	Art. 35
Restrictions on fundamental rights .....	Art. 36

## **Chapter 2 Citizenship and Political Rights**

Citizenship.....	Art. 37
Acquisition and deprivation of citizenship .....	Art. 38
Exercise of political rights .....	Art. 39
The Swiss abroad.....	Art. 40

## **Chapter 3 Social Objectives**

.....	Art. 41
-------	---------

## **Title 3 Confederation, Cantons and Communes**

### **Chapter 1 Relations between the Confederation and the Cantons**

#### **Section 1 Duties of the Confederation and the Cantons**

Duties of the Confederation.....	Art. 42
Duties of the Cantons.....	Art. 43
Principles for the allocation and fulfilment of state tasks .....	Art. 43a

#### **Section 2 Cooperation between the Confederation and the Cantons**

Principles .....	Art. 44
Participation in federal decision-making .....	Art. 45
Implementation of federal law .....	Art. 46
Autonomy of the Cantons.....	Art. 47
Intercantonal agreements .....	Art. 48
Declaration of general application and requirement of participation.....	Art. 48a
Precedence of and compliance with federal law .....	Art. 49

#### **Section 3 Communes**

.....	Art. 50
-------	---------

## **Section 4 Federal Guarantees**

Cantonal constitutions.....	Art. 51
Constitutional order .....	Art. 52
Number and territory of the Cantons .....	Art. 53

## **Chapter 2 Powers**

### **Section 1 Relations with Foreign States**

Foreign relations .....	Art. 54
Participation of the Cantons in foreign policy decisions.....	Art. 55
Relations between the Cantons and foreign states .....	Art. 56

### **Section 2 Security, National Defence, Civil Defence**

Security.....	Art. 57
Armed forces .....	Art. 58
Military service and alternative service .....	Art. 59
Armed forces organisation, training and equipment .....	Art. 60
Civil defence.....	Art. 61

### **Section 3 Education, Research and Culture**

Swiss Education Area .....	Art. 61a
School education.....	Art. 62
Vocational and professional education and training .....	Art. 63
Higher education institutions .....	Art. 63a
Research .....	Art. 64
Continuing education and training.....	Art. 64a
Statistics.....	Art. 65
Education grants .....	Art. 66
Encouragement of children and young people .....	Art. 67
Musical education.....	Art. 67a
Sport .....	Art. 68
Culture .....	Art. 69
Languages.....	Art. 70
Cinema.....	Art. 71
Church and state .....	Art. 72

### **Section 4 Environment and Spatial Planning**

Sustainable development .....	Art. 73
Protection of the environment.....	Art. 74
Spatial planning .....	Art. 75
National Land Survey .....	Art. 75a
Second homes .....	Art. 75b

Water .....	Art. 76
Forests .....	Art. 77
Protection of natural and cultural heritage .....	Art. 78
Fishing and hunting .....	Art. 79
Protection of animals .....	Art. 80

## **Section 5 Public Construction Works and Transport**

Public Construction Works .....	Art. 81
Public transport .....	Art. 81a
Road transport .....	Art. 82
Road infrastructure .....	Art. 83
Alpine transit traffic .....	Art. 84
Heavy vehicle charge .....	Art. 85
Charge for using the national highways .....	Art. 85a
Use of charges for tasks and costs in connection with road transport .....	Art. 86
Railways and other modes of transport .....	Art. 87
Railway infrastructure .....	Art. 87a
Use of charges for tasks and costs in connection with air traffic .....	Art. 87b
Footpaths, hiking trails and cycle paths .....	Art. 88

## **Section 6 Energy and Communications**

Energy policy .....	Art. 89
Nuclear energy .....	Art. 90
Transport of energy .....	Art. 91
Postal and telecommunications services .....	Art. 92
Radio and television .....	Art. 93

## **Section 7 The Economy**

Principles of the economic system .....	Art. 94
Professional activities in the private sector .....	Art. 95
Competition policy .....	Art. 96
Consumer protection .....	Art. 97
Banks and insurance companies .....	Art. 98
Monetary policy .....	Art. 99
Economic policy .....	Art. 100
Foreign economic policy .....	Art. 101
National economic supply .....	Art. 102
Structural policy .....	Art. 103
Agriculture .....	Art. 104



Food security .....	Art. 104a
Alcohol .....	Art. 105
Gambling .....	Art. 106
Weapons and war material.....	Art. 107

## **Section 8 Housing, Employment, Social Security and Health**

Construction of housing and home ownership .....	Art. 108
Landlord and tenant .....	Art. 109
Employment.....	Art. 110
Old-age, survivors' and invalidity pension provision .....	Art. 111
Old-age, Survivors' and Invalidity Insurance .....	Art. 112
Supplementary benefits.....	Art. 112a
Promoting the rehabilitation of people eligible for invalidity benefits .....	Art. 112b
Aid for elderly people and people with disabilities.....	Art. 112c
Occupational pension scheme.....	Art. 113
Unemployment insurance .....	Art. 114
Support for persons in need .....	Art. 115
Child allowances and maternity insurance.....	Art. 116
Health and accident insurance .....	Art. 117
Primary medical care .....	Art. 117a
Health protection .....	Art. 118
Complementary medicine .....	Art. 118a
Research on human beings.....	Art. 118b
Reproductive medicine and gene technology involving human beings .....	Art. 119
Transplant medicine.....	Art. 119a
Non-human gene technology .....	Art. 120

## **Section 9 Residence and Permanent Settlement of Foreign Nationals**

Legislation on foreign nationals and asylum.....	Art. 121
Control of immigration .....	Art. 121a

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

Civil law .....	Art. 122
Criminal law .....	Art. 123
.....	Art. 123a

No time limit for the right to prosecute or for penalties for sexual or pornography offences involving prepubescent children .....	Art. 123b
Measure relating to sexual offences involving children or persons who are incapable of judgement or resistance .....	Art. 123c
Victim support .....	Art. 124
Weights and measures .....	Art. 125

## Chapter 3 Financial System

Financial management .....	Art. 126
Principles of taxation .....	Art. 127
Direct taxes .....	Art. 128
Tax harmonisation .....	Art. 129
Value added tax* .....	Art. 130
Special consumption taxes .....	Art. 131
Stamp duty and withholding tax .....	Art. 132
Customs duties .....	Art. 133
Exclusion of cantonal and communal taxation .....	Art. 134
Equalisation of financial resources and burdens .....	Art. 135

## Title 4 The People and the Cantons

### Chapter 1 General Provisions

Political rights .....	Art. 136
Political parties .....	Art. 137

### Chapter 2 Initiative and Referendum

Popular initiative requesting the total revision of the Federal Constitution .....	Art. 138
Popular initiative requesting a partial revision of the Federal Constitution in specific terms .....	Art. 139
<i>Repealed</i> .....	Art. 139a
Procedure applicable to an initiative and counter-proposal .....	Art. 139b
Mandatory referendum .....	Art. 140
Optional referendum .....	Art. 141
Implementation of international treaties .....	Art. 141a
Required majorities .....	Art. 142

## Title 5 Federal Authorities

### Chapter 1 General Provisions

Eligibility for election .....	Art. 143
--------------------------------	----------

Incompatibility.....	Art. 144
Term of office.....	Art. 145
State liability.....	Art. 146
Consultation procedure.....	Art. 147

## **Chapter 2 Federal Assembly**

### **Section 1 Organisation**

Status .....	Art. 148
Composition and election of the National Council .....	Art. 149
Composition and election of the Council of States .....	Art. 150
Sessions .....	Art. 151
Presidency.....	Art. 152
Parliamentary committees.....	Art. 153
Parliamentary groups .....	Art. 154
Parliamentary Services .....	Art. 155

### **Section 2 Procedure**

Separate proceedings .....	Art. 156
Joint proceedings .....	Art. 157
Public meetings.....	Art. 158
Quorum and required majority.....	Art. 159
Right to submit initiatives and motions .....	Art. 160
Prohibition of voting instructions .....	Art. 161
Immunity .....	Art. 162

### **Section 3 Powers**

Form of Federal Assembly enactments.....	Art. 163
Legislation .....	Art. 164
Emergency legislation.....	Art. 165
Foreign relations and international treaties .....	Art. 166
Finance .....	Art. 167
Appointments.....	Art. 168
Oversight .....	Art. 169
Evaluation of effectiveness .....	Art. 170
Tasks of the Federal Council .....	Art. 171
Relations between the Confederation and the Cantons .....	Art. 172
Further duties and powers.....	Art. 173

## **Chapter 3 Federal Council and Federal Administration**

### **Section 1 Organisation and Procedure**

Federal Council.....	Art. 174
Composition and election .....	Art. 175
Presidency.....	Art. 176
Principle of collegiality and allocation to departments .....	Art. 177
Federal Administration .....	Art. 178
Federal Chancellery .....	Art. 179

### **Section 2 Powers**

Government policy .....	Art. 180
Right to initiate legislation.....	Art. 181
Law-making and implementation of legislation.....	Art. 182
Finances .....	Art. 183
Foreign relations .....	Art. 184
External and internal security .....	Art. 185
Relations between the Confederation and the Cantons .....	Art. 186
Further duties and powers.....	Art. 187

## **Chapter 4 Federal Supreme Court and other Judicial Authorities**

Status .....	Art. 188
Jurisdiction of the Federal Supreme Court.....	Art. 189
Applicable law .....	Art. 190
Access to the Federal Supreme Court .....	Art. 191
Other federal judicial authorities .....	Art. 191a
Cantonal judicial authorities .....	Art. 191b
Independence of the judiciary .....	Art. 191c

## **Title 6 Revision of the Federal Constitution and Transitional Provisions**

### **Chapter 1 Revision**

Principle.....	Art. 192
Total revision.....	Art. 193
Partial revision.....	Art. 194
Commencement .....	Art. 195

---

## **Chapter 2 Transitional Provisions**

Transitional provisions in terms of the Federal Decree of 18 December 1998 on a new Federal Constitution .....	Art. 196
Transitional provisions following the adoption of the Federal Constitution of 18 April 1999 .....	Art. 197

## **Final Provisions of the Federal Decree of 18 December 1998**



*English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.*



## **Federal Act on the Federal Assembly (Parliament Act, ParlA)**

of 13 December 2002 (Status as of 18 December 2021)

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*The Federal Assembly of the Swiss Confederation,*  
based on Article 164 paragraph 1 letter g of the Federal Constitution<sup>1</sup>,  
and having considered the report of the Political Institutions Committee of the  
National Council dated 1 March 2001<sup>2</sup>  
and the opinion of the Federal Council dated 22 August 2001<sup>3</sup>,  
*decrees:*

### **Title 1            General Provisions**

#### **Art. 1            Subject matter**

This Act regulates:

- a. the rights and duties of the members of the Federal Assembly;
- b. the tasks and organisation of the Federal Assembly;
- c. the procedure in the Federal Assembly;
- d. procedural relations between the Federal Assembly and the Federal Council;
- e. procedural relations between the Federal Assembly and the federal courts.

#### **Art. 2            Meetings of the councils**

<sup>1</sup> The National Council and the Council of States shall convene regularly for ordinary sessions.

<sup>2</sup> Either council may decide to convene special sessions if the ordinary sessions are not sufficient to deal with the volume of business.

AS **2003** 3543

<sup>1</sup> SR **101**

<sup>2</sup> BBl **2001** 3467

<sup>3</sup> BBl **2001** 5428

<sup>3</sup> One quarter of the members of a council or of the Federal Council may request that the councils or the United Federal Assembly be convened for an extraordinary session to deal with the following items of business:

- a. drafts by the Federal Council or of a Federal Assembly committee of a Federal Assembly enactment;
- b. identical motions that have been submitted in both chambers;
- c. elections;
- d. declarations by the Federal Council or identical drafts submitted in both chambers for declarations by the National Council and des Council of States.<sup>4</sup>

<sup>4</sup> An ordinary or an extraordinary session is normally held in both chambers in the same calendar week.<sup>5</sup>

### **Art. 3** Oath and solemn promise

<sup>1</sup> Each member of the Federal Assembly shall swear the oath or make the solemn promise before assuming office.

<sup>2</sup> The persons elected by the United Federal Assembly shall swear their oath or make their solemn promise before the United Federal Assembly following their election, unless the law provides otherwise.

<sup>3</sup> Any person who refuses to swear the oath or make the solemn promise is prohibited from assuming office.

<sup>4</sup> The oath is as follows:

«I swear by Almighty God to uphold the Constitution and the law and to fulfil the duties of my office to the best of my abilities.»

<sup>5</sup> The solemn promise is as follows:

«I solemnly promise to uphold the Constitution and the law and to fulfil the duties of my office to the best of my abilities.»

### **Art. 4** Access of public to meetings

<sup>1</sup> The meetings of the councils and of the United Federal Assembly are open to the public. The debates are published in full in the Official Bulletin of the Federal Assembly. The details of publication are regulated in an ordinance of the Federal Assembly.

<sup>2</sup> For the protection of major security interests or for the protection of personal privacy, a meeting in camera may be requested. The following have the right to make such a request:

<sup>4</sup> Amended by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>5</sup> Inserted by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).



- a. a sixth of the members of either council or of the United Federal Assembly;
- b. a majority of the members of a committee;
- c. the Federal Council.

<sup>3</sup> The debate on an application for a meeting in camera is itself held in camera.

<sup>4</sup> Any person who participates in a meeting in camera is obliged to preserve secrecy with regard to the proceedings thereof.

## **Art. 5** Information

<sup>1</sup> The Councils and their organs shall provide comprehensive information in good time about their activities provided there are no overriding public or private interests that prevent this.

<sup>2</sup> The use of sound or image broadcasts from the Assembly chambers, as well as the accreditation of journalists, is regulated in an ordinance of the Federal Assembly or by the respective Standing Orders of the Councils.

## **Title 2** Members the Federal Assembly

### **Chapter 1** Rights and Duties

## **Art. 6** Procedural rights

<sup>1</sup> The members the Federal Assembly (assembly members) have the right to submit parliamentary initiatives and parliamentary procedural requests and to propose candidates for election.

<sup>2</sup> They may submit proposals relating to pending business and procedure.

<sup>3</sup> The right to speak and the time allowed for speeches may be limited by the Standing Orders of the Councils.

<sup>4</sup> If a parliamentary initiative, a motion or a postulate is opposed, a vote may be held only if the originator has been given the opportunity to provide verbal justification. In addition, the person who first requested rejection must at least be given the right to speak.<sup>6</sup>

## **Art. 7** Rights to information

<sup>1</sup> The assembly members have the right to be provided with information by the Federal Council and the Federal Administration and to inspect documents on any matter of relevance to the Confederation, provided this is required for the exercise of their parliamentary mandates.

<sup>6</sup> Inserted by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>2</sup> An individual assembly member has no right to information:

- a. from the joint reporting procedure and deliberations in Federal Council meetings;
- b. that is classified as confidential or secret in the interests of state security or the intelligence service, or the disclosure of which to unauthorised persons may be detrimental to national interests;
- c. that is treated as confidential for the protection of personal privacy.<sup>7</sup>

<sup>3</sup> In the event of any disagreement between an assembly member and the Federal Council as to the extent of rights to information, the assembly member may call on the Presiding College of the council to which he or she belongs. The Presiding College mediates between the assembly member and the Federal Council.

<sup>4</sup> If there is disagreement between an assembly member and the Federal Council, the Presiding College of the council has the final decision on whether the information is required to exercise the relevant parliamentary mandate.

<sup>5</sup> As an alternative to permitting the inspection of documents, the Federal Council may submit a report to an assembly member if there is disagreement between the Federal Council and the assembly member as to whether the assembly member has a right to information in terms of paragraph 2 and the mediation of Presiding College of the council is unsuccessful.

<sup>6</sup> The Presiding College of the council has an unrestricted right to inspect the documents of the Federal Council and the Federal Administration when preparing to mediate.

## **Art. 8**            Official secrecy

The assembly members are bound by official secrecy where, through their official activities, they acquire knowledge of information that must be kept secret or confidential in order to safeguard overriding public or private interests, and in particular in order to protect personal privacy or to avoid prejudicing pending court proceedings.

## **Art. 9**            Income and expenses

Assembly members receive from the Confederation a salary in respect of their parliamentary activities and a contribution to cover the expenses that they incur in connection therewith. The details are regulated by the Parliamentary Resources Act of 18 March 1988<sup>8</sup>.

<sup>7</sup> Amended by No I of the FA of 17 June 2011 (Specification of the Information Rights of the Supervisory Committees), in force since 1 Nov. 2011 (AS **2011** 4537; BBl **2011** 1817 1839).

<sup>8</sup> SR **171.21**

**Art. 10** Duty to attend meetings

Assembly members are obliged to attend the meetings of the councils and committees.

**Art. 10a<sup>9</sup>** Voting in absentia in the National Council because of COVID-19

<sup>1</sup> Members of the National Council may vote in absentia if they are officially ordered to go into isolation or quarantine because of COVID-19.

<sup>2</sup> A member of the National Council who wishes to vote in absentia pursuant to paragraph 1 shall notify the Council Secretariat on the day before the sitting.

<sup>3</sup> The votes cast by members of the National Council pursuant to paragraph 1 shall be recorded in the electronic voting system at the same time as votes are cast in the Council. The vote shall not be held again if a Council member is unable to cast his or her vote on technical grounds.

**Art. 10b<sup>10</sup>****Art. 11** Duties of disclosure

<sup>1</sup> On assuming office and at the start of every year, each assembly member must inform his or her office in writing about his or her:

- a.<sup>11</sup> professional activities; if the assembly member is an employee, they must give information about their position and their employer;
- b.<sup>12</sup> further activities on management or supervisory committees as well as advisory committees and similar bodies of Swiss and foreign business undertakings, institutions and foundations under private and public law;
- c. activities as a consultant or as a specialist adviser to federal agencies;
- d. permanent management or consultancy activities on behalf of Swiss or foreign interest groups;
- e. participation in committees or other organs of the Confederation.

<sup>1bis</sup> In the case of activities listed in paragraph 1 letters b–e, the assembly member shall declare whether the activity is voluntary or paid. The reimbursement of expenses is not regarded as payment for an activity.<sup>13</sup>

<sup>9</sup> Inserted by No I of the FA of 10 Dec. 2020 (COVID-19: Voting in the National Council; Suspension or Postponement of the Session) (AS 2020 5375; BBl 2020 9271 9283). Amended by No III 1 of the FA of 17 Dec. 2021, in force from 18 Dec. 2021 until 31 Dec. 2022 (AS 2021 878; BBl 2021 2515).

<sup>10</sup> Inserted by No I of the FA of 10. Dec. 2020 (COVID-19: Voting in the National Council; Suspension or Postponement of the Session), in force from 11. Dec. 2020 until 1 Oct. 2021 at the latest (AS 2020 5375; BBl 2020 9271 9283).

<sup>11</sup> Amended by No I of the FA of 15 June 2018, in force since 2 Dec. 2019 (AS 2018 3461; BBl 2017 6797 6865).

<sup>12</sup> Amended by No I of the FA of 15 June 2018, in force since 2 Dec. 2019 (AS 2018 3461; BBl 2017 6797 6865).

<sup>2</sup> The Parliamentary Services maintain a public register containing the information provided by assembly members.

<sup>3</sup> Assembly members whose personal interests are directly affected by any matter being considered must indicate their personal interest when making a statement in the council or in a committee.

<sup>4</sup> Professional secrecy in terms of the Swiss Criminal Code<sup>14</sup> is reserved.

#### **Art. 11a<sup>15</sup>**      Recusal

<sup>1</sup> In exercising supervisory control in accordance with Article 26, members of committees and delegations shall recuse themselves if they have a direct personal interest in any item of business or could be impartial for any other reasons. The representation of political interests, and in particular those of communities, parties or associations, is not a reason for recusal.

<sup>2</sup> In the event of any dispute, the committee or delegation concerned shall make a final decision on recusal after hearing the member concerned.

#### **Art. 12**              Independence in relation to foreign states

Assembly members are prohibited from acting in an official capacity for a foreign state or from accepting titles or honours from foreign governments.

#### **Art. 13**              Disciplinary measures

<sup>1</sup> Where an assembly member, having been issued with a formal warning, once again infringes the administrative and procedural regulations of the councils, the President may:

- a.    revoke the assembly member's right to speak; or
- b.    exclude the assembly member from the meeting for all or part of its remaining duration.

<sup>2</sup> Where an assembly member commits a serious infringement of administrative or procedural regulations or breaches official secrecy, the relevant council office may:

- a.    officially reprimand the assembly member; or
- b.    suspend the assembly member from participation in the committees for up to six months.

<sup>3</sup> The council shall decide on any objections raised by the council member in question.

<sup>13</sup> Inserted by No I of the FA of 15 June 2018, in force since 2 Dec. 2019 (AS **2018** 3461; BBl **2017** 6797 6865).

<sup>14</sup> SR **311.0**

<sup>15</sup> Inserted by No I of the FA of 17 June 2011 (Specification of the Information Rights of the Supervisory Committees), in force since 1 Nov. 2011 (AS **2011** 4537; BBl **2011** 1817 1839).

## Chapter 2 Incompatibility Rules

### Art. 14 Incompatibility

The following persons may not be members of the Federal Assembly:

- a. persons that it has elected or whose appointment it has confirmed;
- b. judges of the federal courts whom it has not elected;
- c.<sup>16</sup> staff of the central and decentralised Federal Administration, the Parliamentary Services and the federal courts, the secretariat of the Supervisory Authority for the Office of the Attorney General of Switzerland, the Office of the Attorney General of Switzerland as well as members of extra-parliamentary commissions with decision-making powers, unless specific statutory provisions provide otherwise;
- d. members of the armed forces command staff;
- e. members of the management organs of organisations or entities under public or private law that do not form part of the Federal Administration but which are entrusted with administrative tasks, where the Confederation has control thereover;
- f. persons that represent the Confederation in organisations or entities under public or private law that do not form part of the Federal Administration but which are entrusted with administrative tasks, where the Confederation has control thereover.

### Art. 15 Procedure

<sup>1</sup> In cases of incompatibility in terms of Article 14 letter a, the person concerned must declare which of the two offices he or she has chosen to accept.

<sup>2</sup> In cases of incompatibility in terms of Article 14 letters b–f, the person concerned shall be removed from the Federal Assembly six months from the date of the incompatibility being established, provided he or she has not resigned from the other position by that time.

## Chapter 3 Immunity and Session Attendance Guarantee

### Art. 16 Absolute immunity

Assembly members may not be held legally accountable for statements they make in the Assembly or in its organs.

<sup>16</sup> Amended by Annex No II 2 of the Law Enforcement Authorities Act of 19 March 2010, in force since 1 Jan. 2011 (AS **2010** 3267; BBl **2008** 8125).

**Art. 17<sup>17</sup>** Relative immunity

<sup>1</sup> Criminal proceedings may be brought against an assembly member for an offence that is directly related to his or her official position or activity only if authorised by the competent committees of both chambers. The regulations of each chamber shall designate the competent committee.

<sup>2</sup> If it appears justified given the circumstances of the case, the competent committees may assign the prosecution and adjudication of an offence subject to cantonal jurisdiction to the prosecution authorities of the Confederation.

<sup>3</sup> The United Federal Assembly may appoint a Special Attorney General.

<sup>3bis</sup> The presidents of the competent committees may by mutual agreement return to the prosecution authorities applications providing insufficient grounds for lifting immunity so that these can be rectified.<sup>18</sup>

<sup>4</sup> If an application is clearly untenable, the presidents of the competent committees may by mutual agreement deal directly with the application. They shall inform the committees in advance. If the majority in a committee elects to discuss an application, the application is dealt with according to the standard procedure under Article 17a.<sup>19</sup>

**Art. 17a<sup>20</sup>** Relative immunity: Procedure

<sup>1</sup> An application to lift immunity shall first be considered by the competent committee of the council to which the accused assembly member belongs.

<sup>2</sup> If the decisions of both committees on whether to consider the application or lift immunity do not correspond, the committees shall attempt to resolve their differences. The second rejection of an application by a committee is final.

<sup>3</sup> The committees are quorate when a majority of their members is present. The presence of a quorum must be confirmed.

<sup>4</sup> The committees shall hear the accused assembly member. The member may not be represented or accompanied.

<sup>5</sup> The decision of the committees is final.

<sup>6</sup> Once a committee has notified the assembly member concerned, it shall inform the public immediately. At the same time, it shall inform the members of both chambers in a written communication.

<sup>7</sup> If the accused assembly member is a member of one of the competent committees, he or she shall recuse him or herself.

<sup>17</sup> Amended by No I of the FA of 17 June 2011 (Requests to lift Immunity), in force since 5 Dec. 2011 (AS **2011** 4627; BBl **2010** 7345 7385).

<sup>18</sup> Inserted by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS **2018** 3461; BBl **2017** 6797 6865).

<sup>19</sup> Amended by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS **2018** 3461; BBl **2017** 6797 6865).

<sup>20</sup> Inserted by No I of the FA of 17 June 2011 (Requests to lift Immunity), in force since 5 Dec. 2011 (AS **2011** 4627; BBl **2010** 7345 7385).

**Art. 18** Suspension of postal and telecommunications secrecy, and other investigative measures

<sup>1</sup> The authorisation of the Presiding Colleges of the Councils is required for the suspension of postal and telecommunications secrecy in terms of Article 321<sup>ter</sup> of the Swiss Criminal Code<sup>21</sup> if:

- a. it is intended to prosecute a criminal offence committed by an assembly member;
- b. it is intended to order measures against an assembly member that permit the surveillance of a third party with which the assembly member has dealings by reason of his or her office.

<sup>2</sup> Paragraph 1 also applies by analogy to those cases in which other inquiries or criminal investigation measures are required in respect of an assembly member for an initial clarification of the facts of the case or to secure evidence.

<sup>3</sup> As soon as the measures authorised by Presiding Colleges of the Councils have been carried out, authorisation for prosecution must be obtained from the competent committees of both chambers in accordance with Article 17, unless proceedings have already been dropped.<sup>22</sup>

<sup>4</sup> Any arrest made without this authorisation is unlawful.<sup>23</sup>

**Art. 19** Procedure by which the Presiding Colleges grant authorisation

<sup>1</sup> The Presiding Colleges of the Councils shall reach their decisions by joint deliberation in camera. The granting of authorisation in terms of Article 18 requires the agreement at least five members.

<sup>2</sup> Authorisation to suspend postal and telecommunications secrecy may only be granted if the relevant authority has ordered surveillance to be carried out in accordance with Article 7 of the Federal Act of 6 October 2000<sup>24</sup> on the Surveillance of Post and Telecommunications.

**Art. 20** Session attendance guarantee

<sup>1</sup> Criminal proceedings against an assembly member in respect of a felony or misdemeanour that is not connected with his or her official position or activities may only be initiated during a session with the written consent of the member or with the authorisation of the competent committee of the council to which the member belongs. The regulations of each council shall designate the competent committee.<sup>25</sup>

<sup>21</sup> SR 311.0

<sup>22</sup> Amended by No I of the FA of 17 June 2011 (Requests to lift Immunity), in force since 5 Dec. 2011 (AS 2011 4627; BBl 2010 7345 7385).

<sup>23</sup> Amended by No I of the FA of 17 June 2011 (Requests to lift Immunity), in force since 5 Dec. 2011 (AS 2011 4627; BBl 2010 7345 7385).

<sup>24</sup> SR 780.1

<sup>25</sup> Amended by No I of the FA of 17 June 2011 (Requests to lift Immunity), in force since 5 Dec. 2011 (AS 2011 4627; BBl 2010 7345 7385).

<sup>2</sup> The foregoing does not apply to a precautionary arrest due to a risk of absconding or where the member is caught in the act of committing a felony. The authority ordering the arrest must apply within 24 hours directly to the competent committee of the council to which the arrested member belongs for its consent, unless the person concerned has given his or her own consent to being arrested.<sup>26</sup>

<sup>3</sup> If criminal proceedings in respect of the offences named in paragraphs 1 and 2 have already been commenced against an assembly member at the start of a session, the member has the right to request a decision by the competent committee of the council to which he or she belongs on the continuation of any detention that has already been ordered and on any summons to attend court hearings. The submission of such a request has no suspensive effect on orders already made.<sup>27</sup>

<sup>4</sup> The right to attend a session may not be invoked against a legally enforceable judgment that imposes a custodial sentence the execution of which has been ordered prior to start of the session.

#### **Art. 21** Disputes over the necessity for authorisation

In the event of any dispute as to whether authorisation in terms of Articles 17–20 is required, the organ responsible for granting authorisation decides.

### **Chapter 4<sup>28</sup> Liability**

#### **Art. 21a**

<sup>1</sup> The financial liability of an assembly member for his or her official activities is governed by the Government Liability Act of 14 March 1958<sup>29</sup>.

<sup>2</sup> The Administration Delegation shall decide on the liability of an assembly member under Articles 7 and 8 of the Government Liability Act of 14 March 1958.

<sup>3</sup> The assembly member may contest the decision of the Administration Delegation by filing an appeal with the Federal Supreme Court.

### **Title 3 Duties of the Federal Assembly**

#### **Art. 22** Legislation

<sup>1</sup> The Federal Assembly enacts important legislative provisions in the form of a federal act.

<sup>26</sup> Amended by No I of the FA of 17 June 2011 (Requests to lift Immunity), in force since 5 Dec. 2011 (AS **2011** 4627; BBl **2010** 7345 7385).

<sup>27</sup> Amended by No I of the FA of 17 June 2011 (Requests to lift Immunity), in force since 5 Dec. 2011 (AS **2011** 4627; BBl **2010** 7345 7385).

<sup>28</sup> Inserted by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>29</sup> SR **170.32**



<sup>2</sup> It may enact further legislative provisions in the form of a federal act or, provided it is entitled to do so by the Federal Constitution or the law, in the form of an ordinance of the Federal Assembly.

<sup>3</sup> Prior to the enactment of legislative provisions by the Federal Council, the relevant committees of the Federal Assembly shall be consulted if they so request, provided the urgency of the provisions so permits.

<sup>4</sup> Provisions shall be regarded as being legislative if they impose obligations or confer rights or responsibilities in general and abstract terms and with directly binding effect.

#### **Art. 23** Amendments to the Federal Constitution

The Federal Assembly submits amendments to the Federal Constitution to the vote of the People and the Cantons in the form of a federal decree.

#### **Art. 24** Co-determination of foreign policy

<sup>1</sup> The Federal Assembly shall follow international developments and participate in the decision-making process on important foreign policy issues.

<sup>2</sup> It shall approve the conclusion or amendment of or the withdrawal from international treaties, unless the Federal Council may conclude, amend or withdraw from the treaty at its own behest under Articles 7a and 7b<sup>bis</sup> of the Government and Administration Organisation Act of 21 March 1997<sup>30,31</sup>

<sup>3</sup> If the conclusion or amendment of or withdrawal from the international treaty is subject to a referendum, the Federal Assembly shall approve the conclusion, amendment or withdrawal by issuing a federal decree. If this is not the case, it shall approve the conclusion, amendment or withdrawal by issuing a simple federal decree.<sup>32</sup>

<sup>4</sup> It shall participate in international parliamentary conferences and cultivate relations with foreign parliaments.

#### **Art. 25** Finances

<sup>1</sup> The Federal Assembly shall decide on expenditures and investments in the budget and its supplements.<sup>33</sup> It shall decide on new or existing unclaimed appropriation credits and payment limits in the budget and its supplements or by separate decree. It shall approve the state accounts.

<sup>30</sup> SR 172.010

<sup>31</sup> Amended by No I 1 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS 2019 3119; BBl 2018 3471 5315).

<sup>32</sup> Amended by No I 1 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS 2019 3119; BBl 2018 3471 5315).

<sup>33</sup> Amended by Art. 65 No 1 of the Financial Budget Act of 7 Oct. 2005, in force since 1 May 2006 (AS 2006 1275; BBl 2005 5).

<sup>2</sup> It shall take its decisions in the form of a simple federal decree.

<sup>3</sup> It shall stipulate the purpose and the amount of the credits in the decision on credits. It may also include in its decision the general conditions for the use of the credit, the schedule for the implementation of the project and reporting by the Federal Council.<sup>34</sup>

#### **Art. 26**            Supervisory control

<sup>1</sup> The Federal Assembly shall exercise supervisory control over the conduct of business by the Federal Council and the Federal Administration, the federal courts, the Supervisory Authority for the Office of the Attorney General of Switzerland, the Office of the Attorney General of Switzerland and by other persons entrusted with tasks of the Confederation.<sup>35</sup>

<sup>2</sup> It shall exercise supervisory control over the financial budget in the context of Article 8 of the Federal Auditing Act of 28 June 1967<sup>36</sup>.

<sup>3</sup> The Federal Assembly shall exercise supervisory control according to the following criteria:

- a. legality;
- b. regularity;
- c. expediency;
- d. effectiveness;
- e. economic efficiency.

<sup>4</sup> Supervisory control shall not include the power to revoke or alter decisions. It shall not include control over the content of the judicial decisions of the Office of the Attorney General of Switzerland.<sup>37</sup>

#### **Art. 27**            Evaluation of effectiveness

The organs of the Federal Assembly designated by law shall ensure that the measures taken by the Confederation are evaluated as to their effectiveness. To this end, they may:

- a. request the Federal Council to have impact assessments carried out;
- b. examine the impact assessments carried out on the instructions of the Federal Council;
- c. instruct impact assessments to be carried out themselves.

<sup>34</sup> Inserted by Art. 65 No 1 of the Financial Budget Act of 7 Oct. 2005, in force since 1 May 2006 (AS **2006** 1275; BBl **2005** 5).

<sup>35</sup> Amended by Annex No II 2 of the Law Enforcement Authorities Act of 19 March 2010, in force since 1 Jan. 2011 (AS **2010** 3267; BBl **2008** 8125).

<sup>36</sup> SR **614.0**

<sup>37</sup> Second sentence amended by Annex No II 2 of the Law Enforcement Authorities Act of 19 March 2010, in force since 1 Jan. 2011 (AS **2010** 3267; BBl **2008** 8125).

**Art. 28** Decisions of general principle and planning

<sup>1</sup> The Federal Assembly shall participate:

- a. in the significant aspects of the planning of state activities;
- b. in determining the strategic goals of units that have become autonomous in accordance with Article 8 paragraph 5 of the Government and Administration Organisation Act of 21 March 1997<sup>38,39</sup>

<sup>1bis</sup> It participates by:

- a. gathering information on its activities in accordance with paragraph 1 from Federal Council reports or acknowledging such reports;
- b. mandating the Federal Council:
  1. to make specific plans or to alter the main elements of a plan, or
  2. to determine strategic goals for the units that have become autonomous or to alter such goals;
- c. taking decisions of general principle and planning decisions.<sup>40</sup>

<sup>2</sup> General principle decisions and planning decisions are preliminary decisions that state that certain goals must be achieved, principles and criteria must be observed or measures must be planned.

<sup>3</sup> General principle decisions and planning decisions shall be issued in the form of a simple federal decree. For general principle decisions and planning decisions of greater importance, the form of a federal decree may be chosen.

<sup>4</sup> If the Federal Council does not adhere to the mandates it has been given or general principle and planning decisions, it must provide justification for doing so.

**Art. 29** Individual legislative acts

<sup>1</sup> The Federal Assembly shall enact individual legislative acts that are not subject to a referendum in the form of a simple federal decree.

<sup>2</sup> Individual legislative acts of the Federal Assembly in respect of which the required statutory basis is not found in the Federal Constitution or in a federal act shall be enacted in the form of a federal decree that is subject to a referendum.

**Art. 30** Further duties

The Federal Assembly shall carry out any additional duties that are assigned to it by the Federal Constitution or federal legislation.

<sup>38</sup> SR **172.010**

<sup>39</sup> Amended by No I 1 of the FA of 17 Dec. 2010 on the Participation of the Federal Assembly in the Management of Autonomous Units, in force since 1 Jan. 2012 (AS **2011** 5859; BBl **2010** 3377 3413).

<sup>40</sup> Inserted by No I 1 of the FA of 17 Dec. 2010 on the Participation of the Federal Assembly in the Management of Autonomous Units, in force since 1 Jan. 2012 (AS **2011** 5859; BBl **2010** 3377 3413).

## **Title 4        Organisation of the Federal Assembly**

### **Chapter 1    General**

#### **Art. 31        Organs**

The organs of the Federal Assembly are:

- a. the National Council;
- b. the Council of States;
- c. the United Federal Assembly;
- d. the Presiding Colleges;
- e. the Offices;
- f. the Conference for Coordination and the Administration Delegation;
- g. the committees and their sub-committees and delegations;
- h. the parliamentary groups.

#### **Art. 32        Seat of the Federal Assembly**

<sup>1</sup> The Federal Assembly meets in Bern.

<sup>2</sup> It may by simple federal decree decide by way of exception to meet at a different location.

#### **Art. 33        Convening meetings**

<sup>1</sup> The National Council and the Council of States are convened by their Offices.

<sup>2</sup> The United Federal Assembly is convened by the Conference for Coordination.

<sup>3</sup> The President of the National Council or, in the event of his or her incapacity, the President of the Council of States is obliged to convene the councils if the security of the federal authorities is endangered or the Federal Council is unable to act.

### **Chapter 2    The National Council and Council of States**

#### **Art. 34        Presiding Colleges**

The Presiding College of each council comprises the President, the first Vice-President and the second Vice-President.

#### **Art. 35        Offices of the councils**

<sup>1</sup> Each council shall establish an office to deal with its administration and other related matters.

<sup>2</sup> The office of each council comprises the members of the Presiding College and other members as determined by the respective regulations of the councils.

<sup>3</sup> The rights and duties assigned to the committees by this Act also apply to the Offices.

**Art. 36** Council regulations

Each council shall issue regulations with the implementing provisions relating to its organisation and procedure.

**Art. 37** Conference for Coordination

<sup>1</sup> The Office of the National Council and the Office of the Council of States constitute the Conference for Coordination.

<sup>2</sup> The Conference for Coordination has the following duties:

- a.<sup>41</sup> it decides on the calendar week in which the ordinary and extraordinary sessions are held;
- b. it deals with business between the two councils and between the councils and the Federal Council;
- c. it may issue directives on the allocation of personnel and financial resources to the organs of the Federal Assembly;
- d. it elects the General Secretary of the Federal Assembly. The election must be confirmed by the United Federal Assembly;
- e. it approves the formation of new parliamentary groups in accordance with the criteria stated in Article 61.

<sup>3</sup> The Federal Council may participate in its meetings in an advisory capacity.

<sup>4</sup> The decisions of the Conference for Coordination require the agreement of the Offices of the National Council and of the Council of States. Elections in accordance with paragraph 2 letter d shall take place by an absolute majority of the voting members.

<sup>5</sup> ...<sup>42</sup>

**Art. 38** Administration Delegation

<sup>1</sup> The Administration Delegation comprises three members from each of the Offices of the Councils as appointed by the Conference for Coordination. The Administration Delegation shall appoint one of its members as its delegate. It constitutes itself.

<sup>2</sup> The Administration Delegation is responsible for the overall management of the administration of Parliament.

<sup>41</sup> Amended by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>42</sup> Repealed by No I of the FA of 15 June 2018, with effect from 26 Nov. 2018 (AS **2018** 3461; BBl **2017** 6797 6865).

<sup>3</sup> The Administration Delegation shall take decisions by a simple majority of its voting members.

### Chapter 3 United Federal Assembly

#### Art. 39 Office of the United Federal Assembly

<sup>1</sup> The Office of the United Federal Assembly comprises the Presiding Colleges of both Councils.

<sup>2</sup> The chairperson is the President of the National Council or, in the event of his or her incapacity, the President of the Council of States.

<sup>3</sup> The Office shall prepare the meetings of the United Federal Assembly.

<sup>4</sup> It may appoint committees of the United Federal Assembly. They comprise twelve members of the National Council and five members of the Council of States.

#### Art. 40 Pardons and Jurisdiction Committee

<sup>1</sup> The Pardons and Jurisdiction Committee considers applications for pardons and decisions on conflicts of jurisdiction between the supreme federal authorities.

<sup>2</sup> Its president is elected alternately from the members of the National Council and the members of the Council of States.

<sup>3</sup> It shall submit applications for pardons to the Federal Council, which provides it with a report and a proposal thereon.

<sup>4</sup> It may inspect the application and the files on the investigation, the court proceedings and the execution of the judgement.

#### Art. 40<sup>a43</sup> Judiciary Committee

<sup>1</sup> The Judiciary Committee is responsible for the preparation for the appointment and removal from office of judges of the federal courts:

- a. of judges of the federal courts;
- b. of members of the Supervisory Authority for the Office of the Attorney General of Switzerland;
- c. of the Attorney General of Switzerland and the Deputies of the Attorney General of Switzerland.<sup>44</sup>

<sup>2</sup> It issues public invitations for applications for vacant positions as federal judges, the Attorney General of Switzerland, or the Deputies of the Attorney General of

<sup>43</sup> Inserted by No II of the FA of 13 Dec 2003, in force since 1 Aug. 2003 (AS **2003** 2119; BBl **2001** 4202, **2002** 1181).

<sup>44</sup> Amended by Annex No II 2 of the Law Enforcement Authorities Act of 19 March 2010, in force since 1 Jan. 2011 (AS **2010** 3267; BBl **2008** 8125).

Switzerland. If the law permits part-time positions, the level of occupation is stated in the invitation to apply.<sup>45</sup>

<sup>3</sup> The Judiciary Committee submits its election nominations and proposals for removal from office to the United Federal Assembly.

<sup>4</sup> It determines the details of the employment contracts of the judges, the Attorney General of Switzerland, or the Deputies of the Attorney General of Switzerland.<sup>46</sup>

<sup>5</sup> Each parliamentary group has the right to at least one seat on the Committee.

<sup>6</sup> The Control Committees and the Finance Delegation shall notify the Judiciary Committee of findings that raise serious questions as to the professional or personal suitability of judges, the Attorney General of Switzerland, or the Deputies of the Attorney General of Switzerland.<sup>47</sup>

#### **Art. 41** Procedure in the United Federal Assembly

<sup>1</sup> Unless otherwise provided in this Act, the provisions of the internal regulations of the National Council apply by analogy to the procedure in the United Federal Assembly.

<sup>2</sup> The tellers and the substitute tellers of the two chambers determine the results of elections and votes.

<sup>3</sup> If the business regulations of the National Council do not apply, the United Federal Assembly may draw up its own regulations.

## **Chapter 4 Committees**

### **Section 1 General Provisions**

#### **Art. 42** Standing committees and special committees

<sup>1</sup> Each council shall appoint from its members the standing committees provided for by this Act and the internal regulations.

<sup>2</sup> In exceptional circumstances, the councils may appoint special committees.

#### **Art. 43** Appointment of the committees

<sup>1</sup> The members of the committees and their chairpersons (president and vice-president) shall be appointed by the office of the relevant council.

<sup>2</sup> Unless otherwise provided by this Act, the chairpersons of joint committees of both chambers and of committees of the United Federal Assembly shall be elected

<sup>45</sup> Amended by Annex No II 2 of the Law Enforcement Authorities Act of 19 March 2010, in force since 1 Jan. 2011 (AS **2010** 3267; BBl **2008** 8125).

<sup>46</sup> Amended by Annex No II 2 of the Law Enforcement Authorities Act of 19 March 2010, in force since 1 Jan. 2011 (AS **2010** 3267; BBl **2008** 8125).

<sup>47</sup> Amended by Annex No II 2 of the Law Enforcement Authorities Act of 19 March 2010, in force since 1 Jan. 2011 (AS **2010** 3267; BBl **2008** 8125).

by the Conference for Coordination. The president and the vice-president may not belong to the same council.

<sup>2bis</sup> The Conference for Coordination ensures that die Presidents of the Control Committees of both chambers do not belong to the same parliamentary group.<sup>48</sup>

<sup>3</sup> The composition of the committees and the allocation of seats among the committee chairpersons are determined by the strengths of the parliamentary groups in the relevant chamber. Wherever possible, appropriate account should be taken of the official languages and regions of the country.

<sup>4</sup> The term of office of the members of the standing committees is determined by the respective regulations of the councils.

#### **Art. 44** Duties

<sup>1</sup> In accordance with the terms of reference under this Act or the rules of business, the committees have the following duties:

- a. they conduct a preliminary discussion of the business referred to them for the attention of their council;
- b. they consider and decide on the business referred to them for final decision in terms of this Act;
- c. they monitor the social and political developments in their areas of responsibility;
- d. they draw up proposals relevant to their areas of responsibility;
- e.<sup>49</sup> they are responsible for impact assessments in their areas of responsibility. They submit related proposals to the competent bodies of the Federal Assembly, or issue related mandates to the Federal Council;
- f. they take account of the results of impact assessments.

<sup>2</sup> The committees shall submit reports on the business referred to them and their proposals thereon to their respective council.

#### **Art. 45** General powers

<sup>1</sup> In order to fulfil their duties, the committees may:

- a. submit parliamentary initiatives, parliamentary procedural requests and proposals and compile reports;
- b. consult external experts;
- c. consult representatives of the cantons and interest groups;
- d. conduct inspections.

<sup>48</sup> Inserted by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>49</sup> Amended by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).



<sup>2</sup> The committees may appoint sub-committees from their members. These shall report and submit proposals to the committee. Joint sub-committees may be appointed by two or more committees.

**Art. 46** Procedure in the committees

<sup>1</sup> The committees are governed by the procedural rules of their respective council, unless this Act or the respective regulations of the councils provide otherwise.

<sup>2</sup> Resolutions of joint committees of both chambers require the agreement of the majority of the voting members from each council, unless this Act provides otherwise.

<sup>3</sup> Persons in the service of the Confederation must normally provide written documents and visual presentations for the committees in two official languages. External experts and representatives of cantons and interest groups shall be notified in the invitation to the committee meeting that they should, if possible, take account of committee being multilingual.<sup>50</sup>

**Art. 47** Confidentiality

<sup>1</sup> The discussions in the committees are confidential; in particular, no information may be provided on the opinions of individual participants in meetings or on the way in which they voted.

<sup>2</sup> The committees may decide to hold public hearings.

**Art. 47a<sup>51</sup>** Classification of minutes and other documents

<sup>1</sup> Minutes of meetings and other committee documents must be classified; the exception being documents that are already publicly available before being passed to the committee.

<sup>2</sup> The committees may declassify their documents and make them publicly available, with the exception of the minutes of their meetings. The conditions for accessing documents are regulated in an ordinance issued by the Federal Assembly.

**Art. 48** Information for the general public

The committees shall inform the general public of the results of their deliberations.

**Art. 49** Coordination between the committees

<sup>1</sup> The committees of each council shall coordinate their activities with each other and with the committees of the other council that are considering the same or similar issues.

<sup>50</sup> Inserted by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>51</sup> Inserted by No I of the FA of 15 June 2018, in force since 2 Dec. 2019 (AS **2018** 3461; BBl **2017** 6797 6865).

<sup>2</sup> The procurement of information or the clarification of issues may be carried out in joint meetings or these tasks may be assigned to a single committee.

<sup>3</sup> The Control Committees and the Finance Committees may hold joint preliminary discussions of the annual report and accounts.

<sup>4</sup> In the case of matters concerning more than one area of responsibility, other committees may submit reports to the committees responsible for the preliminary examination.

<sup>5</sup> ...<sup>52</sup>

## Section 2 Finance Committees

### Art. 50 Duties of the Finance Committees

<sup>1</sup> The Finance Committees (FCs) are responsible for the financial management of the Confederation; they shall conduct a preliminary examination of the financial planning, the draft budget and its supplements and the state accounts. They exercise supervisory control over the entire financial budget in accordance with Article 26 paragraph 2, unless this Act provides otherwise.

<sup>2</sup> They may submit reports regarding legislative bills with substantial financial repercussions to the committees responsible for their preliminary examination. Such legislative bills may be referred to them for an accompanying report or for a preliminary examination.<sup>53</sup>

<sup>3</sup> The Finance Committees shall be invited to report on drafts for appropriation credits and payment limits that are not assigned to them for preliminary examination. They have the same rights as the committees responsible for the preliminary examination with regard to representing their proposals in the Assembly.<sup>54</sup>

### Art. 51 Finance Delegation

<sup>1</sup> The Finance Committees shall each appoint three of their members and a permanent deputy for each of those members to the Finance Delegation (FinDel). The Delegation constitutes itself.<sup>55</sup>

<sup>2</sup> The Finance Delegation is responsible for the detailed examination and supervision of the entire financial budget.

<sup>52</sup> Repealed by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), with effect from 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>53</sup> Amended by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>54</sup> Inserted by Annex No 1 of the FA of 26 Sept. 2014 (New Management Model for the Federal Administration), in force since 1 July 2015 (AS **2015** 1583; BBl **2014** 767).

<sup>55</sup> Amended by No I 2 of the FA of 17 Dec. 2010 on Safeguarding Democracy, the Rule of Law and the Capacity to Act in Extraordinary Situations, in force since 1 May 2011 (AS **2011** 1381; BBl **2010** 1563 2803).

<sup>3</sup> The dealings between the Finance Delegation and the Federal Audit Office are governed by Articles 14, 15 and 18 of the Federal Act of 28 June 1967<sup>56</sup> on the Federal Audit Office.

<sup>4</sup> The Finance Delegation shall submit reports and proposals to the Finance Committees.

<sup>5</sup> It may consider other items of business and notify the Finance Committees or other committees of its findings.

<sup>6</sup> It shall reach decisions by a simple majority of its voting members.

### Section 3 Control Committees

#### Art. 52 Duties of the Control Committees

<sup>1</sup> The Control Committees (CC) exercise supervisory control over the conduct of business in accordance with Article 26 paragraphs 1, 3 and 4.

<sup>2</sup> Their supervisory activities focus on the criteria of legality, expediency and effectiveness.

#### Art. 53 Control Delegation

<sup>1</sup> The Control Committees each appoint three of their members to the Control Delegation (CDeL). The Delegation constitutes itself.

<sup>2</sup> The Delegation supervises activities in the field of state security and the intelligence services and supervises state activities in matters that must be kept secret because their disclosure to unauthorised persons may be seriously detrimental to national interests.<sup>57</sup>

<sup>3</sup> It accepts additional specific mandates that are assigned to it by a Control Committee.

<sup>3bis</sup> The Federal Council shall inform the Delegation at the latest 24 hours after making its decision of orders to safeguard the interests of the country or to safeguard internal or external security.<sup>58</sup>

<sup>4</sup> The Delegation shall submit reports and its proposals thereon to the Control Committees.<sup>59</sup>

<sup>5</sup> It reaches decisions by a simple majority of its voting members.

<sup>56</sup> SR 614.0

<sup>57</sup> Amended by No I of the FA of 17 June 2011 (Specification of the Information Rights of the Supervisory Committees), in force since 1 Nov. 2011 (AS 2011 4537; BBl 2011 1817 1839).

<sup>58</sup> Inserted by No I 2 of the FA of 17 Dec. 2010 on Safeguarding Democracy, the Rule of Law and the Capacity to Act in Extraordinary Situations, in force since 1 May 2011 (AS 2011 1381; BBl 2010 1563 2803).

<sup>59</sup> Amended by No I 2 of the FA of 17 Dec. 2010 on Safeguarding Democracy, the Rule of Law and the Capacity to Act in Extraordinary Situations, in force since 1 May 2011 (AS 2011 1381; BBl 2010 1563 2803).

## Section 4 Reporting to the Council<sup>60</sup>

### Art. 54<sup>61</sup>

### Art. 55 ...<sup>62</sup>

The Finance and Control Committees shall report to their respective council once a year on the principal results of their work.

## Section 5 Drafting Committee

### Art. 56 Composition and organisation

<sup>1</sup> The Drafting Committee (DrC) is a joint committee of both chambers.

<sup>2</sup> It consists of three sub-committees, corresponding to each of the official languages of the Confederation.

<sup>3</sup> The Committee constitutes itself.

<sup>4</sup> It shall reach decisions by a simple majority of its voting members.

### Art. 57 Duties and procedure

<sup>1</sup> The Drafting Committee verifies the wording of legislative texts and determines the final version prior to the final vote.

<sup>1bis</sup> It is also responsible for editorial corrections which are not subject to a final vote in legislative texts.<sup>63</sup>

<sup>2</sup> It ensures that the texts are formulated in a concise and understandable manner. It shall examine whether they conform to the intentions of the Federal Assembly, and ensures that the versions in the three official languages are consistent.

<sup>3</sup> The Drafting Committee is not authorised to carry out any material corrections. If it encounters any material omissions, ambiguities or contradictions, it must inform the Presidents of the councils.

### Art. 58 Corrections made after the final vote

<sup>1</sup> Where, following the final vote, an error of form or wording that does not conform with the results of the parliamentary deliberations is discovered, the Drafting Com-

<sup>60</sup> Amended by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>61</sup> Repealed by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), with effect from 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>62</sup> Repealed by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), with effect from 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>63</sup> Inserted by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS **2018** 3461; BBl **2017** 6797 6865).

mittee shall instruct the required corrections to be made prior to publication in the Official Compilation of Federal Legislation. An indication must be given of the corrections made.

<sup>2</sup> Following the publication of a legislative enactment in the Official Compilation of Federal Legislation, the Drafting Committee may instruct the correction of obvious errors and alterations of a formal nature. An indication must be given of the corrections made.

<sup>3</sup> The members of the Federal Assembly must be informed of major corrections.

#### **Art. 59**            Implementing regulations

An ordinance of the Federal Assembly shall regulate the details of the composition and duties of the Drafting Committee as well as the procedure for the verification of legislative bills prior to the final vote and for the instruction of corrections following the final vote and following publication.

### **Section 6** **Delegations to International Assemblies and for the Maintenance of International Relations**

#### **Art. 60**

The organisation, duties and procedures of delegations that represent the Federal Assembly at international parliamentary conferences or in bilateral dealings with parliaments of third countries are regulated in an ordinance of the Federal Assembly.

## **Chapter 5    Parliamentary Groups**

#### **Art. 61**            Formation

<sup>1</sup> Parliamentary groups are composed of the assembly members who belong to the same party.

<sup>2</sup> Members who do not belong to a party or who belong to more than one party may, provided they share similar political views, form their own parliamentary groups.

<sup>3</sup> A parliamentary group must consist of a minimum of five members from one of the two chambers.

<sup>4</sup> Each parliamentary group must notify the General Secretary of the Federal Assembly of its formation, its members, its chairperson and its secretary.

#### **Art. 62**            Duties and rights

<sup>1</sup> Parliamentary groups conduct a preliminary discussion of the business to be submitted to the chambers.

<sup>2</sup> They have the right to submit parliamentary initiatives, parliamentary procedural requests, proposals and election nominations.

<sup>3</sup> The rules of business may provide for further rights for parliamentary groups.

<sup>4</sup> Parliamentary groups may establish their own secretariats. These receive the same documents as the assembly members and are subject to official secrecy in accordance with Article 8.

<sup>5</sup> Parliamentary groups shall receive a subsidy to cover the costs of their secretariats. The details of the foregoing are regulated by the Parliamentary Resources Act of 18 March 1988<sup>64</sup>.

## Chapter 6 Cross-Party Groups

### Art. 63

<sup>1</sup> Assembly members who share an interest in a specific matter may join together to form a cross-party group. These groups must be open to all assembly members.

<sup>2</sup> The groups must notify the Parliamentary Services of their formation and of their members. The Parliamentary Services keeps a public register of cross-party groups.

<sup>3</sup> The cross-party groups are entitled, as far as possible, to administrative assistance and to conference rooms.

<sup>4</sup> They are not entitled to act as the representatives of the Federal Assembly.

## Chapter 7 Administration of Parliament

### Art. 64 Duties of the Parliamentary Services

<sup>1</sup> The Parliamentary Services assist the Federal Assembly in the fulfilment of its duties.

<sup>2</sup> They carry out the following tasks:

- a. they plan and organise the sessions and the meetings of the committees;
- b. they are responsible for providing secretarial services, carrying out translation work and taking the minutes of the resolutions and debates of the councils, the United Federal Assembly and the committees;
- c. they keep records and offer services in relation to records and information technologies;

<sup>c</sup><sup>bis</sup>,<sup>65</sup> they operate information systems used to evaluate data for the fulfilment of the tasks of the Federal Assembly, its organs and the members of the Coun-

<sup>64</sup> SR 171.21

<sup>65</sup> Inserted by No I of the FA of 16 March 2018 (Up-to-date parliamentary information and documentation services), in force since 26 Nov. 2018 (AS 2018 3547; BBl 2017 6877 6889).

cils; this data processing may also include particularly sensitive personal data; a Federal Assembly ordinance shall specify the sources used for this purpose and regulate access authorisations and how this data may be disclosed;

- d. they advise the assembly members, and in particular the Presiding Colleges of the Councils and the chairpersons of the committees on factual and procedural matters;
- e. they inform the general public about the Federal Assembly and its activities;
- f. they assist the Federal Assembly in its activities with regard to international relations;
- g. subject to the reservation of the competencies of the organs of the councils, they are responsible for all other tasks relevant to the administration of Parliament.

**Art. 65** Management of the Parliamentary Services

<sup>1</sup> The Parliamentary Services are subject to the supervision of the Administration Delegation.

<sup>2</sup> The General Secretary of the Federal Assembly is responsible for the management of the Parliamentary Services.

<sup>3</sup> If offices of the Parliamentary Services act for organs of the Federal Assembly, then they work in accordance with their instructions.

**Art. 66** Appointment of the Parliamentary Services staff

Organs of the Federal Assembly as well as the General Secretary of the Federal Assembly are authorised by an ordinance of the Federal Assembly to appoint the staff of the Parliamentary Services.

**Art. 67** Rights to information

The offices of the Parliamentary Services have the same rights to information as the organs of the Federal Assembly on behalf of which they are acting.

**Art. 68** Involvement of the Federal Administration

<sup>1</sup> The organs of the Federal Assembly, and the Parliamentary Services when acting on their behalf, may call on the services of offices of the Federal Administration in order to fulfil their duties.

<sup>2</sup> Such involvement must take place with the consent of the appropriate Department or of the Federal Chancellery.

<sup>3</sup> In the event of any disagreement, the Administration Delegation shall decide after consulting the Federal Council.

**Art. 69** Right to use Assembly chambers and access to the Parliament Building

<sup>1</sup> The right to use the Assembly chambers is regulated by the Presidents of the Councils, and the right to use the other premises of the Federal Assembly and the Parliamentary Services is regulated by the Administration Delegation.

<sup>2</sup> Each assembly member may have an entry pass issued for a specified period to any two persons who wish to have access to the parts of the Parliament Building that are not accessible to the public. The details of these persons and their functions must be recorded in a register that is available for public inspection.

**Art. 69a<sup>66</sup>** COVID-19 certificate requirement in the Parliament Building

<sup>1</sup> Persons aged 16 or over shall be allowed access to the Parliament Building only if they can produce a valid COVID-19 certificate in accordance with Article 6a of the COVID-19 Act of 25 September 2020<sup>67</sup>. If the epidemiological situation so permits, the Administration Delegation may suspend this measure.

<sup>2</sup> Persons who must have access to the Parliament building shall be reimbursed for the costs of any tests required for the issue of the certificate. The Administrative Delegation shall determine which groups of persons are entitled to the reimbursement of the costs of tests.

<sup>3</sup> The Administration Delegation shall regulate the details of checks on certificates.

<sup>4</sup> Assembly members who are unable to produce a certificate shall be allowed access if they wear a face mask in the Parliament Building. The Parliamentary Services shall keep a list of such assembly members to be used by the persons responsible for supervising the use of the Assembly chambers and access to the Parliament Building.

**Art. 70** Implementing regulations

<sup>1</sup> The Federal Assembly shall enact in the form of ordinances of the Federal Assembly the implementing regulations that determine the rules for the administration of Parliament.

<sup>2</sup> Unless an ordinance of the Federal Assembly provides otherwise, the implementing regulations of the Federal Council or of any of its subordinate offices that apply to the Federal Administration are applied in the administration of Parliament.

<sup>3</sup> Powers that are accorded to the Federal Council or to any of its subordinate offices by such implementing regulations shall be exercised by the Administration Delegation or General Secretary of the Federal Assembly.

<sup>66</sup> Inserted by No I of the FA of 1 Oct. 2021, in force from 2 Oct. 2021 to 31 Dec. 2022 (AS 2021 588; BBl 2021 2181, 2183).

<sup>67</sup> SR 818.102



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**Title 5            Procedure in the Federal Assembly**  
**Chapter 1        General Procedural Provisions****Art. 71            Business for consideration**

Business in the Federal Assembly includes in particular:

- a. drafts made by its committees or by the Federal Council of legislative enactments of the Federal Assembly;
- b. parliamentary initiatives and motions of its members, parliamentary groups and committees as well as cantonal initiatives;
- c. reports from its committees or from the Federal Council;
- d. nominations for elections and proposals relating to the confirmation of election nominations;
- e. proposals relating to procedure made by its members, parliamentary groups, committees or by the Federal Council;
- f. declarations of the councils or of the Federal Council;
- g. petitions and submissions;
- h. appeals, applications and objections.

**Art. 72            Submission of business**

<sup>1</sup> Business originating from members or organs of the councils shall become pending in the councils on its submission to the Parliamentary Secretariat.

<sup>2</sup> Popular initiatives and requests made by a canton for the guarantee of its constitution shall become pending in the Assembly on their submission to the Federal Chancellery.

<sup>3</sup> Other business shall become pending in both chambers of the Federal Assembly on its submission to the Assembly.

**Art. 73            Withdrawal of business**

<sup>1</sup> Business may be withdrawn by its originator at any time before either chamber has taken a decision thereon for the first time.

<sup>2</sup> A parliamentary initiative or a cantonal initiative may no longer be withdrawn after it has been endorsed by a committee entrusted with its preliminary examination.

<sup>3</sup> The Federal Council may not withdraw business that it has introduced.

**Art. 74            Procedure for legislative bills**

<sup>1</sup> Each council shall consider and decide first of all whether it wishes to approve the introduction of a bill (introductory debate).

<sup>2</sup> If it approves the introduction of a bill, it must thereafter examine the enactment article by article (detailed consideration).

<sup>3</sup> Introduction shall be mandatory in the case of popular initiatives, budgets, annual reports, accounts, objections to treaties between cantons or between cantons and foreign states, the guarantee of cantonal constitutions, and in relation to the legislature plan and the financial plan.<sup>68</sup>

<sup>4</sup> After the conclusion of the first detailed consideration, a vote is taken in each chamber on the text in its entirety. If approval of introduction is mandatory, no vote is taken on the text in its entirety other than in the case of budgets and accounts.

<sup>5</sup> If a bill is rejected by a chamber in the vote on the entire text, this is equivalent to non-approval of introduction. The rejection of a budget or of accounts in the vote on the entire text is equivalent to a referral back to the Federal Council.

<sup>6</sup> If a bill is approved for introduction, it may be abandoned at the request of the committee responsible for the preliminary examination or the Federal Council if it has become unnecessary.<sup>69</sup>

#### **Art. 75** Referral for review

<sup>1</sup> Either council may refer a bill that it has approved for introduction, or any other item of business, back to the Federal Council or the committee entrusted with its examination for review or amendment.

<sup>2</sup> It may also refer individual sections or provisions for review at a later stage in the deliberations.

<sup>3</sup> The proposal for referral must indicate what should be reviewed, amended or added.

#### **Art. 76** Proposals

<sup>1</sup> Any assembly member may submit proposals on a pending matter for consideration in the council and in the committee responsible for the preliminary examination. He or she may apply to the relevant committee for the submission of a parliamentary initiative or of a committee motion.

<sup>1bis</sup> A bill may only be submitted with a proposal if thereby:

- a. a pending bill is to be divided up;
- b. a counter-proposal is to be made to a popular initiative on the same constitutional issue (Art. 101).<sup>70</sup>

<sup>2</sup> Proposals that relate to procedure (points of order) must normally be dealt with immediately.

<sup>68</sup> Amended by Annex No 1 of the FA of 26 Sept. 2014 (New Management Model for the Federal Administration), in force since 1 Jan. 2016 (AS **2015** 1583; BBl **2014** 767).

<sup>69</sup> Inserted by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>70</sup> Inserted by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>3</sup> A reconsideration of any decision made may be requested by means of a point of order until a chamber has concluded its deliberations on an item of business.<sup>71</sup>

<sup>3bis</sup> A point of order requesting the reconsideration of a decision on introduction is not permitted.<sup>72</sup>

<sup>3ter</sup> A point of order requesting the repeat of a vote concluding the Council's deliberations on an item of business may only be made immediately after the vote.<sup>73</sup>

<sup>4</sup> Proposals that have been rejected by the majority of a committee may be submitted as minority proposals.

#### **Art. 77**            Urgency clause

<sup>1</sup> Where it is intended that a draft Federal Act be declared urgent, the urgency clause shall be exempted from the vote on the enactment in its entirety.

<sup>2</sup> A decision on the urgency clause may be made only after a successful resolution of differences.

<sup>3</sup> If the urgency clause is rejected, the Drafting Committee shall correct the wording of the provisions on the referendum and its entry into force after consulting the presidents of the committees entrusted with the preliminary examination.<sup>74</sup>

#### **Art. 78**            Voting procedure

<sup>1</sup> Where a question may be divided into more than one part, each part may, on request, be voted on separately.

<sup>2</sup> If two proposals in respect of the same subject matter have been submitted and they either relate to the same part of the text or mutually exclude each other, a vote is held on which of the two is to be accepted.

<sup>3</sup> If it is not possible to vote on which proposal to accept, then the proposals shall be voted on individually.

<sup>4</sup> No vote is held on unopposed proposals.

<sup>5</sup> The number of votes is always counted in the case of:

- a. votes on entire bills;
- b. votes on a compromise motion;
- c. votes on provisions requiring the agreement of a majority of the members of each of the two parliamentary chambers (Art. 159 para. 3 Cst.);
- d. final votes.<sup>75</sup>

<sup>71</sup> Amended by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS **2018** 3461; BBl **2017** 6797 6865).

<sup>72</sup> Inserted by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS **2018** 3461; BBl **2017** 6797 6865).

<sup>73</sup> Inserted by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS **2018** 3461; BBl **2017** 6797 6865).

<sup>74</sup> Amended by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS **2018** 3461; BBl **2017** 6797 6865).

**Art. 79** Elimination vote

<sup>1</sup> If more than two proposals have been made on the same subject matter, then an elimination vote must be held until a vote can be held on which of two proposals is to be accepted.

<sup>2</sup> The order of voting on the proposals must be structured in such a way that a vote is held first on the proposals that differ the least from each other in content, working through the proposals until those that differ the most are reached.

<sup>3</sup> If it is not possible to decide on the order of voting according to the criteria laid down in paragraph 2, an elimination vote is held dealing firstly with the proposals of the assembly members, then the proposals of the committee minorities and finally the proposal of the Federal Council. A vote is then held to decide between the proposal that wins the elimination vote and the proposal of the committee majority.

<sup>4</sup> The order of voting on the proposals may not be altered by a contingent proposal.<sup>76</sup>

**Art. 80** Voting by the Council President

<sup>1</sup> The Council President shall not participate in the vote. In the event of a tie, the President shall have the casting vote.

<sup>2</sup> If the agreement of the majority of the members of each council is required, the Council President shall participate in the vote.

**Art. 81** Final vote

<sup>1</sup> A final vote shall be held on:

- a. a federal act;
- b. an ordinance of the Federal Assembly;
- c. a federal decree that is subject to a mandatory or an optional referendum.<sup>77</sup>

<sup>1bis</sup> The final vote shall be held as soon as the chambers have reached unanimous decisions on the bill and have approved the wording revised by the Drafting Committee. The two chambers shall hold the final vote on the same day.<sup>78</sup>

<sup>2</sup> If both chambers approve the bill then the enactment has been passed by the Federal Assembly.

<sup>3</sup> If one or both chambers reject the bill then the enactment is not passed.

<sup>75</sup> Inserted by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS **2018** 3461; BBl **2017** 6797 6865).

<sup>76</sup> Inserted by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>77</sup> Amended by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS **2018** 3461; BBl **2017** 6797 6865).

<sup>78</sup> Inserted by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS **2018** 3461; BBl **2017** 6797 6865).

**Art. 82** Publication of the voting results

The Standing Orders of the Councils shall determine the cases in which the result of the vote is published in the form of a list of members' names with the votes they cast.

**Chapter 2 Procedure between the Chambers****Section 1 Cooperation between the Chambers****Art. 83** Joint decrees of the chambers

<sup>1</sup> Federal Assembly decrees require the agreement of both chambers.

<sup>2</sup> A joint decree is not required in respect of petitions and reports that are submitted for information purposes.

**Art. 84** Designation of the first chamber

<sup>1</sup> Business that must be dealt with separately by the two chambers shall be allocated to one of the Chambers for prior consideration (the first chamber).

<sup>2</sup> The presidents of the chambers shall decide on the allocation of business. If they are unable to reach an agreement, the matter shall be decided by drawing lots.

**Art. 85** Schedule for dealing with business in the chambers

<sup>1</sup> Draft amendments to the Constitution and non-urgent federal acts are not normally considered for the first time by both chambers in the same session.

<sup>2</sup> The Conference for Coordination may in response to an application by the Federal Council or a committee decide that an item of business in accordance with paragraph 1 will by way of exception be considered by both chambers for the first time in the same session.

**Art. 86** Passing business on to the other chamber

<sup>1</sup> Business that must be considered by both chambers and which has been voted on by one chamber must then be passed on to the other chamber for consideration.

<sup>2</sup> The first chamber may consider the matter again only after the other chamber has voted on it.

<sup>3</sup> Where the drafts of more than one bill are submitted to the Federal Assembly accompanied by the same Federal Council dispatch or a report, these bills may be passed on individually to the other chamber after the first chamber has voted on them all.

<sup>4</sup> A federal decree on the counter proposal to a popular initiative must be passed on to the other chamber with the federal decree on the related popular initiative.<sup>79</sup>

**Art. 87** Referral to the Federal Council and adjournment of the procedure

<sup>1</sup> If one chamber refers an item of business in its entirety back to the Federal Council, it must give notice of its decision to the other chamber.

<sup>2</sup> If the other chamber does not agree with the decision to refer the matter back, the referral will still take effect provided the first chamber confirms its initial decision.

<sup>3</sup> The same procedure also applies to the decision of a chamber to adjourn the discussion of an item of business for a period that is expected to exceed one year (suspension of business).

**Art. 88** Sharing the discussion of a bill

<sup>1</sup> By way of exception, a large bill may be divided up by joint decision of both chambers and may be passed on to the other chamber in parts before the bill has been voted on in its entirety.

<sup>2</sup> Prior to a vote being taken on the bill in its entirety, the members of either chamber may move that any provision of the entire bill be reconsidered.

<sup>3</sup> Where either of the two chambers rejects the proposal to divide the bill and if the chamber that has rejected the division confirms its decision, the bill is passed on to the other chamber only after a vote has been taken on the bill in its entirety.

## **Section 2 Resolution of Differences between the Chambers**

**Art. 89** Procedure in the event of differences

<sup>1</sup> Where, following consideration of a bill, there are differences between the chambers, the divergent decisions of each chamber shall be referred to the other chamber for consideration, until agreement is reached between the two chambers.

<sup>2</sup> Following the initial consideration in each chamber, any further consideration shall be limited exclusively to the issues on which no agreement has been reached.

<sup>3</sup> A chamber may reconsider any other issue only if this becomes necessary as a result of decisions taken in the intervening period or if the preliminary consultation committees of both chambers move jointly for the issue to be reconsidered.

<sup>79</sup> Inserted by No I of the FA of 3 Oct. 2008, in force since 2 March 2009 (AS 2009 725; BBl 2008 1869 3177).

**Art. 90<sup>80</sup>** Abandonment of a bill

The chambers may in response to a joint motion from their respective preliminary consultation committees abandon a bill during or on completion of the procedure for the resolution of differences.

**Art. 91** Appointment of a conciliation committee

<sup>1</sup> If there are still differences following three detailed discussions in each chamber, a conciliation committee shall be appointed. This committee is responsible for seeking a compromise solution.

<sup>2</sup> The preliminary consultation committees shall each contribute 13 members to the conciliation committee. If the preliminary consultation committee of a chamber comprises fewer than 13 members, additional members must be added to reach this number. The composition of the delegations from each committee is governed by Article 43 paragraph 3.

<sup>3</sup> The committee president of the first chamber shall chair the conciliation committee. The president's deputy and the members of the conciliation committee are appointed in accordance with the relevant provisions of the Standing Orders.<sup>81</sup>

**Art. 92** Decisions of the conciliation committee

<sup>1</sup> The conciliation committee is quorate when a majority of the members of each of the two delegations is present. The quorum must be expressly confirmed.

<sup>2</sup> The conciliation committee reaches its decisions on the basis of the majority of the votes cast by its members. The committee president may participate in the vote. In the event of a tie, the president has the casting vote.

<sup>3</sup> The conciliation committee shall propose a compromise motion that eliminates the remaining differences in their entirety.

**Art. 93** Procedure for dealing with the compromise motion in the chambers

<sup>1</sup> The compromise motion shall be submitted first of all to the first chamber and, provided it votes in favour of the motion in its entirety, it shall then be submitted to the other chamber.

<sup>2</sup> If the compromise motion is rejected by either of the chambers, the bill must be abandoned.

<sup>80</sup> Amended by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>81</sup> Second sentence inserted by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

**Art. 94** Settlement of differences on the budget and on supplementary credits

Where a compromise motion on a Federal Decree on the Federal Budget or a supplementary credit is rejected, the decree based on the third round of deliberations that provides for a lower amount shall be accepted.

**Art. 94a**<sup>82</sup> Settlement of differences relating to legislature plan and financial plan<sup>83</sup>

<sup>1</sup> If the federal decree on the legislature plan is the subject of differences between the chambers following the first reading of the bill, the conciliation committee shall be appointed.

<sup>2</sup> In the case of the federal decrees on the legislature plan and the financial plan, the conciliation committee shall propose a compromise motion in respect of each difference. A separate vote is held on each motion.<sup>84</sup>

<sup>3</sup> If any motion is rejected, the related provision shall be deleted.

**Art. 95** Settlement of differences in special cases

If the divergent decisions of the two chambers relate to an entire item of business, the second rejection by either chamber is final. The foregoing applies in particular to:

- a. the introduction of bill;
- b. the acceptance of a bill in the vote on the bill in its entirety;
- c. the approval of a treaty under international law;
- d. the guarantee of a cantonal constitution;
- e. an opinion on a popular initiative in the form of a general proposal;
- f. the urgency clause;
- g.<sup>85</sup> the decision on whether a cantonal initiative should be endorsed;
- h. the approval of Federal Council ordinances;
- i.<sup>86</sup> ...
- j. the continuation of an item of business in respect of which a motion for abandonment has been made.

<sup>82</sup> Inserted by No I of the FA of 22 June 2007 (Legislature Plan), in force since 1 Dec. 2007 (AS **2007** 5231; BBl **2006** 1837 1857).

<sup>83</sup> Amended by Annex No 1 of the FA of 26 Sept. 2014 (New Management Model for the Federal Administration), in force since 1 Jan. 2016 (AS **2015** 1583; BBl **2014** 767).

<sup>84</sup> Amended by Annex No 1 of the FA of 26 Sept. 2014 (New Management Model for the Federal Administration), in force since 1 Jan. 2016 (AS **2015** 1583; BBl **2014** 767).

<sup>85</sup> Amended by No I of the FA of 3 Oct. 2008, in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>86</sup> Repealed by No I of the FA of 17 June 2011 (Requests to lift Immunity), with effect from 5 Dec. 2011 (AS **2011** 4627; BBl **2010** 7345 7385).



## **Chapter 3 Procedure for Popular Initiatives**

### **Section 1**

#### **Popular Initiative for the Complete Revision of the Federal Constitution**

##### **Art. 96**

Where a popular initiative for the complete revision of the Federal Constitution is declared successful, the Federal Assembly shall submit the initiative to the vote of the people.

### **Section 2**

#### **Popular Initiative for the Partial Revision of the Federal Constitution**

##### **a. General Provisions**

##### **Art. 97** Federal Council dispatch and draft decree

<sup>1</sup> The Federal Council shall submit to the Federal Assembly:

- a. at the latest one year after submission of a successful popular initiative, a dispatch and the draft of a federal decree for the consideration of the Federal Assembly;
- b. at the latest one year after the approval of the people or of the Federal Assembly of an initiative submitted in the form of a general proposal, a dispatch and the draft of a federal decree for a partial revision of the Federal Constitution.

<sup>2</sup> If the Federal Council decides to draw up a draft federal decree on a counter-proposal or a bill that is closely related to the popular initiative, the foregoing period shall be extended to 18 months.<sup>87</sup>

<sup>3</sup> If the Federal Council does not submit its dispatch and the draft of a federal decree to the Federal Assembly in due time, a relevant committee may draw up the necessary bill.<sup>88</sup>

##### **Art. 98** Validity of popular initiatives

<sup>1</sup> The Federal Assembly shall declare a popular initiative wholly or partly invalid if it holds that the requirements of Article 139 paragraph 3 of the Federal Constitution have not been fulfilled.

<sup>2</sup> If the decisions of the two chambers in relation to the validity of the popular initiative or of parts thereof diverge from each other and the chamber that has approved

<sup>87</sup> Amended by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS 2018 3461; BBl 2017 6797 6865).

<sup>88</sup> Amended by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS 2018 3461; BBl 2017 6797 6865).

the validity of the initiative confirms its decision, the popular initiative or, depending on the case, its disputed part, shall be held to be valid.

<sup>3</sup> If the compromise motion on the voting recommendation is rejected, in derogation from Article 93 para. 2 only the provision concerned shall be deleted.<sup>89</sup>

#### **Art. 99** Prohibition of the amendment of popular initiatives

<sup>1</sup> Popular initiatives, or all the valid parts thereof, must be submitted to the vote of the people as they stand.

<sup>2</sup> The Drafting Committee reserves the right to correct obvious translation errors and to make any formal adjustments necessary to incorporate the proposed constitutional amendment into the Constitution. The Committee shall give the initiative committee the opportunity to express its opinion.<sup>90</sup>

### **b. Popular Initiative in the Form of a Draft Proposal**

#### **Art. 100** Voting recommendation

The Federal Assembly shall decide within 30 months of the submission of a popular initiative in the form of a draft proposal whether it recommends that the people and the Cantons accept or reject the initiative.

#### **Art. 101<sup>91</sup>** Counter-proposal

<sup>1</sup> The Federal Assembly may submit its own counter-proposal on the same constitutional issue to the vote of the people and the Cantons at the same time as the popular initiative.

<sup>2</sup> The federal decree on the counter-proposal of the Federal Assembly shall be debated in each chamber prior to the Assembly deciding on the voting recommendation in the federal decree on the popular initiative.

<sup>3</sup> The final vote on the federal decree on the counter-proposal shall take place no more than eight days before the end of the session which precedes the expiry of the deadline for dealing with the popular initiative. If the federal decree is rejected by either chamber in the final vote, the conciliation committee shall submit a proposal on the voting recommendation in the federal decree on the popular initiative. A counter-proposal may no longer be put forward.

<sup>89</sup> Inserted by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS 2018 3461; BBl 2017 6797 6865).

<sup>90</sup> Inserted by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS 2018 3461; BBl 2017 6797 6865).

<sup>91</sup> Amended by No I of the FA of 3 Oct. 2008, in force since 2 March 2009 (AS 2009 725; BBl 2008 1869 3177).

**Art. 102<sup>92</sup>** Decisions on voting recommendations and counter-proposals

<sup>1</sup> Where the Federal Assembly submits a counter proposal in addition to the popular initiative to the vote of the people and the Cantons, it may:

- a. recommend that the popular initiative be rejected and the counter-proposal accepted; or
- b. recommend that both bills be accepted.

<sup>2</sup> If the Assembly recommends the acceptance of both bills, it shall recommend that voters accept the counter-proposal in the third question.

**c. Popular Initiative in the Form of a General Proposal****Art. 103** Approval or rejection and popular vote

<sup>1</sup> The Federal Assembly shall decide within two years of submission of a popular initiative in the form of a general proposal whether it approves or rejects the initiative.

<sup>2</sup> If the Federal Assembly rejects the popular initiative, it shall submit the initiative to the vote of the people.

**Art. 104** Drafting of an amendment to the Constitution by the Federal Assembly

<sup>1</sup> If the Federal Assembly approves a popular initiative, or if the people vote in favour of an initiative, the Federal Assembly shall within two years draft a partial revision to the Federal Constitution.

<sup>2</sup> The draft prepared by the Federal Assembly shall correspond strictly to the content and objectives of the popular initiative.

<sup>3</sup> Where the chambers are unable to agree on the draft of the partial revision or if the draft is rejected by one or both chambers, the decisions of the chambers from the most recent discussion shall be submitted to the vote of the people as alternatives.

**d. Extension and Expiry of Deadlines****Art. 105** Extension of deadline

<sup>1</sup> If one chamber reaches a decision on a counter-proposal or on a bill closely related to a popular initiative, the Federal Assembly may extend the deadline for dealing with the matter by one year.

1bis ...<sup>93</sup>

<sup>92</sup> Amended by No I of the FA of 3 Oct. 2008, in force since 2 March 2009 (AS 2009 725; BBl 2008 1869 3177).

<sup>2</sup> If the chambers are unable to agree on an extension of deadline, no extension shall be granted.

**Art. 106**      Expiry of deadline

If the chambers are unable to reach a unanimous decision by the statutory deadline, the Federal Council shall order that a popular vote be held.

## **Chapter 4      Procedure for Parliamentary Initiatives**

**Art. 107<sup>94</sup>**      Subject matter and form

<sup>1</sup> A parliamentary initiative may be used to propose that committee prepare a draft Federal Assembly bill.

<sup>2</sup> The reasons for the parliamentary initiative must be stated. The statement of reasons must in particular include the aims of the bill.

<sup>3</sup> A committee may submit a bill to its Council by means of a parliamentary initiative.

**Art. 108**      Inadmissibility

The parliamentary initiative of a council member or of a parliamentary group shall be inadmissible if it relates to matters that may be submitted as a proposal relating to a bill pending before the Federal Assembly. The Office of the Council may decide on exceptions to the foregoing.

**Art. 109**      Procedure for the preliminary examination

<sup>1</sup> Parliamentary initiatives brought by a council member or a parliamentary group, together with proposals submitted to a committee for the preparation of an initiative by that committee shall be subject to a preliminary examination.

<sup>2</sup> The relevant committee of the chamber to which the initiative has been submitted shall decide within one year of being assigned the initiative whether to endorse the initiative or whether to instruct its chamber not to endorse the initiative. If the chamber follows the instructions of the committee, the initiative is regarded as having been dealt with.<sup>95</sup>

<sup>93</sup> Inserted by No II of the FA of 25 Sept. 2009 (Conditional Withdrawal of a Popular Initiative) (AS **2010** 271; BBl **2009** 3591 3609). Repealed by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), with effect from 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>94</sup> Amended by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>95</sup> Amended by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829). See also the transitional provision for this amendment at the end of this text.

<sup>3</sup> The decision to endorse an initiative or to have the committee prepare its own initiative requires the consent of the relevant committee of the other chamber. This committee shall invite the committee responsible for the initial consideration to appoint a delegation to present its decision. If the latter committee does not consent, the initiative is only endorsed if both chambers agree. If the second chamber does not agree, the initiative is irrevocably rejected.<sup>96</sup>

<sup>3bis</sup> The committee of the other chamber and, in the event of disagreement, the relevant committees of the chambers decide in accordance with paragraph 3 or submit their proposal to their chamber one year at the latest after the preceding committee or Council decision on the initiative.<sup>97</sup>

<sup>4</sup> If the author of an initiative or the request for the preparation of an initiative is not a member of the committee, he or she may participate in the preliminary examination in an advisory capacity at the meetings of the committee of his or her chamber.<sup>98</sup>

<sup>5</sup> If the author of an initiative leaves the council and if no other assembly member takes up the initiative during the first week of the following session, the initiative shall be abandoned without a council decision unless the committee has already endorsed the initiative.<sup>99</sup>

#### **Art. 110** Subject matter of the preliminary examination

<sup>1</sup> An initiative shall be endorsed or a proposal for the preparation of an initiative shall be approved if the need in principle for legislation is confirmed and a parliamentary initiative is judged to be the appropriate course of action.

<sup>2</sup> A parliamentary initiative shall in particular be judged appropriate if:

- a. the initiative proposes a bill relating to the organisation or procedures of the Federal Assembly;
- b. the Federal Council has not prepared a bill in time, despite a motion being passed to this effect; or
- c.<sup>100</sup> the preparation of a bill by this means will probably be achieved more quickly than by a motion.

<sup>3</sup> The committee shall examine how it can prepare the bill in the time required, taking account of the methods at its disposal.

<sup>96</sup> Fourth sentence inserted by No I of the FA of 3 Oct. 2008, in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>97</sup> Inserted by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829). See also the transitional provision for this amendment at the end of this text.

<sup>98</sup> Amended by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>99</sup> Inserted by No I of the FA of 3 Oct. 2008, in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>100</sup> The correction made by the Federal Assembly Drafting Committee dated 17 Feb. 2016, published 1 March 2016, relates to the Italian text only (AS **2016** 657).

**Art. 111** Preparation of a bill

<sup>1</sup> If an initiative is endorsed, the relevant committee of the chamber to which the initiative was submitted shall prepare a bill within two years.

<sup>2</sup> If the author of an initiative or the request for the preparation of an initiative is not a member of the committee, he or she may participate in the preliminary examination in an advisory capacity at the meetings of the committee of his or her chamber.<sup>101</sup>

<sup>3</sup> The report explaining the committee bill to the Federal Assembly shall fulfil the requirements for a Federal Council Dispatch (Art. 141).

**Art. 112** Cooperation with the Federal Council and the Federal Administration

<sup>1</sup> The committee may involve the Federal Department responsible in order to obtain all the legal and material information required for the preparation of a bill.

<sup>2</sup> It shall submit the preliminary draft and its explanatory report for consultation in accordance with the provisions of the Consultation Procedure Act of 18 March 2005<sup>102, 103</sup>

<sup>3</sup> It shall submit the report and bill that it submits to its Council to the Federal Council at the same time in order that the Federal Council may state its opinion thereon within an appropriate period; excepted from the foregoing are provisions on the organisation or the procedures of the Federal Assembly that are not laid down by statute and which do not directly affect Federal Council.<sup>104</sup>

<sup>4</sup> If the Federal Council requests any alteration, the committee shall discuss the opinion of the Federal Council before consideration of the bill in the first chamber.

**Art. 113** Extension of deadline and abandonment

<sup>1</sup> If the committee does not submit its bill within two years, the council shall decide at the request of the committee or of its office whether the deadline should be extended or the initiative abandoned.

<sup>2</sup> The committee may request the council to abandon the initiative if:

- a. its purpose has been fulfilled by another bill; or
- b. the mandate conferred on the committee can no longer be carried out.

<sup>101</sup> Amended by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>102</sup> SR **172.061**

<sup>103</sup> Amended by Art. 12 No 1 of the Consultation Procedure Act of 18 March 2005, in force since 1 Sept. 2005 (AS **2005** 4099; BBl **2004** 533).

<sup>104</sup> Amended by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

**Art. 114** Debate on the bill in the Assembly

<sup>1</sup> If the council approves its committee's bill in the vote on the bill in its entirety, the initiative is submitted to the other chamber and is further considered in accordance with the ordinary procedure for bills.<sup>105</sup>

<sup>1bis</sup> If the council does not approve the introduction of its committee's bill or rejects it in the vote on the bill in its entirety, the initiative is regarded as having been dealt with.<sup>106</sup>

<sup>2</sup> In the committee of the second chamber, the draft from the first chamber is presented by a member of the committee that prepared it.

**Chapter 5 Procedure for Cantonal Initiatives****Art. 115<sup>107</sup>** Subject matter and form

<sup>1</sup> Any canton may by means of a cantonal initiative propose that a committee prepare a draft Federal Assembly bill.

<sup>2</sup> The reasons for the cantonal initiative must be stated. The statement of reasons must in particular include the aims of the bill.

**Art. 116** Procedure for preliminary examination

<sup>1</sup> Cantonal initiatives are subject to a preliminary examination.

<sup>2</sup> For the preliminary examination, Article 110 applies by analogy.

<sup>3</sup> The decision to endorse an initiative requires the agreement of the committees responsible in both chambers. If one committee does not agree, the council shall decide. If the council does not agree, the initiative shall go to the other chamber. The second rejection by a council is final.

<sup>3bis</sup> The committees are subject to the time limits in Article 109 paragraphs 2 and 3bis.<sup>108</sup>

<sup>4</sup> The committee of the first chamber shall hear a representative of the Canton at the preliminary examination.

<sup>105</sup> Amended by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>106</sup> Inserted by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>107</sup> Amended by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>108</sup> Inserted by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829). See also the transitional provision for this amendment at the end of this text.

**Art. 117** Preparation of a bill

<sup>1</sup> If an initiative is endorsed, it shall be reallocated to one of the chambers for initial consideration in accordance with the procedure laid down in Article 84.

<sup>2</sup> For the further procedure, Articles 111–114 apply by analogy. The abandonment of an initiative requires the agreement of the other chamber. If the first chamber decides not to approve the draft of the committee, or if the draft is rejected when voted on in its entirety, this shall be regarded as equivalent to abandonment.

**Chapter 6 Procedure for Procedural Requests****Section 1 General****Art. 118** Forms of procedural request

<sup>1</sup> Parliamentary procedural requests are:

- a. motions;
- b. postulates;
- c. interpellations;
- d. questions.

<sup>2</sup> They shall normally be addressed to the Federal Council.

<sup>3</sup> If they relate to the organisation or procedures of the Federal Assembly, they shall normally be addressed to the office of the council to which they are submitted.

<sup>4</sup> They shall be addressed to the federal courts if they relate to the conduct of business or financial budget of the federal courts; motions are excluded.

<sup>4bis</sup> They shall be addressed to the Supervisory Authority for the Office of the Attorney General of Switzerland if they relate to the management or budget of the Office of the Attorney General of Switzerland or its Supervisory Authority; motions are excluded.<sup>109</sup>

<sup>5</sup> In the case of procedural requests made to the offices of the chambers and to the federal courts, Articles 120–125 apply by analogy.<sup>110</sup>

**Art. 119** General procedural provisions for procedural requests

<sup>1</sup> Procedural requests may be submitted by the majority of the members of a committee, as well as by a parliamentary group or an assembly member during a parliamentary session.

<sup>109</sup> Inserted by No I of the FA of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3687; BBl **2011** 6793 6829).

<sup>110</sup> The correction by the Federal Assembly Drafting Committee of 15 Feb. 2018, published 27 Feb. 2018, relates to the French text only (AS **2018** 935).



<sup>2</sup> If a procedural request relates to more than one material point, a separate discussion and vote may be held on each point.

<sup>3</sup> The wording of a procedural request may not be altered after its submission; Article 121 paragraph 4 letter b is reserved.<sup>111</sup>

<sup>4</sup> ...<sup>112</sup>

<sup>5</sup> A procedural request made by a council member or a parliamentary group shall be abandoned without a council decision if:

- a. the council has not finished dealing with the procedural request within two years of its submission; or
- b. the author leaves the council and no other assembly member takes up the procedural request during the first week of the following session.<sup>113</sup>

<sup>6</sup> ...<sup>114</sup>

## Section 2     Motions

### Art. 120     Subject matter

<sup>1</sup> A motion mandates the Federal Council to submit a bill to the Federal Assembly or to take certain action.

<sup>2</sup> If the Federal Council is responsible for taking action, it shall do so or submit to the Federal Assembly the draft bill by means of which the motion may be implemented.

<sup>3</sup> A motion shall be inadmissible if it seeks to influence an administrative ruling or an appeal decision that must be taken as part of a procedure regulated by the law.

### Art. 121<sup>115</sup>     Procedure in the Assembly

<sup>1</sup> The Federal Council shall normally propose the acceptance or rejection of a motion by the start of the next ordinary session following its submission. It shall submit its proposal in relation to a committee motion that is submitted less than a month before the start of the next ordinary session by the start of the session following the next session.

<sup>111</sup> Amended by No I of the FA of 3 Oct. 2008, in force since 2 March 2009 (AS 2009 725; BB1 2008 1869 3177).

<sup>112</sup> Repealed by No I of the FA of 3 Oct. 2008, with effect from 2 March 2009 (AS 2009 725; BB1 2008 1869 3177).

<sup>113</sup> Amended by No I of the FA of 3 Oct. 2008, in force since 2 March 2009 (AS 2009 725; BB1 2008 1869 3177).

<sup>114</sup> Repealed by No I of the FA of 3 Oct. 2008, with effect from 2 March 2009 (AS 2009 725; BB1 2008 1869 3177).

<sup>115</sup> Amended by No I of the FA of 3 Oct. 2008, in force since 2 March 2009 (AS 2009 725; BB1 2008 1869 3177).

<sup>2</sup> If one chamber rejects a motion, the motion is regarded as having been dealt with. If the chamber to which the motion has been submitted approves the same, the motion goes to the other chamber.

<sup>3</sup> A motion accepted by the first chamber may in the second chamber be:

- a. irrevocably accepted or rejected;
- b. amended on the proposal of the majority of the committee responsible for the preliminary examination or on the proposal of the Federal Council.

<sup>4</sup> If the second chamber makes an amendment, the first chamber may in the second consideration:

- a. agree to the amendment;
- b. stand by its decision to accept the motion in its original form; or
- c. irrevocably reject the motion.<sup>116</sup>

<sup>4bis</sup> If the first chamber in the second consideration stands by its decision to accept the motion in its original form, the second chamber may agree to this decision or irrevocably reject the motion.<sup>117</sup>

<sup>5</sup> A motion accepted by the first chamber without the agreement of the second chamber shall be irrevocably accepted if:

- a. it relates to organisational or procedural issues of the chamber to which it has been submitted; or
- b. it is a committee motion and an identical committee motion is accepted in the other chamber.

#### **Art. 122<sup>118</sup>** Procedure for approved motions

<sup>1</sup> If a motion is still pending after two years, the Federal Council shall report to the Federal Assembly each year on what it has done in relation thereto and on how it intends to fulfil the mandate. This report shall be submitted to the committees responsible.

<sup>2</sup> A committee or the Federal Council shall request that a motion be closed if its mandate has been fulfilled. The request shall be addressed to both chambers unless the motion relates to issues of the organisation or procedure of a specific chamber.

<sup>3</sup> A request for a motion to be closed may also be made if the mandate has not been fulfilled but the motion should no longer be pursued. The request shall be justified:

- a. with a special report on the motion to be closed; or

<sup>116</sup> Amended by No I of the FA of 18 June 2021 (Resolution of Differences in the case of Motions), in force since 1 Nov. 2021 (AS **2021** 612; BBl **2020** 9309; **2021** 138).

<sup>117</sup> Inserted by No I of the FA of 18 June 2021 (Resolution of Differences in the case of Motions), in force since 1 Nov. 2021 (AS **2021** 612; BBl **2020** 9309; **2021** 138).

<sup>118</sup> Amended by No I of the FA of 5 Oct. 2007 (Binding effect of the motion), in force since 26 May 2008 (AS **2008** 2113; BBl **2007** 1457 2149). See also the transitional provision for this amendment at the end of this text.

- b. in a dispatch on a Federal Assembly bill on subject matter connected with the motion.

<sup>4</sup> If the decisions of the two chambers on the request to close a motion do not correspond, the procedure for the settlement of differences in Article 95 applies.

<sup>5</sup> If a request to close a motion is rejected by both chambers, the Federal Council must fulfil the mandate contained in the motion within one year or within the period fixed by the two chambers on rejecting the request.

<sup>6</sup> If the Federal Council fails to comply with the period fixed, a decision on extending the period allowed or on closing the motion shall be taken in the next ordinary session in both chambers at the request of the committees responsible.

### **Section 3 Postulates**

#### **Art. 123 Subject matter**

A postulate mandates the Federal Council to examine and report on whether to submit a bill to the Federal Assembly or to take a measure. It may also request a report on a different matter.

#### **Art. 124 Procedure**

<sup>1</sup> The Federal Council shall normally propose the acceptance or rejection of postulates before the start of the next session. When a committee postulate is submitted less than a month before the start of the next ordinary session, it shall submit its proposal by the start of the session following the next session.<sup>119</sup>

<sup>2</sup> The postulate shall be accepted if either chamber approves it.

<sup>3</sup> The Federal Council fulfils the terms of a postulate by stating its views thereon in a separate report, or in the annual report or in a dispatch to a bill of the Federal Assembly.

<sup>4</sup> If a postulate is still pending after two years, the Federal Council shall report to the Federal Assembly each year on what it has done in relation thereto and on how it intends to fulfil its mandate. This report is submitted to the committees responsible.

<sup>5</sup> A committee or the Federal Council may request that a postulate be closed if it has been fulfilled or if continuing with the postulate cannot be justified. The chamber that has approved the postulate must consent to it being closed.

### **Section 4 Interpellations and Questions**

#### **Art. 125**

<sup>1</sup> An interpellation or a question is a request to the Federal Council to provide information on matters relating to the Confederation.

<sup>119</sup> Amended by No I of the FA of 3 Oct. 2008, in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>2</sup> The Federal Council shall normally reply by the next session.

<sup>3</sup> An interpellation or a question may be declared urgent.

<sup>4</sup> An interpellation is dealt with if the discussion requested by its author has taken place in the council or when the council has rejected the request for the discussion.

<sup>5</sup> A question is not discussed in the council; it is dealt with by the reply from the Federal Council.

## **Chapter 7 Procedure for Petitions and Submissions**

### **Section 1 Petitions<sup>120</sup>**

#### **Art. 126<sup>121</sup> General Provisions**

<sup>1</sup> The responsible committee in each chamber shall decide whether to endorse a petition or whether it shall request its chamber not to endorse the petition.

<sup>2</sup> If the subject of the petition can be presented in the form of a proposal relating to a matter pending for consideration, the committee shall report on the petition to the council when it is dealing with that business. The committee shall decide either to submit a proposal on the matter or dispense with a proposal. The petition shall be abandoned without a council decision as soon as the matter has been dealt with.

<sup>3</sup> Following the conclusion of the consideration of a petition, the Parliamentary Services shall notify the petitioners as to whether their concerns have been taken into account.

<sup>4</sup> The presidents of the committees responsible for the preliminary examination in each chamber may respond directly to a petition if:

- a. its aim cannot be achieved by a parliamentary initiative, a procedural request or a proposal;
- b. its content is clearly absurd, querulous or offensive.

#### **Art. 127<sup>122</sup> Committee decision to endorse a petition**

If the committee endorses a petition, it shall take up the matter to which the petition relates by preparing a parliamentary initiative or a procedural request.

#### **Art. 128<sup>123</sup> Committee decision to not to endorse a petition**

<sup>1</sup> The committee shall request its council not to endorse the petition if it:

<sup>120</sup> Inserted by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>121</sup> Amended by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>122</sup> Amended by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>123</sup> Amended by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

- a. rejects the matter to which the petition relates;
- b. establishes that the matter to which the petition relates has already been dealt with by another competent authority;
- c. regards the matter to which the petition relates as having been dealt with.

<sup>2</sup> If the council disregards the proposal of the committee and endorses the petition, it shall refer the petition and mandate back to the committee and instruct the committee to take up the matter in a parliamentary initiative or a procedural request.

## **Section 2 Submissions<sup>124</sup>**

### **Art. 129**

A submission on the conduct of business and on the financial policy of the Federal Council, the Federal Administration, the federal courts or of other persons entrusted with tasks by the Confederation shall be allocated to the Control or Finance Committees for a direct response.

## **Chapter 8<sup>125</sup>**

### **Procedure for Objections to Treaties between Cantons or between Cantons and Foreign States**

#### **Art. 129a**

<sup>1</sup> If the Federal Council files an objection to a treaty between Cantons or between a Canton and a foreign state, it shall submit to the Federal Assembly the draft of a simple federal decree on the approval of the treaty.

<sup>2</sup> If a Canton files an objection, the responsible committee of the first chamber shall submit to its chamber the draft of a simple federal decree on the approval of the treaty.

## **Title 6**

### **Elections and Verification of Elections, and Declaration of Inability to Discharge the Duties of Office<sup>126</sup>**

#### **Chapter 1 General Provisions on Elections**

##### **Art. 130 Principles**

<sup>1</sup> Voting in elections in the Federal Assembly is carried out by secret ballot.

<sup>124</sup> Inserted by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>125</sup> Inserted by No II of the FA of 7 Oct. 2005, in force since 1 June 2006 (AS **2006** 1265; BBl **2004** 7103).

<sup>126</sup> Amended by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>2</sup> The persons elected shall be those whose names are written on more than half of the valid ballot papers.

<sup>3</sup> When determining an absolute majority, uncompleted invalid ballot papers shall not be counted.

<sup>4</sup> If more candidates achieve an absolute majority than there are vacant seats, the surplus candidates with the lower numbers of votes shall be eliminated.

#### **Art. 131**      Invalidity and cancelled votes

<sup>1</sup> Ballot papers that contain defamatory statements or obviously irrelevant markings shall be declared invalid.

<sup>2</sup> Votes for persons not eligible for election, or who have already been elected or eliminated from the election, together with votes for persons who are not adequately identified are cancelled.

<sup>3</sup> If the name of a candidate is written more than once on a ballot paper, the surplus name or names are deleted.

<sup>4</sup> If the ballot paper contains more names than there are mandates to be allocated, the surplus names are deleted, beginning from the end of the list.

<sup>5</sup> If the number of ballot papers received exceeds that of the ballot papers distributed, the ballot shall be declared invalid and shall be rerun.

## **Chapter 2      Elections to the Federal Council**

#### **Art. 132**      Complete re-election

<sup>1</sup> The members of the Federal Council are elected by the United Federal Assembly in the session following the general election to the National Council.

<sup>2</sup> The seats are filled individually, one after the other, in the order of the length of period in office of the serving office holders. Seats for which serving members of the Federal Council are standing as candidates are filled first.

<sup>3</sup> In the first two ballots, any person who is eligible for election may be voted for. From the third ballot onwards, no additional candidatures are permitted.

<sup>4</sup> Excluded from the election are:

- a. those who obtain fewer than ten votes from the second ballot onwards; and
- b. the person who receives the lowest number of votes from the third ballot onwards, unless more than one person receives this same number of votes.

#### **Art. 133**      Election to vacant seats

<sup>1</sup> Elections in respect of vacant seats are normally held in the session following receipt of the letter of resignation of the member, following a member unexpectedly vacating

his or her seat or following the declaration that the member is unable to discharge his or her duties of office.<sup>127</sup>

<sup>2</sup> The newly-elected member assumes office at the latest two months after his or her election.

<sup>3</sup> If elections are held to more than one vacant seat, the order in which the elections are held is determined by the length of period in office of the previous office holder.

#### **Art. 134** Election to the Presidency of the Federal Council

The President of the Confederation and the Vice-President of the Federal Council are elected from its members individually, one after the other, for a term of office of one year.

### **Chapter 3 Elections to the Federal Courts**

#### **Art. 135** Complete re-election

<sup>1</sup> Elections to the federal courts take place before the end of the ongoing term of office. Separate elections are held for each of the various courts, as well as for each of the judges and part-time judges.

<sup>2</sup> The elections take place either by means of the re-election of members who are standing for re-election or, in the case of vacant seats or the removal of a member, by means of a supplementary election.

#### **Art. 136** Re-election

<sup>1</sup> The ballot paper is a list of names of the members standing for election, in the order of the length of their period in office.

<sup>2</sup> The voters may delete the names of individual candidates. Additional names are not taken into consideration. Ballot papers on which all the names have been deleted remain valid and count towards the calculation of the absolute majority.

<sup>3</sup> Only one ballot is held. Candidates who do not achieve an absolute majority may stand in the supplementary election.

#### **Art. 137** Supplementary Elections

<sup>1</sup> Supplementary elections take place if a vacant seat arises or a member is not re-elected.

<sup>2</sup> If by the day before the elections the office the United Federal Assembly has not received more candidate nominations than there are vacant seats, a list of the names of the candidates in alphabetical order shall serve as the ballot paper, or a list without names but with the same number of lines as there are seats to be filled.

<sup>127</sup> Amended by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>3</sup> In the first two ballots, all those who are eligible for election may be elected. From the third ballot onwards no further candidatures are permitted.

<sup>4</sup> Excluded from the election are:

- a. those who obtain fewer than ten votes from the second ballot onwards; and
- b. from the third ballot onwards, provided there are more candidates than vacant seats, the person who receives the lowest number of votes, unless more than one person receives this same number of votes.

#### **Art. 138** Elections to the Presidency of the Federal Courts

The president and the vice-president of a court are elected for a term of office of two years. They are elected at the same time on two separate ballot papers.

### **Chapter 4 Other Elections**

#### **Art. 139**

The Federal Assembly shall conduct other elections provided for by the Constitution or the law in accordance with the rules on the elections to the Federal Council.

### **Chapter 5 Verification of Elections**

#### **Art. 140**

<sup>1</sup> The Federal Assembly shall conduct the verification of elections to the extent that this is provided for by the law.

<sup>2</sup> A committee of the United Federal Assembly shall appraise the elections, with the exception of the election of the General Secretary of the Federal Assembly. The committee may for this purpose hear the person whose election is to be verified, together with a delegation from nominating authority. The committee shall request the United Federal Assembly to confirm the election or not.

<sup>3</sup> The United Federal Assembly shall decide by secret ballot and by a majority of its voting members whether the election is to be confirmed or not. If the election is rejected, the nominating authority must hold a new election.



**Chapter 6<sup>128</sup>****Declaration that a Federal Councillor or the Federal Chancellor is unable to Discharge the Duties of Office****Art. 140a**

<sup>1</sup> The Federal Assembly shall decide on whether to declare a Federal Councillor or the Federal Chancellor unable to discharge their duties of office.

<sup>2</sup> The Office of the Federal Assembly and the Federal Council shall be eligible to request such a declaration.

<sup>3</sup> Inability to discharge the duties of office must be presumed if the following requirements are fulfilled:

- a. owing to serious health problem or other reasons that prevent him or her from returning to work, the person concerned is manifestly unable carry out his or her duties;
- b. the situation is expected to continue for a considerable length of time;
- c. the person concerned has failed to tender his or her legally valid resignation within a reasonable time.

<sup>4</sup> The United Federal Assembly shall make its decision at the latest in the session following the submission of the request.

<sup>5</sup> The relevant position shall become vacant upon the declaration that the person concerned is unable to discharge the duties of office.

**Title 7****Procedural Relations between the Federal Assembly and the Federal Council****Chapter 1 Federal Council Bills****Art. 141** Dispatches on bills

<sup>1</sup> The Federal Council shall submit its bills to the Federal Assembly together with a dispatch.

<sup>2</sup> In the dispatch, the Federal Council shall provide justification for the bill and if necessary comment on the individual provisions. In addition, it shall explain the following points in particular, on condition that it is possible to provide a substantial amount of information thereon:

- a. the legal background, the consequences for constitutional rights, compatibility with superior law and the relationship with European law;

<sup>128</sup> Inserted by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

- a<sup>bis</sup>.<sup>129</sup> the use of Switzerland's room for manoeuvre in adopting international law;
- a<sup>ter</sup>.<sup>130</sup> the observance of the principle of subsidiarity in the allocation and performance of state tasks and the impact of the bill on communes, towns and cities, urban agglomerations and mountain areas;
- a<sup>quater</sup>.<sup>131</sup> any examination of time limit on the bill;
- b. the delegation of powers provided for in a draft act;
- c. the points of view debated in the preliminary stages of the legislative process and their alternatives and the related position of the Federal Council;
- d. the planned implementation of the enactment, the planned evaluation of its implementation and the assessment of the planned implementation that took place in the preliminary stages of the legislative process;
- e. the coordination of tasks and funding;
- f.<sup>132</sup> the consequences for staffing and finances of the bill and its implementation for the federal government, cantons and communes, the methods for meeting the costs and the cost-benefit ratio;
- g.<sup>133</sup> the consequences for the economy, society, the environment and future generations;
- g<sup>bis</sup>.<sup>134</sup> the safeguarding of the responsibility and room for manoeuvre of the private individuals affected by a regulation;
- g<sup>ter</sup>.<sup>135</sup> the impact on the need for information and communication technologies and the related expenditure;
- h.<sup>136</sup> the position of the bill in relation to the planning of legislation and the financial plan;
- i. the consequences for gender equality;
- j.<sup>137</sup> the consequences of the bill for the Swiss living abroad.

<sup>129</sup> Inserted by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS 2018 3461; BBl 2017 6797 6865).

<sup>130</sup> Inserted by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS 2018 3461; BBl 2017 6797 6865).

<sup>131</sup> Inserted by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS 2018 3461; BBl 2017 6797 6865).

<sup>132</sup> Amended by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS 2018 3461; BBl 2017 6797 6865).

<sup>133</sup> Amended by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), in force since 2 March 2009 (AS 2009 725; BBl 2008 1869 3177).

<sup>134</sup> Inserted by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS 2018 3461; BBl 2017 6797 6865).

<sup>135</sup> Inserted by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS 2018 3461; BBl 2017 6797 6865).

<sup>136</sup> Amended by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS 2018 3461; BBl 2017 6797 6865).

<sup>137</sup> Inserted by No I of the FA of 15 June 2018, in force since 26 Nov. 2018 (AS 2018 3461; BBl 2017 6797 6865).

**Art. 142** Budget, updates and the state accounts

<sup>1</sup> The Federal Council shall submit to the Federal Assembly:

- a.<sup>138</sup> the draft for the Federal Budget;
- b. the drafts for the ordinary updates and additional credits, two months prior to the start of the session in which they are to be considered;
- c. the state accounts, every year two months prior to the start of the session in which they are to be considered.

<sup>2</sup> It shall accept the drafts for the budget as well as the accounts of the Federal Assembly, the federal courts, the Federal Audit Office, the Office of the Attorney General of Switzerland and the Supervisory Authority for the Office of the Attorney General of Switzerland without modification and incorporate them into its draft budget and the state accounts.<sup>139</sup>

<sup>3</sup> The Federal Supreme Court is responsible for presenting the draft budget and the draft accounts of the federal courts to the Federal Assembly. The Administration Delegation of the Federal Assembly is responsible for presenting the draft budget and accounts of the Federal Assembly, the Finance Delegation for presenting the draft budget and accounts of the Federal Audit Office, and the Supervisory Authority for the Office of the Attorney General of Switzerland for itself and for the Office of the Attorney General of Switzerland.<sup>140</sup>

<sup>4</sup> The Federal Council shall arrange for projections on the expected annual return to be issued as per 30 June and 30 September. It shall notify the Finance Committees thereof.<sup>141</sup>

**Art. 143**<sup>142</sup> Financial Plan

<sup>1</sup> The Financial Plan covers the three years following the year to which the budget relates.

<sup>2</sup> The structure and content of the Financial Plan combine the legislative planning with the financial planning (integrated legislative and financial planning).

<sup>3</sup> The Federal Council shall submit the financial plan together with the draft budget to the Federal Assembly for its attention in the form of a simple federal decree.

<sup>4</sup> The Federal Assembly may add mandates for an amendment of the financial plan to the simple federal decree.

<sup>138</sup> Amended by Art. 65 No 1 of the Financial Budget Act of 7 Oct. 2005, in force since 1 May 2006 (AS **2006** 1275; BBl **2005** 5).

<sup>139</sup> Amended by Annex No II 2 of the Law Enforcement Authorities Act of 19 March 2010, in force since 1 Jan. 2011 (AS **2010** 3267; BBl **2008** 8125).

<sup>140</sup> Amended by Annex No II 2 of the Law Enforcement Authorities Act of 19 March 2010, in force since 1 Jan. 2011 (AS **2010** 3267; BBl **2008** 8125).

<sup>141</sup> Inserted by Art. 65 No 1 of the Financial Budget Act of 7 Oct. 2005, in force since 1 May 2006 (AS **2006** 1275; BBl **2005** 5).

<sup>142</sup> Amended by Annex No 1 of the FA of 26 Sept. 2014 (New Management Model for the Federal Administration), in force since 1 Jan. 2016 (AS **2015** 1583; BBl **2014** 767).

<sup>5</sup> The Federal Council normally fulfils these mandates in terms of the draft budget for the year after the following year.

**Art. 144** Annual objectives and annual report of the Federal Council

<sup>1</sup> The Federal Council gives notice of its annual objectives for the next year by the start of the final ordinary session of the year. These objectives must be coordinated with the legislature plan.

<sup>2</sup> The Federal Council shall submit to the Federal Assembly the reports on the conduct of its business in the previous year two months before the start of the session in which they are to be considered.

<sup>3</sup> In its annual report, the Federal Council presents the main aspects of its activities during the financial year. It provides information on whether the main annual objectives for the financial year have been achieved, on the implementation of the legislature plan and of the legislative programme and on the status of the indicators relevant to the general assessment of the situation and the verification of the achievement of objectives. It must justify any divergences from the planned objectives as well as any unplanned activities.<sup>143</sup>

**Art. 145** Procedure for the annual report

<sup>1</sup> The President of the Confederation is responsible for presenting the report of the Federal Council on the conduct of its business to the Assembly, unless the Standing Orders of the Councils provide otherwise.<sup>144</sup>

<sup>2</sup> The Federal Assembly shall approve the report by means of a simple Federal Decree.

**Art. 146**<sup>145</sup> Legislature plan

<sup>1</sup> At the start of each legislature period, the Federal Council shall submit to the Federal Assembly a dispatch on the legislature plan and a draft simple federal decree on the legislature plan.

<sup>2</sup> The simple federal decree shall define the policy guidelines and objectives of the legislature plan and assign to these the legislation of the Federal Assembly that is planned and the additional measures required to achieve each of these objectives.

<sup>3</sup> In the dispatch on the legislature plan, indicators shall be assigned to the objectives that allow the achievement of the objectives to be verified. The dispatch shall also contain an analysis of the situation that is based on the indicators. In addition, it shall provide a summary of all the draft legislation that the Federal Council plans to

<sup>143</sup> Amended by No I of the FA of 22 June 2007 (Legislature plan), in force since 1 Dec. 2007 (AS **2007** 5231; BBl **2006** 1837 1857).

<sup>144</sup> Amended by No I of the FA of 3 Oct. 2008 (Annual Report of the Federal Council), in force since 1 March 2009 (AS **2009** 697; BBl **2008** 1095 1105).

<sup>145</sup> Amended by No I of the FA of 22 June 2007 (Legislature plan), in force since 1 Dec. 2007 (AS **2007** 5231; BBl **2006** 1837 1857).

submit to the Federal Assembly during the legislature period (the legislative programme).

<sup>4</sup> The dispatch shall present the legislature financial plan. This shall set out the financial requirements for the legislature period, and indicate how the requirements are to be met. The objectives and measures of the legislature plan and the legislature financial plan shall be coordinated with each other in terms of subject matter and time scheduling.

**Art. 147<sup>146</sup>** Procedure for the legislature plan

<sup>1</sup> The two chambers shall consider the legislature plan in two successive sessions.

<sup>2</sup> The Standing Orders of the Councils may provide that:

- a. a council, in considering the legislature plan, decides only on proposals and minority proposals made by the committee responsible for the preliminary examination; and
- b. other persons entitled to submit proposals must submit their proposals to this committee before the start of the detailed discussion of the federal decree.

**Art. 148** Further plans and reports

<sup>1</sup> In addition to the plans and reports required by the law, the Federal Council may submit further plans and reports to the Federal Assembly for its information or attention.

<sup>2</sup> It may submit to the Federal Assembly the objectives or conclusions of significant plans or reports in the form of the draft of a simple federal decree or federal decree.

<sup>3</sup> The Federal Council shall submit a regular report to the Federal Assembly on Switzerland's foreign policy.

<sup>3bis</sup> It shall report regularly to the Federal Assembly on the achievement of the strategic goals laid down for the units that have become autonomous in accordance with Article 8 paragraph 5 of the Government and Administration Organisation Act of 21 March 1997<sup>147,148</sup>

<sup>4</sup> The Federal Assembly may also take decisions in principle and planning decisions on important plans and reports in the form of a simple federal decree or a federal decree.

<sup>146</sup> Amended by No I of the FA of 22 June 2007 (Legislature plan), in force since 1 Dec. 2007 (AS **2007** 5231; BBl **2006** 1837 1857).

<sup>147</sup> SR **172.010**

<sup>148</sup> Inserted by No I 1 of the FA of 17 Dec. 2010 on the Participation of the Federal Assembly in the Management of Autonomous Units, in force since 1 Jan. 2012 (AS **2011** 5859; BBl **2010** 3377 3413).

**Art. 149** Submission of dispatches and reports by the Federal Council

<sup>1</sup> The Federal Council shall submit its dispatches and reports to the Parliamentary Services fourteen days at the latest before the meeting of the committee responsible for the preliminary examination.

<sup>2</sup> The Parliamentary Services shall pass on to the assembly members documents submitted by the Federal Council and by the Federal Administration for the attention of the Federal Assembly or of its committees.

**Chapter 2****Procedural Relations between the Committees and the Federal Council****Art. 150** General rights to information

<sup>1</sup> The committees and the sub-committees appointed by them are, for the fulfilment of their duties, entitled:

- a. to invite the Federal Council to attend meetings in order to provide information and to request reports from the Federal Council;
- b. to obtain documents from the Federal Council for inspection;
- c. to question persons in the service of the Confederation with the consent of the Federal Council.

<sup>2</sup> They have no right to information:

- a. from the joint reporting procedure or the deliberations in Federal Council meetings;
- b. that is classified as secret in the interests of state security or the intelligence services or the disclosure of which to unauthorised persons may be seriously detrimental to national interests.<sup>149</sup>

<sup>3</sup> They shall take appropriate precautions to ensure the preservation of secrecy. They may in particular provide that information that is subject to official secrecy in terms of Article 8 is passed on to only one sub-committee.

<sup>4</sup> In the event of any disagreement between a committee and the Federal Council over the extent of rights to information, the committee may call on the Presiding College of the council to which it pertains. The Presiding College mediates between committee and the Federal Council.

<sup>5</sup> The Presiding College shall have the final decision where there is disagreement between the committee and the Federal Council as to whether the information is required by the committees for the fulfilment of their duties in accordance with paragraph 1.

<sup>149</sup> Amended by No I of the FA of 17 June 2011 (Specification of the Information Rights of the Supervisory Committees), in force since 1 Nov. 2011 (AS **2011** 4537; BBl **2011** 1817 1839).

<sup>6</sup> The Federal Council may submit a report to the committee instead of permitting it to inspect the documents, if there is disagreement between it and the committee as to whether the committee has a right to the information in terms of paragraph 2, where mediation by the Presiding College of the Council proves unsuccessful.

<sup>7</sup> The Presiding College of the Council, when preparing to mediate, may inspect the documents held by the Federal Council and the Federal Administration without limitation.

#### **Art. 151** Consultation on ordinances

<sup>1</sup> If the Federal Council is preparing an important ordinance, the committee responsible may request that it be consulted with regard to the same.

<sup>2</sup> If an ordinance requires to be amended or enacted following the adoption of an enactment of the Federal Assembly, the committee shall decide in the vote on the bill in its entirety whether it wishes to be consulted.

<sup>3</sup> The Federal Council shall inform the Federal Assembly of the ordinances that it is preparing.

#### **Art. 152** Information and consultation on foreign policy

<sup>1</sup> The committees responsible for foreign policy and the Federal Council shall have regular contact with each other in order to exchange views.

<sup>2</sup> The Federal Council shall inform the Presiding Colleges of the Councils and the committees responsible for foreign policy regularly, comprehensively and in good time of important foreign policy developments. The committees responsible for foreign policy shall also pass on this information to other committees involved in foreign policy related matters.

<sup>3</sup> The Federal Council shall consult the committees responsible for foreign policy on important plans, on planned changes to the number of Switzerland's diplomatic and consular representations abroad, and on the guidelines and directives relating to mandates for important international negotiations before it decides on or amends the same. It shall inform these committees of the status of its plans and of the progress made in negotiations.<sup>150</sup>

<sup>3bis</sup> The Federal Council shall consult the committees responsible before it:

- a. provisionally applies an international treaty that must be concluded or approved by the Federal Assembly; or
- b. urgently withdraws from an international treaty when any withdrawal should be approved by the Federal Assembly.<sup>151</sup>

<sup>150</sup> Amended by Annex No III 1 of the Swiss Abroad Act of 26 Sept. 2014, in force since 1 Nov. 2015 (AS **2015** 3857; BBl **2014** 1915 2617).

<sup>151</sup> Inserted by No I 2 of the FA of 8 Oct. 2004 on the Provisional Application of International Treaties (AS **2005** 1245; BBl **2004** 761 1017). Amended by No I 1 of the FA of 21 June 2019 on the Authority to Conclude, Amend and Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

<sup>3ter</sup> If the committees of both chambers are against provisional application or immediate withdrawal, the Federal Council shall refrain therefrom.<sup>152</sup>

<sup>4</sup> In urgent cases, the Federal Council shall consult the presidents of the committees responsible for foreign policy. The presidents shall inform their committees without delay.

<sup>5</sup> The committees responsible for foreign policy or other relevant committees may request that they be informed or consulted by the Federal Council.

**Art. 153<sup>153</sup>** Rights to information of the supervisory committees

<sup>1</sup> In addition to the rights to information under Article 150, the supervisory committees have the right to deal directly with any authorities, offices and other agencies entrusted with the tasks of the Confederation and to obtain the information and documents from them that they require in application of Article 156. They may assign the responsibility for individual investigations to their secretariat.

<sup>2</sup> They may obtain information and documents from persons and offices outside the Federal Administration, provided this is necessary for the fulfilment of their supervisory control. Persons outside the Federal Administration who were previously in the service of the Confederation remain subject to Article 156. The right to refuse to testify under Article 42 of the Federal Act of 4 December 1947<sup>154</sup> on Federal Civil Procedure applies by analogy.

<sup>3</sup> They may summon persons required to provide information by means of a ruling issued by the committee president in analogous application of the Article 49, 50 and 201–209 the Criminal Procedure Code<sup>155</sup> and, in the event that such persons fail to appear without excuse, have them brought before the committees by federal or cantonal police officers.

<sup>4</sup> An objection may be filed against rulings on summonses or enforced appearances within ten days with the president of the council to which the committee president making the decision belongs. The objection has no suspensive effect. If the council president holds that the ruling is unlawful or unreasonable, he or she may award the person making the objection compensation in satisfaction. The decision on the objection is final.

<sup>5</sup> Before the supervisory committees question a member of the Federal Council, they shall inform him or her of the subject matter of the questions. They shall inform the Federal Council prior to questioning persons who are or have been subordinated to it. They shall consult with the Federal Council at its request before persons are required to provide information or hand over documents.

<sup>152</sup> Inserted by No I I of the FA of 21 June 2019 on the Authority to Conclude, Amend and Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

<sup>153</sup> Amended by No I of the FA of 17 June 2011 (Specification of the Information Rights of the Supervisory Committees), in force since 1 Nov. 2011 (AS **2011** 4537; BBl **2011** 1817 1839).

<sup>154</sup> SR **273**

<sup>155</sup> SR **312.0**



<sup>6</sup> Their decisions on exercising their rights to information are final. They have no right to inspect:

- a. the minutes of Federal Council meetings;
- b. documents that are classified as secret in the interests of state security or the intelligence services or the disclosure of which to unauthorised persons may be seriously detrimental to national interests.

<sup>7</sup> They shall take appropriate precautions to preserve secrecy in accordance with Article 150 paragraph 3. For this purpose, as well as in cases where their rights to information are insufficient for the proper exercise of supervisory control, they may mandate their delegations to investigate any specific issue. They shall issue directives on the preservation of secrecy in their area of responsibility, which shall in particular restrict access to accompanying reports.

**Art. 154** Rights to information of the delegations to the supervisory committees

<sup>1</sup> No information may be withheld from the delegations to the supervisory committees.

<sup>2</sup> For the purpose of fulfilling their duties, the delegations to the supervisory committees, in addition to the rights to information in terms of Articles 150 and 153, have the right:

- a. to obtain:
  1. minutes of Federal Council meetings,
  2. documents that are classified as secret in the interests of state security or the intelligence services or the disclosure of which to unauthorised persons may be seriously detrimental to national interests;
- b. to question persons as witnesses; Article 153 paragraphs 3 and 4 applies by analogy to summonses and enforced appearances.<sup>156</sup>

<sup>3</sup> All Federal Council decisions including the proposals and accompanying reports shall be notified to the Finance Delegation and the Control Delegation as they are made. They shall jointly specify the details on service, inspection and safekeeping.<sup>157</sup>

<sup>156</sup> Amended by No I of the FA of 17 June 2011 (Specification of the Information Rights of the Supervisory Committees), in force since 1 Nov. 2011 (AS **2011** 4537; BBl **2011** 1817 1839).

<sup>157</sup> Amended by No I of the FA of 17 June 2011 (Specification of the Information Rights of the Supervisory Committees), in force since 1 Nov. 2011 (AS **2011** 4537; BBl **2011** 1817 1839).

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**Art. 154a**<sup>158</sup> Effect of investigations by the Control Delegation on other procedures and enquiries

<sup>1</sup> Federal disciplinary or administrative investigations relating to persons or circumstances that are the subject of an investigation by the Control Delegation may only be commenced or continued with the authorisation of the Control Delegation.

<sup>2</sup> The Control Delegation shall decide on authorisation after consulting the Federal Council.

<sup>3</sup> If there is any dispute as to whether authorisation is required, it shall require the consent of two thirds of all the members of the Control Delegation.

<sup>4</sup> An investigation by the Control Delegation shall not preclude the conduct of civil or administrative proceedings or of preliminary investigations and court proceedings in criminal cases.

**Art. 155** Hearings by delegations to the supervisory committees

<sup>1</sup> Before each hearing, it must be established whether a person is to be interviewed as a person providing information or as a formal witness.

<sup>2</sup> The formal interviewing of witnesses shall be ordered only if the facts of the case cannot be sufficiently clarified by another means. Any person summoned is obliged to testify.

<sup>3</sup> If an investigation is directed solely or mainly towards one person, that person may be interviewed only as a person providing information.

<sup>4</sup> Witnesses must be reminded of their duty to give evidence and their obligation to tell the truth, and persons providing information of their right to refuse to give information. The right to refuse to testify in terms of Article 42 paragraph 1 of the Federal Act of 4 December 1947<sup>159</sup> on Federal Civil Procedure is reserved.

<sup>5</sup> In order to maintain a record of the proceedings, the hearings shall be recorded on audio tape. The transcript of the tape shall be signed by the persons interviewed.

<sup>6</sup> Articles 166–171 apply in respect of the procedure and the rights of the persons concerned.

**Art. 156** Position of persons in the service of the Confederation

<sup>1</sup> Persons in the service of the Confederation are obliged to provide information completely and truthfully and to indicate all useful documents.

<sup>2</sup> The right to refuse to testify in terms of Article 42 Paragraph 1 of the Federal Act of 4 December 1947<sup>160</sup> on Federal Civil Procedure is applicable by analogy.

<sup>3</sup> Persons in the service of the Confederation may not suffer any prejudice as a result of making truthful statements to a committee. No proceedings may be taken against

<sup>158</sup> Inserted by No I of the FA of 17 Dec. 2004, in force since 1 May 2005 (AS 2005 4793; BBl 2004 1469 1477).

<sup>159</sup> SR 273

<sup>160</sup> SR 273

them based on statements made to a committee without the prior consultation of the committee concerned.

<sup>4</sup> Persons in the service of the Confederation in terms of this Act are the personnel of the Confederation and persons who are directly entrusted with public duties on behalf of the Confederation. The nature of their relationship with the Confederation is not decisive.

**Art. 157** Opinion of the authority concerned

The authority concerned shall have the opportunity to express its opinion before any supervisory committee or delegation thereof issues a report on deficiencies in the conduct of business or in financial management.

**Art. 158** Recommendations to the responsible authority

<sup>1</sup> A supervisory committee or delegation may make recommendations to the responsible authority that relate to its mandate in the area of supervisory control.

<sup>2</sup> The authority notifies the supervisory committee or delegation of the implementation of the recommendations.

<sup>3</sup> The recommendations and the opinion of the responsible authority are made public unless this is contrary to interests that are worthy of protection.

### **Chapter 3**

#### **Representation of the Federal Council in the Federal Assembly**

**Art. 159** Participation of the Federal Council in council meetings

<sup>1</sup> The head of the department responsible for the field of activity to which the business for consideration belongs shall normally participate in the council meetings.

<sup>2</sup> A member of the Federal Council may be accompanied by persons in the service of the Confederation or by experts. By way of exception, such persons may, at the request of the member of the Federal Council, be permitted to speak on matters that require specialist technical knowledge.

**Art. 160** Participation of the Federal Council in committee meetings

<sup>1</sup> When business is being considered that has been raised by the Federal Council or with regard to which it has expressed an opinion, a member of the Federal Council normally participates in the committee meetings.

<sup>2</sup> The members of the Federal Council may with the agreement of the committee president be represented by persons in the service of the Confederation.

<sup>3</sup> The members of the Federal Council and their representatives have the right to be accompanied by an expert.

**Art. 161** Participation of the Federal Chancellor

The Federal Chancellor is responsible for matters relating to the business of the Federal Chancellery in the Assembly and in the committees.

**Title 8****Procedural Relations between the Federal Assembly and the Federal Courts and Supervisory Authority for the Office of the Attorney General of Switzerland<sup>161</sup>****Art. 162**

<sup>1</sup> The following provisions on procedural relations between the Federal Assembly and the Federal Council are applicable in an analogous manner to procedural relations between the Federal Assembly and the federal courts:

- a. budget and state accounts (Art. 142 para. 1);
- b. annual report (Art. 144 para. 2 and 145 para. 2);
- c. dealings between the committees and the Federal Council (7<sup>th</sup> Title, Chapter 2.);
- d. parliamentary investigation committee (9<sup>th</sup> Title).

<sup>2</sup> The Federal Supreme Court shall appoint a member who is responsible in the Assembly and in its committees for matters relating to the drafts of the budget, the accounts and the annual reports of the federal courts as well as their views on parliamentary procedural requests that relate to the conduct of their business or their financial policy.

<sup>3</sup> The member of the Federal Supreme Court may be accompanied in the committees by persons in the service of the Confederation, or, with the agreement of the committee president, be represented by such persons.

<sup>4</sup> The committees shall allow the federal courts the opportunity to express their views where a bill subject to their preliminary examination relates to the competencies, the organisation or the administration of the federal courts.

<sup>5</sup> Paragraphs 1–4 apply by analogy to the Supervisory Authority for the Office of the Attorney General of Switzerland.<sup>162</sup>

<sup>161</sup> Amended by Annex No II 2 of the Law Enforcement Authorities Act of 19 March 2010, in force since 1 Jan. 2011 (AS **2010** 3267; BBl **2008** 8125).

<sup>162</sup> Inserted by Annex No II 2 of the Law Enforcement Authorities Act of 19 March 2010, in force since 1 Jan. 2011 (AS **2010** 3267; BBl **2008** 8125).

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## **Title 9          Parliamentary Investigation Committee**

### **Art. 163          Duties and appointment**

<sup>1</sup> The Federal Assembly may in its exercise of supervisory control, if events of importance require investigation, appoint a joint Parliamentary Investigation Committee (PlnC) of both chambers for the purposes of investigating the circumstances or of obtaining additional information on which to base its assessment.

<sup>2</sup> Appointment is by simple Federal Decree following consultation with the Federal Council. The decree shall determine the mandate of the investigation committee and the financial resources available to it.

### **Art. 164          Organisation**

<sup>1</sup> The investigation committee shall comprise an equal number of members from each chamber.

<sup>2</sup> For the election of the members and of the chairpersons and for the decision-making procedure, Article 43 paragraphs 1–3 and Article 92 paragraphs 1 and 2 apply respectively by analogy.

<sup>3</sup> The investigation committee shall have its own secretariat. The required staff are made available by the Parliamentary Services. The committee may appoint further staff in accordance with the provisions of the Code of Obligations.

### **Art. 165          Procedure**

<sup>1</sup> On the basis of its mandate and of the law, the investigation committee shall take the procedural measures required for its investigations.

<sup>2</sup> The authorities of the Confederation and the cantons must provide the investigation committee with the administrative and legal assistance that it requires.

<sup>3</sup> Minutes shall be taken of the principal procedural events.

### **Art. 166          Rights to information**

<sup>1</sup> For the fulfilment of its mandate as stipulated in the Federal Decree, the investigation committee has the same rights to information as the delegations to the supervisory committees (Art. 150 and 153–156).

<sup>2</sup> In individual cases, the investigation committee may appoint an investigating officer to gather evidence. Investigating officers shall work in accordance with the mandate and the directives of the committee.

<sup>3</sup> The investigation committee is not permitted to delegate the right to interview witnesses to the investigating officers.

<sup>4</sup> Persons questioned by the investigating officer have the right to refuse to make a statement or to hand over documents. In such cases, such persons shall be interviewed by the investigation committee.

<sup>5</sup> For the gathering of evidence, Articles 42–48 and 51–54 of the Federal Act of 4 December 1947<sup>163</sup> on Federal Civil Procedure apply by analogy, provided there is no provision to the contrary in this Act.

#### **Art. 167** Rights of the Federal Council

<sup>1</sup> The Federal Council has the right to attend the questioning of persons providing information and of witnesses and to ask additional questions as well as to inspect documents that have been handed over together with expert opinions and the transcripts of interviews conducted by the investigation committee.

<sup>2</sup> It may express its views on the result of the investigation before the investigation committee and in a report to the Federal Assembly.

<sup>3</sup> The Federal Council shall appoint one of its members to act on its behalf in dealings with the investigation committee. The member may for the purpose of exercising the rights of the Federal Council in accordance with paragraph 1 appoint a suitable liaison person.

#### **Art. 168** Rights of persons concerned

<sup>1</sup> The investigation committee shall identify the persons whose interests are directly affected by the investigation and inform these persons without delay about the investigation. They shall be accorded the right conferred by Article 167 paragraph 1, to the extent that they are affected.

<sup>2</sup> The investigation committee may restrict or revoke the rights of the person concerned to be present at hearings and to inspect files if this is required in the interests of the ongoing investigation or for the protection of third parties. In such cases, the committee shall inform the person concerned, either verbally or in writing, of the essential content of statements made or documents and give the person the opportunity to express his or her views thereon and to indicate further evidence.

<sup>3</sup> Evidence that is not made known to a person concerned may not be used against that person.

<sup>4</sup> The investigation committee may permit a person concerned, at their request, to be accompanied by a lawyer for the entire proceedings or at individual meetings, if this is required for the protection of the lawful interests of the person concerned. The lawyer may only request further evidence and ask additional questions.

<sup>5</sup> Following the conclusion of the investigation and prior to the submission of the report to the chambers, the persons against whom allegations have been made have the right to inspect the relevant sections of the draft report. They shall have the opportunity to express their views thereon within a reasonable period either verbally or in writing before the investigation committee.

<sup>6</sup> Their verbal or written opinions must be summarised in the report.

<sup>163</sup> SR 273

**Art. 169**      Obligation of secrecy

<sup>1</sup> Any person who participates in meetings and interviews is subject to the obligation of secrecy until the report to the Federal Assembly is published. Persons questioned are in particular not permitted to report to their superiors on the questioning or on requests for documents.

<sup>2</sup> After the submission of the report, the general provisions on the confidentiality of committee meetings apply.

<sup>3</sup> The president and the vice-president of the investigation committee, or if they are no longer members of the council, the president and the vice-president of the Control Delegation shall decide on applications to inspect files during the protective period that applies in terms of Articles 9–12 of the Archiving Act of 26 June 1998<sup>164</sup>.

**Art. 170**      Perjury by witnesses and expert witnesses

<sup>1</sup> Any person who appears as a witness in proceedings before the investigation committee and gives false evidence or appears as an expert witness and provides a false report or a false expert opinion shall be liable to the penalties provided under Article 307 of the Swiss Criminal Code<sup>165</sup>.

<sup>2</sup> Any person who refuses without lawful reason to make a statement or to hand over documents shall be liable to the penalties provided under Article 292 of the Swiss Criminal Code.

<sup>3</sup> Offences, including breach of the obligation of secrecy in terms of Article 169 paragraph 1, are subject to federal jurisdiction.

**Art. 171**      Effect on other proceedings and investigations

<sup>1</sup> If the Federal Assembly has decided to appoint an investigation committee, no other committee is permitted to conduct further investigations into the events that are the subject of the mandate of the investigation committee.

<sup>2</sup> The appointment of an investigation committee shall not prevent the conduct of civil or administrative court proceedings or of preliminary investigations and court proceedings under criminal law.

<sup>3</sup> Disciplinary<sup>166</sup> or administrative inquiries at federal level that relate to matters or persons that are or have been the subject of a parliamentary investigation may only be initiated with the authorisation of the investigation committee. Ongoing proceedings must be suspended until the investigation committee authorises their continuation.

<sup>164</sup> SR 152.1

<sup>165</sup> SR 311.0

<sup>166</sup> Term in accordance with No I of the FA of 17 Dec. 2004, in force since 1 May 2005 (AS 2005 4793; BBl 2004 1469 1477).

<sup>4</sup> In the event of any dispute as to whether authorisation is required, the investigation committee decides. If the investigation committee has been disbanded, the president and the vice-president of the Control Delegation decide.

## **Title 10      Final Provisions**

**Art. 172**      Repeal and amendment of current legislation

The repeal and the amendment of the current legislation are regulated in the Annex.

**Art. 173**      Transitional provisions

### *1. Transitional provision relating to Art. 13 (Disciplinary measures)*

Article 13 applies to infringements that are committed after this Act comes into force.

### *2. Transitional provision relating to Articles 14 and 15 (Incompatibility)*

<sup>1</sup> For the members of the Council of States whose term of office extends beyond the general election to the National Council that follows the date on which Articles 14 and 15 come into force, the previous provisions on incompatibility apply until the end of their terms of office.

<sup>2</sup> If the Act comes into force after 31 July in the year of a general election to the National Council, Articles 14 and 15 first come into force at the start of the first session following the next general election to the National Council.

### *3. Transitional provision relating to the 5th Title (Procedure in the Federal Assembly)*

The previous law also applies to business that is pending in either chamber on the date on which this Act comes into force.

### *4. Transitional provision relating to the 9th Title (Parliamentary Investigation Committee)*

Articles 163–171 apply to parliamentary investigation committees that are appointed after the date on which this Act comes into force.

### *5. Transitional provision relating to Art. 40a (Judiciary Committee)*

...<sup>167</sup>

### *6. Transitional provision relating to Art. 86 para. 4, 97 para. 2 and 101 para. 2 and 3 (Popular Initiatives)*

The amendments to Articles 86 paragraph 4, 97 paragraph 2 and 101 paragraphs 2 and 3 apply to popular initiatives in respect of which the Federal Council has yet to

<sup>167</sup> Inserted by Art. 5 No 1 of the FA of 18 March 2005 on the Establishment of the Federal Administrative Court, in force from 1 Oct. 2005 until 31 Dec. 2006 (AS **2005** 4603; BBl **2004** 4787).



submit a draft federal decree on the popular initiative to the Federal Assembly as of the commencement of the amendment to this Act of 3 October 2008.<sup>168</sup>

*7. Transitional provision relating to Art. 105 para. 1<sup>bi</sup> in accordance with the Amendment of 25 September 2009 (Extension of the period for dealing with a Popular Initiative)*

The new law applies to federal popular initiatives that are pending when the Amendment to this Act of 25 September 2009 comes into force.<sup>169</sup>

**Art. 174** Commencement

<sup>1</sup> This Act is subject to an optional referendum.

<sup>2</sup> The Conference for Coordination shall determine the date on which this Act comes into force.

<sup>3</sup> Articles 14, 15 and 61 shall come into force at the start of the first session following the first general election to the National Council to take place after the date on which this Act comes into force.<sup>170</sup> On the same date, Article 18 of the Federal Act of 17 December 1976<sup>171</sup> on Political Rights (Annex Sec. II 1) shall be repealed.

Commencement Date: 1 Dec. 2003<sup>172</sup>

**Transitional Provision relating to the Amendment of 5 October 2007<sup>173</sup>**

Article 122 applies in its new version of 5 October 2007 to motions that have not yet been adopted by both chambers at the time at which this amendment takes effect.

**Transitional Provision relating to the Amendment of 17 June 2011<sup>174</sup>**

The previous law applies when dealing with applications to lift immunity and similar applications that were pending when the Amendment to this Act of 17 June 2011 came into force.

<sup>168</sup> Inserted by No I of the FA of 3 Oct. 2008 (Parliamentary Law. Miscellaneous Amendments), in force since 2 March 2009 (AS **2009** 725; BBl **2008** 1869 3177).

<sup>169</sup> Inserted by No II of the FA of 25 Sept. 2009 (Conditional Withdrawal of a Popular Initiative), in force since 1 Feb. 2010 (AS **2010** 271; BBl **2009** 3591 3609).

<sup>170</sup> First day of the winter session 2007 (3 Dec. 2007).

<sup>171</sup> SR **161.1**

<sup>172</sup> Ordained by the Coordination Conference of the FA of 16 Sept. 2002 (AS **2003** 3593).

<sup>173</sup> AS **2008** 2113; BBl **2007** 1457 2149

<sup>174</sup> AS **2011** 4627; BBl **2010** 7345 7385

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**Transitional Provision relating to Articles 109 paragraphs 2 and 3<sup>bis</sup>  
and 116 paragraph 3<sup>bis</sup> in accordance with the Amendment of  
21 June 2013<sup>175</sup>**

The previous law applies to parliamentary initiatives and cantonal initiatives that have already been assigned to a committee for preliminary examination when this amendment comes into force.

<sup>175</sup> AS 2013 3687; BBl 2011 6793 6829

*Annex*  
(Art. 172)

## Repeal and Amendment of Current Legislation

### I

Following enactments are repealed:

1. Guarantee Act of 26 March 1934<sup>176</sup>.
2. Decree the Federal Assembly of 15 November 1848<sup>177</sup> relating to Oath of Office sworn by the Supreme Federal Authorities.
3. Parliamentary Procedure Act of 23 March 1962<sup>178</sup>. Article 8<sup>septies</sup> remains in force until Article 61 of the Parliament Act comes into force (Art. 174 para. 3).

### II

The following enactments are amended as follows:

...<sup>179</sup>

<sup>176</sup> [BS 1 152; AS 1962 773 Art. 60 para. 2; 1977 2249 No I 121; 1987 226, 2000 273 Annex No I 414; 2003 2133 Annex No 3]

<sup>177</sup> [BS 1 461]

<sup>178</sup> [AS 1962 811; 1984 768, 1985 452; 1987 600 Art. 16 No 3; 1989 257; 1990 1642; 1992 2344; 2000 273]

<sup>179</sup> The amendments may be consulted under AS 2003 3543.





*English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.*

## **Standing Orders of the National Council (SO-NC)**

of 3 October 2003 (Status as of 7 September 2020)

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*The National Council,*

on the basis of Article 36 of the Parliament Act of 13 December 2002<sup>1</sup> (ParlA),  
and having considered the report of the Political Institutions Committee of the  
National Council dated 10 April 2003<sup>2</sup>,

*decrees:*

### **Chapter 1 Constitution**

#### **Art. 1 Constitutive sitting**

<sup>1</sup> Following the general election, the newly-elected Council shall convene to hold its constitutive sitting on the day determined by law.

<sup>2</sup> At this meeting, the Council:

- a. hears speeches by the Oldest Member and by the youngest designated member of the Council elected for the first time;
- b. establishes the constitution of the Council;
- c. swears in the members of the Council present whose election was uncontested or declared valid;
- d. establishes possible incompatibilities;
- e. elects the President;
- f. elects the First Vice-President;
- g. elects the Second Vice-President;
- h. conducts a summary election of the Tellers;
- i. conducts a summary election of the Deputy Tellers.

AS 2003 3623

<sup>1</sup> SR 171.10

<sup>2</sup> BBl 2003 3468

**Art. 2** Oldest member

<sup>1</sup> The Oldest Member is the council member who has served the longest uninterrupted term. If two or more members of the Council have served the same term, the older member shall take precedence.

<sup>2</sup> The Council Bureau for the previous legislative period shall designate the Oldest Member based on the report of the Federal Council on the results of the National Council elections.

<sup>3</sup> If the Oldest Member is unable to assume office, the office shall be assumed by the council member next in line in accordance with paragraph 1 of this Article.

**Art. 3** Tasks of the Oldest Member

<sup>1</sup> The Oldest Member:

- a. designates the eight other members of the Provisional Bureau in accordance with Article 43, paragraph 3 ParIA;
- b. chairs the Provisional Bureau;
- c. chairs the Council until the new President is elected.

<sup>2</sup> The other tasks of President are carried out by the President of the previous legislative period until the new President is elected.

**Art. 4** Tasks of the Provisional Bureau

<sup>1</sup> The Provisional Bureau shall:

- a. verify whether the elections of the majority of council members have remained uncontested or have been declared valid, and if so, propose that the Council declare that it is constituted;
- b. verify whether any of the newly elected members of the council are subject to the incompatibility provisions of Article 14 letters b-f ParIA, and, if applicable, propose a declaration of incompatibility;
- c. ascertain the results of the votes and elections in the Council, until the new Bureau is elected.

<sup>2</sup> The other tasks of the Bureau are carried out by the outgoing Bureau of the previous legislative period until the new Bureau is elected.

**Art. 5** Swearing-in

<sup>1</sup> All persons present in the chamber shall rise for the swearing-in.

<sup>2</sup> The President shall request the Secretary-General to read out the solemn promise or oath.

<sup>3</sup> Persons swearing the oath raise shall three fingers of their right hand and say the words «I swear»; persons making the solemn promise say the words «I solemnly promise».

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**Chapter 2    Organs****Section 1    President and Presiding College****Art. 6            Election**

<sup>1</sup> The Council shall elect the members of the Presiding College immediately after its constitution, and shall do so for the following years of the legislative period at its first sitting of the parliamentary year.

<sup>2</sup> It shall take appropriate account of the size of the parliamentary groups and the official languages.

<sup>3</sup> If a vacancy arises in the Presiding College during the term of office, the Council shall elect a substitute member for the remaining period; if the post of President becomes vacant, the Council shall hold a substitute election if the President leaves office before the start of the summer session.

**Art. 7            Tasks**

<sup>1</sup> The President shall fulfil the tasks conferred on him or her by law and shall:

- a. chair the Council's meetings;
- b. establish the agenda, subject to Council decisions to the contrary, taking into consideration the programme of the parliamentary session established by the Bureau;
- c. chair the Presiding College and the Bureau;
- d. represent the Council in its external dealings.

<sup>2</sup> If the President is unable to chair the meeting, or wishes by way of exception to participate in a debate, he or she shall be replaced provisionally by the First Vice-President, or if need be by the Second Vice-President.

<sup>3</sup> If neither Vice-President is able to chair the meeting, the presidency shall be assumed by the following persons in this order:

- a. a predecessor; if more than one is present in the Council, the council member who more recently exercised the office shall take precedence;
- b. the council member who has served the most terms of office; if two or more council members have served the same term, the older member shall take precedence.

<sup>4</sup> The Vice-Presidents:

- a. support the President;
- b. carry out with the President the tasks conferred on the Presiding College by law.

<sup>5</sup> Decisions of the Presiding College require the approval of at least two of its members.

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## Section 2      The Bureau

### Art. 8              Composition and procedure

<sup>1</sup> The Bureau comprises:

- a.    the three members of the Presiding College;
- b.    the four Tellers;
- c.    the presidents of the groups.

<sup>2</sup> In the case of impediment, the Tellers may be substituted by their replacements, and the group presidents by any member of their group.

<sup>3</sup> The allocation of seats of Tellers and their replacements among the parliamentary groups is regulated by Articles 40 and 41 of the Federal Act of 17 December 1976<sup>3</sup> on Political Rights; for their term of office, Article 17 paragraph 1 and 4 apply *mutatis mutandis*.

<sup>4</sup> The President participates in votes in the Bureau. In the event of a tie, he or she has the casting vote.

### Art. 9              Tasks

<sup>1</sup> The Bureau:

- a.    plans the activities of the Council and sets out the session programme, subject to decisions by the Council to modify the list of items of business, or to add or withdraw such items;
- b.    determines the remit of the standing committees and institutes special committees;
- c.    allocates items of business to the committees for preliminary consideration, co-reporting or final examination and sets deadlines; it may delegate this task to the President;
- d.    coordinates the activities of the committees and decides which committee is competent in the event of disagreement;
- e.    schedules the meetings of the committees for the year;
- f.    decides on the number of committee members;
- g.    elects the presidents, vice-presidents, and members of the committees on the recommendation of the parliamentary groups;
- h.    ascertains the results of elections and votes; the President may call on other members of the council if the Tellers and their replacements are impeded;



- i. examines whether incompatibilities exist under Article 14 ParlA, and, if necessary, proposes that the Council confirm the existence of any incompatibility;
- j. handles all other issues of organisation and procedure in the Council.

<sup>2</sup> The Bureau consults the presidents of the committees before taking decisions on matters concerning paragraph 1 letters b, c, and e.

### **Section 3      Committees and Delegations**

#### **Art. 10            Standing Committees**

The following standing committees exist:

1. Finance Committee (FC);
2. Control Committee (CC);
3. Foreign Affairs Committee (FAC);
4. Science, Education and Culture Committee (SECC);
5. Social Security and Health Committee (SSHC);
6. Environment, Spatial Planning and Energy Committee (ESPEC);
7. Security Policy Committee (SPC);
8. Transport and Telecommunications Committee (TTC);
9. Economic Affairs and Taxation Committee (EATC);
10. Political Institutions Committee (PIC);
11. Legal Affairs Committee (LAC);
- 12.<sup>4</sup> Immunity Committee (IC).

#### **Art. 11            Special committees**

In exceptional cases, the Bureau may institute special committees. Prior to doing so, it shall consult the presidents of the standing committees whose area of competence may be affected.

#### **Art. 12            Delegations**

Unless otherwise provided in an act or ordinance of the Federal Assembly, the provisions on committees set out in the Parliament Act and in these Standing Orders apply *mutatis mutandis* to the standing and non-standing delegations.

<sup>4</sup> Amended by No I of the NC Decree (Immunity Committee) of 30 Sept. 2011, in force since 5 Dec. 2011 (AS **2011** 4633; BBl **2010** 7345 7385).

**Art. 13<sup>5</sup>** Legislature Planning Committee

The Legislature Planning Committee is constituted in the first session of the legislative period as the special committee for the preliminary consideration of the Federal Council's dispatch on the legislature plan.

**Art. 13a<sup>6</sup>** Immunity Committee

<sup>1</sup> The Immunity Committee is made up of nine members.

<sup>2</sup> A standing substitute shall be elected for each Committee member.

**Art. 14** Sub-committees

<sup>1</sup> Every committee may, with the approval of the Bureau, establish its own sub-committee.

<sup>2</sup> The committee issues the sub-committee with an assignment that specifies its task and sets a deadline for the submission of its reports.

<sup>3</sup> The finance and the control committee may establish standing sub-committees to supervise certain areas on behalf of the committee.

**Art. 15** Allocation of seats

<sup>1</sup> The following seats are allocated among the parliamentary groups, in analogous application of Articles 40 and 41 of the Federal Act of 17 December 1976<sup>7</sup> on Political Rights:

a.<sup>8</sup> the total number of seats on the standing committees under Article 10 numbers 1–11;

a<sup>bis</sup>.<sup>9</sup> the seats on further individual committees;

b. the seats accorded to the National Council on a committee of the United Federal Assembly or on a joint committee of both Councils;

c. the offices of president of the standing committees.

<sup>2</sup> ...<sup>10</sup>

<sup>5</sup> Amended by No I of the NC Decree of 25 Sept. 2015 (Legislature Planning Procedure), in force since 30 Nov. 2015 (AS **2015** 4485; BBl **2015** 7009).

<sup>6</sup> Inserted by No I of the NC Decree of 30 Sept. 2011 (Immunity Committee), in force since 5 Dec. 2011 (AS **2011** 4633; BBl **2010** 7345 7385).

<sup>7</sup> SR **161.1**

<sup>8</sup> Amended by No I of the NC Decree of 15 June 2018, in force since 2 Dec. 2019 (AS **2018** 3473; BBl **2017** 6797 6865).

<sup>9</sup> Inserted by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS **2009** 733; BBl **2008** 1869 3177).

<sup>10</sup> Repealed by No I of the NC Decree of 3 Oct. 2008, with effect from 2 March 2009 (AS **2009** 733; BBl **2008** 1869 3177).

<sup>3</sup> In principle, a member of the Council may not sit on more than two of the committees listed under Article 10.<sup>11</sup>

#### **Art. 16** Tasks of the President

<sup>1</sup> The President of the committee:

- a. plans the work of the committee;
- b. sets the agenda, subject to contrary decisions by the committee;
- c. chairs the meetings of the committee;
- d. represents the committee in its external dealings.

<sup>2</sup> If the President is unable to act, Article 7 paragraph 2 and 3 applies *mutatis mutandis*.

<sup>3</sup> The President shall participate in votes held by the committee. In the event of a tie, he or she has the casting vote.

#### **Art. 17** Term of office

<sup>1</sup> The term of office of all committee members is four years, subject to contrary provisions contained in the Parliament Act or in an ordinance of the Federal Assembly. It ends at the latest with the total renewal of the committees in the first session of the new legislative period. Re-election is possible.

<sup>2</sup> The term of office for presidents and vice-presidents of the standing committees is two years. It ends at the latest with the total renewal of the committees in the first session of the new legislative period. Immediate re-election to the same office is not possible.

<sup>3</sup> The term of office of the members of a special committee corresponds to the duration of the committee's activity.

<sup>4</sup> If a seat on the committee becomes vacant, the person elected to fill the seat on the committee serves out the remainder of the term of office.

<sup>5</sup> An extraordinary total renewal of the committee for the remainder of the term of office occurs if:

- a. the numerical strength of a parliamentary group alters to the extent that it is over or under-represented by more than one member on a standing committee listed under Article 10;
- b. a new parliamentary group is formed.<sup>12</sup>

<sup>11</sup> Amended by No I of the NC Decree of 1 Oct. 2010, in force since 5 Dec. 2011 (AS **2010** 4543; BBl **2010** 5977 5983).

<sup>12</sup> Inserted by No I of the NC Decree of 3 Oct. 2008, in force from the start of the winter session 2011 (AS **2009** 733; BBl **2008** 1869 3177).

**Art. 18** Substitution

<sup>1</sup> A committee member may be substituted for a single meeting of the committee or sub-committee. The replacement member is nominated by the group.

<sup>2</sup> If a committee member leaves the Council, the parliamentary group shall nominate a replacement, as long as the Bureau has not assigned another member to the position.

<sup>3</sup> In the cases under paragraphs 1 and 2, the parliamentary group shall give notice of the name of the replacement to the secretary of the committee without delay.

<sup>3bis</sup> A member of a sub-committee, other than the Finance Committee, may only be substituted by another member of the main committee.<sup>13</sup>

<sup>4</sup> Members of the Control Committee and members of a Parliamentary Investigation Committee, or their sub-committees, may not be substituted by another member.

**Art. 19** Reporting

<sup>1</sup> For every item of business, the committee nominates one of its members to report to the Council and to present the proposals of the committee (the rapporteur). It may also nominate additional members of a different language group to speak on the same subject. The committee president only acts as rapporteur in exceptional cases.

<sup>2</sup> If there are several rapporteurs for the same item of business, they shall divide the work by topic. A repetition of reports in a different official language shall be avoided unless the matter is of great importance or complex. The introductory speech is limited to the main points of the matter.

<sup>3</sup> The committee may deliver a written report to the Council. A written report is required if no other official explanatory document exists, or if the written procedure (Art. 49) is required to consider the item of business.

**Art. 20** Informing the public

<sup>1</sup> The president or members selected by the committee shall inform the media in written or oral form of the main results of the committee's deliberations.

<sup>2</sup> The information provided generally includes the main decisions taken, the results of any votes and the principal arguments presented in the course of the deliberations.

<sup>3</sup> Persons present at the meetings shall not release any information before the committee has released its official communication.

<sup>4</sup> Any information regarding views expressed by persons present at the meeting or how they voted shall remain confidential, unless they decide to submit a minority proposal to the Council.

<sup>13</sup> Inserted by No I of the NC Decree of 15 June 2018, in force since 26 Nov. 2018 (AS 2018 3473; BBl 2017 6797 6865).

## **Chapter 3 Procedure**

### **Section 1**

#### **Preliminary Examination, Allocation and Examination of Items of Business**

##### **Art. 21 Preliminary examination**

<sup>1</sup> Items of business under Article 71 ParlA are subject to preliminary examination by the responsible committees; exceptions there from are:

- a. procedural requests by the members of the council and groups;
- b. candidates for election;
- c. points of order;
- d. statements made by the Federal Council;
- e. other items of business for consideration stipulated by law or by this order.

<sup>2</sup> A procedural request may be subjected to preliminary examination if the responsible committee or the Council so decides.

<sup>3</sup> ...<sup>14</sup>

##### **Art. 22 Allocation**

<sup>1</sup> New items of business are generally allocated to a committee for preliminary examination at the start of every session.

<sup>2</sup> If, as a result of a Council resolution, an item of business has to be allocated to a committee, the allocation shall take place at the end of the session.

<sup>3</sup> A Federal Council report may be allocated directly to the responsible committee. The committee may propose that the Bureau include the report in the session programme.

##### **Art. 23 Examination of formal legality**

<sup>1</sup> A parliamentary initiative or procedural request submitted by a member of the Council or parliamentary group shall be examined for its formal legality by the President on its submission.

<sup>2</sup> The evaluation of formal legality of further items of business submitted in accordance with Article 71 ParlA is only conducted by the President if a corresponding proposal is made. If the item of business is pending in the Federal Assembly, the President of the Council of States shall be consulted.

<sup>3</sup> If an item of business is declared inadmissible by the President, the author may appeal to the Bureau. The decision of the Bureau is final.

<sup>14</sup> Repealed by No I of the NC Decree of 30 Sept. 2011 (Immunity Committee), with effect from 5 Dec. 2011 (AS **2011** 4633; BBl **2010** 7345 7385).

**Art. 24** Communication to the Council of the results of the preliminary examination

<sup>1</sup> Legislative bills produced by a committee or proposals submitted by the committee responsible for the preliminary examination of a legislative bill put forward by the Federal Council must be sent to members of the Council at least fourteen days before they are due to come before the Council; this rule does not apply to legislative bills examined by both chambers in the same session (Art. 85 ParIA).

<sup>2</sup> If the documents are not submitted in time, the Bureau shall consider removing the item of business from the session programme.

**Art. 24<sup>a15</sup>**

**Section 2 Items of Business and Procedure**  
**a. Parliamentary Initiatives and Procedural Requests**

**Art. 25** Submission

A member of the Council or a group may submit a parliamentary initiative or a procedural request in writing during the Council sitting.

**Art. 26** Statement of reasons

<sup>1</sup> The wording of a parliamentary initiative and of a procedural request may not contain a statement of reasons.

<sup>2</sup> A statement of reasons must be added to a parliamentary initiative. It is optional for a motion, a postulate or an interpellation.

**Art. 27<sup>16</sup>** Answering procedural requests

If the addressee of a procedural request is unable to respond to the request within the specified period, he or she shall inform the Bureau and the author stating a reason for the delay.

**Art. 28** Procedure in the Council, General provisions<sup>17</sup>

<sup>1</sup> During every ordinary session at least eight hours shall be given over to the preliminary examination of parliamentary initiatives and the consideration of procedural requests (excluding procedural requests declared urgent). If in exceptional cases it is

<sup>15</sup> Inserted by No I of the NC Decree of 4 May 2020 (Sessions outside the Parliament Building), in force from 4 May 2020 until the NC sits in the Parliament Building again (7. Sept. 2020) (AS 2020 1601; BBl 2020 4305).

<sup>16</sup> Amended by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS 2009 733; BBl 2008 1869 3177).

<sup>17</sup> Amended by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS 2009 733; BBl 2008 1869 3177).

not possible to allot eight hours to these matters over the course of a session, the time dedicated to such matters shall be extended in the next session.<sup>18</sup>

<sup>2</sup> Procedural requests submitted by individual members of the Council and groups that relate to the same or a similar matter shall be considered in the order in which they were submitted. Procedural requests that the Federal Council has requested be adopted and which are opposed from the floor of the Council shall be considered before procedural requests that the Federal Council has requested be rejected.<sup>19</sup>

<sup>3</sup> A parliamentary initiative that has been supported in committee by less than one fifth of its members shall be considered in the Council under the written procedure (Art. 49).

<sup>4</sup> An interpellant may declare his or her satisfaction with the Federal Council's response, even if the Council refuses to debate the interpellation.

**Art. 28a<sup>20</sup>** Consideration of motions and postulates in the Council

<sup>1</sup> Motions adopted in the Council of States and motions or postulates submitted by a committee must be considered no later than in the second ordinary session following their adoption or the publication of the Federal Council's statement.

<sup>2</sup> ...<sup>21</sup>

**Art. 28b<sup>22</sup>** Preliminary examination of parliamentary initiatives in the Council

<sup>1</sup> After a parliamentary initiative submitted by a member of the council or a group has been allocated to the committee for preliminary examination, the committee shall decide within a year whether it intends to endorse the initiative or propose that the Council should not endorse it.

<sup>2</sup> If the committee proposes that the Council should endorse a parliamentary initiative, the Council shall consider the initiative at the latest in the second ordinary session following submission of the committee's proposal.

<sup>3</sup> If the Council of States endorses a parliamentary initiative, the Council shall consider the initiative no later than in the second ordinary session following the decision of the Council of States.

<sup>18</sup> Amended by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS 2009 733; BBl 2008 1869 3177).

<sup>19</sup> Second sentence inserted by No I of the NC Decree of 12 Dec. 2014 (Priority consideration of opposed procedural requests), in force since 2 March 2015 (AS 2015 649; BBl 2014 9413). See also the transitional provision at the end of the text.

<sup>20</sup> Inserted by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS 2009 733; BBl 2008 1869 3177). See also the transitional provision to this amendment at the end of this text.

<sup>21</sup> Inserted by No I of the NC Decree of 17 Dec. 2010 (AS 2011 637; BBl 2010 8075 8083). Repealed by No I of the NC Decree of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), with effect from 25 Nov. 2013 (AS 2013 3693; BBl 2011 6793 6829).

<sup>22</sup> Inserted by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS 2009 733; BBl 2008 1869 3177). See also the transitional provision to this amendment at the end of this text.

4 ... 23

### **Art. 29** Co-signatories

<sup>1</sup> A parliamentary initiative or procedural request may be signed by more than one council member. The member signing first is considered the author.

1bis ... 24

<sup>2</sup> The author may withdraw the initiative or request without approval of the co-signatories.

### **Art. 30** Urgent treatment

<sup>1</sup> An interpellation or a question may be declared urgent.

<sup>2</sup> The party responsible for the declaration of urgency is:

- a. in the case of an interpellation, the Bureau, unless the Council decides otherwise;
- b. in the case of a question, the President; if the President is of the view that the question is not urgent, the Bureau makes the final decision.<sup>25</sup>

<sup>3</sup> An urgent interpellation or an urgent question must be submitted at the latest by the beginning of the third sitting of a three-week session. It shall be answered by the Federal Council in the same session.<sup>26</sup>

<sup>4</sup> The Bureau may with the consent of its author convert an urgent interpellation into an urgent question.<sup>27</sup>

### **a<sup>bis</sup>.<sup>28</sup> Debate on Current Issues**

#### **Art. 30a**

<sup>1</sup> In a three-week session, a debate on current issues is held if 75 Council members so request by the start of the third sitting of the session.

<sup>23</sup> Repealed by No I of the NC Decree of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), with effect from 25 Nov. 2013 (AS **2013** 3693; BBl **2011** 6793 6829).

<sup>24</sup> Inserted by No I of the NC Decree of 4 May 2020 (Sessions outside the Parliament Building), in force from 4 May 2020 until the NC sits in the Parliament Building again (7. Sept. 2020) (AS **2020** 1601; BBl **2020** 4305).

<sup>25</sup> Amended by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS **2009** 733; BBl **2008** 1869 3177).

<sup>26</sup> Amended by No I of the NC Decree of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3693; BBl **2011** 6793 6829).

<sup>27</sup> Amended by No I of the NC Decree of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3693; BBl **2011** 6793 6829).

<sup>28</sup> Inserted by No I of the NC Decree of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3693; BBl **2011** 6793 6829).



<sup>2</sup> The request for a debate on current issues shall list the urgent interpellations that must be discussed.

## **b. Question Time**

### **Art. 31**

<sup>1</sup> In order to deal with topical questions, the second and the third weeks of each session shall open with a question time; it shall last for no more than 90 minutes.

<sup>2</sup> The questions must be submitted in writing, in a concise form and without stating the reasons for their asking before the end of the morning sitting on the Wednesday prior to the question time.<sup>29</sup>

<sup>3</sup> A written note of the questions shall be distributed among the members of the Council before the start of the sitting; the questions are not read out.

<sup>4</sup> If the member asking the question is present, the representative of the Federal Council shall provide a brief answer. The member asking the question may ask a supplementary question related to the same matter.

<sup>4bis</sup> ...<sup>30</sup>

<sup>5</sup> Identical questions or questions relating to the same matter shall be answered together.

<sup>6</sup> Where there is insufficient time to answer a question adequately, or in the case of questions and supplementary questions that require additional clarification, the Federal Council shall respond in writing in accordance with the rules on urgent questions.

## **c. Statements**

### **Art. 32** Statement by the National Council

<sup>1</sup> At the proposal of the majority of a committee, the Council may make a statement on important events or on foreign or domestic policy matters.

<sup>2</sup> The Council may decide to hold a discussion on the draft of a statement. It may approve or reject the draft or refer it back to the committee.

<sup>3</sup> The draft of a statement shall be abandoned if it is not considered in the ongoing or subsequent session.

### **Art. 33** Statement by the Federal Council

<sup>1</sup> The Federal Council may make a statement to the Council on important events or on foreign or domestic policy matters.

<sup>29</sup> Amended by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS **2009** 733; BBl **2008** 1869 3177).

<sup>30</sup> Inserted by No I of the NC Decree of 4 May 2020 (Sessions outside the Parliament Building), in force from 4 May 2020 until the NC sits in the Parliament Building again (7. Sept. 2020) (AS **2020** 1601; BBl **2020** 4305).

<sup>2</sup> At the proposal of a member, the Council may decide to hold a discussion on the statement.

#### **d.<sup>31</sup> Legislature Plan**

##### **Art. 33a<sup>32</sup>**

##### **Art. 33b**      Proposals

<sup>1</sup> When considering the legislature plan, the Council shall decide only on the proposals and minority proposals of the committee responsible for the preliminary examination.

<sup>2</sup> Other entitled persons shall submit their proposals to the committee 24 hours at the latest before it begins to consider the Federal Decree in detail.

<sup>3</sup> Notice of the deadline for submitting proposals shall be given to the groups and the members of the Council at least three weeks in advance.

<sup>4</sup> ...<sup>33</sup>

##### **Art. 33c**      Organised debate

<sup>1</sup> An organised debate in accordance with Article 47 shall be held in order to consider the legislature plan (general introductory statements from the representatives of the Federal Council and the parliamentary groups and detailed consideration of the committee proposals).<sup>34</sup>

<sup>2</sup> The time limit for the debate and the allocation of speaking rights shall be decided before the committee responsible for the preliminary examination begins to consider the Federal Decree.

<sup>3</sup> Each group shall have a minimum of ten minutes speaking time.

**e. ...**

##### **Art. 33c<sup>bis</sup> 35**

<sup>31</sup> Inserted by No I of the NC Decree of 22 June 2007, in force since 1 Dec. 2007 (AS **2007** 3773 5231; BBl **2006** 1837 1857).

<sup>32</sup> Repealed by No I of the NC Decree of 25 Sept. 2015 (Legislature Planning Procedure), with effect from 30 Nov. 2015 (AS **2015** 4485; BBl **2015** 7009).

<sup>33</sup> Repealed by No I of the NC Decree of 25 Sept. 2015 (Legislature Planning Procedure), with effect from 30 Nov. 2015 (AS **2015** 4485; BBl **2015** 7009).

<sup>34</sup> Amended by No I of the NC Decree of 25 Sept. 2015 (Legislature Planning Procedure), in force since 30 Nov. 2015 (AS **2015** 4485; BBl **2015** 7009).

<sup>35</sup> Inserted by No I of the NC Decree of 19 Dec. 2008 (Annual Report of the Federal Council) (AS **2009** 699; BBl **2008** 1095 1105). Repealed by No I of the NC Decree of 29 Sept. 2017 (Annual Report of the Federal Council), with effect from 1 Jan. 2018 (AS **2017** 5141; BBl **2017** 3419 3425).

## **f.<sup>36</sup> Relative Immunity**

### **Art. 33<sup>c<sup>ter</sup></sup>**

The Immunity Committee is responsible for dealing with requests to lift the immunity of a Council member, a member of the Federal Council, the Federal Chancellor or federal judges, or similar requests.

## **Section 3 Organisation of Council Sittings**

### **Art. 33<sup>d<sup>37</sup></sup> Sessions**

<sup>1</sup> The Council normally convenes as follows:

- a. on the same days as the Council of States in the four ordinary three-week sessions of the Federal Assembly;
- b. at least once every year for a special session of no more than one week provided sufficient items of business are ready for consideration.

<sup>2</sup> Extraordinary sessions (Art. 2 ParlA) are reserved.

### **Art. 34 Sitting times**

<sup>1</sup> The Council normally sits as follows:

- a. Monday: from 2.30 p.m. to 7.00 p.m.;
- b. Tuesday: from 8.00 a.m. to 1.00 p.m.; Tuesday afternoon is reserved for group sittings;
- c. Wednesday: from 8.00 a.m. to 1.00 p.m. and from 3.00 p.m. to 7.00 p.m.;
- d. Thursday: from 8.00 a.m. to 1.00 p.m. and in the final week of a session from 3.00 p.m. to 7.00 p.m.;
- e. On the Friday of the final week of a session: from 8.00 a.m. to 11.00 p.m..

<sup>2</sup> Evening sittings (from 7.00 p.m. to 10.00 p.m.) are arranged if the workload and the urgency of the business so requires.

### **Art. 35 Agenda**

<sup>1</sup> Notice is given of the agenda as follows:

- a. for the first sitting of a session: when the session programme is sent out;
- b. for other sittings: at the end of the preceding sitting.

<sup>36</sup> Inserted by No I of the NC Decree of 30 Sept. 2011 (Immunity Committee), in force since 5 Dec. 2011 (AS 2011 4633; BBl 2010 7345 7385).

<sup>37</sup> Inserted by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS 2009 733; BBl 2008 1869 3177).

<sup>2</sup> The agenda lists all items of business. Petitions and procedural requests from members of the Council and from groups may be listed under a collective heading.

<sup>3</sup> The President may give advance notice of the time of elections and votes.

<sup>4</sup> He or she may add items to the agenda during the sitting, in particular in order to deal with differences, deferred items of business and procedural requests.

#### **Art. 36** Minutes

<sup>1</sup> The Clerk to the Council shall take the minutes of each sitting in the language of the President. The minutes shall state:

- a. the items of business that have been discussed and deferred;
- b.<sup>38</sup> ...
- c. the proposals made;
- d. the result of the votes and elections;
- e.<sup>39</sup> the members of the Council who have been excused; if a member of the Council is excused by virtue of Article 57 paragraph 4 letter e, this reason must be stated;
- f. the notices given by the President.

<sup>2</sup> The President shall approve the minutes.

#### **Art. 37** Translations

<sup>1</sup> Notices and proposals made by the President, together with verbal points of order are translated into a second official language by the interpreter.

<sup>2</sup> Council proceedings are simultaneously translated into all three official languages.

#### **Art. 38** Quorum

The President shall verify whether the Council is quorate:

- a. before elections, votes on entire bills and final votes as well as votes on provisions that require the approval of a majority of the members of the Council in accordance with Article 159 paragraph 3 of the Federal Constitution<sup>40</sup> in order to be accepted;
- b. at the proposal of a member of the Council.

#### **Art. 39** Call to order

<sup>1</sup> The President shall call persons attending a sitting to order who:

<sup>38</sup> Repealed by No I of the NC Decree of 26 Sept. 2014 (Death of close relative as ground for being excused), with effect from 24 Nov. 2014 (AS **2014** 3621; BBl **2014** 7209).

<sup>39</sup> Amended by No I of the NC Decree of 26 Sept. 2014 (Death of close relative as ground for being excused), in force since 24 Nov. 2014 (AS **2014** 3621; BBl **2014** 7209).

<sup>40</sup> SR **101**

- a. make insulting or irrelevant remarks, exceed their speaking time or infringe other procedural rules;
- b. by their conduct disrupt Council proceedings.

<sup>2</sup> If the call to order is disregarded, the President may order that disciplinary measures be taken in accordance with Article 13 paragraph 1 ParlA.

<sup>3</sup> The Council shall decide without discussion on objections made by the person concerned.

#### **Art. 40** Absences

<sup>1</sup> The members of the Council shall enter their names on the roll on each day of the session.

<sup>2</sup> They shall notify the Secretary General of the Federal Assembly, if possible before the sitting, if they are unable to attend.

### **Section 4 Deliberations in the Council**

#### **Art. 41** Requesting and granting the right to speak

<sup>1</sup> In the Council, no one may speak unless granted the right to do so by the President.

<sup>2</sup> Anyone who wishes to speak must submit a written request to do so to the President.

<sup>3</sup> The President normally grants the right to speak in the order of the requests. He or she may however group speakers according to subject matter or in order to facilitate an appropriate exchange of languages or points of view.

<sup>4</sup> The group spokespersons and the persons submitting formal proposals speak before the other members.

<sup>5</sup> No one may speak on the same matter more than twice.

<sup>6</sup> The committee rapporteurs and the representative of the Federal Council are allowed to speak when they request to do so.

#### **Art. 42** Incidental questions

<sup>1</sup> At the end of a speech, any member of the Council and the representative of the Federal Council may ask the speaker a brief and precise question on a specific point relating to what he or she has said; they are not permitted to state or justify their point of view.

<sup>2</sup> The incidental question may only be asked if the speaker consents in response to a corresponding request made by the President.

<sup>3</sup> The speaker shall provide an immediate and brief response to the incidental question.

**Art. 43** Personal statement and group statement

<sup>1</sup> Any member of the Council may make a brief personal statement in order to respond to a comment relating to his or her person or in order to rectify a statement that he or she has made.

<sup>2</sup> A member who wishes to make a personal statement may speak immediately.

<sup>3</sup> The groups may give reasons for their voting intentions in a brief statement before the final vote.

**Art. 44** Speaking time

<sup>1</sup> In the introductory debate the speaking times are as follows:

- a. for the committee rapporteurs: 20 minutes in total;
- b. for the representative of the Federal Council: 20 minutes;
- c. for the group spokespersons: ten minutes each;
- d. for the other speakers: five minutes.

<sup>2</sup> In the other debates the speaking time amounts to five minutes for group spokespersons, persons submitting formal proposals, authors of parliamentary initiatives and procedural requests and individual speakers and the representative of the Federal Council, there is no limit on speaking time.

<sup>3</sup> By way of exception, the President may extend the speaking times specified in paragraph 1. In response to a corresponding proposal, the Council may extend the speaking times specified in paragraph 2.

**Art. 45** Introduction and detailed consideration

<sup>1</sup> The Council may dispense with an introductory debate, unless a proposal is submitted not to approve introduction.

<sup>2</sup> It may decide to consider an item of business article by article, in sections or in its entirety.

**Art. 46** Forms of consideration

<sup>1</sup> Items of business shall be considered in one of the following forms:

- I: Open debate
- II: Organised debate
- IIIa:<sup>41</sup> Group debate
- IIIb:<sup>42</sup> Time limited group debate
- IV: Short debate

<sup>41</sup> Originally No III. Amended by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS 2009 733; BBl 2008 1869 3177).

<sup>42</sup> Inserted by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS 2009 733; BBl 2008 1869 3177).

## V: Written procedure

<sup>2</sup> When deciding on the session programme, the Office shall also decide on the form in which items of business should be considered.

<sup>3</sup> Irrespective of the form of consideration, the committee rapporteur and the representative of the Federal Council may request the right to speak on an item of business.

<sup>4</sup> Irrespective of the form of consideration, the author of a parliamentary initiative, a motion or a postulate may provide a verbal statement of reasons for the same. The first person to request its rejection shall also be given the right to speak. An interpellant shall be given the right to speak when the debate has been concluded.<sup>43</sup>

<sup>5</sup> Irrespective of the form of consideration, during the preliminary examination of a cantonal initiative, a Council member from the canton that is author of the initiative may provide a verbal statement of reasons for the same provided a majority of the canton's members of parliament appoint that Council member to do so.<sup>44</sup>

## Art. 47 Organised debate

<sup>1</sup> An organised debate may in particular be held:

- a. for the introductory debate;
- b. for consideration of an interpellation or a report.

<sup>2</sup> The Bureau shall specify an overall speaking time for the groups and allocate each group a share of this time based on their size in the Council.<sup>45</sup>

<sup>3</sup> ...<sup>46</sup>

<sup>4</sup> The groups shall give notice in good time of how the speaking time available to them will be allocated among the group members.

<sup>5</sup> The members of the Council that do not belong to a group shall receive an appropriate allocation of the overall speaking time.

## Art. 48 Group debate and short debate<sup>47</sup>

<sup>1</sup> In a normal group debate, the right to speak shall be limited to group spokespersons and members proposing amendments. In a time limited group debate, speaking

<sup>43</sup> Amended by No I of the NC Decree of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3693; BBl **2011** 6793 6829).

<sup>44</sup> Inserted by No I of the NC Decree of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3693; BBl **2011** 6793 6829).

<sup>45</sup> Amended by No I of the NC Decree of 25 Sept. 2015 (Legislature Planning Procedure), in force since 30 Nov. 2015 (AS **2015** 4485; BBl **2015** 7009).

<sup>46</sup> Repealed by No I of the NC Decree of 25 Sept. 2015 (Legislature Planning Procedure), with effect from 30 Nov. 2015 (AS **2015** 4485; BBl **2015** 7009).

<sup>47</sup> Amended by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS **2009** 733; BBl **2008** 1869 3177).

times in the introductory debate in accordance with Article 44 shall be halved for all speakers other than those who fall within Article 44 paragraph 1 letter d.<sup>48</sup>

<sup>2</sup> In the short debate, only the rapporteurs for the committee minorities shall have the right to speak.

<sup>2bis</sup> In a short debate on motions and postulates submitted by members of the Council or groups, the first person to propose the rejection of the procedural request shall be given the right to speak.<sup>49</sup>

<sup>3</sup> Article 46 paragraphs 3 and 4 are reserved in every case.

#### **Art. 49**            Written procedure

<sup>1</sup> In the written procedure, there is no right to request the right to speak.

<sup>2</sup> Article 46 paragraphs 3 and 4 are reserved in every case.

#### **Art. 50**            Proposals

<sup>1</sup> A proposed amendment must be submitted to the President in writing and normally before the item of business concerned is considered.

<sup>2</sup> In the case of lengthy and complex deliberations, the President may set a time limit for submitting proposed amendments.

<sup>3</sup> He or she shall examine the proposed amendments on their filing to confirm that they fulfil the formal requirements.

<sup>4</sup> A proposed amendment shall be subject to a preliminary examination by the committee responsible if the committee so requests or the Council so decides.

<sup>5</sup> Proposed amendments to items of business that will be considered in debate forms I–III may be justified verbally. Proposed amendments to items of business considered in debate forms IV and V may only be justified in writing. Article 46 paragraphs 3 and 4 is reserved.<sup>50</sup>

<sup>6</sup> If two or more identical proposals relating to items of business that will be considered in debate forms I–III, then the member who submitted the first proposal shall be given the right to speak. A member who submitted a proposal subsequently may make a brief additional declaration.

#### **Art. 51**            Points of order

<sup>1</sup> The Council shall deal with a point of order immediately.

<sup>48</sup> Amended by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS **2009** 733; BB1 **2008** 1869 3177).

<sup>49</sup> Inserted by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS **2009** 733; BB1 **2008** 1869 3177).

<sup>50</sup> Third sentence inserted by No I of the NC Decree of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3693; BB1 **2011** 6793 6829).



<sup>2</sup> It shall decide without discussion on any proposal for reconsideration, after hearing a brief statement of reasons for the proposal and any counter-proposal.

<sup>3</sup> If the Council votes in favour of the proposal for reconsideration, the article or section shall be considered again.

**Art. 52** Conclusion of the debate

<sup>1</sup> The President shall close the debate if there are no further requests to speak or the time limit for the debate (Art. 47) has expired.

<sup>2</sup> He or she may propose that the list of speakers be closed, after the group representatives have spoken and reasons have been given for all proposed amendments.

<sup>3</sup> After everyone on the list of speakers has spoken, the representative of the Federal Council and then the committee rapporteurs may make a brief response to the speeches given.

**Art. 53** Second reading

The draft of an amendment to these Standing Orders shall be considered on a second occasion, unless the amendment is minor. Following its review by the Drafting Committee, a final vote shall be held.

**Art. 54** Revision of the text

<sup>1</sup> An item of business that has been substantially amended due to proposals from the floor of the Council shall be returned for editorial revision to the committee responsible for the preliminary examination, if that committee so requests or if the Council so decides.

<sup>2</sup> The revised text shall be submitted to the Council for approval as a whole.

**Section 5** Voting

**Art. 55** Wording of the question

Before the vote, the President shall provide a brief summary of the proposed amendments made and submit proposals to the Council on the question and on the order of voting in accordance with Articles 78 and 79 ParIA.

**Art. 56** Vote

<sup>1</sup> The vote is normally held using the electronic voting system.

<sup>2</sup> No member of the Council is obliged to vote.

<sup>3</sup> Voting by proxy is not permitted.

<sup>4</sup> The rapporteurs vote from their desks, and the other members of the Council from their seats.

**Art. 57** Publication of voting data

- <sup>1</sup> The electronic voting system counts and stores data on the votes cast at each vote.
- <sup>2</sup> The President announces the result of the vote.
- <sup>3</sup> The result of the vote is published in the form of a list of names.<sup>51</sup>
- <sup>4</sup> On the list of names, an indication is given for each member of the Council if he or she:
  - a. voted yes;
  - b. voted no;
  - c. abstained;
  - d. did not participate in the vote; or
  - e.<sup>52</sup> is excused; a person is excused when he or she has given notice of his or her absence for the entire sitting by the start of the sitting at the latest due to being on business for the standing delegations in accordance with Article 60 ParLA or due to the death of a close relative, maternity leave, accident or illness.<sup>53</sup>
- <sup>5</sup> ...<sup>54</sup>

**Art. 58<sup>55</sup>** Exceptions from electronic voting

If the electronic voting equipment is out of order, voting takes place by roll call.

<sup>51</sup> Amended by No I of the NC Decree of 3 Oct. 2008, in force since 2 March 2009 (AS **2009** 733; BBl **2008** 1869 3177).

<sup>52</sup> Amended by No I of the NC Decree of 26 Sept. 2014 (Death of close relative as ground for being excused), in force since 24 Nov. 2014 (AS **2014** 3621; BBl **2014** 7209).

<sup>53</sup> Amended by No I of the NC Decree of 1 Oct. 2010 (Excused absences on name lists for votes), in force since 29 Nov. 2010 (AS **2011** 1; BBl **2010** 5997 6007).

<sup>54</sup> Repealed by No I of the NC Decree of 3 Oct. 2008, with effect from 2 March 2009 (AS **2009** 733; BBl **2008** 1869 3177).

<sup>55</sup> Amended by No I of the NC Decree of 15 June 2018, in force since 2 Dec. 2019 (AS **2018** 3473; BBl **2017** 6797 6865).

**Art. 58a**<sup>56</sup>**Art. 59**<sup>57</sup>**Art. 60** Roll call voting<sup>1</sup> ...<sup>58</sup>

<sup>2</sup> In a vote by calling the roll, the members of the Council respond from their seats in alphabetical order of their names to question put to the vote by the President with a «Yes», «No» or «Abstain».

<sup>3</sup> After each response the Secretary General informs the Federal Assembly of the provisional totals of votes.

<sup>4</sup> The only vote that counts is that cast immediately after the member's name is read out counts.

**Chapter 4 House Rules****Art. 61** Access to the chamber and its antechambers

<sup>1</sup> The following persons are allowed access to the Chamber and its anterooms (the Lobby and Antechamber) during the sessions:

- a. members of the Federal Assembly;
- b. members of the Federal Council and the Federal Chancellor;
- c. members of the Federal Supreme Court representing the federal courts on items of business in accordance with Article 162 paragraph 2 ParIA;
- d. Parliamentary Services staff, as their duties require;
- e. staff accompanying members of the Federal Council, the Federal Chancellor or members of the Federal Supreme Court, as their duties require;
- f. photographers and camera crew bearing a pass issued by Parliamentary Services.

<sup>2</sup> During sessions, accredited journalists and the persons holding an entry pass in accordance with Article 69 ParIA also have access.

<sup>3</sup> The gallery is open to the public, while the press gallery is open to accredited journalists.

<sup>56</sup> Inserted by No I of the NC Decree of 4 May 2020 (Sessions outside the Parliament Building), in force from 4 May 2020 until the NC sits in the Parliament Building again (7 Sept. 2020) (AS **2020** 1601; BBl **2020** 4305).

<sup>57</sup> Repealed by No I of the NC Decree of 15 June 2018, with effect from 26 Nov. 2018 (AS **2018** 3473; BBl **2017** 6797 6865).

<sup>58</sup> Repealed by No I of the NC Decree of 15 June 2018, with effect from 26 Nov. 2018 (AS **2018** 3473; BBl **2017** 6797 6865).

<sup>4</sup> In the case of sittings in camera (Art. 4 para. 2 and 3 ParlA), only the persons specified in paragraph 1 letters a–d have access to the Chamber and to its antechambers. The galleries are cleared.

<sup>5</sup> The President may issue further regulations on access to the Chamber, its antechambers and the galleries; in particular he or she may impose time limits on the right to visit the gallery when there are large numbers of visitors.

<sup>6</sup> The President may issue regulations on the use of the rooms while the Council is not in session.

#### **Art. 62** Conduct of visitors to the Chamber

<sup>1</sup> Visitors to the galleries shall remain quiet. They shall in particular refrain from any audible expression of approval or disapproval. Picture or sound recordings are only permitted with authorisation of the Parliamentary Services.

<sup>2</sup> The President shall order unauthorised persons to be removed from the Chamber.

<sup>3</sup> He or she shall order authorised persons who are not members of the Council to be removed from the Chamber or visitors to be removed from the gallery if, having been warned, they continue to behave inappropriately or to cause a disturbance.

<sup>4</sup> The President shall suspend the proceedings if order in the Chamber or in the galleries cannot be restored immediately.

### **Chapter 5 Final Provisions**

#### **Art. 63** Repeal of current legislation

The Standing Orders of the National Council of 22 June 1990<sup>59</sup> are repealed.

#### **Art. 64** Transitional provisions on the validation of election results

<sup>1</sup> Until Article 189 paragraph 1 letter f of the Federal Constitution in its version of 12 March 2000<sup>60</sup> comes into force, the Council at the proposal of the Provisional Office shall rule on appeals against decisions of a cantonal government on the validity of an election to the National Council.

<sup>2</sup> The Council shall rule:

- a. on appeals against general elections at the proposal of the Provisional Office before the Council has been declared to be constituted;
- b. on appeals against a supplementary election at the proposal of the offices before the new member of the Council is sworn in.

<sup>59</sup> [AS 1990 954, 1991 2158, 1992 505, 1994 362 2150, 1995 530 4358, 1998 782, 1999 161 2612]

<sup>60</sup> SR 101. This Art. came into force on 1 Jan. 2007.

<sup>3</sup> A member of the Council whose election is contested shall stand down both from the provisional office and from the Council while the appeal against his election is being heard.

**Art. 65** Commencement

These Standing Orders come into force together with the Parliament Act on 1 December 2003.

**Transitional Provisions to the amendment of 3 October 2008<sup>61</sup>**

*1. Transitional provision to Art. 15*

A group that is granted the right to additional committee seats in accordance with Article 15 paragraph 1 letter a shall be allocated a corresponding number of committee seats from the time that the Amendment of 3 October 2008 comes into force until the end of the term of office.

*2. Transitional provisions to Arts. 28a and 28b*

Articles 28a and 28b apply to parliamentary initiatives, motions and postulates that have not been submitted by the date on which the Amendment of 3 October 2008 comes into force.

**Transitional Provision to the amendment of 12 December 2014<sup>62</sup>**

Article 28 paragraph 2 second sentence applies to procedural requests that are opposed from the floor of the Council from the date on which the Amendment of 12 December 2014 comes into force.

<sup>61</sup> AS 2009 733

<sup>62</sup> AS 2015 649



*English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.*



## Standing Orders of the Council of States (SO-CS)

of 20 June 2003 (Status as of 28 February 2022)

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*The Council of States,*

on the basis of Article 36 of the Parliament Act of 13 December 2002<sup>1</sup> (ParLA), and having considered the report of the Political Institutions Committee of the Council of States of 31 March 2003<sup>2</sup>,

*decrees:*

### Chapter 1 Accession to the Council

#### Art. 1 Notification by the Cantons

The Council acknowledges the notifications by the Cantons concerning the results of elections to the Council of States.

#### Art. 2 Swearing-in

<sup>1</sup> After the Council has acknowledged the notifications by the Cantons concerning elections to the Council of States, the newly-elected Council members shall swear the oath or make the solemn promise. Council members who have been directly re-elected are not sworn in again.

<sup>2</sup> All persons present in the chamber and in the gallery shall rise for the swearing-in.

<sup>3</sup> The President shall request the Secretary-General to read out the solemn promise or oath.

<sup>4</sup> Persons swearing the oath raise shall three fingers of their right hand and say the words «I swear»; persons making the solemn promise say the words «I solemnly promise».

AS 2003 3645

<sup>1</sup> SR 171.10

<sup>2</sup> BBl 2003 3508

## **Chapter 2    Organs**

### **Section 1    Election of the Presiding College and of the Bureau**

#### **Art. 3**

<sup>1</sup> The Council shall elect the members of the Presiding College and of the Bureau individually at the beginning of each winter session.

<sup>2</sup> Immediate re-election to the same office is not possible, apart from to the office in accordance with Article 5 paragraph 1 letter d.

<sup>3</sup> If the office of a member of the Bureau becomes vacant during the term of office, the Council shall elect a substitute member for the remaining period; if the post of President becomes vacant, the Council shall hold a substitute election if the President leaves office before the start of the summer session.

### **Section 2    President and Presiding College**

#### **Art. 4**

<sup>1</sup> The President shall fulfil the tasks conferred on him or her by law and:

- a. chair the Council meetings;
- b. establish the agenda, subject to Council decisions to the contrary, taking into consideration the programme of the parliamentary session established by the Bureau;
- c. chair the Presiding College and the Council Bureau;
- d. represent the Council in its external dealings.

<sup>2</sup> If the President is unable to chair the meeting, or wishes by way of exception to participate in a debate, he or she shall be replaced provisionally by the First Vice-President, or if need be by the Second Vice-President.

<sup>3</sup> If neither Vice-President is able to chair the meeting, the presidency shall be assumed by the following persons:

- a. a predecessor; if more than one is present in the Council, the council member who more recently exercised the office shall take precedence;
- b. the council member who has served the most terms of office; if two or more council members have served the same term, the older member shall take precedence.

<sup>4</sup> The Vice-Presidents:

- a. support the President;
- b. carry out with the President the tasks conferred on the Presiding College by law.

<sup>5</sup> Decisions of the Presiding College require the approval of at least two of its members.



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## Section 3      The Bureau

### Art. 5              Composition and procedure

<sup>1</sup> The Bureau comprises:

- a. the three members of the Presiding College;
- b. a Teller;
- c. a Deputy Teller;
- d. a further member from each group of the Federal Assembly with at least five members in the Council of States which is not represented among the members of the Bureau under letters a–c.

<sup>2</sup> The Bureau is subject to the procedural rules of the committees.

### Art. 6              Tasks

<sup>1</sup> The Bureau:

- a. plans the activities of the Council and establishes the session programme, subject to decisions by the Council to modify the list of items of business, or to add or withdraw such items;
- b. sets the remit of the standing committees and institutes special committees;
- c. allocates business to the committees for preliminary debate, co-reporting or final examination and sets deadlines; it may delegate this task to the President;
- d. coordinates the activities of the committees;
- e. examines, at the request of the Finance Committee, whether a committee responsible for the preliminary examination of a matter should seek an opinion from the Finance Committee under Article 49 paragraph 5 ParLA;
- f. schedules the meetings of the committees for the year;
- g. elects the presidents, vice-presidents, and members of the committees, unless the law provides otherwise;
- h. ascertains the results of elections and votes; the President may call on other members of the council if the Tellers and their replacements are impeded;
- i. examines whether incompatibilities exist under Article 14 letters b–f ParLA, and, if necessary, requests the Council to confirm the existence of any incompatibility;
- j. handles all other issues of organisation and procedure in the Council.

<sup>2</sup> The Bureau shall consult the presidents of the committees before taking decisions on matters concerning paragraph 1 letters b, c, and f.

<sup>3</sup> Council members have three days in which to contest an election under paragraph 1 letter g and propose the nomination of another member of the Council; the decision rests with the Council.

## Section 4 Committees and Delegations

### Art. 7 Standing Committees

<sup>1</sup> The following standing committees exist:

1. Finance Committee (FC);
2. Control Committee (CC);
3. Foreign Affairs Committee (FAC);
4. Science, Education and Culture Committee (SECC);
5. Social Security and Health Committee (SSHC);
6. Environment, Spatial Planning and Energy Committee (ESPEC);
7. Security Policy Committee (SPC);
8. Transport and Telecommunications Committee (TTC);
9. Economic Affairs and Taxation Committee (EATC);
10. Political Institutions Committee (PIC);
11. Legal Affairs Committee (LAC);
- 12.<sup>3</sup> ...

<sup>2</sup> The standing committees have 13 members.<sup>4</sup>

### Art. 8 Special committees

In exceptional cases, the Bureau may institute special committees. Prior to doing so, it shall consult the presidents of the standing committees whose area of competence may be affected.

### Art. 9 Delegations

Unless otherwise provided in an act or ordinance of the Federal Assembly, the provisions on committees set out in the Parliament Act and in these Standing Orders apply mutatis mutandis to the standing and non-standing delegations.

### Art. 10 Legislature Planning Committee

The Legislature Planning Committee is constituted in the first session of the legislative period of the National Council as the special committee for the preliminary examination of the Federal Council's report on the legislature plan.

<sup>3</sup> Repealed by No I of the Decree of 20 March 2008, with effect from 1 April 2008 (AS 2008 1215; BB1 2008 1861 1863).

<sup>4</sup> Amended by No I of the Decree of 20 March 2008, in force since 1 April 2008 (AS 2008 1215; BB1 2008 1861 1863).

**Art. 11** Sub-committees

<sup>1</sup> Every committee may, with the approval of the Bureau, establish its own sub-committees.

<sup>2</sup> The committee shall issue the sub-committee with an assignment that specifies its task and sets a deadline for the submission of its reports.

**Art. 12** Tasks of the President

<sup>1</sup> The President of the committee:

- a. plans the work of the committee;
- b. sets the agenda, subject to contrary decisions by the committee;
- c. chairs the meetings of the committee;
- d. represents the committee in its external dealings.

<sup>2</sup> If the President is unable to act, Article 4 paragraph 2 and 3 applies *mutatis mutandis*.

<sup>3</sup> The President shall participate in votes held by the committee. In the event of a tie, he or she has the casting vote.

**Art. 13** Term of office

<sup>1</sup> The term of office of all committee members is four years, subject to contrary provisions contained in the Parliament Act or in an ordinance of the Federal Assembly. It ends at the latest with the total renewal of the committees in the first session of the new legislative period. Re-election is possible.

<sup>2</sup> The term of office of presidents and vice-presidents of the standing committees is two years. Immediate re-election to the same office is not possible.

<sup>3</sup> The term of office of the members of a special committee corresponds to the duration of the committee's activity.

<sup>4</sup> If a seat on the committee becomes vacant, the person elected to fill the seat on the committee serves out the remainder of the term of office.

**Art. 14** Substitution

<sup>1</sup> A committee member may be substituted for a single meeting or individual meeting days.

<sup>2</sup> If a committee member leaves the Council, the parliamentary group shall nominate a replacement, as long as the Bureau has not assigned another member to the position.

<sup>3</sup> The committee secretariat shall be notified of the replacement member under paragraphs 1 and 2 without delay.

<sup>4</sup> Members of the Control Committee and members of a Parliamentary Investigation Committee, or their sub-committees, may not be substituted by another member.

<sup>5</sup> A member of a sub-committee may only be replaced by another member of the main committee.

#### **Art. 15** Informing the public

<sup>1</sup> The president or members selected by the committee shall inform the media in written or oral form of the main results of the committee's deliberations.

<sup>2</sup> The information provided generally includes the main decisions taken, the results of any votes and the principal arguments presented in the course of the deliberations.

<sup>3</sup> Persons present at the meetings shall not release any information before the committee has released its official communication.

<sup>4</sup> Any information regarding views expressed by persons present at the meeting or how they voted shall remain confidential, unless they decide to submit a minority proposal to the Council.

#### **Art. 16** Reporting

<sup>1</sup> For every item of business, the committee shall nominate one of its members to report to the Council and to present the proposals of the committee.

<sup>2</sup> The committee may deliver a written report to the Council. It does so particularly if no other official explanatory document exists.

### **Chapter 3 Procedure**

#### **Section 1**

#### **Preliminary Examination, Allocation and Examination of Items of Business**

#### **Art. 17** Preliminary examination

<sup>1</sup> Items of business under Article 71 ParIA is subject to preliminary examination by the responsible committees; exceptions there from are:

- a. procedural requests by the members of the council and groups;
- b. candidates for election;
- c. points of order;
- d. statements made by the Federal Council;
- e. other items of business stipulated by law or by these Standing Orders.

<sup>2</sup> At the request of the cantons, the committees shall hear the opinions of the cantons with regard to the feasibility of implementation of legislation enacted by the Federal Assembly.

<sup>3</sup> A procedural request may be subjected to preliminary examination if the responsible committee or the Council so decides.

<sup>4</sup> ...<sup>5</sup>

#### **Art. 18** Allocation

<sup>1</sup> New items of business are generally allocated to a committee for preliminary examination as soon as possible.

<sup>2</sup> A Federal Council report may be allocated directly to the responsible committee. The committee may request the Bureau to include the report in the session programme.

#### **Art. 19** Examination of formal legality

<sup>1</sup> A parliamentary initiative or procedural request submitted by a member of the Council shall be examined for its formal legality by the President on its submission.

<sup>2</sup> The evaluation of formal legality according to Article 71 ParlA is only conducted by the President on request. If the item of business is pending in the Federal Assembly, the President of the National Council shall be consulted.

<sup>3</sup> If an item of items of business is declared inadmissible by the President, the author may appeal to the Bureau. The decision of the Bureau is final.

#### **Art. 20** Communication to the Council of the results of the preliminary examination

<sup>1</sup> Legislative bills produced by a committee or proposals submitted by the committee responsible for the preliminary examination of a legislative bill put forward by the Federal Council must be sent to members of the Council at least fourteen days before they are due to come before the Council; this rule does not apply to legislative bills examined by both chambers in the same session (Art. 85 ParlA).

<sup>2</sup> If the documents are not submitted in time, the Bureau shall consider removing the item of business from the session programme.

#### **Art. 20<sup>a6</sup>**

<sup>5</sup> Repealed by No I of the Decree of 17 June 2011 (Council body responsible for application to lift immunity), with effect from 5 Dec. 2011 (AS **2011** 4635; BBl **2010** 7345 7385).

<sup>6</sup> Inserted by No I of the CS Decree of 4 May 2020 (Sessions outside the Parliament Building), in force from 4 May 2020 until the CS sits in the Parliament Building again (7 Sept. 2020) (AS **2020** 1605; BBl **2020** 4315).

## **Section 2 Business and Procedure**

### **a. Parliamentary Initiatives and Procedural Requests**

#### **Art. 21 Submission**

A member of the Council may submit a parliamentary initiative or a procedural request in writing during the Council sitting.

#### **Art. 22 Statement of reasons**

<sup>1</sup> The wording of a parliamentary initiative and of a procedural request must not contain a statement of reasons.

<sup>2</sup> The Council member must add a statement of reasons to a parliamentary initiative, motion or a postulate.<sup>7</sup>

#### **Art. 23 Answering of procedural requests**

The addressee of a procedural request shall respond to the request in writing by the next ordinary session following submission of the request. If the addressee of a procedural request is unable to respond to the request within the specified period, he or she shall inform the Bureau and the author stating a reason for the delay.

#### **Art. 24 Procedure in the Council**

<sup>1</sup> Motions, postulates and interpellations shall generally be considered during the ordinary session following their submission.

<sup>2</sup> If a procedural request and an item of business pending in the Council relate to the same matter, the two may be considered together.

<sup>3</sup> An interpellant may declare his or her satisfaction with the Federal Council's response, even if the Council refuses to debate the interpellation.

#### **Art. 25 Co-signatories**

<sup>1</sup> A parliamentary initiative or procedural request may be signed by more than one council member. The member signing first is considered the author.

1bis ...<sup>8</sup>

<sup>2</sup> The author may withdraw the initiative or request without approval of the co-signatories.

<sup>7</sup> Amended by No I of the Decree of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3695; BBl **2011** 6793 6829).

<sup>8</sup> Inserted by No I of the CS Decree of 4 May 2020 (Sessions outside the Parliament Building), in force from 4 May 2020 until the CS sits in the Parliament Building again (7 Sept. 2020) (AS **2020** 1605; BBl **2020** 4315).

**Art. 26**            Urgent treatment

<sup>1</sup> An interpellation or a question may be declared urgent.

<sup>2</sup> The Bureau is responsible for the declaration of urgency.

<sup>3</sup> An urgent question must be submitted at the latest one week before the close of the session, and in one-week sessions on the first day. It shall be answered by the Federal Council in writing within three weeks.<sup>9</sup>

<sup>4</sup> The Bureau may with the consent of its author convert an urgent interpellation into an urgent question.<sup>10</sup>

**b. Statements****Art. 27**            Statement by the Council of States

<sup>1</sup> At the request of a member of the Council or a committee, the Council may make a statement on important events or on foreign or domestic policy matters.

<sup>2</sup> The Council may decide to hold a discussion on the draft of a statement. It may approve or reject the draft or refer it back to the committee.

<sup>3</sup> The draft of a statement shall be abandoned if it is not considered in the ongoing or subsequent session.

**Art. 28**            Statement by the Federal Council

<sup>1</sup> The Federal Council may make a statement to the Council on important events or on foreign or domestic policy matters.

<sup>2</sup> At the request of a member, the Council may decide to hold a discussion on the statement.

**c. Lifting Immunity****Art. 28a<sup>11</sup>**

The Legal Affairs Committee is responsible for dealing with requests to lift the immunity of a Council member, a member of the Federal Council, the Federal Chancellor or federal judges, or similar requests.

<sup>9</sup> Amended by No I of the Decree of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3695; BBl **2011** 6793 6829).

<sup>10</sup> Amended by No I of the Decree of 21 June 2013 (Improvements in the Organisation and Procedures of Parliament), in force since 25 Nov. 2013 (AS **2013** 3695; BBl **2011** 6793 6829).

<sup>11</sup> Inserted by No I of the Decree of 17 June 2011 (Council body responsible for application to lift immunity), in force since 5 Dec. 2011 (AS **2011** 4635; BBl **2010** 7345 7385).

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## Section 3      Organisation of Council Sittings

### Art. 29      Agenda

<sup>1</sup> Notice is given of the agenda as follows:

- a. for the first sitting of a session: when the session programme is sent out;
- b. for other sittings: at the end of the preceding sitting.

<sup>2</sup> The agenda lists all items of business.

<sup>3</sup> The President may exceptionally add items to the agenda during the sitting, in particular in order to deal with differences and deferred matters for consideration.

### Art. 30      Minutes

<sup>1</sup> In the cases under Article 44 paragraph 2, the Clerk to the Council shall take the minutes in the language of the President. The minutes shall state:

- a. the matters that have been discussed;
- b. the proposals made;
- c. the result of the votes and elections;
- d. the members of the Council who have been excused.<sup>12</sup>

<sup>2</sup> The President shall approve the minutes.

### Art. 31      Quorum

The President shall verify whether the Council is quorate:

- a. before elections, votes on entire bills and final votes as well as votes on provisions that require the approval of a majority of the members of the Council in accordance with Article 159 paragraph 3 of the Federal Constitution<sup>13</sup> in order to be accepted;
- b. at the request of a member of the Council.

### Art. 32      Attendance

<sup>1</sup> The President opens the sitting. The roll is then called.

<sup>2</sup> Members of the Council shall notify the Clerk to the Council, if possible before the sitting, if they are unable to attend.

### Art. 33      Dress code

All persons present in the chamber shall wear appropriate attire.

<sup>12</sup> Amended by No I of the Decree of 22 March 2013 (Electronic Voting Equipment), in force since 1 March 2014 (AS **2014** 251; BBl **2012** 9463).

<sup>13</sup> SR **101**



**Art. 34** Call to Order

<sup>1</sup> The President shall call persons attending a sitting to order who:

- a. make insulting or irrelevant remarks or infringe other procedural rules;
- b. by their conduct disrupt Council proceedings.

<sup>2</sup> If the call to order is disregarded, the President may order that disciplinary measures be taken in accordance with Article 13 paragraph 1 ParlA.

<sup>3</sup> The Council shall decide without discussion on objections made by the person concerned.

**Section 4 Council Debates****Art. 35** Requesting and granting the right to speak

<sup>1</sup> In the Council, no one may speak unless granted the right to do so by the President.

<sup>2</sup> Anyone who wishes to speak must submit a request to do so to the President.

<sup>3</sup> The President shall normally grant the right to speak in the following order:

- a. the committee rapporteur;
- b. committee members;
- c. members of the Council.

<sup>4</sup> Members of the Council shall generally be granted the right to speak in the order in which their requests are received.

<sup>5</sup> The committee rapporteurs and the representative of the Federal Council shall be allowed to speak when they request to do so.

<sup>6</sup> Members of the Council shall be granted the right to speak out of turn if they wish to make a point of order or personal statement.

**Art. 36** Personal statement

Any member of the Council may make a brief personal statement; this may be used to respond to a comment relating to his or her person or in order to rectify a statement that he or she has made.

**Art. 37** Introduction and detailed consideration

<sup>1</sup> The Council may dispense with an introductory debate, unless a proposal is submitted not to approve introduction.

<sup>2</sup> It may decide to debate an item of business article by article, in sections or in its entirety.

**Art. 38** Proposals

<sup>1</sup> A proposed amendment must be submitted to the President in writing and normally before the debate on the item of business concerned.

1bis ...<sup>14</sup>

<sup>2</sup> He or she shall examine the proposed amendments on their filing to confirm that they fulfil the formal requirements.

<sup>3</sup> A proposed amendment shall be subject to a preliminary examination by the committee responsible if the Council so decides.

**Art. 39** Points of order

<sup>1</sup> The Council shall usually deal with a point of order immediately.

<sup>2</sup> It shall decide without discussion on any proposal for reconsideration, after hearing a brief statement of reasons for the proposal and any counter-proposal.

<sup>3</sup> If the Council votes in favour of the proposal for reconsideration, the article or section shall be debated again.

**Art. 40** Conclusion of the debate

The President closes the debate if there are no further requests to speak.

**Art. 41** Second reading

<sup>1</sup> An item of business that has been substantially amended due to proposals from the floor of the Council shall be returned for editorial revision to the committee responsible for the preliminary examination, if the Council so decides.

<sup>2</sup> The revised text shall be submitted to the Council for approval as a whole.

**Section 5** Voting**Art. 42** Wording of the question

Before the vote, the President shall provide a brief summary of the proposed amendments made and submit proposals to the Council on the question and on the order of voting in accordance with Articles 78 and 79 ParIA.

**Art. 43** Abstention and statement of reasons for the vote

<sup>1</sup> No member of the Council is obliged to vote.

<sup>14</sup> Inserted by No I of the CS Decree of 4 May 2020 (Sessions outside the Parliament Building), in force from 4 May 2020 until the CS sits in the Parliament Building again (7 Sept. 2020) (AS 2020 1605; BBl 2020 4315).

<sup>2</sup> Prior to votes on entire bills and final votes on legislative bills, as well as votes in which the approval of a majority of members of the Council is required under Article 159 paragraph 3 of the Federal Constitution<sup>15</sup>, each member of the Council shall be entitled to state briefly the reasons for his or her vote or abstention.

**Art. 44**<sup>16</sup>      Voting

<sup>1</sup> Each member of the Council votes from his or her desk using the electronic voting system.

<sup>2</sup> If sittings are held in camera or if the electronic voting equipment is defective, voting is by show of hands or roll call.

**Art. 44a**<sup>17</sup>      Recordings and publishing voting data

<sup>1</sup> The electronic voting system counts and records the votes cast in every vote.

<sup>2</sup> The way in which the members of the Council vote and the result are shown on electronic display panels.

<sup>3</sup> The President announces the result.

<sup>4</sup> The result is published in the form of a list of names.<sup>18</sup>

<sup>5</sup> On the list of names, for each member it is indicated whether he or she:

- a. votes yes;
- b. votes no;
- c. abstains;
- d. does not participate in the vote; or
- e. is excused.

<sup>6</sup> A person is regarded as excused if he or she gives notice of being unable to attend an entire day's sitting at the latest by the start of the sitting due to an assignment from a permanent delegation in accordance with Article 60 ParlA or due to close family bereavement, maternity, accident or illness.<sup>19</sup>

<sup>15</sup> SR 101

<sup>16</sup> Amended by No I of the Decree of 22 March 2013 (Electronic Voting Equipment), in force since 1 March 2014 (AS 2014 251; BBl 2012 9463).

<sup>17</sup> Inserted by No I of the Decree of 22 March 2013 (Electronic Voting Equipment), in force since 1 March 2014 (AS 2014 251; BBl 2012 9463).

<sup>18</sup> Amended by No I of the Decree of 17 Dec. 2021 (List of Names for All Votes), in force since 28 Feb. 2022 (AS 2022 107; BBl 2021 2696).

<sup>19</sup> Amended by No I of the Decree of 20 March 2015 (Amendment of the Grounds for being excused), in force since 1 June 2015 (AS 2015 1295; BBl 2015 2239).

<sup>6bis</sup> A person is regarded as partially excused if he or she gives notice of being unable to attend part of a day's sitting at the latest by the start of the sitting due to an assignment from a parliamentary body.<sup>20</sup>

7 ...<sup>21</sup>

**Art. 45** Voting by a show of hands<sup>22</sup>

<sup>1</sup> When voting by a show of hands in accordance with Article 44 paragraph 2, the votes need not be counted if the result of the vote is obvious.<sup>23</sup>

<sup>2</sup> The number of votes cast and the number of abstentions must be counted in every case in the case of:

- a. votes on entire bills;
- b. final votes;
- c. votes that require the approval of a majority of the members of the Council in accordance with Article 159 paragraph 3 of the Federal Constitution<sup>24</sup> in order to be accepted.

**Art. 46<sup>25</sup>** Roll call voting

<sup>1</sup> Voting takes place in the cases under Article 44 paragraph 2 by calling the roll if this is requested by at least 10 members of the Council.

<sup>2</sup> In a vote by calling the roll, the members of the Council respond from their seats in alphabetical order of their names to question put to the vote by the President with a «Yes», «No» or «Abstain».

<sup>3</sup> The only vote that counts is that cast immediately after the member's name is read out.

<sup>4</sup> After each response, the Council Secretary announces the interim result.

<sup>5</sup> The result is published in the form of a list of names, other than in the case of sittings held in camera.

<sup>20</sup> Inserted by No I of the Decree of 20 March 2015 (Amendment of the Grounds for being excused), in force since 1 June 2015 (AS **2015** 1295; BBl **2015** 2239).

<sup>21</sup> Repealed by No I of the Decree of 17 Dec. 2021 (List of Names for All Votes), with effect from 28 Feb. 2022 (AS **2022** 107; BBl **2021** 2696).

<sup>22</sup> Amended by No I of the Decree of 22 March 2013 (Electronic Voting Equipment), in force since 1 March 2014 (AS **2014** 251; BBl **2012** 9463).

<sup>23</sup> Amended by No I of the Decree of 22 March 2013 (Electronic Voting Equipment), in force since 1 March 2014 (AS **2014** 251; BBl **2012** 9463).

<sup>24</sup> SR **101**

<sup>25</sup> Amended by No I of the Decree of 22 March 2013 (Electronic Voting Equipment), in force since 1 March 2014 (AS **2014** 251; BBl **2012** 9463).

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## Chapter 4 House Rules

### Art. 47 Access to the chamber and its antechambers

<sup>1</sup> The following persons are allowed access to the Chamber and its anterooms (the Lobby and Antechamber) during the sessions:

- a. members of the Federal Assembly;
- b. members of the Federal Council and the Federal Chancellor;
- c. members of the Federal Supreme Court representing the federal courts on matters of business in accordance with Article 162 paragraph 2 ParlA;
- d. Parliamentary Services staff, as their duties require;
- e. staff accompanying members of the Federal Council, the Federal Chancellor or members of the Federal Supreme Court, as their duties require;
- f. photographers and camera crew bearing a pass issued by Parliamentary Services.

<sup>2</sup> During sessions, accredited journalists and the persons holding an entry pass in accordance with Article 69 paragraph 2 ParlA also have access to the antechambers.

<sup>3</sup> The gallery is open to the public, while the press gallery is open to accredited journalists.

<sup>4</sup> In the case of sittings in camera (Art. 4 para. 2 and 3 ParlA), only the persons specified in paragraph 1 letters a–d have access to the Chamber and to its antechambers. The galleries shall be cleared.

<sup>5</sup> The President may issue further regulations on access to the Chamber, its antechambers and the galleries; in particular he or she may impose time limits on the right to visit the gallery when there are large numbers of visitors.

<sup>6</sup> The President may issue regulations on the use of the rooms while the Council is not in session.

### Art. 48 Conduct of visitors to the Chamber

<sup>1</sup> Visitors to the galleries shall remain quiet. They shall in particular refrain from any audible expression of approval or disapproval. Picture or sound recordings are only permitted with authorisation of the Parliamentary Services.

<sup>2</sup> The President shall order unauthorised persons to be removed from the Chamber.

<sup>3</sup> He or she shall order authorised persons who are not members of the Council to be removed from the Chamber or visitors to be removed from the gallery if, having been warned, they continue to behave inappropriately or to cause a disturbance.

<sup>4</sup> The President shall suspend the proceedings if order in the Chamber or in the galleries cannot be restored immediately.

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## Chapter 5 Final Provisions

### Art. 49 Repeal of current legislation

The Standing Orders of the Council of States of 24 September 1986<sup>26</sup> are repealed.

### Art. 50 Commencement

These Standing Orders come into force together with the Parliament Act on 1 December 2003.

<sup>26</sup> [AS 1987 2; 1991 2340; 1994 2151; 1995 4360; 1997 1475; 1998 785; 1999 2614; 2000 1 and 241]

*English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.*



## **Federal Act on Political Rights (PRA)<sup>1</sup>**

of 17 December 1976 (Status as of 1 November 2015)

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*The Federal Assembly of the Swiss Confederation,  
on the basis of Article 39 paragraph 1 of the Federal Constitution<sup>2,3</sup>  
and having considered a Federal Council Dispatch dated 9 April 1975<sup>4</sup>,  
decrees:*

### **Title 1            Right to Vote and Voting**

#### **Art. 1<sup>5</sup>**

#### **Art. 2<sup>6</sup>            Ineligibility to vote**

Persons lacking legal capacity who are ineligible to vote in accordance with Article 136 paragraph 1 of the Federal Constitution are persons who are subject to a general deputyship or are represented by a carer as they are permanently incapable of judgement.

#### **Art. 3            Political domicile**

<sup>1</sup> Votes shall be cast in the political domicile, i.e. the commune in which the person eligible to vote is resident and registered to vote. Persons of no-fixed residence shall vote in their commune of origin.<sup>7</sup>

AS **1978** 688

<sup>1</sup> Inserted by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>2</sup> [BS **1** 3; AS **1962** 1695, **1971** 329, **1984** 290]. The provisions mentioned now correspond to Articles 39, 136, 149 and 192 of the Federal Constitution of 18 April 1999 (SR **101**).

<sup>3</sup> Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>4</sup> BBl **1975** I 1317

<sup>5</sup> Repealed by No I of the Federal Act of 21 June 2002, with effect from 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>6</sup> Amended by Annex No 3 of the Federal Act of 19 Dec. 2008 (Adult Protection, Law of Persons and Law of Children), in force since 1 Jan. 2013 (AS **2011** 725; BBl **2006** 7001).

<sup>7</sup> Second sentence inserted by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>2</sup> Any person who deposits an identification document other than the certificate of origin (certificate of residence, provisional certificate, etc.) shall acquire political domicile only if they prove that they are not registered to vote in the place where their certificate of origin is deposited.

#### **Art. 4** Electoral register

<sup>1</sup> Persons who are eligible to vote at the political domicile must be entered in the electoral register. Registrations and deletions must be carried out officially.

<sup>2</sup> Prior to an election or vote, entries must be made in the electoral register until the fifth day before the polling day provided the requirements for participation are fulfilled on the polling day.

<sup>3</sup> The electoral register is shall be available for inspection to those who are eligible to vote.

#### **Art. 5** Principles of voting

<sup>1</sup> Official ballot papers must be used for voting. Cantonal vote recording vouchers for electronic data processing shall be regarded as equivalent to official ballot papers.<sup>8</sup>

<sup>2</sup> Ballot papers that are not pre-printed must be completed by hand. Pre-printed ballot papers may be altered only by hand.

<sup>3</sup> Persons who are eligible to vote may vote in person or by post.<sup>9</sup> Voting in electronic voting pilot schemes is governed by Article 8a.<sup>10</sup>

<sup>4</sup> and <sup>5</sup> ...<sup>11</sup>

<sup>6</sup> Votes may be cast by proxy at the polling station provided cantonal law permits this for cantonal votes and elections. Persons who are eligible to vote but who are unable to write may have their ballot paper completed in accordance with their instructions by person of their choice who is eligible to vote.<sup>12</sup>

<sup>7</sup> Voting secrecy must be preserved.

<sup>8</sup> Second sentence inserted by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>9</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Dec. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>10</sup> Second sentence inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>11</sup> Repealed by No I of the Federal Act of 18 March 1994, with effect from 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>12</sup> Amended by No I of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS **2007** 4635; BBl **2006** 5261).



**Art. 6** Voting by persons with disabilities

The cantons shall ensure that any person who, due to a disability or any other reason, is permanently incapable of carrying out the procedures required for voting is able to vote.

**Art. 7** Advance voting

<sup>1</sup> The cantons shall permit advance voting on at least two of the four days immediately prior to the polling day.

<sup>2</sup> For the purpose of advance voting, cantonal law must provide for all or certain polling stations to be open for a specific time or that persons eligible to vote may hand over their ballot paper in a sealed envelope at a public office.

<sup>3</sup> Where cantons provide for an extended form of advance voting, this also applies in federal votes and elections.

<sup>4</sup> The cantons shall enact the required provisions relating to the counting of all the votes cast, the preservation of voting secrecy and the prevention of abuses.

**Art. 8** Postal voting

<sup>1</sup> The cantons shall provide a simple procedure for postal voting. In particular, they shall enact provisions to guarantee the verification of eligibility to vote, voting secrecy and the counting of all the votes cast, and to prevent abuses.

<sup>2</sup> Postal voting is permitted from the time of receipt of the documents required to cast a valid vote in accordance with cantonal law.<sup>13</sup>

**Art. 8a<sup>14</sup>** Electronic voting

<sup>1</sup> The Federal Council may in consultation with interested cantons and communes permit electronic voting pilot schemes that are limited in their geographical scope, in the dates on which they are held, and in the subject matter to which they relate.

<sup>1bis</sup> It may on application authorise cantons that have conducted electronic voting pilot schemes successfully and without malfunction over a lengthy period to continue such schemes for a period that it stipulates. It may make authorisation subject to requirements or conditions or, taking account of the overall circumstances, exclude electronic voting at any time, whether in terms of its geographical scope, the subject matter to which it relates, or the date on which it is held.<sup>15</sup>

<sup>2</sup> The verification of eligibility to vote, voting secrecy and the counting of all the votes cast must be guaranteed and abuses prevented.

<sup>13</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Dec. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>14</sup> Inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193; BBl 2001 6401).

<sup>15</sup> Amended by No I of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS 2007 4635 4637; BBl 2006 5261).

3 ...<sup>16</sup>

4 The Federal Council shall regulate the details of such schemes.

**Art. 9<sup>17</sup>**

## **Title 2        Votes**

### **Art. 10        Organisation**

<sup>1</sup> The Federal Council shall determines the rules by which polling days are appointed. In doing so, it shall take account of the requirements of those eligible to vote, parliament, the cantons, the parties and the agencies responsible for effecting service of voting documents, and shall avoid any collisions of dates that may result from differences between the calendar year and the church year.<sup>18</sup>

<sup>1bis</sup> The Federal Council shall determine, four months prior to the polling day at the latest, which proposals are to be submitted to the vote of the People. This period of four months may be reduced in the case of federal acts that have been declared to be urgent.<sup>19</sup>

<sup>2</sup> Each canton is responsible for the conduct of the vote within its own territory and issues the required regulations.

### **Art. 10a<sup>20</sup>        Information for persons eligible to vote**

<sup>1</sup> The Federal Council shall continually inform persons eligible to vote about federal proposals to be submitted to the vote of the People.

<sup>2</sup> In doing so, it shall comply with the principles of completeness, objectivity, transparency and proportionality.

<sup>3</sup> It shall present the most important views represented in the parliamentary decision-making process.

<sup>4</sup> It shall not make a recommendation on how to vote that diverges from the position of the Federal Assembly.

<sup>16</sup> Repealed by No I of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, with effect from 1 Jan. 2008 (AS **2007** 4635 4637; BBl **2006** 5261).

<sup>17</sup> Repealed by No II 4 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437; BBl **2007** 6121).

<sup>18</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>19</sup> Inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>20</sup> Inserted by No I of the Federal Decree of 5 Oct. 2007, in force since 15 Jan. 2009 (AS **2009** 1 2; BBl **2006** 9259 9279).

**Art. 11** Proposals submitted to a vote of the People, ballot papers and explanatory statements<sup>21</sup>

<sup>1</sup> The Confederation shall provide the cantons with the proposals to be submitted to a vote of the People and the ballot papers.

<sup>2</sup> Each proposal shall be accompanied by a short, objective explanation from the Federal Council that shall also take account of the opinions of significant minorities. The proposal must contain the wording of the questions on the ballot paper. In the case of popular initiatives and referendums, the initiative committee shall inform the Federal Council of their arguments and the Federal Council shall take such arguments into account in its explanatory statement. The Federal Council may amend or reject defamatory, blatantly false or excessively long statements. References to electronic sources may be included in the explanatory statement only if the author of the references declares in writing that none of the content of the sources is illegal and that the sources are not linked to electronic publications with illegal content.<sup>22</sup>

<sup>3</sup> Persons eligible to vote shall receive the documents required to cast a valid vote under cantonal law (ballot paper, polling card, official voting envelope, validation stamp<sup>23</sup>, etc.) at least three and no more than four weeks prior to the polling day. Proposals submitted to a vote of the People and explanatory statements may be sent at an earlier date. The Federal Chancellery shall publish the proposals and the explanatory statement electronically at least six weeks prior to the polling day.<sup>24 25</sup>

<sup>4</sup> The cantons may by law authorise communes to send only one copy of the proposals and the explanatory statements to each household unless a member of the household who is eligible to vote requests that personal copies be sent.<sup>26</sup>

**Art. 12** Invalid ballot papers

<sup>1</sup> Ballot papers are invalid if they

- a. are not official;
- b. have been completed other than by hand;
- c. do not permit the intention of the voter to be clearly recognised;
- d. contain defamatory remarks or obviously irrelevant markings;

<sup>21</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753; BBl **1993** III).

<sup>22</sup> Amended by No I of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS **2007** 4635; BBl **2006** 5261).

<sup>23</sup> Term in accordance with No II 4 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437 3452; BBl **2007** 6121). This amendment has been made throughout the text.

<sup>24</sup> Third sentence inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>25</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>26</sup> Inserted by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

e.<sup>27</sup> ...

<sup>2</sup> Grounds for invalidity or nullity that relate to cantonal procedures (official voting envelope, validation stamp, etc.) are reserved.

<sup>3</sup> In the case of electronic voting pilot schemes<sup>28</sup>, the legislation of each canton conducting such a scheme shall determine the requirements according to which votes are validly cast and the grounds for invalidity.<sup>29</sup>

#### **Art. 13** Determination of the result of the vote<sup>30</sup>

<sup>1</sup> Blank and invalid ballot papers shall be disregarded when determining the result of the vote.

<sup>2</sup> Where the yes-votes in a canton are equal in number to the no-votes, the vote of that canton shall be counted towards the cantons voting no.<sup>31</sup>

<sup>3</sup> A very close result requires a recount if there are credible allegations of irregularities that by their nature and extent could have influenced the federal result.<sup>32</sup>

#### **Art. 14** Report on the vote

<sup>1</sup> In every polling station, a report shall be drawn up on the result of the vote which states the total number of persons eligible to vote and the number of Swiss citizens resident abroad who are eligible to vote, the total number of voters, the total number of blank, invalid and valid ballot papers, and the number of votes cast in favour of and against the proposal.<sup>33</sup>

<sup>2</sup> The report shall be sent to the cantonal government. The cantonal government shall compile the provisional results from the entire canton, notify the Federal Chancellery of the results and publish the same in the official cantonal gazette within 13 days of the polling day. If necessary, the cantonal government shall publish a special issue of the official cantonal gazette.<sup>34</sup>

<sup>3</sup> The cantons shall submit the report, and if so requested, the ballot papers, to the Federal Chancellery within ten days of expiry of the period allowed for an appeal to

<sup>27</sup> Repealed by No II of the Federal Act of 22 March 1991, with effect from 1 Jul. 1992 (AS **1991** 2388; BBl **1990** III 445).

<sup>28</sup> Term in accordance with No II 4 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437; BBl **2007** 6121). This amendment has been made throughout the text.

<sup>29</sup> Inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>30</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753; BBl **1993** III 445).

<sup>31</sup> Inserted by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753; BBl **1993** III 445).

<sup>32</sup> Inserted by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>33</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753; BBl **1993** III 445).

<sup>34</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

be lodged (Art. 79 para. 3). Following validation of the result of the vote, the ballot papers shall be destroyed.

**Art. 15** Validation and publication of the result of the vote

<sup>1</sup> The Federal Council shall ascertain the result of the vote (validation) as soon as it is established that no appeal against the vote has been filed with the Federal Supreme Court, or as soon as a decision has been made on such an appeal.<sup>35</sup>

<sup>2</sup> The validation decree shall be published in the Federal Gazette.

<sup>3</sup> Amendments to the Federal Constitution shall come into force on their adoption by the People and the cantons, unless the proposal provides otherwise.

<sup>4</sup> Where a change in the law cannot be delayed and as soon as the result of the vote is beyond dispute, the Federal Council or the Federal Assembly may bring draft legislation or federal decrees on the adoption of international treaties provisionally into force prior to the completion of the validation procedure, or in the case of acts that have been declared to be urgent, allow such acts to continue in force, or repeal the same.<sup>36</sup>

**Title 3 Election of the National Council**

**Chapter 1 General**

**Art. 16<sup>37</sup>** Allocation of seats to the cantons

<sup>1</sup> The allocation of seats in the National Council among the cantons is based on the figures for the resident population obtained from the register-related surveys carried out as part of the census in accordance with the Census Act of 22 June 2007<sup>38</sup> in the first calendar year following the previous general elections to the National Council.

<sup>2</sup> Based on the binding figures for the resident population in accordance with Article 13 of the Census Act of 22 June 2007, the Federal Council shall make a binding decision on the number of seats to be allocated to each canton in the follow general election to the National Council.

<sup>35</sup> Amended by Annex No 2 of the Federal Supreme Court Act of 17 June 2005, in force since 1 Jan. 2007 (AS **2006** 1205 1069 Art. 1 let. a; BBl **2001** 6402).

<sup>36</sup> Inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>37</sup> Amended by Art. 17 No 1 of the Census Act of 22 June 2007, in force since 1 Jan. 2008 (AS **2007** 6743; BBl **2007** 53).

<sup>38</sup> SR **431.112**

**Art. 17<sup>39</sup>** Allocation procedure

The 200 seats in the National Council shall be allocated among the cantons in accordance with the following procedure:<sup>40</sup>

- a. *Preliminary allocation:*
  1. The resident population of Switzerland is divided by 200. To obtain the first allocation number, the result is rounded up to the nearest whole number, unless it is already a whole number, in which case it is increased to the next highest whole number. Each canton whose population is lower than this number is allocated one seat, and is excluded from the further stages of the allocation procedure.
  2. The resident population of the remaining cantons is divided by the number of seats that have yet to be allocated. To obtain the second allocation number, the result is rounded up to the nearest whole number, unless it is already a whole number, in which case it is increased to the next highest whole number. Each canton whose population is lower than this number is allocated one seat, and is excluded from the further stages of the allocation procedure.
  3. This procedure is repeated until the remaining cantons reach the final allocation number.
- b. *Principal allocation:* each remaining canton is allocated as many seats as its population divided by the final allocation number.
- c. *Final allocation:* the remaining seats are divided among the cantons with the highest fractions of a whole number remaining. Where more than one canton has the same remaining fraction, the canton or cantons with the lower or lowest remaining number that results from the division of their population by the first allocation number are excluded. If this also results in the same remaining number for more than one canton, the allocation of the remaining seats is decided by drawing lots.

**Art. 18<sup>41</sup>****Art. 19** Date of the election

<sup>1</sup> The ordinary general election to the National Council shall be held on the second last Sunday in October. The cantonal government shall fix the earliest possible date for by-elections and supplementary elections.

<sup>39</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>40</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193; BBl 2001 6401).

<sup>41</sup> Repealed by Annex No II 1 of the Parliament Act of 13 December 2002, with effect from 3 Dec. 2007 (AS 2003 3453; BBl 2001 3467 5428).

<sup>2</sup> The Federal Council shall fix the date for an extraordinary general election in terms of Article 193 paragraph 3 of the Federal Constitution.<sup>42</sup>

**Art. 20** Drawing of lots

If lots must be drawn, this takes place in the canton subject to the orders of the cantonal government, or at a federal level subject to the orders of the Federal Council.

**Art. 20<sup>a</sup>**<sup>43</sup>

**Chapter 2**

**Elections based on a System of Proportional Representation**

**Section 1 Candidature**

**Art. 21<sup>44</sup>** Final date for submission of candidate lists

<sup>1</sup> Cantonal law shall specify one Monday in the August of the election year as the final date for the submission of candidate lists, and it shall stipulate the authority to which the lists should be submitted.<sup>45</sup>

<sup>2</sup> The candidate lists must arrive at the cantonal authority on the final date for submission at the latest.

<sup>3</sup> The cantons shall notify the Federal Chancellery of each candidate list without delay.

**Art. 22** Number and designation of the candidates

<sup>1</sup> A candidate list may contain no more names of persons eligible for election than the number of seats in the National Council that have been allocated to the constituency, and no name may appear more than twice on any list. Where a candidate list contains more than the maximum number of names, the last names on the list shall be deleted.

<sup>2</sup> The candidate lists must provide the following details for each candidate:

- a. official surname and first names;
- b. the name by which the person is known in politics or in everyday life;

<sup>42</sup> Amended by No I of the Ordinance of 8 Oct. 1999, in force since 1 March 2000 (AS **2000** 411 413; BBl **1999** 7922).

<sup>43</sup> Inserted by No I of the Federal Act of 18 March 1994 (AS **1994** 2414; BBl **1993** III 445). Repealed by No II 4 of the Federal Act of 20. March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437; BBl **2007** 6121).

<sup>44</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>45</sup> Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

- c. sex;
- d. date of birth;
- e. home address including postcode;
- f. place and canton of origin; and
- g. occupation.<sup>46</sup>

<sup>3</sup> Each candidate must confirm in writing that they accept their nomination. In the absence of such confirmation, the name of the candidate shall be deleted from the list.<sup>47</sup>

#### **Art. 23** Designation of the candidate list

Each candidate list must bear a designation that is sufficient to distinguish it from other lists. Groups that submit lists of candidates with identical elements in the main designation and that intend to combine such lists shall declare one of these candidate lists to be the parent list.<sup>48</sup>

#### **Art. 24** Quorum of signatures <sup>49</sup>

<sup>1</sup> Each candidate list must be signed by hand by a minimum number of persons who are both eligible to vote and have their political domicile in the constituency. The minimum number is:

- a. 100 in cantons with 2–10 seats;
- b. 200 in cantons with 11–20 seats;
- c. 400 in cantons with more than 20 seats.<sup>50</sup>

<sup>2</sup> No person eligible to vote has the right to sign more than one candidate list. They may not withdraw their signature following submission of the candidate list.

<sup>3</sup> The quorums in accordance with paragraph 1 above do not apply to any party that was duly registered with the Federal Chancellery at the end of the year preceding the year of the election (Art. 76a) provided that it has been represented in the National Council for the same constituency in the legislative period that is due to expire or it achieved at least three per cent of the vote in the same canton at the previous general election.<sup>51</sup>

<sup>46</sup> Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>47</sup> Inserted by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>48</sup> Second sentence inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>49</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>50</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>51</sup> Inserted by No I of the Federal Act of 21 June 2002 (AS **2002** 3193; BBl **2001** 6401). Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).



<sup>4</sup> Any party falling within the terms of paragraph 3 above must simply submit the legally valid signatures of all its candidates together with those of its president and secretary.<sup>52</sup>

**Art. 25** Agent for the candidate list

<sup>1</sup> The signatories must appoint an agent for the candidate list and a deputy agent. If they fail to do so, then those persons whose names appear in first and second place as signatories to the list are deemed to be the agent and deputy agent respectively.

<sup>2</sup> The agent and, in the event of their incapacity, the deputy agent have the right and the obligation to make such legally-binding declarations on behalf of the signatories as may be required to obviate any objections.

**Art. 26** Inspection of candidate lists

Those eligible to vote in a constituency may inspect the lists of candidates and the names of the signatories at the offices of the competent authority.

**Art. 27**<sup>53</sup> Multiple candidacies

<sup>1</sup> If the name of a candidate appears on more than one candidate list in any constituency, the name shall be deleted immediately by the canton from all the candidate lists on which it appears.

<sup>2</sup> The Federal Chancellery shall immediately delete from the candidate list any candidate whose name already appears on an electoral list or a candidate list in another canton.

<sup>3</sup> The Federal Chancellery shall immediately notify the cantons concerned of the deletions that it has made.

**Art. 28**<sup>54</sup>

**Art. 29** Rectification of deficiencies; Replacement candidates

<sup>1</sup> The canton shall examine the candidate lists and allow the agent representing the signatories a period within which to rectify deficiencies in the candidate list, alter designations that give rise to confusion, and nominate replacement candidates for candidates whose names have been officially deleted.<sup>55</sup>

<sup>2</sup> The replacement candidates must confirm in writing that they accept their nomination. In the absence of such confirmation or where the relevant name already appears

<sup>52</sup> Inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193; BBl 2001 6401).

<sup>53</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>54</sup> Repealed by No I of the Federal Act of 18 March 1994, with effect from 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>55</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

on another candidate list or the candidate is not eligible for election, the replacement candidate is deleted from the list.<sup>56</sup> Unless the agent for the candidate list requests otherwise, replacement candidates are entered at the end of the candidate list.

<sup>3</sup> In the event of any deficiency not being rectified within the period allowed, the candidate list is deemed invalid. If the deficiency relates only to one candidate, their name is simply deleted.

<sup>4</sup> No candidate list may be further amended from the second Monday following the final date for submission of candidate lists. The foregoing does not apply to the official declaration of the invalidity of multiple candidacies subsequently discovered (Art. 32a). Cantonal legislation may reduce to one week the period allowed for rectification.<sup>57</sup>

### **Art. 30** Electoral lists

<sup>1</sup> The final candidate lists are known as electoral lists.

<sup>2</sup> Each list shall be provided with a reference number.

### **Art. 31**<sup>58</sup> Combined electoral lists

<sup>1</sup> Two or more electoral lists may at the latest by the end of the period allowed for rectification (Art. 29 paragraph 4) be combined with each other by means of a unanimous declaration of the signatories or their agents. Within a combined electoral list, only electoral list sub-combinations are permitted.

<sup>1bis</sup> List sub-combinations are valid only in the case of electoral lists with the same designation that differentiate themselves from each other solely by an additional designation indicating a distinction that is based on sex, the wing of a political group, region, or age.

<sup>2</sup> List combinations and list sub-combinations must be indicated on pre-printed ballot papers.

<sup>3</sup> Declarations relating to electoral list combinations and electoral list sub-combinations may not be revoked.

### **Art. 32**<sup>59</sup> Publication of the electoral lists

<sup>1</sup> At the earliest possible opportunity, the canton shall publish in the official cantonal gazette the electoral lists with their designations and their reference numbers as well as references to any list combinations or list sub-combinations.

<sup>56</sup> Wording of the first two sentences according to No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>57</sup> Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>58</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>59</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>2</sup> The Federal Chancellery shall publish the electoral lists in electronic form indicating the official surnames and first names, year of birth, occupation, place of origin and place of residence of the candidates.<sup>60</sup>

**Art. 32<sup>a61</sup>** Declaration of the invalidity of candidacies

<sup>1</sup> If a multiple candidacy is discovered following the rectification of the candidate lists, the candidacy concerned shall be declared invalid on all the lists affected:

- a. by the canton, where the same candidate appears on more than one list in that canton;
- b. by the Federal Chancellery, where the same candidate appears on lists in more than one canton.

<sup>2</sup> The cantons concerned and the Federal Chancellery shall inform each other immediately of the candidacies that have been declared invalid.

<sup>3</sup> Where possible, the names of persons whose candidacy has been declared invalid shall be deleted from the lists before they are published.

<sup>4</sup> The declaration of the invalidity of a candidacy on lists that have already been published shall be published immediately in electronic form in the Federal Gazette and in the official gazette of all the cantons concerned.

**Art. 33** Preparation and delivery of ballot papers

<sup>1</sup> The cantons shall prepare ballot papers for all the electoral lists, which each contain pre-printed details of the list designation, any electoral list combination, the reference number and candidate information (as a minimum the surnames, first names and place of residence), as well as ballot papers that are not pre-printed.

<sup>1bis</sup> If the canton prepares vote recording vouchers instead of ballot papers, persons eligible to vote shall also receive a summary of the details of each of the candidates and of the electoral list designations, and of any list combinations and list sub-combinations.<sup>62</sup>

<sup>2</sup> The cantons shall arrange for a complete set of all ballot papers to be delivered to each person eligible to vote at least three weeks and no more than four weeks prior to the polling day.<sup>63</sup>

<sup>3</sup> The signatories may obtain additional pre-printed ballot papers at cost price from the cantonal chancelleries.

<sup>60</sup> Inserted by Art. 21 No I of the Publication Act of 18 June 2004, in force since 1 Jan. 2005 (AS **2004** 4929; BBl **2003** 7711). Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>61</sup> Inserted by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>62</sup> Inserted by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>63</sup> Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

## Section 2 The Voting Procedure and Establishing the Result

### Art. 34<sup>64</sup> Voting instructions

The Federal Chancellery shall issue brief instructions on voting procedures prior to each general election, which are delivered along with the ballot papers to the persons eligible to vote in cantons with a system of proportional representation (Art. 33 paragraph 2).

### Art. 35 Completing the ballot paper

<sup>1</sup> Any person who uses the ballot paper that is not pre-printed may enter the names of eligible candidates and add the list designation or reference number of an electoral list.

<sup>2</sup> Any person who uses a pre-printed ballot paper may delete pre-printed candidate names; they may enter the names of candidates from other electoral lists (splitting the vote). They may also delete the pre-printed reference number and electoral list designation or replace the same with the number and designation of a different list.

<sup>3</sup> They may enter the name of the same candidate on the ballot paper twice (accumulating).

### Art. 36<sup>65</sup> Votes for deceased candidates

Votes for candidates who have died in the period since the final rectification of any deficiencies in the candidate lists (Art. 29 para. 4) are counted as personal votes for those candidates.

### Art. 37 Additional votes

<sup>1</sup> Where a ballot paper contains fewer valid votes for candidates than the number of seats in the National Council allocated to the constituency, the lines that have not been completed on the ballot paper count as additional votes for the electoral list whose designation or reference number is entered on the ballot paper. In the absence of a designation or reference number, or if the ballot paper contains more than one of the eligible list designations or reference numbers, the uncompleted lines are not counted (blank votes).

<sup>2</sup> Where more than one regional list with the same designation has been submitted in any canton, additional votes on a ballot paper that does not designate the region are counted towards the list relating to the region in which the ballot paper is handed in.<sup>66</sup>

<sup>64</sup> Amended by No I 1 of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS **2007** 4635; BBl **2006** 5261).

<sup>65</sup> Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>66</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>2bis</sup> In the case of the other possible applications of Article 31 paragraph 1<sup>bis</sup>, the additional votes are counted towards the list whose designation is entered on the ballot paper. The additional votes on insufficiently designated ballot papers are counted towards the electoral list that has been declared to be the parent list by the group.<sup>67 68</sup>

<sup>3</sup> Names that do not appear on any electoral list pertaining to the constituency are deleted. ...<sup>69</sup>

<sup>4</sup> Where there is a contradiction between the electoral list designation and the reference number, the electoral list designation shall take precedence.

### **Art. 38** Invalid ballot papers and candidate votes

<sup>1</sup> Ballot papers are invalid if they

- a. do not contain the name of a candidate standing in the constituency;
- b. are not official;
- c. have been completed or altered other than by hand;;
- d. contain defamatory remarks or obviously irrelevant markings;
- e.<sup>70</sup> ...

<sup>2</sup> The following shall be deleted from the ballot paper:

- a. superfluous repetitions if the name of a candidate appears more than twice on a ballot paper;
- b. all names of persons whose candidacies were declared invalid due to multiple candidacy following the rectification of the candidate lists.<sup>71</sup>

<sup>3</sup> If the ballot paper contains more names than there are seats to be allocated, the last pre-printed names on the list that have not been accumulated by hand shall be deleted followed by the last names that have been added by hand.<sup>72</sup>

<sup>4</sup> Grounds for invalidity or nullity that relate to the cantonal procedure (official voting envelope or validation stamp, etc.) remain reserved.<sup>73</sup>

<sup>67</sup> Second sentence inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>68</sup> Inserted by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>69</sup> Second and third sentences repealed by No II 4 of the Federal Act of 20 March 2008 on Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437; BBl **2007** 6121).

<sup>70</sup> Repealed by No II of the Federal Act of 22 March 1991, with effect from 1 Jul. 1992 (AS **1991** 2388; BBl **1990** III 445).

<sup>71</sup> Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>72</sup> Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>73</sup> Inserted by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>5</sup> In the case of electronic voting pilot schemes, the legislation of each canton conducting such a scheme determines the requirements according to which votes are validly cast and the grounds for invalidity.<sup>74</sup>

#### **Art. 39** Collating the results

Following the close of voting, the cantons shall establish the following on the basis of the reports from the polling stations:

- a. the number of persons eligible to vote and the number of persons who voted;
- b. the number of valid, invalid, and blank ballot papers;
- c. the number of votes that the individual candidates on each list have received (candidate votes);
- d.<sup>75</sup> the number of additional votes for each list (Art. 37);
- e.<sup>76</sup> the sum of the candidate votes and additional votes for the individual lists (party votes);
- f. in respect of combined lists, the total of the votes cast in favour of the group on the lists;
- g. the number of blank votes.

#### **Art. 40** Initial allocation of mandates to the electoral lists <sup>77</sup>

<sup>1</sup> The number of valid party votes for all the electoral lists is divided by a number equivalent to the number of mandates to be allocated plus one. To obtain the allocation number, the result is rounded up to the nearest whole number, unless it is already a whole number, in which case it is increased to the next highest whole number.<sup>78</sup>

<sup>2</sup> Each electoral list shall be allocated as many mandates as the number obtained by dividing the number of votes cast in favour of the list by the allocation number.

<sup>3</sup> ...<sup>79</sup>

<sup>74</sup> Inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>75</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>76</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>77</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>78</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>79</sup> Repealed by No I of the Federal Act of 18 March 1994 (AS **1994** 2414; BBl **1993** III 445).

**Art. 41<sup>80</sup>** Additional allocations

<sup>1</sup> Where not all of the mandates have been allocated, the mandates remaining shall be allocated individually and one after the other according to the following rules:

- a. the number of votes cast in favour of each electoral list is divided by a number equivalent to the number of mandates already allocated to that list plus one.
- b. the next mandate is allocated to the electoral list that has the largest quotient.
- c. if more than one list is entitled to the next mandate as they have the same quotient, then the next mandate is allocated to the list that achieved the highest remainder in the division according to Article 40 paragraph 2.
- d. if there are still two or more lists with the same right to the mandate, the mandate goes to the list that has obtained the highest number of party votes.
- e. if more than one list still has the same right to the mandate, the first mandate is allocated to the list whose candidate for the mandate has obtained the highest number of votes.
- f. if more than one candidate has obtained the same highest number of votes, the mandate is allocated by drawing lots.

<sup>2</sup> This procedure is repeated until all the mandates have been allocated.

**Art. 42** Allocation of mandates to combined lists

<sup>1</sup> Each group of combined lists shall initially be treated as a single list for the purposes of allocating mandates.

<sup>2</sup> Mandates shall be allocated to the individual lists within a group according to Articles 40 and 41. Article 37 paragraphs 2 and 2<sup>bis</sup> remain reserved.<sup>81</sup>

**Art. 43** Determining the elected members and their replacements

<sup>1</sup> On the basis of the number of mandates obtained, those candidates from each list that have received the highest number of votes shall be elected.

<sup>2</sup> The candidates that are not elected shall act as replacement candidates in the order of the number of votes that they have obtained.

<sup>3</sup> Where two or more candidates have received the same number of votes, their order of precedence shall be decided by drawing lots.

<sup>80</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>81</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

**Art. 44** Excess of seats

Where any list is allocated more mandates than it has candidates, a supplementary election shall be held in accordance with Article 56 in respect of the mandates that cannot be allocated.

**Art. 45<sup>82</sup>** Tacit election

<sup>1</sup> Where all the lists when taken together do not contain more candidates than there are mandates to be allocated, the cantonal government shall declare all the candidates on the lists to be elected.

<sup>2</sup> Where all the lists when taken together contain fewer candidates than there are mandates to be allocated, supplementary elections shall be held in accordance with Article 56 paragraph 3 in respect of the mandates that cannot be allocated.

**Art. 46** Election without lists

<sup>1</sup> If there are no lists, persons eligible to vote may cast their vote for any person who is eligible for election. The persons who have obtained the highest numbers of votes shall be elected.

<sup>2</sup> Where a ballot paper contains more names than there are mandates to be allocated, the last names on the paper shall be deleted.<sup>83</sup>

<sup>3</sup> The provisions that apply to constituencies that return only one member also apply by analogy.

**Chapter 3 Simple Majority System****Art. 47** Procedure

<sup>1</sup> In constituencies where only one member of the National Council is to be elected, votes may be cast for any person who is eligible for election. The person who receives the highest number of votes shall be elected. In the event of a tie, the result shall be decided by drawing lots.

<sup>1bis</sup> The canton may publish electronically and in the cantonal gazette all candidacies that are notified to the cantonal electoral authority by the forty-eighth day before the election day. The published information must as a minimum include the candidates:

- a. official surname and first names;
- b. name by which they are known in politics or in everyday life;
- c. sex;
- d. home address including postcode;

<sup>82</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>83</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).



- e. place and canton of origin;
- f. party or political group affiliation: and
- g. occupation.<sup>84</sup>

<sup>2</sup> Cantonal legislation may provide for a tacit election where only one valid nomination has been submitted to the responsible cantonal authority by 12.00 noon on the forty-eighth day (seventh Monday) prior to the election.<sup>85</sup>

**Art. 48<sup>86</sup>**      Ballot papers

The cantons shall arrange for a ballot paper to be delivered to each person eligible to vote at least three weeks and no more than four weeks prior to the polling day.

**Art. 49**              Invalid ballot papers

<sup>1</sup> Ballot papers are deemed invalid if they

- a. contain the names of more than one person;
- b. are not official;
- c. have been completed other than by hand;
- d. contain defamatory remarks or obviously irrelevant markings;
- e.<sup>87</sup> ...

<sup>2</sup> Grounds for invalidity or nullity that relate to the cantonal procedure (official voting envelope, validation stamp, etc.) remain reserved.<sup>88</sup>

<sup>3</sup> In the case of electronic voting pilot schemes, the legislation of each canton conducting such a scheme determines the requirements according to which votes are validly cast and the grounds for invalidity.<sup>89</sup>

<sup>84</sup> Inserted by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>85</sup> Inserted by No I of the Federal Act of 18 March 1994 (AS **1994** 2414; BBl **1993** III 445). Amended by No I I of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS **2007** 4635; BBl **2006** 5261).

<sup>86</sup> Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>87</sup> Repealed by No II of the Federal Act of 22 March 1991, with effect from 1 Jul 1992 (AS **1991** 2388; BBl **1990** III 445).

<sup>88</sup> Inserted by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>89</sup> Inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

**Art. 50<sup>90</sup>** Cantons with the possibility of a tacit election

<sup>1</sup> If the possibility of a tacit election is recognised under cantonal law, then the names of all candidates nominated within the period allowed must appear on a pre-printed list on the ballot paper.

<sup>2</sup> In order to vote, the voter shall personally place a cross in the field next to the name of the candidate.

<sup>3</sup> The following are invalid:

- a. votes for candidates whose names do not appear on the pre-printed list;
- b. ballot papers on which a cross appears next to more than one candidate.

**Art. 51<sup>91</sup>** By-elections

Articles 47–49 also apply to by-elections.

**Chapter 4 Publication and Validation of Election Results****Art. 52** Notice of election; Publication of the election results

<sup>1</sup> After the results have been established, the cantonal government shall immediately inform those elected of their election in writing and shall advise the Federal Council of the names of those elected.

<sup>2</sup> The canton shall publish the results obtained by each candidate and, where applicable, each list in the official cantonal gazette within eight days of the polling day at the latest, making reference to the right to contest the result.<sup>92</sup>

<sup>3</sup> The results of general, supplementary and by-elections shall be published in the Federal Gazette. They shall also be published in full in the online version of the Federal Gazette.<sup>93 94</sup>

<sup>4</sup> The canton shall send the election report to the Federal Chancellery immediately following the expiry of the period allowed for lodging an appeal contesting the election (Art. 77 para. 2). The ballot papers shall be delivered to the location ap-

<sup>90</sup> Amended by No I 1 of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS **2007** 4635; BBl **2006** 5261).

<sup>91</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>92</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>93</sup> Second sentence inserted by Art. 21 No 1 of the Publication Act of 18 June 2004, in force since 1 Jan. 2005 (AS **2004** 4929; BBl **2003** 7711).

<sup>94</sup> Inserted by Art. 17 No 1 of the Federal Act of 21 March 1986 on the Compilations of Legislation and the Official Federal Gazette, in force since 15 May 1987 (AS **1987** 600; BBl **1983** II 429).

pointed by the Federal Chancellery within ten days of the expiry of the period allowed for lodging an appeal contesting the election.<sup>95</sup>

**Art. 53** Validation of the election results

<sup>1</sup> The constituent sitting of the newly elected National Council shall take place on the seventh Monday following the election. At this sitting, the first task shall be the validation of the results of the election. The National Council shall be held to be constituted as soon as the election of at least a majority of its members has been declared valid. The National Council shall determine the procedural rules in its regulations.<sup>96</sup>

<sup>2</sup> Any person bearing an election certificate from their cantonal government shall have the right to a seat and to a vote at this sitting, but not to vote on the validity of their own election.

<sup>3</sup> In the event of substitution or of by-elections or supplementary elections, a newly elected member may participate in the sitting only if their election has been declared to be valid.<sup>97</sup>

## **Chapter 5 Changes during the Legislative Period**

**Art. 54** Resignation

Notice of resignation from the National Council must be given in writing to the President of the National Council.

**Art. 55** Substitution

<sup>1</sup> Where a member of the National Council resigns before the expiry of the legislative period, the cantonal government shall declare the first substitute from the same list to be elected.

<sup>2</sup> If a substitute cannot or does not wish to assume office, the next substitute on the electoral list shall be invited to assume office in their place.

**Art. 56** Supplementary election

<sup>1</sup> Where a seat cannot be filled by substitution, three-fifths of the signatories to the list (Art. 24 paragraph 1) on which the member of the National Council who has

<sup>95</sup> Inserted by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>96</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193; BBl 2001 6401).

<sup>97</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

resigned is entered, or the committee of the cantonal party (Art. 24 paragraph 3) that submitted the said list shall have the right to submit a further nomination.<sup>98</sup>

<sup>2</sup> The candidate who is nominated in the foregoing manner shall be declared by the cantonal government to be elected in accordance with Article 45, following the rectification of any deficiencies in the candidate list (Art. 22 and Art. 29) and without a ballot being held.<sup>99</sup>

<sup>3</sup> Where the right to nominate a candidate is not exercised, a popular election shall be held.<sup>100</sup> This election is based on the simple majority election system unless more than one seat has to be filled, in which case the provisions on the system of proportional representation apply.

**Art. 57<sup>101</sup>**      End of the legislative period

The legislative period of the National Council ends on the constitution of the newly elected National Council.

**Title 4<sup>102</sup>**      **The Referendum**

**Chapter 1**      **Mandatory Referendum**

**Art. 58**      Publication

Enactments that are subject to a mandatory referendum shall be published following their adoption by the Federal Assembly. The Federal Council shall order that a popular vote be held.

<sup>98</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>99</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>100</sup> Amended by No I of Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>101</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>102</sup> The provisions of the 4<sup>th</sup> Title (Art. 59–67) of the Act revised by the Federal Act of 21 June 1996 (AS **1997** 753) apply only to legislation passed by the Federal Assembly after 31 March 1997 (AS **1997** 760 Art. 2 para. 1).

## Chapter 2 The Optional Referendum

### Section 1 General<sup>103</sup>

#### Art. 59<sup>104</sup>

#### Art. 59a<sup>105</sup> Significance of the period

The request for a referendum must be submitted to the Federal Chancellery before expiry of the referendum period, either with the support of the number of cantons required by the Constitution or furnished with the required number of signatures and the certificates of eligibility to vote.

#### Art. 59b<sup>106</sup> Prohibition of withdrawal

A request for a referendum may not be withdrawn.

#### Art. 59c<sup>107</sup> Popular vote

If the request for a referendum is successful, the Federal Council shall order the organisation of a popular vote.

### Section 2 The Popular Referendum<sup>108</sup>

#### Art. 60 Signature lists

<sup>1</sup> The signature list (on forms, sheets of paper or cards) used by those requesting a referendum for the purpose of collecting signatures must contain the following information:<sup>109</sup>

- a. the canton and the political commune in which the signatory is eligible to vote;
- b. the title of the enactment with the date of its adoption by the Federal Assembly;

<sup>103</sup> Inserted by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

<sup>104</sup> Repealed by No II 4 of the Federal Act of 20 March 2008 on Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS 2008 3437, BBl 2007 6121).

<sup>105</sup> Inserted by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

<sup>106</sup> Inserted by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

<sup>107</sup> Inserted by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

<sup>108</sup> Inserted by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

<sup>109</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

- c.<sup>110</sup> reference to the fact that Any person who falsifies the result of a signature list for a referendum (Art. 282 of the Swiss Criminal Code, SCC<sup>111</sup>) or who offers or accepts bribes in connection with a signature list (Art. 281 SCC) commits an offence.

<sup>2</sup> Where more than one request for a referendum is submitted for signature, each request shall be the subject of a separate signature list. Signature lists for more than one request for a referendum may appear on the same page provided that it is possible to separate each signature list for the purpose of its submission.<sup>112</sup>

#### **Art. 60a<sup>113</sup>** Downloading of signature lists in electronic form

Any person who downloads a signature list for requesting a referendum that has been made available online is responsible for ensuring that the signature list satisfies all the formal legal requirements.

#### **Art. 61** Signature

<sup>1</sup> The person eligible to vote must write their surname and first names by hand and legibly on the signature list and add their handwritten signature.<sup>114</sup>

<sup>1bis</sup> Persons eligible to vote who are unable to write may have their name entered on a signature list by a person eligible to vote of their choice. This person shall add their signature to the name of the person who is unable to write and preserves secrecy as to the content of the instructions they have received.<sup>115</sup>

<sup>2</sup> The person eligible to vote must provide any further details that are required to establish their identity, such as their date of birth and address.<sup>116</sup>

<sup>3</sup> They may only sign the same request for a referendum once.

#### **Art. 62** Certificate of eligibility to vote

<sup>1</sup> The signature lists may be sent continuously but must be sent in good time prior to the expiry of the referendum period to the office that is responsible under cantonal law for the issuing of certificates of eligibility to vote.<sup>117</sup>

<sup>110</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753; BBl **1993** III 445).

<sup>111</sup> SR **311.0**

<sup>112</sup> Inserted by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753; BBl **1993** III 445).

<sup>113</sup> Inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>114</sup> Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>115</sup> Inserted by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753; BBl **1993** III 445).

<sup>116</sup> Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>117</sup> Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>2</sup> The office certifies that the signatories in the communes stated in the signature list are eligible to vote on federal matters, and returns the signature lists to their senders without delay.

<sup>3</sup> The certificate must state in words or in figures the number of certified signatures; it must be dated, bear the handwritten signature of the public official and indicate their official capacity by means of a stamp or addendum.

<sup>4</sup> The eligibility to vote of the signatories may be certified collectively for more than one signature list.

**Art. 63** Refusal of the certificate of eligibility to vote

<sup>1</sup> The certificate of eligibility to vote shall be refused if the requirements of Article 61 are not fulfilled.

<sup>2</sup> If a person eligible to vote has signed more than one signature list, only one signature is certified.

<sup>3</sup> The grounds for refusal must be stated on the signature list.

**Art. 64** Prohibition of inspection<sup>118</sup>

<sup>1</sup> ...<sup>119</sup>

<sup>2</sup> Signature lists that have been submitted are not returned and may not be inspected.

**Art. 65**<sup>120</sup>

**Art. 66** Successful request

<sup>1</sup> After expiry of the referendum period, the Federal Chancellery shall establish whether the referendum request lists contain the required number of valid signatures. If less than half of the quorum required under the Constitution has been achieved, a notice shall be published in the Federal Gazette stating simply that the period allowed for the collection of signatures has expired. If half or more of the required quorum has been achieved, the Federal Chancellery shall issue a ruling confirming whether or not the request for a referendum has been successful.<sup>121</sup>

<sup>2</sup> The following are invalid:

a.<sup>122</sup> signatures on lists that do not fulfil the requirements of Article 60;

<sup>118</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

<sup>119</sup> Repealed by No I of the Federal Act of 21 June 1996, with effect from 1 May 1997 (AS 1997 753; BBl 1993 III 445).

<sup>120</sup> Repealed by No I of the Federal Act of 21 June 1996, with effect from 1 May 1997 (AS 1997 753; BBl 1993 III 445).

<sup>121</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

<sup>122</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193; BBl 2001 6401).

- b.<sup>123</sup> signatures by persons whose eligibility to vote is not certified;
- c. signatures on lists that have been submitted after expiry of the referendum period.

<sup>3</sup> The Federal Chancellery shall publish the ruling on the success of the referendum request in the Federal Gazette together with details of the numbers of valid and invalid signatures for each canton.<sup>124</sup>

### Section 3 Referendum requested by the Cantons<sup>125</sup>

#### Art. 67<sup>126</sup> Competence

Unless cantonal law provides otherwise, the cantonal parliament shall decide whether a referendum should be requested by a canton.

#### Art. 67a<sup>127</sup> Form

The communication from the cantonal government to the Federal Chancellery shall indicate:

- a. the title of the enactment with the date of adoption by the Federal Assembly;
- b. the public body that is requesting the popular vote on behalf of the canton;
- c. the provisions under cantonal law that regulate the rights to request a referendum;
- d. the date and result of the vote on the decision to request a referendum.

#### Art. 67b<sup>128</sup> Successful request

<sup>1</sup> After expiry of the referendum period, the Federal Chancellery shall establish whether the request for the referendum has been submitted by the required number of cantons.<sup>129</sup>

<sup>2</sup> A request for a referendum is declared invalid if:

<sup>123</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>124</sup> Amended by No II 4 of the Federal Act of 20 March 2008 on Formal Revision of Federal Legislation, in force since 1. Aug. 2008 (AS **2008** 3437, BBl **2007** 6121).

<sup>125</sup> Inserted by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753; BBl **1993** III 445).

<sup>126</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753; BBl **1993** III 445).

<sup>127</sup> Inserted by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753; BBl **1993** III 445).

<sup>128</sup> Inserted by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753; BBl **1993** III 445).

<sup>129</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).



- a. it has not been decided on and submitted to the Federal Chancellery within the referendum period;
- b. it has been decided on by a public body that is not competent to do so;
- c. it is impossible to identify with any certainty the federal enactment in respect of which the popular vote is being requested.

<sup>3</sup> The Federal Chancellery shall provide written notification of the ruling on the success or failure of the request for a referendum by the cantons to the governments of all those cantons that have requested the referendum, and shall publish the ruling in the Federal Gazette, giving details of the number of valid and invalid cantonal requests for a referendum.

## **Title 5<sup>130</sup>      The Popular Initiative**

### **Art. 68      Signature lists**

<sup>1</sup> The signature list (on forms, sheets of paper or cards) that is used to collect signatures for a popular initiative must contain the following information:<sup>131</sup>

- a. the canton and the political commune in which the signatory is eligible to vote;
- b.<sup>132</sup> the title and text of the initiative, together with the date of its publication in the Federal Gazette;
- c.<sup>133</sup> a withdrawal clause within the meaning of Article 73;
- d.<sup>134</sup> reference to the fact that Any person who falsifies the result of a signature collection for a popular initiative (Art. 282 SCC<sup>135</sup>) or who offers or accepts bribes in connection with a signature collection (Art. 281 SCC) commits an offence;
- e.<sup>136</sup> the names and addresses of at least seven and no more than 27 authors of the initiative, all of whom must be eligible to vote (the initiative committee).

<sup>2</sup> Article 60 paragraph 2 also applies to popular initiatives.<sup>137</sup>

<sup>130</sup> The provisions of the 5<sup>th</sup> Title (Art. 68–74) of the Act revised by the Federal Act of 21 June 1996 (AS 1997 753) apply only to popular initiatives where the collection of signatures began after 31 March 1997 (AS 1997 760 Art. 2 para. 2).

<sup>131</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

<sup>132</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

<sup>133</sup> Amended by No I of the Federal Act of 25 Sept. 2009 (Conditional Withdrawal of a Popular Initiative), in force since 1 Feb. 2010 (AS 2010 271; BBl 2009 3591 3609).

<sup>134</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

<sup>135</sup> SR 311.0

<sup>136</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

<sup>137</sup> Inserted by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

**Art. 69** Preliminary examination

<sup>1</sup> The Federal Chancellery shall declare in a ruling before the collection of signatures is begun whether the signature list corresponds to the form prescribed by law.

<sup>2</sup> Where the title of an initiative is misleading, or if it contains commercial advertising or personal publicity or gives rise to confusion, it shall be amended by the Federal Chancellery.<sup>138</sup>

<sup>3</sup> The Federal Chancellery shall examine the texts of the initiative in all official languages to ensure that they correspond and shall undertake any translation work thereon that is required.

<sup>4</sup> The title and text of the initiative, together with the names of the authors shall be published in the Federal Gazette.<sup>139</sup>

**Art. 69a**<sup>140</sup> Online signature lists

Any person who downloads a signature list for a popular initiative that has been made available online is responsible for ensuring that the signature list satisfies all the formal legal requirements.

**Art. 70**<sup>141</sup> Further provisions

The provisions laid down for referendums relating to signatures (Art. 61), the certificate of eligibility to vote (Art. 62) and the refusal of a certificate of eligibility to vote (Art. 63) apply by analogy to popular initiatives.

**Art. 71** Submission

<sup>1</sup> The signature lists for a popular initiative must be submitted together 18 months at the latest from the date of publication of the text of the initiative in the Federal Gazette.

<sup>2</sup> Signature lists that have been submitted are not returned and may not be inspected.

**Art. 72** Successful request for a popular initiative

<sup>1</sup> After expiry of the period allowed for the collection of signatures, the Federal Chancellery shall establish whether the popular initiative has obtained the required number of valid signatures. If less than half of the quorum required under the Constitution has been achieved, a notice shall be published in the Federal Gazette stating simply that the period allowed for the collection of signatures has expired. If half or

<sup>138</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

<sup>139</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

<sup>140</sup> Inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193; BBl 2001 6401).

<sup>141</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III 445).

more of the required quorum has been achieved, the Federal Council shall issue a ruling confirming whether or not the popular initiative has been successful.<sup>142</sup>

<sup>2</sup> The following are invalid:

- a. signatures on lists that do not fulfil the requirements of Article 68;
- b. signatures of signatories whose eligibility to vote is not certified;
- c. signatures on lists that have been submitted after the period allowed for the collection of signatures.<sup>143</sup>

<sup>3</sup> The Federal Chancellery shall publish the ruling on the success of the initiative in the Federal Gazette together with details of the numbers of valid and invalid signatures for each canton.

#### **Art. 73<sup>144</sup>**      Withdrawal

<sup>1</sup> A popular initiative may be withdrawn by its initiative committee. The declaration of withdrawal is binding provided it has been signed by an absolute majority of the members of the initiative committee who are still eligible to vote.

<sup>2</sup> The withdrawal of a popular initiative is permitted up to the day on which the Federal Council fixes a date for a popular vote. The Federal Chancellery shall invite the initiative committee to give notice of its decision and shall specify a short period of time within which the committee must do so.

<sup>3</sup> An initiative in the form of a general proposal may not be withdrawn after its approval by the Federal Assembly.

#### **Art. 73a<sup>145</sup>**      Unconditional and conditional withdrawal

<sup>1</sup> The withdrawal of a popular initiative is normally unconditional.

<sup>2</sup> However, if Federal Assembly has approved an indirect counter-proposal in the form of a federal act at the latest at the same time as the final vote on the popular initiative, the initiative committee may withdraw its popular initiative under the express condition that the indirect counter-proposal is not rejected in a popular vote.

<sup>3</sup> The conditional withdrawal becomes effective as soon as:

- a. the deadline for requesting a referendum against the indirect counter-proposal has expired without a request being filed;
- b. a legally binding declaration has been made that the request for a referendum against the indirect counter-proposal has failed; or

<sup>142</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753; BBl **1993** III 445).

<sup>143</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>144</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753; BBl **1993** III 445).

<sup>145</sup> Inserted by No I of the Federal Act of 25 Sept. 2009 (Conditional Withdrawal of a Popular Initiative), in force since 1 Feb. 2010 (AS **2010** 271; BBl **2009** 3591 3609).

- c. the Federal Council has, in accordance with Article 15 paragraph 1, validated the result of the popular vote where a request for a referendum has succeeded and the People have voted for the indirect counter-proposal.

#### **Art. 74**<sup>146</sup>

#### **Art. 75** Examination of validity <sup>147</sup>

<sup>1</sup> If the text of a popular initiative fails to comply with the principles of cohesion of subject matter (Art. 139 para. 3 and Art. 194 para. 2 Federal Constitution) or consistency of form (Art. 139 para. 3 and Art. 194 para. 3 Federal Constitution), or if the popular initiative violates mandatory provisions of international law (Art. 139 para. 3, Art. 193 para. 4 and Art. 194 para. 2 Federal Constitution), the Federal Assembly shall declare the initiative to be invalid as a whole or in part, to the extent that this is required.<sup>148</sup>

<sup>2</sup> There is cohesion of subject matter in a popular initiative when there is an intrinsic connection between the individual parts of the initiative.

<sup>3</sup> There is consistency of form in a popular initiative when the initiative is couched exclusively in the form of a general proposal or of a specific draft provision.

#### **Art. 75a**<sup>149</sup> Vote

<sup>1</sup> The Federal Council shall submit the popular initiative to a popular vote within ten months of the final vote thereon in the Federal Assembly, but at the latest ten months after expiry of the statutory period allowed for Parliament to consider the popular vote.

<sup>2</sup> In the event of a conditional withdrawal in favour of an indirect counter-proposal, the Federal Council shall submit the popular initiative to the vote of the People and the cantons within ten months of its validation in accordance with Article 15 paragraph 1 of the result of the popular vote rejecting the indirect counter-proposal.

<sup>3</sup> If a popular initiative in the form of a general proposal is approved, the draft amendment to the Constitution shall be submitted to a vote of the People and the cantons within ten months of the final vote in the Federal Assembly.

<sup>3bis</sup> The time limits in paragraphs 1–3 shall be extended by six months if they begin less than ten months but more than three months before the next general election to the National Council.<sup>150</sup>

<sup>146</sup> Repealed by No I of the Federal Act of 25. Sept. 2009 (Conditional Withdrawal of a Popular Initiative), with effect from 1 Feb. 2010 (AS **2010** 271; BBl **2009** 3591 3609).

<sup>147</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>148</sup> Amended by No I of the Ordinance of 8 Oct. 1999, in force since 1 March 2000 (AS **2000** 411; BBl **1999** 7922).

<sup>149</sup> Inserted by No I of the Federal Act of 25. Sept. 2009 (Conditional Withdrawal of a Popular Initiative), in force since 1 Feb. 2010 (AS **2010** 271; BBl **2009** 3591 3609).

<sup>150</sup> Inserted by No I of the Federal Act of 26 Sept. 2014 (National Council Elections), in force since 1 March 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>4</sup> The procedure for dealing with a popular initiative to be followed by the Federal Council and the Federal Assembly and the deadlines that must be observed are governed by the provisions of the Parliament Act of 13 December 2002<sup>151</sup>.

**Art. 76<sup>152</sup>** Direct counter-proposal<sup>153</sup>

<sup>1</sup> Where the Federal Assembly decides to submit a counter-proposal, three questions are put to the voters on the same ballot paper. Each person who is eligible to vote may state, without reservation:

- a. whether they prefer the popular initiative to the law currently applicable;
- b. whether they prefer the counter-proposal to the law currently applicable;
- c. which of the two proposals should become law where both the People and the cantons prefer both proposals to the law currently applicable.

<sup>2</sup> The absolute majority shall be established separately for each question. Questions that have not been answered shall be disregarded.

<sup>3</sup> Where both the popular initiative and the counter-proposal are accepted, the result of the third question shall be decisive. The proposal that secures a higher number of popular votes and a higher number of cantonal votes shall become law.

**Title 5a<sup>154</sup>** Register of Political Parties

**Art. 76a**

<sup>1</sup> A political party may be officially registered with the Federal Chancellery:

- a. if it has the legal form of an association in terms of Articles 60-79 of the Swiss Civil Code<sup>155</sup>; and
- b. if it is represented in the same name by at least one member in the National Council or by at least three members in each of any three cantonal parliaments.

<sup>2</sup> For entry in the Register of Political Parties, the association shall file the following documents and information with the Federal Chancellery:

- a. a copy of its legally valid constitution;
- b. the name and headquarters of the party in accordance with the constitution;
- c. the names and addresses of the president and secretary of the national party.

<sup>151</sup> SR 171.10

<sup>152</sup> Amended by No I of the Ordinance of 8 Oct. 1999, in force since 1 March 2000 (AS 2000 411; BBl 1999 7922).

<sup>153</sup> Inserted by No I of the Federal Act of 25 Sept. 2009 (Conditional Withdrawal of a Popular Initiative), in force since 1 Feb. 2010 (AS 2010 271; BBl 2009 3591 3609).

<sup>154</sup> Inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193; BBl 2001 6401).

<sup>155</sup> SR 210

<sup>3</sup> The Federal Chancellery shall maintain a register of the information filed by political parties. This shall be a public register. The Federal Assembly shall enact an ordinance to regulate the details of the register.

## **Title 6            Rights of Appeal**

### **Art. 77            Appeals**

<sup>1</sup> An appeal may be filed with the cantonal government:

- a.<sup>156</sup> in respect of a violation of the provisions on voting rights in terms of Articles 2-4, Article 5 paragraphs 3 and 6 and Articles 62 and 63 (appeal on a matter related to voting rights);
- b.<sup>157</sup> in respect of irregularities at popular votes (appeal on a matter related to popular votes);
- c.    in respect of irregularities in the preparation for and conduct of elections to the National Council (appeal on a matter related to elections).

<sup>2</sup> The appeal must be filed by registered mail within three days of the grounds for appeal being ascertained, and at the latest on the third day following publication of the results in the official cantonal gazette.<sup>158</sup>

### **Art. 78            Appeal petition**

<sup>1</sup> The appeal petition must contain a brief summary of the facts of the case in justification of the appeal.

<sup>2</sup> ...<sup>159</sup>

### **Art. 79            Appeal decisions and rulings**

<sup>1</sup> The cantonal government shall issue a decision on an appeal within ten days of receipt of the appeal petition.

<sup>2</sup> If the cantonal government establishes, whether on the basis of the appeal or in the course of its own duties, that there have been irregularities, it shall issue the orders required to remedy the deficiencies established, if possible prior to the conclusion of the election or popular vote procedure.

<sup>2bis</sup> The cantonal government shall reject any appeals on matters relating to popular votes or elections without conducting a detailed investigation if the irregularities

<sup>156</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>157</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>158</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193; BBl 2001 6401).

<sup>159</sup> Repealed by No I of the Federal Act of 18 March 1994, with effect from 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 4 5).

complained of are not sufficient either in their nature or in their extent to have a material influence on the result of the vote as a whole.<sup>160</sup>

<sup>3</sup> The cantonal government shall give notice of its decision and any rulings issued in accordance with Articles 34-38 and 61 paragraph 2 of the Administrative Procedure Act <sup>161</sup> and shall notify the Federal Chancellery.<sup>162</sup>

**Art. 80**<sup>163</sup> Appeal to the Federal Supreme Court

<sup>1</sup> An appeal may be filed with the Federal Supreme Court against appeal decisions of the cantonal government (Art. 77) in accordance with the Federal Supreme Court Act of 17 June 2005<sup>164</sup>.

<sup>2</sup> An appeal to the Swiss Federal Supreme Court shall also be permitted against rulings issued by the Federal Chancellery on the refusal to make an entry in the Register of Political Parties or on the failure of a popular initiative or of a request for a referendum. No appeal shall be permitted against a simple notice in the Federal Gazette relating to a clear failure to achieve a quorum in respect of a popular initiative or request for a referendum at federal level (Art. 66 para. 1 and Art. 72 para. 1).<sup>165</sup>

<sup>3</sup> The members of the initiative committee are also entitled to appeal against rulings issued by the Federal Chancellery relating to the formal validity of a signature list (Art. 69 para. 1) and relating to the title of an initiative (Art. 69 para. 2).

**Art. 81 and 82**<sup>166</sup>

<sup>160</sup> Inserted by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>161</sup> SR **172.021**

<sup>162</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>163</sup> Amended by Annex No 2 of the Federal Supreme Court Act of 17 June 2005, in force since 1 Jan. 2007 (AS **2006** 1205 1069 Art. 1 let. a; BBl **2001** 6402).

<sup>164</sup> SR **173.110**

<sup>165</sup> Amended by No I 1 of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS **2007** 4635 4637; BBl **2006** 5261).

<sup>166</sup> Repealed by Annex No 2 of the Federal Supreme Court Act of 17 June 2005, with effect from 1 Jan. 2007 (AS **2006** 1205 1069 Art. 1 let. a; BBl **2001** 6402).

## Title 7 General Provisions

### Art. 83 Cantonal law

In the absence of any provisions in this Act and the implementing ordinances issued by the Confederation, cantonal law applies. The provisions of the Federal Act of 16 December 1943 on the Administration of Federal Justice are reserved<sup>167</sup>.

### Art. 84 Use of technical aids

<sup>1</sup> The Federal Council may authorise cantonal governments to enact provisions that derogate from this Act for the purposes of ascertaining the results of elections and popular votes by using technical aids.<sup>168</sup>

<sup>2</sup> Election and popular vote procedures that use technical aids shall require the approval of the Federal Council.<sup>169</sup>

### Art. 85<sup>170</sup>

### Art. 86<sup>171</sup> Administrative procedures: no fees or costs

<sup>1</sup> No fees or costs may be charged for any administrative procedures carried out based on this Act. In the case of appeals lodged that are dilatory in their nature or that violate the principles of good faith, the costs may be imposed on the appellant.

<sup>2</sup> In proceedings before the Federal Supreme Court, the obligation to pay fees or costs is governed by the Federal Supreme Court Act of 17 June 2005<sup>172</sup>.

<sup>167</sup> [BS 3 531; AS 1948 485 Art. 86, 1955 871 Art. 118, 1959 902, 1969 737 Art. 80 let. b 767, 1977 237 No II 3 862 Art. 52 No 2 1323 No III, 1978 688 Art. 88 No 3 1450, 1979 42, 1980 31 No IV 1718 Art. 52 No 2 1819 Art. 12 para. 1, 1982 1676 Annex No 13, 1983 1886 Art. 36 No 1, 1986 926 Art. 59 No 1, 1987 226 No II 1 1665 No II, 1988 1776 Annex No II 1, 1989 504 Art. 33 let. a, 1990 938 No III para. 5, 1992 288, 1993 274 Art. 75 No 1 1945 Annex No 1, 1995 1227 Annex No 3 4093 Annex No 4, 1996 508 Art. 36 750 Art. 17 1445 Annex No 2 1498 Annex No 2, 1997 1155 Annex No 6 2465 Annex No 5, 1998 2847 Annex No 3 3033 Annex No 2, 1999 1118 Annex No 1 3071 No I 2, 2000 273 Annex No 6 416 No I 2 505 No I 1 2355 Annex No 1 2719, 2001 114 No I 4 894 Art. 40 No 3 1029 Art. 11 para. 2, 2002 863 Art. 35 1904 Art. 36 No 1 2767 No II 3988 Annex No 1, 2003 2133 Annex No 7 3543 Annex No II 4 let. a 4557 Annex No II 1, 2004 1985 Annex No II 1 4719 Annex No II 1, 2005 5685 Annex No 7. AS 2006 1205 Art. 131 para. 1]. See now the Federal Supreme Court Act of 17 June 2005 (SR 173.110).

<sup>168</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>169</sup> Inserted by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>170</sup> Repealed by Annex No 2 of the Federal Supreme Court Act of 17 June 2005, with effect from 1 Jan. 2007 (AS 2006 1205 1069 Art. 1 let. a; BBl 2001 6402).

<sup>171</sup> Amended by Annex No 2 of the Federal Supreme Court Act of 17 June 2005, in force since 1 Jan. 2007 (AS 2006 1205 1069 Art. 1 let. a; BBl 2001 6402).

<sup>172</sup> SR 173.110



**Art. 87** Statistical surveys

<sup>1</sup> The Federal Council may order that statistical surveys be carried out in respect of elections to the National Council or popular votes.

The Confederation shall keep statistics on federal elections and popular votes; these shall provide information at communal, district and cantonal levels on:

- a. in the case of elections: the number of votes that the candidates and electoral lists received;
- b. in the case of votes: the number of votes in favour of the proposals being voted on.<sup>173</sup>

<sup>1bis</sup> The Federal Council may order additional statistical surveys on the elections to the National Council and on popular votes.<sup>174</sup>

<sup>2</sup> It may, after consulting the relevant cantonal government, provide for the votes in selected communes to be separated according to sex and age groups.

<sup>3</sup> No breach of voting secrecy in connection with a statistical surveys shall be permitted.

**Title 8** Final Provisions**Chapter 1** Amendment and Repeal of Current Legislation**Art. 88** Amendment of federal acts

...<sup>175</sup>

**Art. 89** Repeal of federal acts

The following acts are repealed:

- a. The Federal Act of 19 July 1872<sup>176</sup> on Federal Elections and Popular Votes;
- b. the Federal Act of 17 June 1874<sup>177</sup> on Popular Votes on Federal Acts and Federal Decrees;
- c. the Federal Act of 23 March 1962<sup>178</sup> on the Procedure for a Request for a Popular Initiative on the Revision of the Federal Constitution (Initiative Act);
- d. the Federal Act of 25 June 1965<sup>179</sup> on the Introduction of Simplified Voting in Federal Elections and Popular Votes;

<sup>173</sup> Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>174</sup> Inserted by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).

<sup>175</sup> The amendments may be consulted under AS **1978** 688.

<sup>176</sup> [BS **1** 157; AS **1952** 69, **1966** 849 Art. 9, **1971** 1365]

<sup>177</sup> [BS **1** 173; AS **1962** 789 Art. 11 para. 3]

<sup>178</sup> [AS **1962** 789]

<sup>179</sup> [AS **1966** 849]

- e. the Federal Act of 8 March 1963<sup>180</sup> on the Distribution of Seats in the National Council among the Cantons;
- f. the Federal Act of 14 February 1919<sup>181</sup> on the Election of the National Council.

## Chapter 2

### Transitional Provisions, Implementation and Commencement

#### Art. 90 Transitional provisions

<sup>1</sup> This Act does not apply to any matters or appeals that relate to elections or popular votes that have taken place prior to its coming into force. The foregoing also applies to referendums and popular initiatives that have been submitted prior to its coming into force. In such cases, the previous law applies.

<sup>2</sup> On expiry of 18 months from the date on which this Act comes into force, signature lists shall be accepted only if they comply with the provisions of this Act.

<sup>3</sup> ...<sup>182</sup>

<sup>4</sup> ...<sup>183</sup>

#### Art. 90a<sup>184</sup> Transitional provision on the Amendment of 25 September 2009

The new law applies to federal popular initiatives that are pending on commencement of the Amendment of 25 September 2009 to this Act.

#### Art. 91 Implementation

<sup>1</sup> The Federal Council shall issue the implementing provisions.

<sup>2</sup> The cantonal implementing legislation shall require the approval of the Confederation in order to be valid<sup>185</sup>. The cantonal legislation must be enacted within 18 months of the adoption of this Act by the Federal Assembly.

#### Art. 92 Referendum and commencement

<sup>1</sup> This Act is subject to an optional referendum.

<sup>180</sup> [AS 1963 419]

<sup>181</sup> [BS I 180; AS 1975 601 710]

<sup>182</sup> Repealed by No II 4 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS 2008 3437; BBl 2007 6121).

<sup>183</sup> Inserted by No III of the Federal Act of 9 March 1978 (AS 1978 1694; BBl 1977 III 819). Repealed by No II 4 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1. Aug 2008 (AS 2008 3437; BBl 2007 6121).

<sup>184</sup> Inserted by No I of the Federal Act of 25. Sept. 2009 (Conditional Withdrawal of a Popular Initiative), in force since 1 Feb. 2010 (AS 2010 271; BBl 2009 3591 3609).

<sup>185</sup> Term according to No III of the Federal Act of 15 Dec. 1989 on the Approval of Cantonal Legislation by the Confederation, in force since 1 Feb. 1991 (AS 1991 362; BBl 1988 II 1333).

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<sup>2</sup> The Federal Council determines the date on which this Act comes into force.

Commencement Date: 1 July 1978<sup>186</sup>

<sup>186</sup> Federal Council Decree of 24 May 1978 (AS **1978** 711)



*English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.*



## **Federal Act on the Consultation Procedure (Consultation Procedure Act, CPA)**

of 18 March 2005 (Status as of 26 November 2018)

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*The Federal Assembly of the Swiss Confederation,  
based on Article 147 of the Federal Constitution<sup>1</sup>,  
and having considered the Federal Council Dispatch of 21 January 2004<sup>2</sup>,  
decrees:*

### **Art. 1**            Scope of application

<sup>1</sup> This Act regulates the main aspects of the consultation procedure.

<sup>2</sup> It applies to consultation procedures that are initiated by the Federal Council, a department, the Federal Chancellery or a parliamentary committee.<sup>3</sup>

### **Art. 2**            Purpose of the consultation procedure

<sup>1</sup> The consultation procedure has the aim of allowing the cantons, political parties and interested groups to participate in the shaping of opinion and the decision-making process of the Confederation.

<sup>2</sup> It is intended to provide information on material accuracy, feasibility of implementation and public acceptance of a federal project.

### **Art. 3<sup>4</sup>**           Subject matter of the consultation procedure

<sup>1</sup> A consultation procedure takes place when drafting:

- a. amendments to the Constitution;
- b. draft legislation in terms of Article 164 paragraph 1 of the Federal Constitution;

AS 2005 4099

<sup>1</sup> SR 101

<sup>2</sup> BBl 2004 533

<sup>3</sup> Amended by No I of the FA of 26 Sept. 2014, in force since 1 April 2016 (AS 2016 925; BBl 2013 8875).

<sup>4</sup> Amended by No I of the FA of 26 Sept. 2014, in force since 1 April 2016 (AS 2016 925; BBl 2013 8875).

- c. international law agreements that are subject to a referendum in terms of Articles 140 paragraph 1 letter b and 141 paragraph 1 letter d number 3 of the Federal Constitution or which affect essential cantonal interests;
- d. ordinances and other projects of major political, financial, economic, ecological, social or cultural significance;
- e. ordinances and other projects that do not fall within letter d but which significantly affect individual cantons or all the cantons or are implemented to a significant extent outside the Federal Administration.

<sup>2</sup> A consultation procedure may also be carried out in projects that do not meet any of the requirements in paragraph 1.

#### **Art. 3a<sup>5</sup>**          Dispensing with a consultation procedure

<sup>1</sup> A consultation procedure may be dispensed with if:

- a. the project relates primarily to the organisation or procedures of federal authorities or to the allocation of responsibilities among federal authorities; or
- b. no new findings are expected because the positions of the interested groups are known, in particular because a consultation procedure on the subject matter of the project has already been carried out.

<sup>2</sup> Well-founded justification must be provided for a decision to dispense with a consultation procedure.

#### **Art. 4**              Participation

<sup>1</sup> Anyone and any organisation may participate in a consultation procedure and submit an opinion.

<sup>2</sup> The following are invited to submit an opinion:

- a.<sup>6</sup> the cantonal governments;
- b. the political parties represented in the Federal Assembly;
- c. the national umbrella organisations for the communes, cities and mountain regions;
- d. the national umbrella organisations for the economic sector;
- e.<sup>7</sup> the extra-parliamentary committees and any further interest groups relevant to the individual case.

<sup>3</sup> The Federal Chancellery maintains a list of parties consulted in terms of paragraph 2 letters a–d.

<sup>5</sup> Inserted by No I of the FA of 26 Sept. 2014, in force since 1 April 2016 (AS 2016 925; BBl 2013 8875).

<sup>6</sup> Amended by No I of the FA of 26 Sept. 2014, in force since 1 April 2016 (AS 2016 925; BBl 2013 8875).

<sup>7</sup> Amended by No I of the FA of 26 Sept. 2014, in force since 1 April 2016 (AS 2016 925; BBl 2013 8875).

**Art. 5<sup>8</sup>** Initiation

<sup>1</sup> Consultation procedures on projects from the Federal Administration are initiated:

- a. by the Federal Council in the case of projects under Article 3 paragraph 1;
- b. by the responsible department or by the Federal Chancellery in the case of projects under Article 3 paragraph 2;
- c. by the responsible unit of the central or decentralised Federal Administration if it is authorised to enact legislation.

<sup>2</sup> Consultation procedures on projects from the Federal Assembly are initiated by the responsible parliamentary committee.

<sup>3</sup> The Federal Chancellery coordinates the consultation procedures. It gives public notice of any consultation procedure that has been initiated, providing details of the consultation period and the office where the consultation documents may be obtained.

**Art. 6<sup>9</sup>** Procedure

<sup>1</sup> The authority responsible for initiating the consultation procedure makes the required preparations, carries the procedure out, compiles the results and evaluates the same. Where the Federal Council initiates a consultation procedure, the relevant department carries out the tasks required.

<sup>2</sup> Parliamentary committees may call on the assistance of offices and agencies of the Federal Administration for the preparation of the consultation procedure and the compilation of the results thereof.

**Art. 6a<sup>10</sup>** Requirements for the explanation of the project

The requirements for Federal Council dispatches in terms of Article 141 paragraph 2 of the Parliament Act of 13 December 2002<sup>11</sup> apply by analogy to the explanation of the project.

**Art. 7<sup>12</sup>** Form and duration

<sup>1</sup> The consultation documents are made available in paper or electronic form. The Federal Council may provide that consultation procedures be carried out exclusively online provided the necessary technical requirements are met.

<sup>2</sup> The authority responsible for carrying out the consultation procedures may also invite interested groups to meetings. Minutes must be taken of these meetings.

<sup>8</sup> Amended by No I of the FA of 26 Sept. 2014, in force since 1 April 2016 (AS **2016** 925; BBl **2013** 8875).

<sup>9</sup> Amended by No I of the FA of 26 Sept. 2014, in force since 1 April 2016 (AS **2016** 925; BBl **2013** 8875).

<sup>10</sup> Inserted by No II 2 of the FA of 15 June 2018 (Miscellaneous Amendments to Parliamentary Law), in force since 26 Nov. 2018 (AS **2018** 3461; BBl **2017** 6797 6865).

<sup>11</sup> SR **171.10**

<sup>12</sup> Amended by No I of the FA of 26 Sept. 2014, in force since 1 April 2016 (AS **2016** 925; BBl **2013** 8875).

<sup>3</sup> The duration of the consultation period is at least three months. This period may be extended appropriately to take account of public holidays as well as the content and size of the proposal. The minimum period is extended for consultation procedures:

- a. that include the period from 15 July to 15 August: by three weeks;
- b. that include the Christmas and New Year period: by two weeks;
- c. that include Easter: by one week.

<sup>4</sup> If the project may not be delayed, the period may by way of exception be reduced. Well-founded justification for the urgency must be given to the parties consulted.

#### **Art. 8** Procedure for opinions

<sup>1</sup> The opinions are acknowledged, considered and evaluated.

<sup>2</sup> The results of the consultation procedure are summarised in a report.<sup>13</sup>

#### **Art. 9** Transparency

<sup>1</sup> The following are made available to the public:

- a. the consultation documents;
- b. on expiry of the consultation period, the opinions and the minutes of consultation procedure conferences;
- c. after acknowledgement by the initiating authority, the summary of the results of the consultation procedure. (Art. 8 para. 2).<sup>14</sup>

<sup>2</sup> Opinions are made publicly available by permitting their inspection, providing copies or by publishing them in electronic form, and they may for this purpose be subjected to technical processing.

<sup>3</sup> The Freedom of Information Act of 17 December 2004<sup>15</sup> does not apply.

#### **Art. 10**<sup>16</sup>

#### **Art. 11** Implementing provisions

The Federal Council regulates the details in an ordinance, including in particular:

- a. the planning and the coordination of individual consultation procedures;
- b. the content of the consultation documents, their preparation and release;

<sup>13</sup> Inserted by No I of the FA of 26 Sept. 2014, in force since 1 April 2016 (AS 2016 925; BBl 2013 8875).

<sup>14</sup> Amended by No I of the FA of 26 Sept. 2014, in force since 1 April 2016 (AS 2016 925; BBl 2013 8875).

<sup>15</sup> SR 152.3

<sup>16</sup> Repealed by the Federal Act of 26 Sept. 2014, with effect from 1 April 2016 (AS 2016 925; BBl 2013 8875).



- c. the conduct of the consultation procedure in electronic form;
- d. the procedure for dealing with the opinions submitted, and in particular their evaluation, technical processing, publication and archiving.

**Art. 12** Amendment of current legislation

...<sup>17</sup>

**Art. 13** Referendum and commencement

<sup>1</sup> This Act is subject to an optional referendum.

<sup>2</sup> The Federal Council determines the date on which this Act comes into force.

Commencement date: 1 September 2005<sup>18</sup>

<sup>17</sup> The amendments may be consulted under AS **2005** 4099.

<sup>18</sup> FCD of 17 Aug. 2005.



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## **Government and Administration Organisation Act (GAOA)**

of 21 March 1997 (Status as of 2 December 2019)

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*The Federal Assembly of the Swiss Confederation,*  
based on Article 173 paragraph 2 of the Federal Constitution<sup>1,2</sup>  
and having considered the Federal Council Dispatch dated 16 October 1996<sup>3</sup>,  
*decrees:*

### **Title 1            Principles**

#### **Art. 1            The Government**

<sup>1</sup> The Federal Council is the highest executive authority of the Confederation.

<sup>2</sup> It comprises seven members.

<sup>3</sup> It is assisted by the Federal Chancellor.

#### **Art. 2            The Federal Administration**

<sup>1</sup> The Federal Administration is subordinate to the Federal Council. It comprises the departments and the Federal Chancellery.

<sup>2</sup> The individual departments are divided into offices, which may be organised into groups. Each has a General Secretariat.

<sup>3</sup> The Federal Administration also includes decentralised administrative units in accordance with the terms of its organisational directives.

<sup>4</sup> Federal legislation may assign administrative duties to entities under public or private law which are not part of the Federal Administration.

AS 1997 2022

<sup>1</sup> SR 101

<sup>2</sup> Amended by No I of the FA of 1 Oct. 2010 (Data Protection in the Use of Electronic Infrastructure), in force since 1 April 2012 (AS 2012 941; BBl 2009 8513).

<sup>3</sup> BBl 1996 V 1

**Art. 3** Principles of government and administrative activities

<sup>1</sup> The Federal Council and Federal Administration act in accordance with the Constitution and the law.

<sup>2</sup> They are committed to the common welfare, protect citizen's rights and the powers of the cantons and promote cooperation between the Confederation and cantons.

<sup>3</sup> They shall act to achieve their aims in a manner that is appropriate and economically viable.

**Art. 4** Political responsibility

The Federal Council is collectively responsible for its governmental functions.

**Art. 5** Review of federal tasks

The Federal Council shall regularly review the tasks of the Confederation and their implementation as well as the organisation of the Federal Administration. In doing so, it shall apply the criterion of necessity and assess whether the aims set out in the Constitution and the law have been achieved. It shall develop forward-looking solutions for action by the state.

**Title 2** The Government**Chapter 1** The Federal Council**Section 1** Functions**Art. 6** Government obligations

<sup>1</sup> The Federal Council determines the aims of its government policy and the means to achieve them.

<sup>2</sup> It gives priority to the fulfilment of its obligations of government.

<sup>3</sup> It takes all the measures required to ensure the continuation of government activities at all times.

<sup>4</sup> It works to maintain the unity of the state and the cohesion of the country while protecting the diversity of the federal system. It helps the other state institutions to fulfil the duties assigned to them by the Constitution and the law in a timely and appropriate manner.

**Art. 7** Legislation

The Federal Council conducts the preliminary legislative proceedings, subject to the parliamentary right to initiate legislation. It submits drafts of constitutional amendments, federal acts and decrees to the Federal Assembly and issues ordinances, provided it is authorised to do so under the Constitution and by law.

**Art. 7a<sup>4</sup>** Conclusion and amendment of or withdrawal from international treaties by the Federal Council<sup>5</sup>

<sup>1</sup> The Federal Council may conclude, amend or withdraw from treaties under international law at its own behest in as far as it is authorised to do so by a federal act or by an international treaty approved by the Federal Assembly. Authorisation to conclude an international treaty includes authorisation to amend or withdraw from it.<sup>6</sup>

<sup>1bis</sup> It may withdraw from an international treaty at its own behest in as far as the Federal Constitution provides for withdrawal.<sup>7</sup>

<sup>2</sup> It may conclude international treaties of limited scope at its own behest. It may likewise independently make amendments of limited scope to treaties or withdraw from international treaties of limited scope.<sup>8</sup>

<sup>3</sup> International treaties or amendments of limited scope are those that:<sup>9</sup>

- a. do not create new obligations for Switzerland and do not constitute a waiver of existing rights;
- b. serve to implement treaties approved by the Federal Assembly and simply provide more detail on rights, obligations or organisational principles that are already set out in the main treaty;
- c. primarily concern the authorities and involve technical administrative issues.<sup>10</sup>

<sup>4</sup> International treaties or amendments of limited scope do not include those that:<sup>11</sup>

- a. meet any of the requirements for an optional referendum on an international treaty under Article 141 paragraph 1 letter d of the Federal Constitution;

<sup>4</sup> Inserted by Annex No II 3 of the Parliament Act of 13 Dec. 2002, in force since 1 Dec. 2003 (AS **2003** 3543; BBl **2001** 3467 5428).

<sup>5</sup> Amended by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

<sup>6</sup> Amended by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

<sup>7</sup> Inserted by No I 1 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

<sup>8</sup> Amended by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

<sup>9</sup> Amended by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

<sup>10</sup> Inserted by No I 1 of the FA of 26 Sept. 2014 on the Power to conclude International Treaties of Limited Scope and the Provisional Application of International Treaties, in force since 1 May 2015 (AS **2015** 969; BBl **2012** 7465).

<sup>11</sup> Amended by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

- b. contain provisions on matters the regulation of which falls solely under cantonal jurisdiction;
- c. cause non-recurring expenditure exceeding five million francs or recurring expenditure of more than two million francs per year.<sup>12</sup>

**Art. 7b<sup>13</sup>** Provisional application of international treaties by the Federal Council

<sup>1</sup> Where the Federal Assembly is responsible for approving the conclusion of or amendment to an international treaty, the Federal Council may determine or agree the provisional application of the treaty without the approval of the Federal Assembly when it is necessary to safeguard important Swiss interests and the matter is of particular urgency.<sup>14</sup>

<sup>1bis</sup> It shall refrain from applying the treaty provisionally if the competent committees of both Councils are against doing so.<sup>15</sup>

<sup>2</sup> The provisional application of an international treaty ends if the Federal Council fails to present the Federal Assembly with a draft of a federal decree on the treaty in question within six months.

<sup>3</sup> The Federal Council shall notify the parties to the treaty of the termination of the provisional application.

**Art. 7b<sup>bis</sup> 16** Urgent withdrawal from international treaties by the Federal Council

<sup>1</sup> Where the Federal Assembly is responsible for approving withdrawal from an international treaty, the Federal Council may withdraw from the treaty without the approval of the Federal Assembly if it is necessary to do so in order to safeguard important interests of Switzerland and if there is a particular urgency in doing so.

<sup>2</sup> It may not withdraw urgently if the responsible committees of both chambers object to withdrawal.

<sup>12</sup> Inserted by No I 1 of the FA of 26 Sept. 2014 on the Power to conclude International Treaties of Limited Scope and the Provisional Application of International Treaties, in force since 1 May 2015 (AS **2015** 969; BBl **2012** 7465).

<sup>13</sup> Inserted by No I 1 of the FA of 8 Oct. 2004 on the Provisional Application of International Treaties, in force since 1 April 2005 (AS **2005** 1245; BBl **2004** 761 1017).

<sup>14</sup> Amended by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

<sup>15</sup> Inserted by No I 1 of the FA of 26 Sept. 2014 on the Power to conclude International Treaties of Limited Scope and the Provisional Application of International Treaties, in force since 1 May 2015 (AS **2015** 969; BBl **2012** 7465).

<sup>16</sup> Inserted by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

**Art. 7c<sup>17</sup>** Ordinances safeguarding the interests of the country

<sup>1</sup> The Federal Council, in direct application of Article 184 paragraph 3 of the Federal Constitution, may when necessary issue an ordinance to safeguard the interests of the country.

<sup>2</sup> It shall limit the period of validity of the ordinance appropriately; the period of validity may not exceed four years.

<sup>3</sup> It may extend the period of validity once. In this case, the ordinance ceases to apply six months after the beginning of the extension if the Federal Council fails to present the Federal Assembly with a bill establishing a legal basis for the content of the ordinance.

<sup>4</sup> The ordinance ceases to apply:

- a. if the bill mentioned in paragraph 3 is rejected by the Federal Assembly; or
- b. at the latest with introduction of the legal basis provided for in paragraph 3.

**Art. 7d<sup>18</sup>** Ordinances to safeguard external and internal security

<sup>1</sup> The Federal Council may, in direct application of Article 185 paragraph 3 of the Federal Constitution, issue an ordinance to counter existing or imminent threats of serious disruption to public order or internal or external security.

<sup>2</sup> The ordinance ceases to apply:

- a. six months after its commencement if the Federal Council fails to submit to the Federal Assembly:
  - 1. a bill establishing a legal basis for the content of the ordinance, or
  - 2. a bill containing a Federal Assembly ordinance under Article 173 paragraph 1 letter c of the Federal Constitution which replaces the Federal Council's ordinance;
- b. if the bill is rejected by the Federal Assembly; or
- c. if the legal basis or the replacement ordinance issued by the Federal Assembly comes into force.

<sup>3</sup> The Federal Assembly ordinance provided for in paragraph 2 letter a number 2 ceases to apply three years at the latest from its commencement.

<sup>17</sup> Inserted by No I 1 of the FA of 17 Dec. 2010 on Safeguarding Democracy, the Rule of Law and the Capacity to Act in Extraordinary Situations, in force since 1 May 2011 (AS 2011 1381; BBl 2010 1563 2803).

<sup>18</sup> Inserted by No I 1 of the FA of 17 Dec. 2010 on Safeguarding Democracy, the Rule of Law and the Capacity to Act in Extraordinary Situations, in force since 1 May 2011 (AS 2011 1381; BBl 2010 1563 2803).

**Art. 7e<sup>19</sup>** Rulings to safeguard the interests of the country or to safeguard internal or external security

<sup>1</sup> The Federal Council may, in direct application of Article 184 paragraph 3 or Article 185 paragraph 3 of the Federal Constitution, issue a ruling:

- a. if required to protect the country's interests; or
- b. in order to counter existing or imminent threats of serious disruption to public order or internal or external security.

<sup>2</sup> The Federal Council shall inform the competent organ of the Federal Assembly within 24 hours of its resolution on the ruling.

**Art. 8** Organisation and management of the Federal Administration<sup>20</sup>

<sup>1</sup> The Federal Council determines the appropriate organisation of the Federal Administration and adapts it to circumstances. It may diverge from the organisational provisions of other federal acts unless the Federal Assembly expressly places limitations on its organisational powers.<sup>21</sup>

<sup>2</sup> It shall encourage efficiency and innovative ability within the Federal Administration.

<sup>3</sup> It supervises the Federal Administration in a continuous and systematic manner.

<sup>4</sup> It monitors the decentralised administrative bodies and other bodies charged with carrying out federal administrative tasks which are not themselves part of the Federal Administration.

<sup>5</sup> It determines, as appropriate, the strategic goals for the following autonomous units:

- a. entities under public or private law which:
  1. are not part of the central Federal Administration,
  2. were created under federal legislation or over which the Confederation has control by virtue of its capital or voting rights, and
  3. are delegated federal administrative duties;
- b. the ETH Domain.<sup>22</sup>

<sup>19</sup> Inserted by No I 1 of the FA of 17 Dec 2010 on Safeguarding Democracy, the Rule of Law and the Capacity to Act in Extraordinary Situations, in force since 1 May 2011 (AS **2011** 1381; BBl **2010** 1563 2803).

<sup>20</sup> Amended by No I of the FA of 22 March 2002 on the Revision of Organisational Provisions of Federal Legislation, in force since 1 Feb. 2003 (AS **2003** 187; BBl **2001** 3845).

<sup>21</sup> Amended by No I of the FA of 22 March 2002 on the Revision of Organisational Provisions of Federal Legislation, in force since 1 Feb. 2003 (AS **2003** 187; BBl **2001** 3845).

<sup>22</sup> Inserted by No I 2 of the FA of 17 Dec. 2010 on the Participation of the Federal Assembly in the Supervision of Autonomous Bodies, in force since 1 Jan. 2012 (AS **2011** 5859; BBl **2010** 3377 3413).



**Art. 9** Implementation and administration of the law

<sup>1</sup> The Federal Council ensures that the legislation and other decisions of the Federal Assembly are implemented.

<sup>2</sup> It shall ensure the administration of administrative justice in as far as it is required to do so by legislation.

**Art. 10** Information

<sup>1</sup> The Federal Council ensures that the Federal Assembly, the cantons and the general public are suitably informed.

<sup>2</sup> It ensures that consistent information on its assessments, plans, decisions and provisions is provided promptly and regularly.

<sup>3</sup> Special provisions to protect overriding public or private interests are reserved.

**Art. 10a<sup>23</sup>** Federal Council spokesperson

<sup>1</sup> The Federal Council appoints a leading member of the Federal Chancellery as Federal Council spokesperson.

<sup>2</sup> The Federal Council spokesperson:

- a. provides information on behalf of the Federal Council to the general public;
- b. advises the Federal Council and its members on information and communication issues;
- c. coordinates the information activities of the Federal Council, the departments and the Federal Chancellery.

**Art. 11** Communication with the general public

The Federal Council maintains contact with the general public and ensures they are informed of the opinions and concerns discussed in the public domain.

**Section 2** Procedure and Organisation**Art. 12** Principle of collegiality

<sup>1</sup> The Federal Council reaches its decisions as a collegial body.

<sup>2</sup> The members of the Federal Council shall represent the decisions of the whole.

<sup>23</sup> Inserted by No I of the FA of 24 March 2000 (AS **2000** 2095; BBl **1997** III 1568, **1999** 2538). Amended by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2014 (AS **2013** 4549; BBl **2002** 2095, **2010** 7811).

**Art. 12a<sup>24</sup>** Duty to provide information

<sup>1</sup> The members of the Federal Council and the Federal Chancellor inform the Federal Council regularly about their business and in particular about related risks and possible challenges.

<sup>2</sup> The Federal Council may request specific information from its members and from the Federal Chancellor.

**Art. 13** Deliberations

<sup>1</sup> The Federal Council members shall make decisions of major importance or political scope jointly and at the same time.

<sup>2</sup> The Federal Council may decide on other items of business in a simplified procedure.

<sup>3</sup> The essential content of Federal Council deliberations and decisions are recorded in writing at all times. The Federal Council minutes guarantee transparency and aid the Federal Council as a management instrument.<sup>25</sup>

**Art. 14** Directives

In preparing items of business of major importance or political scope, the Federal Council shall, if necessary, outline the relevant aims and guidelines.

**Art. 15** Joint reporting procedure

<sup>1</sup> Items of business on which the Federal Council must decide are presented to the members of the Federal Council in a joint reporting procedure.

<sup>2</sup> The Federal Chancellery regulates the joint reporting procedure.

**Art. 16** Convening

<sup>1</sup> The Federal Council convenes as frequently as its business requires.

<sup>2</sup> The Federal Council is convened by the Federal Chancellor on behalf of the President of the Confederation.

<sup>3</sup> Each member of the Federal Council may at any time ask for the Council to convene.

<sup>4</sup> In cases of urgency the President of the Confederation may make an exception to the regular procedure for convening the Council and conducting negotiations.

<sup>24</sup> Inserted by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2014 (AS **2013** 4549; BBl **2002** 2095, **2010** 7811).

<sup>25</sup> Inserted by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2014 (AS **2013** 4549; BBl **2002** 2095, **2010** 7811). The correction by the Federal Assembly Drafting Committee (Art. 58 Abs. 1 ParIA – SR **171.10**) of 22 May 2017, published on 30 May 2017 relates to the French text only (AS **2017** 3259).

**Art. 17** Special discussions and closed-door meetings

The Federal Council holds special discussions and closed-door meetings on issues of far-reaching importance.

**Art. 18** Presidency and participation

<sup>1</sup> The President of the Confederation chairs the discussions in the Federal Council.

<sup>2</sup> In addition to the members of the Federal Council, the Federal Chancellor also participates in the deliberations of the Federal Council in an advisory capacity. He or she has the right to make proposals in order to fulfil the tasks of the Federal Chancellery.<sup>26</sup>

<sup>3</sup> The Vice-Chancellors shall be present at the discussions unless otherwise specified by the Federal Council.

<sup>4</sup> The Federal Council may call on the expertise of its administrative staff and qualified persons from within and outside of the Federal Administration when it considers this necessary in order to acquire information and form an opinion.

**Art. 19** Quorum

<sup>1</sup> The Federal Council may only reach a decision if at least four of its members are present.

<sup>2</sup> Decisions are taken by a majority vote. Federal Councillors are permitted to abstain from voting but a valid decision requires the votes of at least three members.

<sup>3</sup> The chairperson of the Federal Council takes part in the vote. In the event of a tie, his or her vote is worth double. This does not apply in the case of elections.

**Art. 20** Duty of recusal

<sup>1</sup> Members of the Federal Council and the persons mentioned in Article 18 shall recuse themselves if they have an immediate personal interest in the matter at hand.

<sup>2</sup> If the Council is making a ruling or deciding on an appeal, the provisions on recusal of the Federal Act of 20 December 1968<sup>27</sup> on Administrative Procedure apply.

**Art. 21** Exclusion of the general public

The discussions of the Federal Council and the joint reporting procedure mentioned in Article 15 are not public. The public are informed in accordance with Article 10.

<sup>26</sup> Second sentence amended by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2014 (AS 2013 4549; BBl 2002 2095, 2010 7811).

<sup>27</sup> SR 172.021

**Art. 22<sup>28</sup>** Deputisation in the event of absence

<sup>1</sup> The Federal Council appoints a deputy for each Federal Councillor from among its members.

<sup>2</sup> Each member of the Federal Council shall ensure that in the event of unforeseen incidents his or her deputy is notified quickly and comprehensively about important business and the issues to be decided.

<sup>3</sup> Each member of the Federal Council and his or her deputy shall ensure the orderly handover of business.

**Art. 23<sup>29</sup>** Federal Council committees

<sup>1</sup> The Federal Council may appoint committees from among its members for certain items of business. These committees are normally made up of three members.

<sup>2</sup> The committees prepare discussions and decisions for the Federal Council or conduct discussions on behalf of the collegial body with other internal or external administrative bodies or private individuals. They have no decision-making powers.

<sup>3</sup> They inform the Federal Council regularly about their discussions.

<sup>4</sup> The Federal Chancellery runs the secretariat, which in particular keeps minutes of the discussions in the committee and manages the documentation.

**Art. 24** Organisation ordinance

The Federal Council sets out in detail how it exercises its functions in an ordinance.

**Chapter 2 The President of the Confederation****Art. 25** Functions within the Federal Council

<sup>1</sup> The President of the Confederation heads the Federal Council.

<sup>2</sup> The President of the Confederation:

- a. ensures that the Federal Council accomplishes its tasks in a timely, appropriate and coordinated manner;

<sup>28</sup> Amended by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2014 (AS 2013 4549; BBl 2002 2095, 2010 7811).

<sup>29</sup> Amended by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2014 (AS 2013 4549; BBl 2002 2095, 2010 7811).

- a<sup>bis</sup>.<sup>30</sup> coordinates matters of major importance in which two or more departments are involved or which are of major importance for the country;
- b.<sup>31</sup> prepares discussions for the Federal Council and the agenda of matters to be discussed and seeks conciliation on controversial issues;
- b<sup>bis</sup>.<sup>32</sup> may instruct a member of the Federal Council to submit a specific item of business to the Federal Council at a given time;
- c. ensures that the Federal Council organises and carries out its supervision of the Federal Administration in an appropriate manner;
- d. may at any time order investigations into specific matters and suggest appropriate measures to the Federal Council where necessary.

#### **Art. 26**            Presidential decisions

<sup>1</sup> In urgent cases, the President may order precautionary measures to be taken.

<sup>2</sup> If it is not possible to arrange an ordinary or extraordinary Federal Council meeting, the President decides in its stead.

<sup>3</sup> These decisions must be submitted retrospectively to the Federal Council for approval.

<sup>4</sup> In addition, the Federal Council may authorise the President of the Confederation to decide on matters of a predominantly formal nature.

#### **Art. 27**            Replacement in case of absence

<sup>1</sup> If the President is unable to fulfil his or her public duties, the Vice-President takes responsibility as his or her replacement and takes over the presidential duties.

<sup>2</sup> The Federal Council may transfer certain presidential powers to the Vice-President.

#### **Art. 28**            Representation

The President represents the Federal Council in Switzerland and abroad.

#### **Art. 29**            Relationship with the cantons

The President is responsible for maintaining relations between the Confederation and the cantons with regard to shared concerns of a general nature.

<sup>30</sup> Inserted by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2014 (AS **2013** 4549; BBl **2002** 2095, **2010** 7811).

<sup>31</sup> Amended by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2014 (AS **2013** 4549; BBl **2002** 2095, **2010** 7811).

<sup>32</sup> Inserted by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2014 (AS **2013** 4549; BBl **2002** 2095, **2010** 7811).

**Art. 29a<sup>33</sup>**      Presidential services unit

<sup>1</sup> The President shall have a presidential services unit to take care of his or her special tasks, and in particular for international relations, communication, protocol and organisational matters.

<sup>2</sup> The presidential services unit is affiliated to the Federal Chancellery.

**Chapter 3      The Federal Chancellor****Art. 30**              Functions

<sup>1</sup> The Federal Chancellor is the chief of staff of the Federal Council.

<sup>2</sup> The Federal Chancellor:

- a. supports the President of the Confederation and the Federal Council in the fulfilment of their tasks;
- b. fulfils the responsibilities to the Federal Assembly assigned to him or her by the Constitution and the law.

**Art. 31**              Organisation

<sup>1</sup> The Federal Chancellor is head of the Federal Chancellery, just as the Federal Councillors are each head of a department.

<sup>2</sup> The Vice-Chancellors deputise for the Federal Chancellor.

<sup>3</sup> Unless subject to specific arrangements by the Federal Council, the organisation and management of the Federal Chancellery are governed by the provisions that apply to the entire Federal Administration, with the exception of the section on general secretariats.

**Art. 32**              Advice and support

The Federal Chancellor:

- a. advises and supports the Federal President and the Federal Council in planning and coordination at government level;
- b. creates and supervises work plans and business rosters for the Federal President;
- c.<sup>34</sup> takes part in the preparation and conduct of Federal Council meetings and is responsible for keeping the minutes and preparing official copies of the decisions;

<sup>33</sup> Inserted by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2015 (AS 2013 4549; BB1 2002 2095, 2010 7811).

<sup>34</sup> Amended by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2014 (AS 2013 4549; BB1 2002 2095, 2010 7811).

- c<sup>bis</sup>.<sup>35</sup> monitors on behalf of the Federal Council the progress of its business and of Federal Assembly mandates as well as the consistency of the content of business and mandates with the legislature plan, the Federal Council's annual objectives and other federal plans, and may submit proposals to the Federal Council thereon in the event of new developments;
- c<sup>ter</sup>.<sup>36</sup> ensures that a long-term and continual analysis is made of the situation and environment and provides the Federal Council with regular reports thereon;
- d. prepares the Federal Council's reports to the Federal Assembly on the key aspects of government policy and the management of the Federal Council;
- e. advises the Federal President and the Federal Council in terms of the overall management of the Federal Administration and assumes supervisory roles;
- f. supports the Federal Council in its dealings with the Federal Assembly;
- g.<sup>37</sup> advises and supports the Federal Council in its efforts to recognise and respond to crises in good time.

### **Art. 33** Coordination

<sup>1</sup> The Federal Chancellor ensures the coordination of interdepartmental affairs.

<sup>1bis</sup> He or she carries out cross-departmental coordination tasks aimed at recognising and responding to crises in good time.<sup>38</sup>

<sup>2</sup> He or she ensures coordination with the parliamentary administration. In particular, he or she consults the Secretary General of the Federal Assembly if the business of the Federal Council or its subordinate offices directly affects the procedure and organisation of the Federal Assembly or Parliamentary Services. He or she may take part in the meetings of the Administration Committee of the Federal Assembly in an advisory capacity.<sup>39</sup>

### **Art. 33<sup>a40</sup>** Right to information

The Federal Chancellor may request information from the departments in order to fulfil his or her tasks.

<sup>35</sup> Inserted by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2015 (AS 2013 4549; BBl 2002 2095, 2010 7811).

<sup>36</sup> Inserted by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2015 (AS 2013 4549; BBl 2002 2095, 2010 7811).

<sup>37</sup> Inserted by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2015 (AS 2013 4549; BBl 2002 2095, 2010 7811).

<sup>38</sup> Inserted by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2015 (AS 2013 4549; BBl 2002 2095, 2010 7811).

<sup>39</sup> Inserted by Annex No 3 of the FA of 8 Oct. 1999, in force since 1 Jan. 2000 (AS 2000 273; BBl 1999 4809 5979).

<sup>40</sup> Inserted by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2014 (AS 2013 4549; BBl 2002 2095, 2010 7811).

**Art. 34<sup>41</sup>** Information

<sup>1</sup> The spokesperson for the Federal Council in cooperation with the departments ensures that appropriate measures are taken to inform the public.

<sup>2</sup> The Federal Chancellor is responsible for internal information between the Federal Council and the departments.

**Title 3      The Federal Administration****Chapter 1    Direction and Principles of Direction****Art. 35**      Direction

<sup>1</sup> The Federal Administration is directed by the Federal Council and the heads of department.

<sup>2</sup> Each member of the Federal Council heads a department.

<sup>3</sup> The Federal Council allocates the departments among its members; each member has the duty to take over their designated department.

<sup>4</sup> The Federal Council may reallocate the departments at any time.

**Art. 36**      Principles of direction

<sup>1</sup> The Federal Council and the heads of department set the objectives and priorities of the Federal Administration.

<sup>2</sup> When they delegate the immediate fulfilment of tasks to project management bodies or units of the Federal Administration, they shall provide them with the required powers and resources.

<sup>3</sup> They assess the performance of the Federal Administration and periodically check whether their objectives have been met.

<sup>4</sup> They ensure the careful selection and continuing professional education of employees.

**Chapter 2    The Departments****Section 1    Heads of Department****Art. 37**      Direction and responsibility

<sup>1</sup> The head of department bears political responsibility for running a department.

<sup>41</sup> Amended by No I of the FA of 24 March 2000, in force since 1 Sept. 2000 (AS 2000 2095; BBl 1997 III 1568, 1999 2538).



<sup>2</sup> The head of department:

- a. sets the guidelines for running the department;
- b. delegates where necessary the immediate fulfilment of the department's tasks to administrative units and employees under its authority;
- c. determines the organisation of the department within the terms of this act.

**Art. 38** Leadership instruments

In principle, the head of department has the unrestricted right to issue instructions, to lead his or her department and intervene personally in a matter. Special provisions for individual administrative units and the attribution of certain powers under federal legislation are reserved.

**Art. 38<sup>a42</sup>** Service agreements

<sup>1</sup> The departments shall manage the following with annual service agreements:

- a. the administrative units of the central federal administration;
- b. the administrative units of the decentralised federal administration, if they do not keep their own accounts.

<sup>2</sup> The Swiss Federal Audit Office is exempted from management by service agreement. The Federal Council may provide for further exceptions.

<sup>3</sup> Where groups and offices manage administrative units with their own global budgets, the department may delegate the power to them to conclude the service agreements with these administrative units.

<sup>4</sup> In the service agreement, the tasks of the administrative units are set out according to projects and service groups. They must be given measurable goals.

<sup>5</sup> The administrative units report annually on the achievement of their goals. At the start of each legislature plan, they shall review the structure and goals of their service groups.

**Art. 39** Personal staff

The heads of department may employ personal staff and assign tasks to them.

**Art. 40** Information

In consultation with the Federal Chancellery, the heads of department take the measures required to inform the public of the departments' activities and decide who is responsible for disseminating that information.

<sup>42</sup> Inserted by Annex No 2 of the FA of 26 Sept. 2014 (New Management Model for the Federal Administration), in force since 1 Jan. 2016 (AS **2015** 1583; BBl **2014** 767).

## **Section 2      The General Secretariats**

### **Art. 41              Position**

<sup>1</sup> Each department has a general secretariat as its general administrative office. The general secretariat may also conduct other tasks.

<sup>2</sup> The Secretary General is the department's chief of staff.

### **Art. 42              Functions**

<sup>1</sup> The General Secretariat supports the head of department in the planning, organisation and coordination of the department's activities and in the decisions that he or she is required to make.

<sup>2</sup> It plays a supervisory role as instructed by the head of department.

<sup>3</sup> It ensures that the planning and activities of the department are coordinated with those of the other departments and of the Federal Council.

<sup>4</sup> It supports the head of department in preparing Federal Council discussions.

## **Section 3      Offices and Groups of Offices**

### **Art. 43              Position and functions**

<sup>1</sup> The offices are the administrative units charged with dealing with the business of the Administration.

<sup>2</sup> The Federal Council sets out in ordinances the way in which the Federal Administration is organised into offices. It assigns the offices areas of business which are closely related if possible and determines their tasks.

<sup>3</sup> The Federal Council assign the offices to the departments according to the criteria of management, coherence of tasks and material and political balance. It may reassign the offices at any time.

<sup>4</sup> The heads of department determine the organisational structure of the offices in their department. With the consent of the Federal Council, they may organise the offices into groups.

<sup>5</sup> The office directors determine the detailed organisation of their offices.

**Art. 44<sup>43</sup>****Art. 45** Direction and Responsibility

The directors of the groups and offices are responsible to their superiors for directing the administrative units under them and for carrying out the duties assigned to them.

**Section 4 State Secretaries<sup>44</sup>****Art. 45<sup>a45</sup>** Appointment and function

<sup>1</sup> The Federal Council may appoint as state secretaries the directors of offices or groups that are responsible for important fields of responsibility of a department. An offices or group that is headed by a state secretary may be known as a state secretariat.

<sup>2</sup> State secretaries support and relieve the burden on heads of department particularly in their dealings with foreign authorities.

**Art. 46<sup>46</sup>** Temporary award of the title of «State Secretary»

The Federal Council may temporarily award the title of «State Secretary» to persons in the Federal Administration who represent Switzerland on its behalf in high-level international negotiations.

**Chapter 3<sup>47</sup> Fees****Art. 46a**

<sup>1</sup> The Federal Council issues provisions on charging appropriate fees for decisions and other services provided by the Federal Administration.

<sup>2</sup> It regulates the charging of fees in detail, in particular:

- a. the procedure for charging fees;
- b. the level of the fees;
- c. the question of liability when two or more people are required to pay fees;

<sup>43</sup> Repealed by Annex No 2 of the FA of 26 Sept. 2014 (New Management Model for the Federal Administration), with effect from 1 Jan. 2016 (AS **2015** 1583; BBl **2014** 767).

<sup>44</sup> Inserted by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2014 (AS **2013** 4549; BBl **2002** 2095, **2010** 7811).

<sup>45</sup> Inserted by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2014 (AS **2013** 4549; BBl **2002** 2095, **2010** 7811).

<sup>46</sup> Amended by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2014 (AS **2013** 4549; BBl **2002** 2095, **2010** 7811).

<sup>47</sup> Inserted by No I 3 of the FA of 19 Dec. 2003 on the 2003 Budgetary Relief Programme, in force since 1 Jan. 2005 (AS **2004** 1633; BBl **2003** 5615).

d. the time limits relating to the charging of fees.

<sup>3</sup> When setting fees, it observes the principles of equivalence and cost recovery.

<sup>4</sup> It may make exceptions in charging fees provided the decision or service is of overriding public interest.

## **Title 4        Responsibilities, Planning and Coordination**

### **Chapter 1    Responsibilities**

#### **Art. 47        Decisions**

<sup>1</sup> Depending the importance of an item of business, it is dealt with by the Federal Council, a department, a group or an office.

<sup>2</sup> The Federal Council sets out in an ordinance which administrative unit is responsible for decisions about individual items of business or in wider areas of business.

<sup>3</sup> If the departments are unable to agree on responsibility in specific cases, the President of the Confederation shall decide.

<sup>4</sup> The superordinate administrative units and the Federal Council may at any time take responsibility for deciding on a particular item of business.

<sup>5</sup> Mandatory responsibilities in accordance with the legislation on the administration of federal justice are reserved. If the appeal to the Federal Council is not permitted, the latter may issue a directive to the competent federal administrative authority on how to decide in accordance with the law.

<sup>6</sup> Federal Council business is delegated by law to the department competent for the matter concerned where rulings must be issued that are subject to an appeal to the Federal Administrative Court. The appeal against Federal Council rulings under Article 33 letters a and b of the Administrative Court Act of 17 June 2005<sup>48</sup> is reserved.<sup>49</sup>

#### **Art. 48        Lawmaking**

<sup>1</sup> The Federal Council may delegate responsibility for enacting legal rules to the departments. In doing so, it takes account of the significance of the legal rules.

<sup>2</sup> Delegating lawmaking to groups and offices is only permitted if authorised by a federal act or a general binding federal decree.

<sup>48</sup> SR 173.32

<sup>49</sup> Amended by Annex No 9 of the Administrative Court Act of 17 June 2005, in force since 1 Jan. 2007 (AS 2006 2197 1069; BBl 2001 4202).

**Art. 48a<sup>50</sup>** Conclusion and amendment of and withdrawal from international treaties

<sup>1</sup> The Federal Council may delegate responsibility for concluding, amending or withdrawing from international treaties to a department. In the case of treaties of limited scope, or of amendments or withdrawals of limited scope, it may also delegate this responsibility to a group or federal office.

<sup>2</sup> It provides the Federal Assembly with an annual report on the treaties concluded, amended or withdrawn from by the Federal Council, the departments, groups and federal offices. Only the Control Delegation receives notice of confidential or secret treaties.

**Art. 49** Authorisation to sign

<sup>1</sup> The heads of department may authorise the following persons to sign particular items of business in their name:

- a. secretaries-general or the persons representing them;
- b. members of senior management in the groups and offices;
- c. further persons in the general secretariat in relation to the department's responsibilities as an appeal authority.

<sup>2</sup> They may also authorise these persons to sign rulings.<sup>51</sup>

<sup>3</sup> The directors of the groups and offices and the secretaries general determine who is to have signature authorisation in their domain. Contracts, rulings or other formal commitments by the Confederation for sums of more than 100,000 francs require two signatures.<sup>52</sup>

<sup>4</sup> The opening of bank or postal accounts in Switzerland requires an additional signature from the Federal Finance Administration.<sup>53</sup>

<sup>5</sup> The Federal Council may permit exceptions to the requirement for two signatures in special cases.<sup>54</sup>

<sup>50</sup> Inserted by Annex No II 3 of the Parliament Act of 13 Dec. 2002 (AS **2003** 3543; BBl **2001** 3467 5428). Amended by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

<sup>51</sup> Amended by No II 5 of the FA of 20 March 2008 on the Formal Revision of Federal Legislation, in force since 1 Aug. 2008 (AS **2008** 3437; BBl **2007** 6121).

<sup>52</sup> Amended by No I 1 of the FA of 17 March 2017 on the Stabilisation Programme 2017–2019, in force since 1 Jan. 2018 (AS **2017** 5205; BBl **2016** 4691).

<sup>53</sup> Inserted by No I 1 of the FA of 17 March 2017 on the Stabilisation Programme 2017–2019, in force since 1 Jan. 2018 (AS **2017** 5205; BBl **2016** 4691).

<sup>54</sup> Inserted by No I 1 of the FA of 17 March 2017 on the Stabilisation Programme 2017–2019, in force since 1 Jan. 2018 (AS **2017** 5205; BBl **2016** 4691).

**Art. 50**      Official business

<sup>1</sup> The Federal Council sets out the principles for maintaining international relations in the Federal Administration.

<sup>2</sup> Dealings with the cantonal governments are the responsibility of the Federal Council and the heads of department.

<sup>3</sup> The directors of the groups and offices deal directly with other federal, cantonal and communal authorities and public offices as well as with private individuals, according to their responsibilities.

**Chapter 2    Planning and Coordination<sup>55</sup>****Art. 51**      Planning

The departments, groups and offices plan their activities as part of the Federal Council's general planning. The departments shall bring their plans to the attention of the Federal Council.

**Art. 52**      Coordination activities at government level

The Federal Council, its committees and the Federal Chancellery carry out the coordination tasks assigned to them by the Constitution and the law.

**Art. 53**      Conference of Secretaries General

<sup>1</sup> Under the leadership of the Federal Chancellor, the Conference of Secretaries General directs coordination activities in the Federal Administration.

<sup>2</sup> Where no special coordinating body exists for specific tasks or items of business, the Conference is responsible for these coordination activities, in particular in preparing items of Federal Council business.

<sup>3</sup> It may in terms of a Federal Council decree deal with interdepartmental issues and prepare these for the Federal Council.

<sup>4</sup> The Secretary General of the Federal Assembly may take part in the Conference of Secretaries General in an advisory capacity.<sup>56</sup>

<sup>55</sup> Amended by No I of the FA of 20 March 2008 (Revision of Extra-Parliamentary Commissions), in force since 1 Jan. 2009 (AS 2008 5941; BBl 2007 6641).

<sup>56</sup> Inserted by Annex No 3 of the FA of 8 Oct. 1999, in force since 1 Jan. 2000 (AS 2000 273; BBl 1999 4809 5979).

**Art. 54** Information Conference

<sup>1</sup> The Information Conference comprises the Federal Council Spokesperson and the persons responsible for information in the departments. A representative from the Parliamentary Services may with take part in an advisory role.<sup>57</sup>

<sup>2</sup> The Information Conference deals with current information problems in the departments and Federal Council; it coordinates and plans information.<sup>58</sup>

<sup>3</sup> The Federal Council Spokesperson holds the chair.<sup>59</sup>

**Art. 55** Other standing staff office, planning and coordination bodies

The Federal Council and departments may employ other staff office, planning and coordination bodies as institutionalised conferences or as self-contained administrative units.

**Art. 56** Interdepartmental project organisations

The Federal Council may form project organisations to process important interdepartmental tasks of limited duration.

**Chapter 3 External Advice and Extra-Parliamentary Commissions<sup>60</sup>****Section 1 External Advice<sup>61</sup>****Art. 57** ...<sup>62</sup>

<sup>1</sup> The Federal Council and departments may consult organisations and persons which are not part of the Federal Administration.

<sup>2</sup> ...<sup>63</sup>

<sup>57</sup> Amended by No I of the FA of 24 March 2000, in force since 1 Sept. 2000 (AS **2000** 2095; BBl **1997** III 1568, **1999** 2538).

<sup>58</sup> Amended by No I of the FA of 8 Oct. 1999, in force since 1 Jan. 2000 (AS **2000** 273; BBl **1999** 4809 5979).

<sup>59</sup> Amended by No I of the FA of 24 March 2000, in force since 1 Sept. 2000 (AS **2000** 2095; BBl **1997** III 1568, **1999** 2538).

<sup>60</sup> Amended by No I of the FA of 20 March 2008 (Revision of Extra-Parliamentary Commissions), in force since 1 Jan. 2009 (AS **2008** 5941; BBl **2007** 6641).

<sup>61</sup> Inserted by No I of the FA of 20 March 2008 (Revision of Extra-Parliamentary Commissions), in force since 1 Jan. 2009 (AS **2008** 5941; BBl **2007** 6641).

<sup>62</sup> Repealed by No I of the FA of 20 March 2008 (Revision of Extra-Parliamentary Commissions), with effect from 1 Jan. 2009 (AS **2008** 5941; BBl **2007** 6641).

<sup>63</sup> Repealed by No I of the FA of 20 March 2008 (Revision of Extra-Parliamentary Commissions), with effect from 1 Jan. 2009 (AS **2008** 5941; BBl **2007** 6641).

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**Section 2<sup>64</sup> Extra-Parliamentary Commissions****Art. 57a Purpose**

<sup>1</sup> Extra-parliamentary commissions advise on a permanent basis the Federal Council and the Federal Administration on accomplishing their tasks.

<sup>2</sup> They make decisions insofar as they are authorised to by a federal act.

**Art. 57b Requirements**

Extra-parliamentary commissions may be established when tasks:

- a. require specialist knowledge that is not available in the Federal Administration;
- b. require the cantons or additional interested circles to be involved at an early stage; or
- c. are to be carried out by a decentralised unit of the Federal Administration which is not bound by directives.

**Art. 57c Instituting committees**

<sup>1</sup> A committee is not established if the task can be more appropriately carried out by a unit of the central Federal Administration or an organisation or person from outside the Federal Administration.

<sup>2</sup> The Federal Council establishes extra-parliamentary commissions and elects their members.

<sup>3</sup> The members are appointed for a term of office of four years.

<sup>4</sup> If a seat becomes vacant, a replacement is elected.

**Art. 57d Review**

Every four years, when an extra-parliamentary commission is elected, the necessity for the committee, its tasks and composition shall be reviewed.

**Art. 57e Composition**

<sup>1</sup> Extra-parliamentary commissions may normally have no more than 15 members.

<sup>2</sup> Among the members there must a balance between the sexes, languages, regions, age groups and interest groups, with due consideration of the committee's tasks.

<sup>3</sup> Members the Federal Administration may only be elected as members of a committee in exceptional cases and with due reason.

<sup>64</sup> Inserted by No I of the FA of 20 March 2008 (Revision of Extra-Parliamentary Commissions), in force since 1 Jan. 2009 (AS **2008** 5941; BBl **2007** 6641).



**Art. 57<sup>f</sup>** Disclosure of interests

<sup>1</sup> Committee members must disclose their interests before election. The Federal Council shall issue the relevant implementing provisions.

<sup>2</sup> Any person who refuses to disclose their interests is not eligible for election to a committee.

**Art. 57<sup>g65</sup>** Remuneration

<sup>1</sup> The Federal Council sets out uniform criteria for the remuneration of committee members.

<sup>2</sup> The amount of remuneration is made public.

**Chapter 4<sup>66</sup> Data Processing****Section 1 Documenting Correspondence and Items of Business<sup>67</sup>****Art. 57<sup>h68</sup>**

<sup>1</sup> Under the Federal Act of 19 June 1992<sup>69</sup> on Data Protection, any federal authority may run an information and documentation system to register, administer, index and monitor its correspondence and business. This system may contain data and personality profiles particularly worthy of protection, depending on the correspondence and type of business. The federal authority concerned may only save personal data if they serve to:

- a. process items of business;
- b. organise operational processes;
- c. determine whether it is processing the data of a particular person;
- d. facilitate access to documentation.

<sup>2</sup> Only the employees of the federal body concerned have access to the personal data, and only in as far as they need it in order to carry out their tasks.

<sup>3</sup> The Federal Council issues implementing provisions on the organisation and operation of this information and documentation system and on the protection of the personal data recorded in it.

<sup>65</sup> In force since 1 Jan. 2010 (AS **2009** 6135).

<sup>66</sup> Originally Chapter 3. Inserted by No I of the FA of 24 March 2000 on the Creation and Amendment of Statutory Principles for the Processing of Personal Data, in force since 1 Sept. 2000 (AS **2000** 1891; BBl **1999** 9005).

<sup>67</sup> Inserted by No I of the FA of 1 Oct. 2010 (Data Protection in the Use of Electronic Infrastructure), in force since 1 April 2012 (AS **2012** 941; BBl **2009** 8513).

<sup>68</sup> Originally Art. 57a.

<sup>69</sup> SR **235.1**

**Section 2<sup>70</sup>****Processing Personal Data when Using Electronic Infrastructure****Art. 57i** Relationship to other federal law

The regulations in this section do not apply if another federal act regulates the processing of personal data linked to the use of electronic infrastructure.

**Art. 57j** Principles

<sup>1</sup> Under the Federal Act of 19 June 1992<sup>71</sup> on Data Protection, federal bodies may not record and evaluate personal data linked to the use of their electronic infrastructure or any electronic infrastructure operated by them unless this is necessary for any of the purposes set out in Articles 57l–57o.

<sup>2</sup> Data processing as described in this section may also relate to personal data and personality profiles which are particularly worthy of protection.

**Art. 57k** Electronic infrastructure

Electronic infrastructure includes all stationary or mobile installations and devices capable of recording personal data; it includes in particular:

- a. data processing systems, network components and software;
- b. data storage units;
- c. telephones;
- d. printers, scanners, fax and photocopying machines;
- e. timekeeping systems;
- f. access and video surveillance systems;
- g. geopositioning systems.

**Art. 57l** Recording personal data

The federal bodies may record personal data associated with the use of electronic infrastructure for the following purposes:

- a. all data, including of the content of electronic correspondence: for back-up purposes;
- b. data linked to the use of electronic infrastructure:
  1. to ensure the security of information and services,
  2. to ensure that electronic infrastructure is maintained on a technical level,

<sup>70</sup> Inserted by No I of the FA of 1 Oct. 2010 (Data Protection in the Use of Electronic Infrastructure), in force since 1 April 2012 (AS 2012 941; BBl 2009 8513).

<sup>71</sup> SR 235.1

3. to verify compliance with licensing regulations,
  4. to trace access to data collections,
  5. to record any costs arising from the use of electronic infrastructure;
- c. data on staff working hours: to manage working hours;
  - d. data on persons entering, leaving and remaining on federal premises: for security purposes.

**Art. 57m** Data evaluation not relating to persons

Evaluation of recorded data which does not relate to persons is permitted for the purposes stated in Article 57l.

**Art. 57n** Data evaluation not relating to named persons

Evaluation of recorded data which does not relate to named persons is permitted by random sampling for the following purposes:

- a. to monitor the use of electronic infrastructure;
- b. to monitor staff working hours.

**Art. 57o** Data evaluation relating to named persons

<sup>1</sup> Evaluation of recorded data which relates to named persons is permitted for the following purposes:

- a. to investigate specific suspicion regarding abuse of electronic infrastructure and to take action against proven abuse;
- b. to analyse and eliminate disruptions to electronic infrastructure and protect against clear threats to this infrastructure;
- c. to provide required services;
- d. to determine and invoice services rendered;
- e. to monitor individual working hours.

<sup>2</sup> Evaluation according to paragraph 1 letter a may only be carried out:

- a. by federal bodies;
- b. once the person concerned has been informed in writing.

**Art. 57p** Prevention of abuse

The federal authority takes the required preventive technical and organisational measures to prevent abuses.

**Art. 57q** Implementing provisions

<sup>1</sup> The Federal Council regulates in particular:

- a. the recording, safeguarding and destruction of data;

- b. the data processing procedure;
- c. access to data;
- d. the technical and the organisational measures to guarantee data security.

<sup>2</sup> Data may only be kept as long as is necessary.

<sup>3</sup> Unless otherwise determined by an Ordinance issued by the Federal Assembly, these implementing provisions where appropriate apply to data relating to members of the Federal Assembly and the staff of the Parliamentary Services.

## **Title 5 Individual and Final Provisions**

### **Chapter 1 Legal Status**

#### **Art. 58 Official seat**

The official seat of the Federal Council, the departments and the Federal Chancellery is the City of Bern.

#### **Art. 59 Place of residence of the members of the Federal Council and of the Federal Chancellor**

Members of the Federal Council and the Federal Chancellor are free to choose their place of residence; however, it must be within easy reach of the official seat.

#### **Art. 60 Professional incompatibility**

<sup>1</sup> The members of the Federal Council and the Federal Chancellor may not occupy another position in the Confederation or an official position in a canton nor may they carry out another profession or trade.

<sup>2</sup> They may not hold a position as director, manager or member of an administration, supervisory body or auditing body of organisations that pursue an economic activity.

<sup>3</sup> The members of the Federal Council and the Federal Chancellor may not exercise an official function for a foreign state or accept a title or decoration from a foreign authority.<sup>72</sup>

#### **Art. 61<sup>73</sup> Personal incompatibility**

<sup>1</sup> The following may not be members of the Federal Council at the same time:

- a. two persons married to each other or who live in a registered partnership or as cohabitants;

<sup>72</sup> Inserted by No 12 of the FA of 23 June 2000 on Titles and Decorations of Foreign Authorities, in force since 1 Feb. 2001 (AS **2001** 114; BBl **1999** 7922).

<sup>73</sup> Amended by Annex No 4 of the Same-Sex Partnership Act of 18 June 2004, in force since 1 Jan. 2007 (AS **2005** 5685; BBl **2003** 1288).

- b. relatives and in-laws related in direct line or collaterally up to the fourth degree;
- c. two persons whose spouses or registered partners are siblings.

<sup>2</sup> This provision applies by analogy to the degree of relationship between the Federal Chancellor and members of the Federal Council.

**Art. 61a**<sup>74</sup>

## **Chapter 2 Approval of Cantonal Enactments**<sup>75</sup>

**Art. 61b**<sup>76</sup>

<sup>1</sup> Where required by a federal act, the cantons submit their acts and ordinances to the Confederation for approval; approval is a condition of validity.

<sup>2</sup> The departments give approval in uncontroversial cases.

<sup>3</sup> The Federal Council shall decide in disputed cases. It may also give approval with reservation.

## **Chapter 3 Information on Agreements between the Cantons or between a Canton and an Institution Abroad**<sup>77</sup>

**Art. 61c**<sup>78</sup> Duty to provide information

<sup>1</sup> The cantons shall inform the Confederation of any agreements concluded among themselves or with institutions abroad. They shall inform the Confederation of any agreements with an institution abroad before they are concluded. The Confederation and the cantons shall seek amicable solutions.

<sup>74</sup> Inserted by Annex No II 3 of the Parliament Act of 13 Dec. 2002 (AS **2003** 3543; BBl **2001** 3467 5428). Repealed by Annex No 2 of the FA of 17 June 2011 (Applications to repeal immunity), with effect from 5 Dec. 2011 (AS **2011** 4627; BBl **2010** 7345 7385).

<sup>75</sup> Originally before Art. 62. Amended by No I of the FA of 7 Oct. 2005, in force since 1 June 2006 (AS **2006** 1265; BBl **2004** 7103).

<sup>76</sup> Originally Art. 62, thereafter Art. 61a. Amended by No I of the FA of 7 Oct. 2005, in force since 1 June 2006 (AS **2006** 1265; BBl **2004** 7103).

<sup>77</sup> Inserted by No I of the FA of 7 Oct. 2005, in force since 1 June 2006 (AS **2006** 1265; BBl **2004** 7103).

<sup>78</sup> Inserted by No I of the FA of 7 Oct. 2005, in force since 1 June 2006 (AS **2006** 1265; BBl **2004** 7103).

- <sup>2</sup> Agreements are exempted from the duty to provide information if they:
- serve to implement agreements about which the Confederation is informed;
  - principally concern the authorities or regulate administrative issues.

**Art. 62<sup>79</sup>** Procedure

<sup>1</sup> The Confederation shall inform the public in the Official Federal Gazette about agreements that are brought to its knowledge.

<sup>2</sup> The department responsible examines whether or not an agreement is in accordance with the law and interests of the Confederation. It shall inform the cantons that are party to the agreement of the result within two months following publication of the information in terms of paragraph 1. Cantons that are not party to the agreement (third-party cantons) shall inform the contracting parties of any objections they may have within the same time period.

<sup>3</sup> If objections exist, the department or third-party cantons shall attempt to reach an amicable solution with the cantons that are party to the agreement.

<sup>4</sup> If no solution is reached, the Federal Council and third-party cantons may raise a formal objection with the Federal Assembly within six months following publication of the information in terms of paragraph 1.

## **Chapter 4<sup>80</sup> Concentrated Decision-Making Process**

**Art. 62a** Hearing

<sup>1</sup> If, in projects such as those involving buildings and installations, an act provides for the concentration of decision-making in a single authority (the principal authority), this authority hears the statements of the specialist authorities concerned before making a decision.

<sup>2</sup> If several specialist authorities are concerned, the principal authority listens to their statements at the same time; it may however hear them one after the other if there are particular reasons for doing so.

<sup>3</sup> The principal authority sets the specialist authorities a deadline for providing a statement; the deadline is normally two months.

<sup>4</sup> The principal authority and the specialist authorities shall agree amicably on the cases in which exceptionally no statement needs to be provided.

<sup>79</sup> Inserted by No I of the FA of 8 Oct. 1999 (AS **2000** 289; BBl **1999** 7922). Amended by No I of the FA of 7 Oct. 2005, in force since 1 June 2006 (AS **2006** 1265; BBl **2004** 7103).

<sup>80</sup> Originally Chapter 2<sup>bis</sup>. Inserted by No I I of the FA of 18 June 1999 on the Coordination and Simplification of the Decision-Making Process, in force since 1 Jan. 2000 (AS **1999** 3071; BBl **1998** 2591).

**Art. 62b** Elimination of differences

<sup>1</sup> If there are any differences between the statements of the specialist authorities or if the principal authority does not agree with the statements, it conducts a discussion with the specialist authorities within 30 days in order to eliminate any differences. In this it may call on further authorities or specialists.

<sup>2</sup> If the differences are successfully eliminated, the result is binding for the principal authority.

<sup>3</sup> If the differences cannot be successfully eliminated, the principal authority decides; if considerable differences exist between administrative units of the same department, the principal authority shall instruct the department on how to resolve the matter. If several departments are involved, they consult to reach an agreement. When explaining their decision, they should explain the differences in their positions.

<sup>4</sup> The specialist authorities concerned may defend their own point of view before an appeals authority even after having taken part in a procedure to eliminate differences.

**Art. 62c** Deadlines

<sup>1</sup> The Federal Council sets deadlines within which a decision is to be reached for each procedure to approve plans for buildings and installations.

<sup>2</sup> If any of these deadlines cannot be met, the principal authority informs the applicant when the decision is likely to be made, with reasons given.

**Chapter 5<sup>81</sup> Tax Exemption and Protection of Federal Property****Art. 62d** Tax exemption

The Confederation as well as its institutions, businesses and non-autonomous foundations are exempt from all taxation imposed by the cantons and communes, other than in the case of properties which do not serve an immediate public purpose.

**Art. 62e** Liability

<sup>1</sup> The cantons are liable to the Confederation for damage to its property as a result of disruption to public order.

<sup>2</sup> Cantonal and communal regulations on insurance obligations do not apply to the Confederation.

<sup>81</sup> Originally Chapter 2<sup>ter</sup>. Inserted by Annex No II 3 of the Parliament Act of 13 Dec. 2002, in force since 1 Dec. 2003 (AS **2003** 3543; BBl **2001** 3467 5428).

## Chapter 6<sup>82</sup> Domiciliary Rights

### Art. 62<sup>f</sup>

The Confederation exercises domiciliary rights in its buildings.

## Chapter 7<sup>83</sup> Final Provisions

### Art. 63 Repeal of the Administration Organisation Act

The Federal Act of 19 September 1978<sup>84</sup> on the Organisation and Management of the Federal Council and the Federal Administration is repealed.

### Art. 64<sup>85</sup>

### Art. 65<sup>86</sup>

### Art. 66 Referendum and commencement

<sup>1</sup> This Act is subject to an optional referendum.

<sup>2</sup> The Federal Council shall determine the commencement date.

Commencement date: 1 October 1997<sup>87</sup>

<sup>82</sup> Originally Chapter 2<sup>quater</sup>. Inserted by Annex No II 3 of the Parliament Act of 13 Dec. 2002, in force since 1 Dec. 2003 (AS **2003** 3543; BBl **2001** 3467 5428).

<sup>83</sup> Originally Chapter 3.

<sup>84</sup> [AS **1979** 114, **1983** 170 931 Art. 59 No 2, **1985** 699, **1987** 226 No II 2 808, **1989** 2116, **1990** 3 Art. 1 1530 No II 1 1587 Art. 1, **1991** 362 No I, **1992** 2 Art. 1 288 Annex No 2 510 581 Annex No 2, **1993** 1770, **1995** 978 4093 Annex No 2 4362 Art. 1 5050 Annex No 1, **1996** 546 Annex No 1 1486 1498 Annex No 1]

<sup>85</sup> Repealed by No I of the FA of 22 March 2002 on the Revision of Organisational Provisions of Federal Legislation, with effect from 1 Feb. 2003 (AS **2003** 187; BBl **2001** 3845).

<sup>86</sup> Repealed by Art. 65 No 2 of the Financial Budget Act of 7 Oct. 2005, with effect from 1 May 2006 (AS **2006** 1275; BBl **2005** 5).

<sup>87</sup> FCD 3 Sept. 1997.



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*Annex***Amendments to other Federal Acts**...<sup>88</sup>

<sup>88</sup> The amendments may be consulted under AS 1997 2022.

