

The Constitution of the Swiss Confederation

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Preamble

In the name of God Almighty!

We, the Swiss People and the Cantons,

being mindful of our responsibility towards creation,

in renewing our alliance to strengthen liberty and democracy, independence and peace in solidarity and openness towards the world,

determined, with mutual respect and recognition, to live our diversity in unity,

conscious of our common achievements and our responsibility towards future generations,

certain that free is only who uses his freedom, and that the strength of a people is measured by the welfare of the weak,

hereby adopt the following Constitution:

Title 1 General Provisions

Article 1 Swiss Federation

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

Article 2 Purpose

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

Article 3 Cantons

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

Article 4 National Languages

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

Article 5 Rule of Law

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

Article 6 Individual and Social Responsibility

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

Title 2 Basic, Civil, and Social Rights

Chapter 1 Basic Rights

Article 7 Human Dignity

Human dignity is to be respected and protected.

Article 8 Equality

- (1) All humans are equal before the law.
- (2) Nobody may be discriminated against, namely for his or her origin, race, sex, age,

language, social position, way of life, religious, philosophical, or political convictions, or because of a corporal or mental disability.

(3) Men and women have equal rights. The law provides for legal and factual equality, particularly in the family, during education, and at the workplace. Men and women have the right to equal pay for work of equal value.

(4) The law provides for measures to eliminate disadvantages of disabled people.

Article 9 Protection Against Arbitrariness and Preservation of Good Faith

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

Article 10 Right to Life and Personal Freedom

(1) Every person has the right to life. The death penalty is prohibited.

(2) Every person has the right to personal liberty, namely to corporal and mental integrity and freedom of movement.

(3) Torture and any other form of cruel, inhuman, or degrading treatment or punishment are prohibited.

Article 11 Protection of Children and Adolescents

(1) Children and adolescents have the right to special protection of the personal integrity and to promotion of their development.

(2) They exercise their rights according to their capacity to discern.

Article 12 Right to Aid in Distress

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

Article 13 Protection of Privacy

(1) Every person has the right to respect for his or her private and family life, home, and secrecy of mail and telecommunication.

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

Article 14 Right to Marriage and Family

The rights to marriage and family are guaranteed.

Article 15 Freedom of Faith and Conscience

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

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

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

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

Article 16 Freedom of Opinion and Information

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

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

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

Article 17 Freedom of the Media

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

(2) Censorship is prohibited.

(3) Editorial secrecy is guaranteed.

Article 18 Freedom of Language

The freedom of language is guaranteed.

Article 19 Right to Primary Education

The right to sufficient and free primary education is guaranteed.

Article 20 Freedom of Science

The freedom of scientific research and teaching is guaranteed.

Article 21 Freedom of Art

The freedom of art is guaranteed.

Article 22 Freedom of Assembly

(1) The freedom of assembly is guaranteed.

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

Article 23 Freedom of Association

(1) The freedom of association is guaranteed.

(2) Every person has the right to form associations, to join or to belong to them, and to participate in their activities.

(3) Nobody may be forced to join or to belong to an association.

Article 24 Freedom of Domicile

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

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

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

Article 26 Guarantee to property

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

Article 27 Economic Freedom

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

Article 28 Freedom to Unionize

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

Article 29 General Procedural Guarantees

- (1) In judicial and administrative proceedings, every person has the right to equal and fair treatment as well as adjudication within reasonable time.
- (2) The parties have the right to be heard.
- (3) Every person lacking the necessary means has the right to free legal assistance, provided the case does not seem to lack any merit. To the extent necessary for the protection of one's rights, the person also has the right to free legal counsel.

[Article 29a Guarantee of Legal Proceedings

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

Article 30 Judicial Proceedings

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

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

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

Article 31 Habeas Corpus

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

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

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

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

Article 32 Criminal procedure

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

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

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

Article 33 Right of Petition

(1) Every person has the right to address petitions to authorities; no disadvantages may arise from using this right.

(2) The authorities have to take cognizance of petitions.

Article 34 Political Rights

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

Article 35 Realization of Fundamental Rights

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

Article 36 Limitations of Fundamental Rights

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

Chapter 2 Citizenship and Political Rights

Article 37 Citizenships

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

Article 38 Acquisition and Loss of Citizenship

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

Cantons, and grants naturalization permits.

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

Article 39 Exercise of Political Rights

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

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

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

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

Article 40 Swiss citizens domiciled abroad

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

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

Chapter 3 Social Goals

Article 41 [General Provisions]

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

a) every person shares in social security;

b) every person, for his or her health, receives the necessary care;

c) families as communities of adults and children are protected and supported;

d) workers can sustain their living through work under adequate conditions;

e) people looking for housing can find for themselves and for their family adequate housing at acceptable conditions;

f) children and youths as well as people of working age can further their education and training according to their abilities;

g) children and youths are encouraged in their development to become independent and socially responsible persons and are supported in their social, cultural, and political integration.

(2) The Federation and the Cantons are working towards the goal that every person is

insured against the economic consequences of old age, disability, illness, accidents, unemployment, maternity, orphanhood, and widowhood.

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

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

Title 3 Federation, Cantons, and Municipalities

Chapter 1 Relationship between the Federation and the Cantons

Section 1 Tasks of the Federation and the Cantons

Article 42 Tasks of the Federation

(1) The Federation accomplishes tasks allocated to it by the Constitution.

(2) It assumes the tasks requiring uniform regulation.

Article 43 Tasks of the Cantons

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

Section 2 Cooperation between the Federation and the Cantons

Article 44 Principles

(1) The Federation and the Cantons support each other in the fulfillment of their responsibilities and work together.

(2) They owe each other consideration and support. They grant each other administrative and judicial assistance.

(3) Disputes between Cantons or between Cantons and the Federation are as far as possible resolved through negotiation or mediation.

Article 45 Participation in Federal Decision Making

(1) The Cantons participate, according to the Constitution, in federal decision-making,

particularly regarding legislation.

(2) The Federation timely and comprehensively informs the Cantons of its projects; it obtains their consideration whenever their interests are concerned.

Article 46 Implementation of Federal Law

(1) The Cantons implement federal legislation according to the Constitution and the law.

(2) The Federation leaves the Cantons as much organizational scope as possible and takes into account the peculiarities of Cantons.

(3) The Federation takes into account the financial burden associated with implementing the federal law by leaving sufficient financial resources to the Cantons and by taking care of an equitable financial adjustment.

Article 47 Autonomy of the Cantons

The Federation preserves the autonomy of the Cantons.

Article 48 Intercantonal Treaties

(1) The Cantons may adopt intercantonal treaties and create common organizations and institutions. They may, in particular, fulfill tasks of regional interest together.

(2) The Federation may participate within the limits of its competencies.

(3) Intercantonal treaties may not be contrary to the law or interest of the Federation or to the rights of other Cantons. They have to be made known to the Federation.

Article 49 Supremacy of and Respect for Federal Law

(1) Federal law takes precedence over contrary cantonal law.

(2) The Federation ensures the adherence to the Federal law by the cantons.,

{ The rest of this document is still under textual revision. }

Section 3 Municipalities

Article 50 [General Provisions]

(1) The autonomy of the Municipalities is guaranteed within the limits fixed by cantonal law.

(2) In its activity, the Federation takes into account the possible consequences for the Municipalities.

(3) In particular, it takes into account the special situation of cities, agglomerations, and mountainous regions.

Section 4 Federal Guarantees

Article 51 Cantonal Constitutions

- (1) Every Canton adopts a democratic constitution. The cantonal constitution must be approved by the people, and must be subject to revision if a majority of the people so requires.
- (2) The cantonal constitutions must be guaranteed by the Federation. The Federation grants this guarantee, if the constitutions are not contrary to federal law.

Article 52 Constitutional Order

- (1) The Federation protects the constitutional order of the Cantons.
- (2) It intervenes if the inner order of a Canton is disturbed or threatened and cannot be protected by the Canton alone or with the help of other Cantons.

Article 53 Existence and Territory of the Cantons

- (1) The Federation protects the existence and the territory of the Cantons.
- (2) Modifications of the number of the Cantons, of the Cantons or their status are subject to the assent of the population concerned, of the Cantons concerned, and of the People and the Cantons.
- (3) Modifications of the territory of a Canton are subject to the assent of the population concerned, of the Cantons concerned, and the assent of the Federal Parliament in the form of a federal decree.
- (4) Intercantonal boundary settlements may be made by treaty between the Cantons concerned.

Chapter 2 Powers

Section 1 Relations with foreign countries

Article 54 Foreign Relations

- (1) Foreign Relations are a federal matter.
- (2) The Federation strives to preserve the independence of Switzerland and its welfare; it shall, in particular, contribute to alleviate need and poverty in the world, and to promote

respect for human rights, democracy, the peaceful coexistence of nations, and the preservation of natural resources.

(3) It takes into consideration the powers of the Cantons and protects their interests.

Article 55 Participation of the Cantons in Decisions of Foreign Policy

(1) The Cantons participate in the preparation of decisions of foreign policy which concern their powers or their essential interests.

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

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

Article 56 Relations between the Cantons and Foreign Countries

(1) The Cantons may conclude treaties with foreign countries within the scope of their powers.

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

(3) The Cantons may deal directly with lower ranking foreign authorities; in other cases, the relations of the Cantons with foreign countries are conducted by the Federation acting on their behalf.

Section 2 Security, National and Civil Defense

Article 57 Security

(1) The Federation and the Cantons ensure, within the framework of their powers, the security of the country and the protection of the population.

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

Article 58 Army

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

(2) The army contributes to prevent war and to maintain peace; it defends the country and protects its population. It lends support to the civil authorities when they must repel serious threats to internal security or master other exceptional circumstances. The statute may provide for further tasks.

(3) The use of the army is a federal matter. The Cantons may engage their troops to maintain public order on their territory, if the means of the civil authorities no longer suffice to repel serious threats to inner security.

Article 59 Military and Alternative Service

- (1) Every Swiss man must render military service. The statute provides for an alternative service.
- (2) For Swiss women, military service is voluntary.
- (3) Swiss men who render neither military nor alternative service owe a tax. The tax is levied by the Federation and is assessed and collected by the Cantons.
- (4) The Federation legislates on fair compensation for loss of income.
- (5) Those who render military or alternative service and thereby suffer health impairment or lose their lives, have the right for themselves or their relatives to adequate support by the Federation.

Article 60 Organisation, Instruction, and Equipment of the Army

- (1) Legislation on the military and on the organization, the instruction, and the equipment of the army, is a federal matter.
- (2) Within the limits of federal law, the Cantons have the power to form cantonal troops, to appoint and to promote officers of such troops, and to furnish a part of their clothing and equipment.
- (3) The Federation may take over military installations of the Cantons against fair compensation.

Article 61 Civil defense

- (1) Legislation on civil defense is a federal matter; civil defense has the purpose of protecting persons and property against the consequences of armed conflicts.
- (2) The Federation legislates on the intervention of civil defense in catastrophes and emergencies.
- (3) The Federation may make the civil defense service compulsory for men. For women, it is voluntary.
- (4) The Federation legislates on fair compensation for loss of income.
- (5) Those who render civil defense service and thereby suffer health impairment or lose their lives, have the right for themselves or their relatives to adequate support by the Federation.

Section 3 Education, Research, and Culture

Article 62 Education

- (1) Education is a cantonal matter.
- (2) The Cantons ensure a sufficient primary education open to all children. This education is

compulsory, and shall be placed under state direction or supervision. It is free of charge in public schools. The school year begins between mid-August and mid-September.

Article 63 Professional Education and Universities

- (1) The Federation legislates on professional education.
- (2) It operates technical universities. It may create, operate, or support other universities and institutions of higher learning. It may make its support conditional upon taking coordination measures.

Article 64 Research

- (1) The Federation encourages scientific research.
- (2) It may make its support conditional, in particular, upon taking coordination measures.
- (3) It may create, take over, or operate research institutions.

Article 65 Statistics

- (1) The Federation collects the necessary statistical data on the status and evolution of the population, the economy, the society, the territory, and the environment in Switzerland.
- (2) To facilitate the collection of data, it may legislate on harmonizing and keeping official registers.

Article 66 Support of Education

- (1) The Federation may grant subsidies to the Cantons for the expenses that they may incur for scholarships and for other assistance towards education.
- (2) It may, moreover, complement cantonal measures while respecting cantonal autonomy in school matters, and take its own measures to encourage education.

Article 67 Education of Young People and Adults

- (1) The Federation and the Cantons, when fulfilling their tasks, take into account children's and young people's special needs for development and protection.
- (2) The Federation may complement cantonal measures and support the extra-curricular work with children and young people and the education of adults.

Article 68 Sport

- (1) The Federation promotes sport, particularly sport education.
- (2) It operates a sport school.
- (3) It may legislate on youth sport, and may make sport education in schools compulsory.

Article 69 Culture

- (1) The field of culture is a cantonal matter.

(2) The Federation may support cultural activities of national interest, and encourage art and music, in particular in the field of education.

(3) In accomplishing its tasks, it takes into account the cultural and linguistic diversity of the country.

Article 70 Languages

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

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

(3) The Federation and the Cantons encourage understanding and exchange between the linguistic communities.

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

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

Article 71 Film

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

(2) It may legislate to encourage the variety and quality of cinematographic works offered.

Article 72 Church and State

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

(2) The Federation and the Cantons may, within the framework of their powers, take measures to maintain public peace between the members of the various religious communities.

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

Section 4 Environment and Zoning

Article 73 Sustainable Development

The Federation and the Cantons shall strive to establish a durable equilibrium between nature, in particular its capacity to renew itself, and its use by man.

Article 74 Protection of the Environment

- (1) The Federation legislates on the protection of man and the natural environment against harm and nuisance.
- (2) It ensures that such influences are avoided. The polluters pay for the costs of avoidance and removal.
- (3) The federal regulations shall be implemented by the Cantons, insofar as the statute does not reserve this for the Federation.

Article 75 Zoning

- (1) The Federation establishes principles on zoning. Zoning falls to the Cantons and serves to achieve an appropriate and moderate use of the land and its ordered inhabitation.
- (2) The Federation encourages and coordinates the efforts of the Cantons and collaborates with them.
- (3) In fulfilling their tasks, the Federation and the Cantons take the needs of zoning into account.

Article 76 Water

- (1) Within the limits of its powers, the Federation ensures the moderate use and the protection of water resources, and fight against harmful effects of water.
- (2) It establishes principles on the preservation and use of water reserves, on the use of water for the production of energy and for cooling purposes, and on other interventions into the water cycle.
- (3) It legislates on water protection, on securing sufficient residual water, on hydraulic engineering, on the safety of dams and on interventions to influence precipitation.
- (4) The Cantons dispose of their water resources. Within the limits of federal law, they may levy dues for water use. The Federation has the right to use water for its traffic enterprises; it pays dues and compensation for this.
- (5) On rights concerning international water resources and dues connected with them, the Federation decides in consultation with the Cantons concerned. If the Cantons concerned cannot agree on rights to intercantonal water reserves, the Federation shall decide.
- (6) In fulfilling its tasks, the Federation takes into account the interests of the Cantons from which the water originates.

Article 77 Forests

- (1) The Federation ensures that forests may fulfill their protective, economic and social functions.
- (2) It establishes principles for the protection of forests.
- (3) It encourages measures for the conservation of forests.

Article 78 Nature and Cultural Heritage

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

(2) In fulfilling its tasks, the Federation takes into account the objectives of the protection of nature and cultural heritage. It protects scenery, localities, historical sites, and natural and cultural monuments; it preserves them untouched if public interest so requires.

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

(4) It legislates on the protection of animal and plant life, and on the preservation of their natural environment and multiplicity. It protects endangered species from extinction.

(5) Moors and marshland of special beauty and national importance shall be protected. No installations may be built on them, and no alterations of any kind may be made to the land. An exception is made for installations serving to ensure their protection or continuation of existing agricultural use.

Article 79 Fishery and Hunting

The Federation establishes principles on the exercise of fishery and hunting, in particular to preserve multiplicity of fish, game, and birds.

Article 80 Protection of Animals

(1) The Federation legislates on the protection of animals.

(2) It regulates in particular:

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

(3) The federal regulations shall be implemented by the Cantons, insofar as the statute does not reserve this for the Federation.

Section 5 Public Works and Transportation

Article 81 Public Works

In the interest of Switzerland or a large part of the country, the Federation may build and operate public works, or promote the realization of such works.

Article 82 Road Traffic

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

Article 83 National Highways

- (1) The Federation ensures the construction of a network of national highways and the utilization of these highways.
- (2) The Cantons build and maintain their national highways according to the rules established by the Federation and under its high supervision.
- (3) The Federation and the Cantons bear the costs of the national highways jointly. The costs to be borne by each Canton are allocated by taking into account the burden falling on them due to the national highways, their interest in these highways, and their financial resources.

Article 84 Alpine Transit

- (1) The Federation protects the alpine regions from the negative effects of transit traffic. It limits the nuisance caused by such traffic to a level not harmful to persons, animals, and plants as well as their environment.
- (2) Transalpine freight in border-to-border transit shall be transported by rail. The Federal Government takes the necessary measures. Exceptions are permitted only if they are inevitable. They are specified by statute.
- (3) The capacity of transit roads in the alpine regions may not be increased, except for bypass roads to relieve the pressure of through-traffic in towns and villages.

Article 85 Charge on Heavy Goods Traffic

- (1) The Federation may levy a charge on heavy goods traffic related to motor power or consumption. The charge may only be levied to the extent to which heavy goods traffic creates public costs which are not already covered by other contributions or charges.
- (2) The net revenue from the charge is used to cover costs in connection with road traffic.
- (3) The Cantons receive portions of the net revenue from the charge. These portions are calculated by taking into account the specific repercussions of the charge in mountainous and remote regions.

Article 86 Motor Fuels Consumption Tax and other Traffic Charges

- (1) The Federation may raise a consumption tax on motor fuels.
- (2) It raises a tax on the use of national highways by motor vehicles and trailers which are not subject to the heavy goods traffic charge.
- (3) It uses half of the net revenue from the motor fuels consumption tax and the net revenue from the national highway tax for the following purposes and costs in connection with road

traffic:

- a. Construction, maintenance, and operation of national highways;
 - b. Measures to promote combined traffic and traffic of accompanied road vehicles, or to separate railway traffic from road traffic;
 - c. Contributions towards the construction of main roads;
 - d. Contributions towards the construction of works of protection against natural elements, and towards measures of protection of the environment and scenery made necessary by road traffic;
 - e. General participation in the financing by the Cantons of highways open to motor vehicles and to equalization of financial charges in the field of roads;
 - f. Contributions to the Cantons without national highways, and to Cantons with alpine roads serving international traffic.
- (4) If these means are insufficient, the Federation raises a surtax on the motor fuels consumption tax.

Article 87 Rail Traffic and further Means of Traffic

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

Article 88 Footpaths and Hiking Trails

- (1) The Federation establishes principles on networks of footpaths and hiking trails.
- (2) It may support measures of the Cantons to establish and keep such networks, and to coordinate them.
- (3) In fulfilling its tasks, it takes into account networks of footpaths and hiking trails and replaces paths and trails that it must close.

Section 6 Energy and Communication

Article 89 Energy Policy

- (1) Within their powers, the Federation and the Cantons strive to ensure a sufficient, diversified, reliable, and economical energy supply compatible with the protection of the environment, and the economical and efficient use of energy.
- (2) The Federation establishes principles on the use of domestic and renewable energy, and the economical and efficient use of energy.
- (3) The Federation legislates on the use of energy for installations, vehicles, and appliances. It promotes the development of energy techniques, particularly in the fields of energy saving and renewable energy.

- (4) Measures concerning the use of energy in buildings are primarily a cantonal matter.
- (5) In its energy policy, the Federation takes into account the efforts of the Cantons, of the Municipalities, and of economic circles; it takes into account the conditions in the various regions, and the limitations of what is economically feasible.

Article 90 Nuclear Energy

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

Article 91 Transportation of Energy

- (1) The Federation legislates on the transportation and the supply of electricity.
- (2) Legislation on pipelines for the transport of liquid or gaseous fuels is a federal matter.

Article 92 Postal and Telecommunication Services

- (1) Postal and telecommunication services are a federal matter.
- (2) The Federation ensures sufficient and reasonable basic postal and telecommunication services in all regions. The rates are fixed according to uniform principles.

Article 93 Radio and Television

- (1) Legislation on radio and television and other forms of public telecasting of features and information is a federal matter.
- (2) Radio and Television contribute to education and cultural development, to the free formation of opinion, and to the entertainment of the listeners and viewers. They take into account the particularities of the country and the needs of the Cantons. They present events factually, and reflect diverse opinions fairly and adequately.
- (3) The independence of radio and television and the autonomy of their programming are guaranteed.
- (4) The situation and the role of other media, in particular the press, are taken into account.
- (5) It shall be possible to submit complaints about programs to an independent authority.

Section 7 Economy

Article 94 Principles of Economic Order

- (1) The Federation and the Cantons respect the principle of economic freedom.
- (2) They safeguard the interests of the national economy and, together with the private sector of the economy, contribute to the welfare and economic security of the population.
- (3) Within the limits of their powers, they strive to create favorable conditions for the private sector of the economy.

(4) Derogations from the principle of economic freedom, in particular measures against competition, are allowed only if foreseen by the Federal Constitution or based on cantonal monopolies.

Article 95 Private Economic Activity

(1) The Federation may legislate on the exercise of private economic activity.

(2) It strives to create a unified Swiss economic area. It guarantees that persons having a university education or a federal or cantonal education certificate or an education certificate recognized by a Canton may exercise their profession throughout Switzerland.

Article 96 Competition Policy

(1) The Federation legislates to fight against economically or socially damaging effects of cartels and other restrictions of competition.

(2) It takes measures

a. to prevent abuses in price fixing by enterprises and organizations of private and public law enjoying a dominant position on the market;

b. against unfair competition.

Article 97 Consumer Protection

(1) The Federation takes measures for consumer protection.

(2) It legislates on the remedies available to consumer organizations. In the field of federal legislation against unfair competition, these organizations have the same rights as professional and economic associations.

(3) The Cantons provide a conciliation procedure or a simple and speedy judicial procedure for cases below a certain value in dispute. The Federal Government establishes this value.

Article 98 Banking and Insurance

(1) The Federation legislates on banking and stock exchanges; it takes into account the specific task and position of the cantonal banks.

(2) It may legislate on financial services in other fields.

(3) It legislates on private insurance.

Article 99 Monetary Policy

(1) Money and currency are a federal matter. The Federation has the exclusive right to coin money and to issue bank notes.

(2) As an independent central bank, the Swiss National Bank follows a monetary policy which serves the general interest of the country; it is administered with the cooperation and under the supervision of the Federation.

(3) The Swiss National Bank creates sufficient monetary reserves from its profits; a part of

these reserves shall be held in gold.

(4) At least two thirds of the net profits of the Swiss National Bank are credited to the Cantons.

Article 100 Policy on Economic Development

(1) The Federation takes measures to ensure a balanced economic development and, in particular, to prevent and fight unemployment and inflation.

(2) It takes into account the economic development of the various regions. It cooperates with the Cantons and the economic circles.

(3) In the fields of credit and currency, in foreign trade and in public finance, it may, if necessary, depart from the principle of economic freedom.

(4) In their budgetary policy, the Federation, Cantons and Municipalities takes into account the economic development.

(5) In order to stabilize the economy, the Federation may temporarily levy surcharges, or grant rebates on federal taxes and dues. The accumulated funds shall be frozen; after their release, direct surcharges are individually reimbursed and indirect surcharges are used to grant rebates or to create employment.

(6) The Federation may oblige businesses to accumulate reserves for the creation of employment; for this purpose, it grants tax privileges, and may also oblige Cantons to grant such privileges. After the release of the reserves, the businesses are free to decide how to use them within the purposes prescribed by statute.

Article 101 Foreign Trade

(1) The Federation safeguards abroad the interests of the Swiss economy.

(2) In special cases, it may take measures to protect the domestic economy. It may, if necessary, depart from the principle of economic freedom.

Article 102 Supply of Essential Goods and Services

(1) The Federation ensures the country's supply of essential goods and services in case of threats of military or economic war, or of severe shortages which the economy cannot counteract by itself. It takes provisional measures.

(2) It may, if necessary, depart from the principle of economic freedom.

Article 103 Structural Policy

The Federation may support economically threatened regions and promote branches of the economy and professions, if the measures of self-help that can reasonably be expected are insufficient to ensure their existence. It may, if necessary, depart from the principle of economic freedom.

Article 104 Agriculture

(1) The Federation ensures that agriculture contributes substantially by way of a sustainable and market-oriented production

- a. to the secure provisionment of the population;
- b. to the conservation of national resources and the upkeep of rural scenery;
- c. to a decentralized inhabitation of the country.

(2) In addition to the measures of self-help that may reasonably be expected from agriculture and, if necessary, in derogation of the principle of economic freedom, the Federation promotes farms cultivating the land.

(3) It conceives the measures in such a way that agriculture may fulfill its multiple functions. Its powers and tasks shall particularly be the following:

- a. It shall complement agricultural revenues by direct payments, to secure a fair and adequate remuneration for the services rendered, provided that compliance with ecological requirements is proven;
- b. It shall promote, by way of economic incentives, forms of production which are particularly close to nature and friendly to the environment and the animals;
- c. It shall legislate on the declaration of origin, quality, production and processing methods for foodstuffs;
- d. It shall protect the environment against pollution due to excessive use of fertilizers, chemicals and other auxiliary substances;
- e. It may encourage agricultural research, counseling, and education, and subsidize investments;
- f. It may legislate on the consolidation of rural property.

(4) To these ends it shall invest dedicated funds from the agricultural field and general federal funds.

Article 105 Alcohol

The legislation on the production, the importation, the refining, and the sale of distilled spirits is a federal matter. The Federation shall, in particular, take into account the harmful effects of the consumption of alcohol.

Article 106 Gambling

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

(2) A federal license is required to establish and run a gambling casino. When issuing a federal license, the Federation shall take into account regional circumstances and the dangers of gambling.

(3) The Federation shall levy from casinos a tax on their revenues; this tax shall not exceed 80 percent of the gross revenues from gambling. It shall be used to cover the federal subsidy to old age, survivors', and disability insurance.

(4) The licensing of gambling machines involving an element of skill and where money can be won is a cantonal matter.

Article 107 Weapons and Military Material

(1) The Federation shall legislate on the misuse of weapons, associated equipment, and ammunition.

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

Section 8 Housing, Work, Social Security and Health

Article 108 Promotion of Construction and Ownership of Housing

(1) The Federation shall encourage the construction and the ownership of housing for private persons' own use, and the activity of developers and organisations for social housing.

(2) It shall promote, in particular, the acquisition and development of land, the efficiency of construction, and the reduction of construction and housing costs.

(3) It may legislate on the development of land for the construction of housing, and on efficiency in construction.

(4) In fulfilling this task, it shall, in particular, take into account the interests of families and elderly, needy, and disabled persons.

Article 109 Landlord and Tenant

(1) The Federation shall issue regulations against abuses in the field of landlord and tenant, particularly against abusive rent, on avoiding abusive notices of termination, and on the limited extension of tenancies.

(2) It may legislate to confer generally binding effect on general contracts between landlords and tenants. Contracts may become generally binding only if they take fairly into account justified minority interests and regional differences, and respect the principle of equality before the law.

Article 110 Labor

(1) The Federation may legislate on:

- a. the protection of employees;
- b. the relationship between employees and employers, in particular the common regulation of matters concerning an enterprise or a trade;
- c. placement services;
- d. conferring generally binding effect on collective labor contracts.

(2) Collective labor contracts may receive generally binding effect only if they take fairly into account justified minority interests and regional differences, and respect the principle of equality before the law and the freedom to unionize.

(3) August 1 is the Federal National Day. In labor law, it is assimilated to a Sunday, and paid.

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

(1) The Federation shall take measures for an adequate social security for the elderly, survivors, and disabled persons. These shall be based on three pillars, namely, federal old age, survivors', and disability insurance, employee pension plans, and provision by individuals for their own future.

(2) The Federation shall ensure that the federal old age, survivors', and disability insurance, and the employee pension plans may fulfill their purpose durably.

(3) It may oblige the Cantons to exempt from taxation the institutions of the federal old age, survivors', and disability insurance, and the employee pension plans, and to grant tax relief to persons insured and their employers for contributions paid, and entitlements to future benefits.

(4) In cooperation with the Cantons, the Federation shall encourage individuals to provide for their own future, particularly by fiscal measures and by policies encouraging ownership.

Article 112 Old age, Survivors' and Disability Insurance

(1) The Federation shall legislate on the old age, survivors', and disability insurance.

(2) In doing so, it shall respect the following principles:

- a. The insurance shall be mandatory;
- b. The pensions must cover basic living expenses appropriately;
- c. The maximal pension shall not exceed twice the minimal pension;
- d. The pensions shall at least be adapted to the development of prices.

(3) The insurance shall be financed:

- a. by contributions of the insured persons; half the contributions of employees shall be paid by their employers;
- b. by subsidies of the Federation and, if the statute so provides, of the Cantons.

(4) Together, the subsidies of the Federation and the Cantons shall not exceed half the disbursements.

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

(6) The Federation shall encourage the integration of disabled persons, and support efforts to assist the elderly, survivors, and disabled persons. To this end, it may use the funds of the old age, survivors', and disability insurance.

Article 113 Employee Pension Plans

(1) The Federation shall legislate on employee pension plans.

(2) In doing so, it shall respect the following principles:

a. Employee pension plans together with the old age, survivors', and disability insurance shall ensure appropriately that the previous lifestyle may be maintained;

b. Employee pension plans shall be mandatory for employees; the statute may foresee exceptions;

c. Employers shall insure their employees with a pension institution. If necessary, the Federation shall give them the possibility to insure their employees with a federal pension institution;

d. Self-employed persons may voluntarily insure themselves with a pension institution;

e. For particular groups of self-employed persons, the Federation may declare employee pension plans mandatory, in general or only for particular risks.

(3) Employee pension plans shall be financed through contributions by the insured persons; at least half the contribution of employees shall be paid by their employers.

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

Article 114 Unemployment Insurance

(1) The Federation shall legislate on unemployment insurance.

(2) In doing so, it shall respect the following principles:

a. The insurance shall guarantee an appropriate compensation for loss of earnings, and shall support measures to prevent and fight unemployment;

b. Insurance shall be mandatory for employees; the statute may provide exceptions;

c. Self-employed persons may voluntarily insure themselves.

(3) The unemployment insurance shall be financed by the contributions of the insured persons. Half the contribution of employees shall be paid by their employers.

(4) In extraordinary circumstances, the Federation and the Cantons shall provide subsidies.

(5) The Federation may legislate on social assistance to the unemployed.

Article 115 Assistance to Needy Persons

Needy persons shall be assisted by the Cantons in which they are domiciled. The Federation may provide for exceptions, and shall determine the competent authorities.

Article 116 Family Allocations and Maternity Insurance

(1) In fulfilling its tasks, the Federation shall take into account the needs of the family. It may support measures to protect the family.

(2) It may legislate on family allocations and operate a federal family compensation fund.

(3) It shall institute a maternity insurance. It may also oblige persons to contribute who

cannot benefit from the insurance.

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

Article 117 Health and Accident Insurance

(1) The Federation shall legislate on health and accident insurance.

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

Article 118 Protection of Health

(1) Within the limits of its powers, the Federation shall take measures for the protection of health.

(2) It shall legislate on:

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

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

(1) Persons shall be protected against the abuse of medically assisted procreation and gene technology.

(2) The Federation shall legislate on the use of human reproductive and genetic material. It shall ensure the protection of human dignity, of personality, and of family, and in particular it shall respect the following principles:

- a. All forms of cloning and interference with genetic material of human reproductive cells and embryos is prohibited;
- b. Non-human reproductive and genetic material may neither be introduced into nor combined with human reproductive material;
- c. Methods of medically assisted procreation may only be used when sterility or the danger of transmission of a serious illness cannot be avoided otherwise, but neither in order to induce certain characteristics in the child nor to conduct research. The fertilization of human ova outside a woman's body shall be permitted only under conditions determined by statute. No more human ova may be developed into embryos outside a woman's body than are capable of being immediately implanted into her;
- d. The donation of embryos and all forms of surrogate maternity are prohibited;
- e. No trade may be conducted with human reproductive material or with any product obtained from embryos;
- f. A person's genetic material may only be analyzed, registered or disclosed with the consent

of that person, or if a statute so provides;

g. Every person shall have access to the data concerning his or her ancestry.

Article 119a Transplantation Medicine

(1) The Federation provides regulation for transplantation of organs, tissue, and cells. It thereby protects human dignity, personality, and health.

(2) In particular, the Federation establishes criteria for the just assignment of organs.

(3) Donations of human organs, tissue, and cells are pro bono. The trade with human organs is prohibited.

Article 120 Gene Technology in the Non-Human Field

(1) Persons and their environment shall be protected against abuse of gene technology.

(2) The Federation shall legislate on the use of the reproductive and genetic material of animals, plants, and other organisms. In doing so, it shall take into account the dignity of creation and the security of man, animal and environment, and shall protect the genetic multiplicity of animal and vegetal species.

Section 9 Residence and Domicile of Foreigners

Article 121 [General Provisions]

(1) Legislation on immigration, emigration, residence and domicile of foreigners, and on granting asylum are federal matters.

(2) Foreigners who endanger Switzerland's security may be removed from Switzerland by force.

Section 10 Civil and Criminal Law, Weights and Measures

Article 122 Civil Law

(1) Legislation in the field of civil law is a federal matter.

(2) The organization of the judiciary, civil procedure, and civil justice are cantonal matters.

(3) Judgments in civil law are enforceable throughout Switzerland.

[Revision of Article 122 (8 Oct 1999) that has not yet been set into force:

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

(2) The organization of the judiciary and civil justice are cantonal matters, unless otherwise provided by statute.

(3) { *abolished* }*

Article 123 Criminal Law

- (1) Legislation in the field of criminal law and criminal procedure is a federal matter.
- (2) The organization of the judiciary, criminal justice, and execution of criminal penalties and measures are cantonal matters, unless otherwise provided by statute.
- (3) The Federation can grant monies to the Cantons for:
 - a. the establishment of institutions;
 - b. the improvement of prisons and correctional facilities;
 - c. institutions conducting educational measures regarding children, youths, and young adults.

Article 123a [Correctional Measures for Particularly Dangerous Criminals]

- (1) If a perpetrator of sexual or other violent crimes is qualified by expert testimony necessary for sentencing as extremely dangerous without chance of therapy, he may be enjoined for life due to the high risk of repeat offences. Early release or temporary leave are barred.
- (2) New expert testimony is only admissible if new scientific facts establish that the criminal can successfully receive therapy and does no longer present a danger to the public. In case of release due to such new testimony, the administrative agency responsible for the release is liable for any repeat offences.
- (3) All expert testimony regarding perpetrators of sexual or other violent crimes must be presented by at least two independent and experienced experts on the basis of all relevant facts.

Article 124 Aid to Victims of Criminal Acts

The Federation and the Cantons shall ensure that the victims of criminal acts against the corporal, mental, or sexual integrity receive assistance and appropriate compensation if, as a consequence of the criminal act, they suffer financial difficulties.

Article 125 Weights and Measures

Legislation on weights and measures is a federal matter.

Chapter 3 Finances

Article 126 Budget

- (1) On the long run, the Federation keeps its expenditure and revenues in balance.

(2) The highest sum of expenditures in the budget proposal follows the estimated revenues taking into account the economic situation.

(3) In the case of extraordinary financial need, the sum of Paragraph (2) above may be adequately increased. The increase is subject to a decision by Federal Parliament according to Article 159 (3) c.

(4) If the total expenditure according to budget review surpasses the sum of Paragraphs (2) and (3) above, the excessive expenditure has to be compensated during the following years.

(5) Details are determined by statute.

Article 127 Principles of Taxation

(1) The general principles of taxation, particularly the circle of taxpayers, and the object of the tax and its calculation, shall be established by statute.

(2) To the extent that the nature of the tax allows it, the principles of universality and equality of tax treatment and of taxation according to economic capacity shall be followed.

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

Article 128 Direct Taxes

(1) The Federation may raise a direct tax:

a. of at most 11.5 percent on the income of natural persons;

b. of at most 9.8 percent on the net profit of legal entities;

c. of at most 0.825 percent on the capital and the reserves of legal entities.

(2) In establishing the tax scales, the Federation shall take into account the burden of direct taxes on the Cantons and the Municipalities.

(3) The effect on natural persons of the shift into higher tax brackets due to inflation shall be periodically equalized.

(4) The Cantons shall assess and collect the taxes. Three tenths of the gross tax yield shall fall to the Cantons; at least one sixth of this amount shall be used for financial equalization among Cantons.

Article 129 Harmonization of Taxes

(1) The Federation establishes principles on the harmonization of direct taxes of the Federation, Cantons, and Municipalities; she takes into account the efforts of the Cantons to harmonize their taxes.

(2) The harmonization extends to the duty to pay taxes, the object of taxation, its period, and procedural and criminal law on taxation. Harmonization does not cover tax scales, tax rates, and tax-exempt amounts.

(3) The Federation may issue regulations against arrangements granting unjustified tax advantages.

Article 130 Value Added Tax

(1) The Federation may levy a value added tax with a maximum tax rate of 6.5 percent on the supply of goods and services, including own use, and on imports.

(2) 5 percent of the tax yield shall be used for measures in favor of low income groups.

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

Article 131 Special Consumption Taxes

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

a. tobacco and tobacco products;

b. distilled spirits;

c. beer;

d. automobiles and their components;

e. crude, oil, other mineral fuels, natural gas, and products obtained through refining them, and on motor fuels.

(2) It may levy a surtax on motor fuels.

(3) One tenth of the net yield of the tax on distilled spirits shall be credited to the Cantons. These funds shall be used to fight the causes and the effects of addiction.

Article 132 Stamp and Withholding Taxes

(1) The Federation may levy a stamp tax on securities, on insurance premium receipts, and on other documents of commerce; documents concerning operations in immovable property and mortgages shall be exempt from stamp tax.

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

Article 133 Customs Duties

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

Article 134 Exclusion of Cantonal and Municipal Taxation

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

Article 135 Financial Equalization

(1) The Federation shall promote financial equalization among the Cantons.

(2) When granting subsidies, it shall take into account the financial capacity of the Cantons and the special situation of the mountainous regions.

Title 4 People and Cantons

Chapter 1 General Provisions

Article 136 Political Rights

(1) All Swiss citizens who are 18 years or older, and are not under guardianship because of mental illness or weakness, shall have political rights in federal matters. All shall have the same political rights and obligations.

(2) They may participate in elections to the House of Representatives and in federal votations, and may launch and sign popular initiatives and referenda in federal matters.

Article 137 Political Parties

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

Chapter 2 Initiative and Referendum

Article 138 Popular Initiative for Total Revision of the Federal Constitution

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

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

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

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

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

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

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

initiative with a counterproposal.

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

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

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

(3) If an initiative does not respect the principle of unity of form, the principle of unity of subject matter, or mandatory rules of international law, the Federal Parliament shall declare the initiative invalid, in whole or in part.

(4) If the Federal Parliament approves an initiative in the form of a general suggestion, it shall prepare a partial revision in the sense of the initiative, and submit it to the vote of the people and the Cantons. If it rejects the initiative, it shall submit it to the vote of the People; the People shall decide whether the initiative should be followed. If the People approves the initiative, the Federal Parliament shall formulate a corresponding draft.

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

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

[Article 139a General Popular Initiative

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

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

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

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

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

Article 139b Procedure for Initiative With Counterproposal

[(1) The voters cast their ballot at the same time for

a. the popular initiative and the requisite change and

b. the counterproposal of the Federal Parliament.]*

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

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

Article 140 Mandatory Referendum

(1) The following shall be submitted to the vote of the People and the Cantons:

a. Revisions of the Federal Constitution;

b. The entry into organizations for collective security or into supranational communities;

c. Federal Statutes declared urgent which have no constitutional basis and whose validity exceeds one year; such Federal Statutes must be submitted to the vote within one year after their adoption by the Federal Parliament.

(2) The following shall be submitted to the vote of the People:

a. Popular initiatives for total revision of the Federal Constitution;

[abis. the draft statute together with the counterproposal of the Federal Parliament regarding a general popular initiative;]*

b. Popular initiatives for partial revision of the Federal Constitution in the form of a general suggestion which were rejected by the Federal Parliament;

[b. general popular initiatives rejected by the Federal Parliament;]*

c. The question whether a total revision of the Constitution should be carried out if both Chambers disagree.

Article 141 Optional Referendum

On the demand by 50 000 citizens entitled to vote or 8 Cantons, within 100 days of the official publication, the following instruments are submitted to the vote of the People:

a. Federal Statutes;

b. Federal Statutes declared urgent with a validity exceeding one year;

c. Federal decrees to the extent the Constitution or the statute foresee this;

d. International treaties which:

1. are of unlimited duration and may not be terminated;

2. provide for the entry into an international organization;

3. include important legislative provisions or require the adoption of federal law.

(2) { *abolished since 1 Aug 2003: "The Federal Parliament may submit further international treaties to optional referendum." }*

Article 141a Implementation of International Treaties

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

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

Article 142 Required Majorities

(1) Proposals submitted to the vote of the People shall be accepted if the majority of those voting approves them.

(2) Proposals submitted to the vote of the People and the Cantons shall be accepted if the majority of those voting and the majority of the Cantons approve them.

(3) The result of a popular vote in a Canton determines the vote of that Canton.

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

Title 5 Federal Authorities

Chapter 1 General Provisions

Article 143 Eligibility

Every Swiss citizen entitled to vote is eligible for membership in the House of Representatives, the Federal Government, and the Federal Court [Bundesgericht].

Article 144 Incompatibilities

(1) Members of the House of Representatives, of the Senate, of the Federal Government, and Judges of the Federal Court [Bundesgericht] may not at the same time be members of another of these bodies.

(2) The members of the Federal Government and the full-time judges of the Federal Court [Bundesgericht] may not carry out another function of the Federation or a Canton, nor may they exercise another gainful activity.

(3) The statute may provide for other incompatibilities.

Article 145 Term of Office

The members of the House of Representatives, the Federal Government, and the Chancellor

of the Federation shall be elected for four years. The judges of the Federal Court [Bundesgericht] shall be elected for six years.

Article 146 Answerability of the State

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

Article 147 Hearings and Consultations

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

Chapter 2 Federal Parliament

Section 1 Organisation

Article 148 Status

(1) Subject to the rights of the People and the Cantons, the Federal Parliament is the highest authority of the Federation.

(2) It has two Chambers, the House of Representatives and the Senate; which have equal powers.

Article 149 Composition and Election of the House of Representatives

(1) The House of Representatives shall be composed of 200 representatives of the People.

(2) The representatives shall be elected directly by the People according to the system of proportional representation. The House of Representatives shall be renewed in full every four years.

(3) Each Canton shall form an electoral district.

(4) The seats shall be distributed among the Cantons in proportion to their population. Each Canton shall have at least one seat.

Article 150 Composition and Election of the Senate

(1) The Senate shall consist of 46 delegates of the Cantons.

(2) The Cantons of Obwald, Nidwald, Basle-City, Basle-Land, Appenzell Outer-Rhodes and Appenzell Inner-Rhodes shall elect one Senator each, the other Cantons shall elect two

Senators.

(3) The Cantons shall regulate the election of their Senators.

Article 151 Session Periods

(1) The Chambers shall meet regularly for sessions. The Statute shall regulate the calling of sessions.

(2) One fourth of the members of a Chamber or the Federal Government may request that the Chambers be called to an extraordinary session period.

Article 152 Presidency

Each Chamber shall elect from its midst for a term of one year, a President, the first Vice-President, and the second Vice-President. These mandates shall not be renewable for the following year.

Article 153 Parliamentary Commissions

(1) Each Chamber shall appoint commissions from its midst.

(2) The statute may foresee joint commissions.

(3) The statute may delegate certain powers that are not of a legislative nature to commissions.

(4) To fulfill their tasks, the commissions shall have the right to obtain information, to consult documents, and to conduct inquiries. The statute shall define the limits of these rights.

Article 154 Parliamentary Groups

The members of the Federal Parliament may form parliamentary groups.

Article 155 Parliamentary Services

The Federal Parliament shall benefit from parliamentary services. It may call upon the services of the Federal Administration. The statute shall regulate the modalities.

Section 2 Procedure

Article 156 Separate Deliberation

(1) The House of Representatives and the Senate shall deliberate separately.

(2) Decisions of the Federal Parliament shall require the approval of both Chambers.

(3) The law establishes provisions to ensure that decisions are possible in spite of dispute of the Chambers regarding:

- a. the validity of partial validity of a popular initiative;
- [b. the implementation of a general popular initiative adopted by the People;
- c. the implementation of a proposal by the Federal Parliament to amend the Federal Constitution that has been approved by the People;]*
- d. the budget proposal or budget revision.

Article 157 Joint Deliberation

(1) The House of Representatives and the Senate shall deliberate in common as the Federal Parliament in Joint Session under the chairmanship of the President of the House of Representatives in order to:

- a. hold elections;
- b. rule on jurisdictional disputes between the highest federal authorities;
- c. to rule on petitions for pardon.

(2) The Federal Parliament in Joint Session shall assemble for special occasions, and to hear declarations of the Federal Government.

Article 158 Meetings to be Public

The meetings of the Chambers shall be public. The Statute may provide for exceptions.

Article 159 Quorum and Majority

(1) The Chambers may deliberate validly if the majority of its members are present.

(2) The decisions are taken in both Chambers and in the Federal Parliament in Joint Session by the majority of those voting.

(3) However, the majority of the members of each Chamber shall be required for:

- a. the declaration of urgency of Federal Statutes;
- b. provisions granting subsidies, authorizing credit lines, and establishing spending ceilings which cause new one-time expenditures exceeding 20 Million Swiss Francs, or new recurrent expenditures exceeding 2 Million Swiss Francs;
- c. the increase of total expenditure in the case of extraordinary financial need according to Article 126 (3).

(4) By ordinance, the Federal Parliament may adjust the amount according to Paragraph (3) b. to inflation.

Article 160 Right to Initiatives and Motions

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

(2) The members of the Federal Parliament and of the Federal Government may present motions concerning a proposal under deliberation.

Article 161 Prohibition of Instructed Mandates

- (1) The members of the Federal Parliament shall vote without instructions.
- (2) They shall reveal their links with interest groups.

Article 162 Immunity

- (1) The members of the Federal Parliament and the Federal Government, and the Federal Chancellor may not be held responsible for their statements in the Chambers and before parliamentary organs.
- (2) The statute may provide for further forms of immunity, and extend them to other persons.

Section 3 Powers

Article 163 Form of Laws and Decrees by the Federal Parliament

- (1) The Federal Parliament shall enact rules of law in the form of a Federal Statute or ordinance.
- (2) The other acts shall use the form of a federal decree. A federal decree not subjected to referendum shall be called a simple federal decree.

Article 164 Legislation

- (1) All important provisions establishing rules of law must be enacted in the form of Federal Statutes. These include the fundamental provisions on:
 - a. the exercise of political rights;
 - b. the restrictions of constitutional rights;
 - c. the rights and obligations of persons;
 - d. the circle of tax payers, and the object and the calculation of taxes;
 - e. the tasks and services of the Federation;
 - f. the obligations of the Cantons when implementing and executing federal law;
 - g. the organization and the procedure of federal authorities.
- (2) A Federal Statute may delegate the power to legislate unless this is excluded by the Federal Constitution.

Article 165 Urgent Legislation

- (1) A Federal Statute whose coming into force tolerates no delay, may be declared urgent by the majority of each Chamber and put into force immediately. It must be limited in time.
- (2) If a referendum is demanded against an urgent Federal Statute, it shall lapse one year after

its adoption by the Federal Parliament, unless it is approved by the People within that period.

(3) An urgent Federal Statute that has no constitutional basis shall lapse one year after its adoption by the Federal Parliament, unless it was adopted within that period by the People and the Cantons. It must be limited in time.

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

Article 166 Foreign Relations and International Treaties

(1) The Federal Parliament shall participate in shaping foreign policy, and shall supervise foreign relations.

(2) It shall approve international treaties, with the exception of those which by statute or international treaty are within the powers of the Federal Government.

Article 167 Finances

The Federal Parliament shall decide on federal spending, shall adopt the budget, and shall approve the federal accounts.

Article 168 Elections

(1) The Federal Parliament shall elect the members of the Federal Government, the Federal Chancellor, the judges of the Federal Court [Bundesgericht], and the General.

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

Article 169 High Supervision

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

(2) Official secrecy shall not be opposable to those special delegations of supervisory commissions that are appointed as provided by Statute.

Article 170 Evaluation of Efficacy

The Federal Parliament shall ensure that the efficacy of measures taken by the Federation is evaluated.

Article 171 Mandates to the Federal Government

The Federal Parliament may confer mandates to the Federal Government. The statute shall regulate the modalities, and, in particular, the instruments which the Federal Parliament may use to influence matters within the powers of the Federal Government.

Article 172 Relations between the Federation and the Cantons

- (1) The Federal Parliament shall maintain the relations between the Federation and the Cantons.
- (2) It shall guarantee the cantonal constitutions.
- (3) It shall decide whether to approve intercantonal treaties and treaties between Cantons and foreign countries, should the Federal Government or a Canton raise an objection.

Article 173 Further Tasks and Powers

- (1) The Federal Parliament shall further have the following tasks and powers:
 - a. It shall take measures to safeguard the external security, the independence, and the neutrality of Switzerland;
 - b. It shall take measures to secure the inner security;
 - c. If extraordinary circumstances so require, it may issue ordinances or simple federal decrees to fulfill the tasks according to letters a and b;
 - d. It shall order active military service, and to this end, shall mobilize all or part of the army.
 - e. It shall take measures to enforce federal law;
 - f. It shall decide on the validity of popular initiatives that meet the formal requirements;
 - g. It shall cooperate in important planning of state activities;
 - h. It shall decide on individual acts, if a Federal Statute so provides expressly;
 - i. It shall decide conflicts or jurisdiction between the highest federal authorities;
 - k. It shall decide on petitions for pardon and declare amnesties.
- (2) The Federal Parliament shall moreover deal with all subjects that are within the powers of the Federation, and are not attributed to another federal authority.
- (3) The Statute may assign other tasks and powers to the Federal Parliament.

Chapter 3 Federal Government and Federal Administration

Section 1 Organisation and Procedure

Article 174 Federal Government

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

Article 175 Composition and Election

- (1) The Federal Government shall consist of seven members.
- (2) The members of the Federal Government shall be elected by the Federal Parliament after

each full renewal of the House of Representatives.

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

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

Article 176 Presidency

(1) The President of the Federation shall chair the Federal Government.

(2) The Federal Parliament shall elect, for a term of one year, one of the members of the Federal Government as President of the Federation, and another as Vice-President of the Federal Government.

(3) These mandates may not be renewed for the following year. The President of the Federation shall not be eligible to be Vice-President for the following year.

Article 177 Principle of Collective Authority and Division into Departments

(1) The Federal Government shall take its decisions as a collective body.

(2) For the preparation and implementation of the decisions, the matters of the Federal Government shall be distributed amongst its members according to Departments.

(3) Matters shall be entrusted to Departments or administrative units subordinated to them to be settled directly; in such cases, the right of recourse to a remedy shall be guaranteed.

Article 178 Federal Administration

(1) The Federal Government shall direct the Federal Administration. It shall ensure its efficient organization and the effective fulfillment of its tasks.

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

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

Article 179 Federal Chancery

The Federal Chancery is the general staff of the Federal Government. It shall be directed by a Federal Chancellor.

Section 2 Powers

Article 180 Government Policy

(1) The Federal Government shall determine the goals and the means of its government policy. It shall plan and coordinate the activities of the state.

(2) It shall inform the public timely and fully of its activity, unless preponderant public or private interests prevent this.

Article 181 Initiative

The Federal Government shall submit to the Federal Parliament drafts of its legislation.

Article 182 Legislation and Implementation

(1) The Federal Government shall legislate in the form of ordinances, insofar as the Constitution or the statute empower it to do so.

(2) It shall ensure the implementation of statutes, of decrees of the Federal Parliament, and of judgments of the federal judiciary.

Article 183 Finances

(1) The Federal Government shall prepare the financing plan, draft the budget and establish the federal accounts.

(2) It shall ensure correct financial management.

Article 184 Foreign Relations

(1) The Federal Government shall conduct foreign relations safeguarding the Federal Parliament's participation rights; it shall represent Switzerland abroad.

(2) It shall sign treaties and ratify them. It shall submit them to the Federal Parliament for approval.

(3) When the safeguard of the interests of the country so require, the Federal Government may issue ordinances and orders. Ordinances must be limited in time.

Article 185 External and Inner Security

(1) The Federal Government shall take measures to secure the external security, the independence, and the neutrality of Switzerland.

(2) It shall take measures to safeguard the inner security.

(3) It may base itself directly on the present article to issue ordinances and orders to obviate existing or imminent great disturbances of the public order, the external or the inner security. Such ordinances shall be limited in time.

(4) In urgent cases, it may mobilize troops. If it mobilizes more than 4000 members of the armed forces for active duty, or if the mobilization for active duty is expected to last more than three weeks, the Federal Parliament must be convened without delay.

Article 186 Relations between the Federation and the Cantons

(1) The Federal Government shall entertain the relations between the Federation and the Cantons, and shall collaborate with the Cantons.

- (2) It shall approve cantonal legislation where the implementation of federal law so requires.
- (3) It may raise objections against treaties amongst the Cantons, or between Cantons and foreign countries.
- (4) It shall ensure the implementation of federal law, cantonal constitutions, and intercantonal treaties, and shall take the necessary measures.

Article 187 Further Tasks and Powers

- (1) The Federal Government shall further have the following tasks and powers:
 - a. It shall supervise the Federal Administration and the other organizations or persons entrusted with tasks of the Federation;
 - b. It shall regularly inform the Federal Parliament of its activity and on the state of the country;
 - c. It shall carry out the appointments that are not in the powers of other authorities;
 - d. It shall decide on remedies where the statute so provides.
- (2) The statute may attribute further tasks and powers to the Federal Government.

Chapter 4 Federal Court [Bundesgericht] and other Judicial Authorities

Article 188 Position of the Federal Court [Bundesgericht]

- (1) The Federal Court [Bundesgericht] is the highest federal judicial authority.
- (2) Its organization and procedure are regulated by statute.
- (3) The Court provides for its own administration.
- (4) In electing the justices of the Federal Court [Bundesgericht], the Federal Parliament [Bundesversammlung] takes into account the representation of the official languages.
- [(3) The Court administers itself.
- (4) { *abolished* }]*

Article 189 Constitutional Jurisdiction

- (1) The Federal Court [Bundesgericht] has jurisdiction over:
 - a. appeals regarding the violation of constitutional rights;
 - b. appeals regarding the violation of local autonomy and of other guarantees by the Cantons on behalf of public law entities;
 - c. appeals regarding the violation of international or intercantonal treaties;
 - d. disputes between the Federation and Cantons or between Cantons.
- [(1bis) The Court adjudicates complaints concerning the violation, by the Federal Parliament, of content or purpose of a general popular initiative.]*
- (2) The law can assign specific cases to other federal institutions.

[Article 189 Jurisdiction of the Federal Court [Bundesgericht]

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

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

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

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

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

Article 190 Civil, Criminal, and Administrative Jurisdiction

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

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

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

Article 191 Relevant Law

Federal statutes and public international law are binding laws for the Federal Court [Bundesgericht] and other law-applying public agencies.

[Article 191 Access to the Federal Court [Bundesgericht]

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

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

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

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

Article 191a Further Judicial Agencies of the Federation

(1) The Federation establishes a Federal Criminal Court; the court adjudicates as first instance those criminal cases assigned by statute to the jurisdiction of the Federation. Additional jurisdiction for the Federal Criminal Court can be established by statute.

(2) The Federation establishes judicial agencies to adjudicate public law matters within the competence of federal administration.

(3) The statute may provide for further judicial agencies of the Federation.

[Article 191b Judicial Agencies of the Cantons

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

(2) They may establish common judicial agencies.]*

[Article 191c Judicial Independence

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

Title 6 Revision of the Federal Constitution and Temporal Provisions

Chapter 1 Revision

Article 192 General Principle

(1) The Federal Constitution may be subjected to a total or a partial revision at any time.

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

Article 193 Total Revision

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

(2) If the initiative emanates from the People or if the Chambers disagree, the People shall decide whether a total revision shall be undertaken.

(3) Should the People accept a total revision, both Chambers shall be newly elected.

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

Article 194 Partial Revision

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

(2) A partial revision must respect the principle of the unity of subject matter; it may not violate the mandatory provisions of international law.

(3) A popular initiative for partial revision must, moreover, respect the principle of the unity of form.

Article 195 Entry into Force

The Constitution revised in total or in part shall enter into force as soon as it is accepted by the People and the Cantons.

Chapter 2 Transitory Provisions

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

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

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

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

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

(2) The charge shall be:

a. for lorries and articulated motor vehicles of

- over 3,5 up to 12t: CHF 650
- over 12 up to 18t: CHF 2000
- over 18 up to 26t: CHF 3000
- over 26t: CHF 4000

b. for trailers of

- over 3,5 up to 8t: CHF 650
- over 8 up to 10t: CHF 1500
- over 10t: CHF 2000

c. for coaches: CHF 650

(3) The rates may be adjusted by means of a Federal Statute, insofar as this is justified by the cost of road traffic.

(4) The Federal Government may, moreover, by means of an ordinance, bring the tariff categories that apply above 12 tons listed in paragraph 2 into line with possible amendments of the weight categories defined in the road traffic statute.

(5) For vehicles which are not on the road in Switzerland during the whole year, the Federal Government shall establish suitably gradual rates, taking into account the costs of collecting the charge.

(6) The Federal Government shall regulate the implementation. It may establish the rates

foreseen in subsection 2 for special categories of vehicles, exempt certain vehicles from the charge, and establish special regulations, particularly for journeys in border areas. Such regulations shall not result in vehicles registered abroad being treated more favorably than Swiss vehicles. The Federal Government may foresee fines in case of infractions. The Cantons shall collect the charges on vehicles registered in Switzerland.

(7) The charge may be wholly or partly abolished by statute.

(8) The present article shall apply until the coming into force of the Federal Statute of December 19, 1997 on the heavy traffic duty related to motor power or consumption.

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

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

(2) In order to finance the Major Railroad Projects, the Federal Government may:

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

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

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

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

e. raise by .1 percent points all value added tax rates (including surtax) out in Art. 196, subsection 14 and Art. 130;

f. provide for additional financing from private sources or international organizations.

(3) The financing of the Major Railroad Projects according to paragraph 1 shall be assured by a fund legally dependent on the Federation, but keeping separate accounts. The proceeds from the tolls and taxes set out in paragraph 2 shall be credited to the financial accounts of the Federation, and transferred into the fund the same year. The Federation may grant advances to the fund. The Federal Parliament shall issue the regulations for the fund by means of an ordinance.

(4) The four Major Railroad Projects according to paragraph 1 shall be adopted by means of Federal Statutes. For each major project as a whole, its necessity and status of planning must be established. For the New Alpine Crossing project, the various construction phases shall be defined in the Federal Statute. The Federal Parliament shall allocate the necessary funds by way of authorizing credit lines. The Federal Government shall approve the construction mile stones, and determine the timetable.

(5) This provision shall apply until the construction of the Major Railroad Projects

mentioned in paragraph 1 is completed, and their financing has ended (through repayment of advances)

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

Until September 23, 2000, no general, building, start-up, or operating permit shall be granted for new installations for the production of nuclear energy.

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

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

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

(1) The Federation shall ensure the approvisionnement of the country with millable cereals and baking flour.

(2) This transitory provision shall remain in effect until December 31, 2003 at the latest.

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

For no more than ten years from the entry into force of the Constitution, the Cantons may, to secure the existence of important parts of a particular sector of the hotel and restaurant industry, continue to apply existing regulations that make the opening of new businesses in that sector conditional upon establishing a need.

8. Transitory Provision to Art. 106 (Gambling)

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

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

a. It shall be prohibited to open and to operate casinos.

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

c. The Federal Government shall issue an ordinance on the limitations mandated by public interest. The stake shall be no more than CHF 5.--.

d. Each cantonal gambling license must be approved by the Federal Government.

e. One fourth of the raw receipts of the gambling operations must be credited to the Federation which shall use this part, without regard to its own prestations, for the benefit of victims of natural disasters, and for institutions of public assistance.

f. The Federation may also take the necessary measures concerning lotteries.

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

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

(2) Swiss National Day shall not be included in the number of holidays established in Art. 18, par. 2 of the Labor Statute.

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

As long as the federal old age, survivors', and disability insurance does not cover the basic living expenses, the Federation shall grant the Cantons subsidies for the financing of supplementary benefits.

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

Insured persons who belong to the generation at the time of the introduction of mandatory employee pension plans, and therefore did not contribute for the full time, shall receive the minimum statutory benefits, according to their income, within 10 to 20 years after the entry into force of the statute.

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

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

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

(3) If the economic situation so requires, the majority of the members of both Chambers may extend by way of a decree the deadlines according to paragraph 2 at most by two years altogether.

(4) The Federal Parliament and the Federal Government shall take into account the objectives of paragraph 2 when establishing the budget and the long-term financing plan, and when deliberating on all matters having financial consequences.

(5) When implementing the budget, the Federal Government shall use all saving opportunities. To this end, it may freeze credits and credit lines already authorised. Statutory rights and subsidies promised in individual cases with force of law shall be reserved.

(6) If the objectives according to paragraph 2 are missed, the Federal Government shall determine which amount must be additionally saved. To this end,

a. it shall decide on additional savings within its powers;

b. it shall propose to the Federal Parliament amendments of statutes leading to additional savings.

(7) The Federal Government shall establish the total sum of the additional savings in such a way that the objectives shall be achieved with a delay of no more than two years. The savings shall be made both on subsidies to third parties and in the field of the Federation itself.

(8) The two Chambers shall decide on the motions of the Federal Government in the same session, and shall put their decree into force following the procedure of Art. 165 of the Constitution; they shall be bound to the amount of savings established by the Federal Government according to paragraph 6.

(9) Should the deficit in a later yearly account again exceed 2 percent of the receipts, it shall

be reduced in the following yearly accounts to this objective. If the economy so requires, the Federal Parliament may, by way of an ordinance, extend the period by no more than two years. In all other respects, the procedure follows paragraphs 4 to 8.

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

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

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

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

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

a. The following shall be taxable:

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

2. The import of goods.

b. The following shall be exempt from the tax, and there shall be no right to deduct previous tax:

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

2. Health services;

3. Social welfare and social security services;

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

5. Cultural services;

6. Insurance transactions;

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

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

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

10. Services rendered by non-profit organizations to their members against payment of a contribution fixed in the articles of incorporation;

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

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

c. The following shall be freed from tax with a right to deduct previous taxes:

1. The export of goods, and services rendered abroad;

2. Services in connection with the export or transit of goods.

d. The following shall not be subjected to the tax on transactions made within Switzerland:

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

2. Businesses with a total annual taxable turnover of no more than 250'000 francs, provided

that the amount of tax, after deduction of previous tax, does not regularly exceed 4'000 francs per year;

3. Farmers, foresters, and horticulturists who supply produce exclusively from their own businesses, and livestock dealers;

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

To ensure fair competition or to simplify the collection of the tax, the businesses and persons listed above may be permitted to pay tax on a voluntary basis, with the right to deduct previous tax.

e. The tax rate shall be:

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

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

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

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

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

g. The following shall be taxable:

1. Taxpayers who generate taxable turnover;

2. Persons who receive services originating abroad, provided that their total cost exceeds 10'000 francs per year;

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

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

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

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

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

The right to deduct previous tax does not extend to non-commercial expenditures.

i. As a general rule, the tax and the deduction for previous tax shall be accounted for every quarter.

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

l. Simplifications may be made if they neither alter tax revenues nor affect competition significantly, nor create excessive tax accounting difficulties for other tax payers.

m. Tax evasion and tax endangerment shall be punishable in analogy with the other federal criminal provisions in the field of tax law.

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

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

(3) The Federation may by statute set a lower rate for the value added tax on tourist services in Switzerland, provided that the services are largely used by foreigners and the competitive situation so requires.

(4) The value added tax may be levied until the end of 2006.

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

Until the adoption of a Federal Statute, the beer tax shall be levied according to the law presently in force.

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

Until the financial equalization among the Cantons shall be subjected to new regulations, the cantonal share of the yield of the withholding tax shall be 12 percent. If the tax rate for the withholding tax exceeds 30 percent, the share of the Cantons is 10 percent.

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

1. Membership of Switzerland in the UNO

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

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