


Switzerland - Constitution 1874

{ Adopted on: 29 May 1874 }
{ In force until: 31 Dec 1999 }
{ ICL Document Status: 1991 }

[Preamble]

In the Name of Almighty God, the Swiss Confederation, with the intent of strengthening the alliance of the Confederates and of maintaining and furthering the unity, strength and honor of the Swiss nation, has adopted the following Federal Constitution: 

Chapter I General Provisions

Article 1 [Cantons]

Together, the peoples of the 23 sovereign Cantons of Switzerland united by the present alliance, to wit: Zurich, Berne, Lucerne, Uri, Schwyz, Unterwalden (Upper and Lower), Glarus, Zug, Fribourg, Soleure, Basle (City and Rural), Schaffhausen, Appenzell (both Rhodes), St. Gall, Grisons, Aargau, Thurgau, Ticino, Vaud, Valais, Neuchatel, Geneva and Jura, form the Swiss Confederation.


Article 2 [Goals]

The aim of the Confederation is to preserve the outward independence of the fatherland, to maintain internal peace and order, to protect the freedom and the rights of the confederates and to promote their common prosperity.

Article 3 [Cantonal Sovereignty]

The Cantons are sovereign insofar as their sovereignty is not limited by the Federal Constitution and, as such, exercise all rights which are not entrusted to the federal power.

Article 4 [Equality]

(1) All Swiss citizens are equal  before the law. In Switzerland there shall be no subjects, nor privileges of place, birth, person or family.

(2) Men and women have equal rights. The law shall provide for their equal treatment, especially as regards family, education and work. Men and women are entitled to equal pay for equal work.

Article 5 [Guarantees]

The Confederation shall guarantee the Cantons ^{Key} their territory, their sovereignty within the limits set forth in Article [3](#), their constitutions, the freedom and the rights of the people, the constitutional rights of the citizens as well as the rights and prerogatives conferred upon the authorities by the people.

Article 6 [Cantonal Constitutions]

(1) The Cantons are bound to request the Confederation to guarantee their constitutions.

(2) This guarantee shall be afforded provided

a) these constitutions contain nothing inconsistent with the Federal Constitution;

b) they ensure the exercise of political rights according to republican (representative or democratic) forms.

Article 7 [Treaties between Cantons]

(1) All separate alliances and all treaties of a political nature between Cantons are prohibited.

(2) The Cantons may, however, conclude agreements among themselves concerning matters of legislation, justice and administration, provided they bring such agreements to the notice of the federal authority, which is entitled to prevent the execution of the agreements if they contain anything contrary to the Confederation or to the rights of other Cantons. If this is not the case, the contracting Cantons may request the cooperation of the federal authorities for the execution of such agreements.

Article 8 [War and Foreign Affairs]

The Confederation alone has the right to declare war and to make peace, as well as to conclude alliances and treaties, especially customs and commercial treaties, with foreign states.

Article 9 [Cantonal Treaties]

Exceptionally, the Cantons retain the right to conclude treaties with foreign states concerning matters of public economy, neighborly relations and police provided such treaties contain nothing contrary to the Confederation or to the rights of other Cantons.

Article 10 [Cantonal Foreign Affairs]

(1) All official intercourse between the Cantons and foreign governments or their representatives shall take place through the agency of the Federal Council.

(2) The Cantons may, however, correspond directly with subordinate authorities and officials of a foreign state with respect to the matters mentioned in Article [9](#).


Article 11 [Military Capitulations]

No military capitulations may be concluded.

Article 12 [Duties of State Officials]

(1) Members of the federal authorities, federal, civil and military officials and federal representatives or commissioners, as well as members of cantonal governments or legislative assemblies, may not accept pensions, allowances, titles, gifts or decorations from foreign governments. Any infringement of this prohibition shall entail the loss of mandate or office.

(2) Whoever is in possession of such a pension, title or decoration may not be elected or appointed member of a federal authority, civil or military official of the Confederation, federal representative or commissioner or member of a cantonal government or legislative assembly unless before assuming the mandate or office he expressly renounces the benefit of the pension or title or has returned the decoration.

(3) In the Swiss Army , no decorations may be worn and no titles conferred by foreign governments may be assumed.

(4) All officers, non-commissioned officers and soldiers are forbidden to accept such distinctions.

Article 13 [Standing Army]

(1) The Confederation may not maintain a standing army.

(2) Without the consent of the federal authorities, no Canton or Half-Canton may maintain a standing armed force of more than 300 men, not including Police forces.

Article 14 [Military Disputes between Cantons]

In the event of disputes arising among them, the Cantons are bound to refrain from taking any independent action and from arming. They shall submit to the settlement of such disputes as decided in accordance with federal regulations.

Article 15 [Military Assistance between Cantons]

In the event of a Canton being suddenly threatened from without, its government shall seek the assistance of other Cantons while simultaneously informing the federal authority, this being done without prejudice as to the measures that authority may decide. The Cantons called upon are bound to give their assistance. The Confederation shall bear the costs.

Article 16 [Federal Military Intervention]

(1) In the case of internal troubles or when danger threatens from another Canton, the government of the threatened Canton must immediately inform the Federal Council in order to enable it to take appropriate measures within the limits of its competence (Article [102 \(3\), \(10\) and \(11\)](#)) or to summon the Federal Assembly. In

urgent cases, while immediately informing the Federal Council, the government is entitled to seek help from other Cantons, which are bound to provide it.

(2) Whenever the cantonal government is unable to summon help, the competent federal authority may intervene without being called upon; this authority is bound to do so whenever the security of Switzerland is at stake.

(3) In the event of a federal intervention, the federal authorities shall ensure that the provisions of Article [5](#) are observed.

(4) The costs shall be borne by the Canton requesting or giving cause for a federal intervention, unless the Federal Assembly should decide otherwise in view of special circumstances.

Article 17 [Military Passage]

In the cases mentioned in Articles [15](#) and [16](#), every Canton is bound to afford free passage to armed forces. These shall immediately be placed under federal command.

Article 18 [Military Service]

(1) Every Swiss is under the obligation to perform military service.

(2) Members of the armed forces who in the course of their federal military service lose their life or suffer permanent injury to their health shall be entitled to relief from the Confederation for themselves or for their families, should they be in need.

(3) All members of the armed forces shall be given their first arms, equipment and clothing free of charge. The soldiers shall keep their personal arms under the conditions federal legislation shall determine.

(4) The privilege tax on exemption from military service shall be levied by the Cantons for the account of the Confederation, according to the provisions of federal legislation.

Article 19 [Federal Army]

(1) The federal army consists of:

a) the troops of the Cantons;

b) all Swiss who, though not belonging to those troops, are nevertheless subject to military service.

(2) The right to dispose of the army as well as of the war materials provided for it by law rests with the Confederation.

(3) In time of danger, the Confederation also has the right to dispose directly and exclusively of all men not incorporated into the federal army as well as of all other military resources of the Cantons.

Article 20 [Military Affairs]

(1) Legislation on military organization is a federal concern. The execution of such legislation within the Cantons shall be ensured by the cantonal authorities within

the limits to be laid down by federal legislation and under the supervision of the Confederation.

(2) All military training is a federal concern; the same applies to armament.

(3) The supply and maintenance of clothing and equipment remains a cantonal concern; however, the expenses resulting therefrom shall be reimbursed to the Cantons by the Confederation according to regulations to be laid down by federal legislation.

Article 21 [Composition of Military Units]

(1) Insofar as there are no objections to this for military reasons, the military units shall be made up of men coming from the same Canton.

(2) The composition of such units, the responsibility for maintaining their effective strength and the appointment and promotion of their officers are cantonal concerns subject to such general regulations as the Confederation shall lay down.

Article 22 [Military Ground]

(1) The Confederation has the right to take over, against fair compensation, the use or the ownership of military training grounds and buildings destined to military purposes which already exist in the Cantons.

(2) The regulations governing such compensation shall be laid down by federal legislation.

Article 22bis [Civil Defence]

(1) Legislation on civil defence of persons and property against the consequences of acts of war is a federal concern.

(2) The Cantons shall be consulted during the drafting of executory legislation. They shall be entrusted with its execution under the high supervision of the Confederation.

(3) The contributions of the Confederation towards the cost of civil defence shall be fixed by law.

(4) The Confederation is entitled to institute compulsory civil defence service for men by means of a federal law.

(5) Women may engage in voluntary civil defence service; the details of such service shall be regulated by law.

(6) Allowances, insurance and compensation for loss of earnings for persons performing civil defence service shall be regulated by law.

(7) A law shall regulate the use of civil defence organizations in emergencies.

Article 22ter [Property Rights]

(1) The right of ownership  is guaranteed.

(2) To the extent allowed by their constitutional powers, the Confederation and the Cantons can, by legislation and for reasons of public interest, make provision for

expropriation and restrictions on ownership.

(3) In cases of expropriation and restriction of ownership equivalent to expropriation, fair compensation shall be paid.

Article 22quater [Zoning Plans]

(1) The Confederation shall decree by legislation principles applicable to zoning plans to be drawn up by the Cantons for the purpose of ensuring the judicious use of ground and rational land occupation.

(2) It shall encourage and coordinate the efforts of the Cantons, and collaborate with them.

(3) In carrying out its functions, it shall take into account the needs of land zoning at national, regional, and local level.

Article 23 [Public Works]

(1) The Confederation is entitled in the interest of Switzerland, or of a considerable part of it, to order public works at its own expense or to encourage such works by granting subsidies.

(2) For this purpose, the Confederation may, against full compensation, make use of the right of expropriation. Detailed provisions in this regard shall be laid down by federal legislation.

(3) The Federal Assembly may prohibit public works which would affect the military interests of the Confederation.

Article 23bis [Bread Grain]

(1) The Confederation shall maintain such stocks of bread grain as are necessary to ensure the country's food supply. It may compel millers to store bread grain and to purchase it from the Confederation's stocks in order to facilitate the latter's renewal.

(2) The Confederation shall encourage the cultivation of bread grain within the country and promote the selection and acquisition of high-quality home-grown seeds. It shall buy home-grown quality bread grain suitable for milling at a price which makes its cultivation possible. Millers can be compelled to purchase such grain at not more than the Confederation's cost price.

(3) The Confederation shall ensure the existence of a national milling industry while at the same time safeguarding the interests of consumers of flour and bread. It shall supervise, within the limits of its powers, the trade in bread grain, bread-flour and bread as well as the prices of these commodities. The Confederation shall take the necessary measures in order to regulate the import of bread-flour; it may reserve to itself the exclusive right to import this commodity. If necessary, the Confederation shall grant facilities to millers in order to reduce their inland transport costs. It shall take measures in order to adjust the price of flour in mountain areas.

(4) The revenue from customs duty levied on bread grain shall serve to cover the

Confederation's costs in supplying the country with bread grain.

Article 24 [Rivers and Forests]

(1) The Confederation has the right of high supervision over the control of river embankments and forests.

(2) It shall lend its support to works for the control and the embanking of mountain streams as well as the reforestation of their source areas. It shall lay down the regulations required to maintain such works and to preserve existing forests.

Article 24bis [Water]

(1) To ensure the economical use and the protection of water and the prevention of damage by water, the Confederation, having regard to the total water economy, shall by legislation establish principles in the general interest concerning:

a) the conservation and exploitation of water, especially for the supply of drinking water and the enrichment of underground water;

b) the use of water for energy production and for cooling purposes;

c) the regulation of water levels and of the flow of surface and underground water, the diversion of water outside its natural course, irrigation and drainage and other intervention in the water cycle.

(2) For the same purpose the Confederation shall issue provisions on:

a) the protection of surface and underground water against pollution and the maintenance of adequate water reserves;

b) the policing of hydraulic engineering installations, including the correction of rivers and the safety of dams;

c) intervention to influence precipitation;

d) obtaining and evaluation of hydrological data;

e) the Confederation's right to requisition water for its transport undertakings against payment of dues and adequate compensation for inconvenience.

(3) Private rights reserved, the Cantons or those entitled under cantonal legislation shall dispose of water and levy dues for its use. The Cantons shall fix the dues within the limits laid down by federal legislation.

(4) If the granting or exploitation of water rights affects international relations, the Confederation shall give a decision in consultation with the Cantons concerned. The same applies to intercantonal relations if the Cantons concerned cannot agree. In the case of international relations, the Confederation shall determine the dues after granting the Cantons concerned a hearing.

(5) The execution of the federal prescriptions shall be the responsibility of the Cantons unless this is reserved by law to the Confederation.

(6) In the exercise of its competence the Confederation shall bear in mind the needs and safeguard the development possibilities of the water source areas and of the Cantons concerned.

Article 24ter [Navigation]

Legislation on navigation is a federal concern.

Article 24quater [Electrical Energy]

(1) The Confederation is empowered to issue legal provisions concerning the transmission and distribution of electrical energy.

(2) Energy produced by hydraulic power may only be exported with the authorization of the Confederation.

Article 24quinquies [Atomic Energy]

(1) Legislation on atomic energy is a federal concern.

(2) The Confederation shall enact regulations on protection against the danger resulting from ionizing rays.

Article 24sexies [Protection of Nature]

(1) The protection of nature and landscapes is a cantonal concern.

(2) The Confederation shall, in carrying out its obligations, preserve the characteristic aspects of landscapes and localities, of historical sites as well as of natural and cultural monuments, and it shall leave them untouched whenever the general interest is predominant.

(3) The Confederation may assist efforts to protect nature and landscapes by granting subsidies and it may acquire or conserve nature reserves, historical sites and monuments of national importance on a contractual basis or by means of expropriation.

(4) The Confederation is entitled to legislate on the protection of animal and vegetable life.

(5) Moors and marshlands of special beauty and national importance are protected objects. Installations must not be built on them and no alterations to the land of any kind may be carried out. Exceptions are installations which serve to maintain the purpose of protection and the existing agricultural use.

Transitional provision: Installations, buildings and alterations to the land which conflict with the purpose of conservation areas and which are undertaken after 1st June, 1983, particularly in the Rothenthurm marshlands on the territory of Cantons Schwyz and Zug, must be demolished and reversed at the builder's expense. The original state must be restored.

Article 24septies [Environmental Protection]

(1) The Confederation shall legislate for the protection of man and his natural environment against harmful or annoying acts. In particular it shall counter air pollution and noise.

(2) The carrying out of federal provisions shall fall to the Cantons, insofar as the law does not limit this to the Confederation.

Article 24octies [Energy Policy]

(1) The Confederation and the Cantons shall strive within the framework of their competence for a sufficient, varied and reliable, economical, and environment-compatible energy supply and for an economical and rational use of energy.

(2) The Confederation shall issue principles for:

- a) the use of domestic and renewable energies;
- b) the economical and rational use of energy.

(3) The Confederation:

- a) shall issue regulations concerning the use of energy by installations, vehicles, and appliances;
- b) shall promote the development of energy techniques, particularly in the sphere of energy saving and renewable energies.

(4) The Confederation shall have regard in its energy policy to the efforts of the Cantons and their communities and of the economic sector. Account is to be taken of the differing circumstances of the individual regions of the country and of economic acceptability. Measures concerning the use of energy buildings shall be taken by the Cantons.

Article 25 [Hunting and Fishing]

The Confederation is entitled to legislate on hunting and fishing, particularly in order to preserve alpine game and to protect birds which are useful for agriculture and forestry.

Article 25bis [Animal Protection]

(1) The Confederation shall be empowered to legislate for the protection of animals.

(2) Federal legislation shall apply in particular to:

- a) the keeping and care of animals;
- b) the use of and trade in animals;
- c) the transportation of animals;
- d) experiments involving live animals;
- e) slaughter at abattoirs and other methods of killing animals;
- f) the import of animals and products of animal origin.

(3) The carrying out of federal regulations shall be incumbent upon the Cantons where the law does not reserve this for the Confederation.

Article 26 [Railways]

Legislation on the construction and operation of railways is a federal concern.

Article 26bis [Pipelines]

Legislation on pipelines for the transport of liquid or gaseous fuels is a federal concern.

Article 27 [Educational System]

(1) The Confederation is entitled to set up, in addition to the existing polytechnic, a federal university and other establishments for higher education or to subsidize such institutions.

(2) The Cantons shall provide for adequate primary education which shall be placed wholly under state control. Such education shall be compulsory and, in public schools, free of charge.

(3) It shall be possible for the adherents of all religious beliefs to attend public schools without being affected in any way in their freedom of belief or conscience.

(3bis) For the period of compulsory schooling the school year shall begin between mid August and mid September.

(4) The Confederation shall take appropriate measures against Cantons which fail to meet these requirements.

Article 27bis {...}

Article 27ter [Cultural Activities]

(1) The Confederation is entitled to legislate by means of laws or generally binding federal decrees:

a) in order to promote Swiss film production and cultural activities in the field of cinematography;

b) in order to regulate the import and distribution of films as well as the opening and transformation of establishments for the projection of films; if necessary, the Confederation may in so doing depart from the freedom of trade and industry, should this be justified by general cultural or state interest.

(2) The Cantons shall be consulted prior to the enactment of executory legislation. The same shall apply to interested cultural and economic associations.

(3) Should the federal legislation make the opening and transformation of establishments for the projection of films dependent on the granting of a license, the Cantons shall be competent for the granting of such licenses according to the procedure they shall determine.

(4) In all other respects, legislation in the field of cinematography and its execution shall remain within the competence of the Cantons.

Article 27quater [Scholarships]

(1) The Confederation may grant subsidies to the Cantons for their expenses relating to scholarships and other forms of financial aid for education.

(2) The Confederation itself may, in order to complement cantonal regulations, take steps or assist measures in order to further education by means of scholarships or

other forms of financial help.

(3) The autonomy of the Cantons in the field of education shall always be upheld.

(4) Executory legislation shall take the form of federal laws or generally binding federal decrees. The Cantons shall be consulted beforehand.

Article 27quinquies [Physical Educations]

(1) The Confederation shall have the right to issue directives relating to gymnastics and sporting activities for young people. It shall have the power to compel by statute the teaching of gymnastics and sport in schools. It will be for the Cantons to apply federal directives in schools.

(2) The Confederation shall encourage gymnastics and sporting activities for adults.

(3) The Confederation shall undertake the provision of a school of gymnastics and sport.

(4) The Cantons and interested organizations shall be consulted when implementing legislation is drafted.

Article 27sexies [Scientific Research]

(1) The Confederation shall encourage scientific research. Its provision of finance may be conditional on coordination being guaranteed.

(2) It can create research establishments or take over existing establishments either entirely or in part.

Article 28 [Customs]

All matters relating to customs are a federal concern. The Confederation has the right to levy import and export duties.

Article 29 [Customs Principles]

(1) The following principles shall govern the levying of customs duties:

1) Import duties

a) the materials required for domestic industry and agriculture shall be subject to the lowest possible duties;

b) the same shall apply to the necessities of life;

c) luxuries shall be subject to the highest duties. Unless there are compelling reasons to the contrary, these principles shall also be applied when concluding commercial treaties with foreign states.

2) Export duty rates shall be as moderate as possible

3) The customs legislation shall contain suitable provisions to facilitate frontier and market trade.

(2) Notwithstanding the foregoing provisions, the Confederation may, in extraordinary circumstances, resort temporarily to exceptional measures.

Article 30 [Customs Receipts]

- (1) The receipts from the customs duties shall accrue to the federal treasury.
- (2) {...}
- (3) {...}

Article 31 [Freedom of Trade and Industry]

- (1) Freedom of trade and industry is guaranteed throughout the territory of the Confederation, subject to such limitations as are contained in the Federal Constitution and the legislation enacted under its authority.
- (2) Cantonal regulations concerning the exercise of trade and industry and the taxes on such activities remain unaffected. However, such regulations shall not depart from the principle of freedom of trade and industry except where the Federal Constitution provides otherwise. Cantonal monopolies are likewise excepted.

Article 31bis [General Welfare, Economic Security]

- (1) Within the limits of its constitutional powers, the Confederation shall take measures to promote the general welfare and the economic security of its citizens.
- (2) While promoting the general interest of the Swiss economy, the Confederation may enact regulations on the exercise of trade and industry and take measures in favor of specific economic sectors or professions. In so doing, it must respect the principle of freedom of trade and industry, subject to the provisions of Paragraph (3).
- (3) Where this is justified by general interest, the Confederation is entitled to enact regulations departing, if necessary, from the principle of freedom of trade and industry in order to:
 - a) preserve important economic sectors or professions whose existence is threatened and to improve the skills of persons exercising an independent activity in those sectors or professions;
 - b) maintain a sound peasant population, ensure agricultural productivity and consolidate rural landownership;
 - c) protect regions whose economy is threatened;
 - d) prevent economically or socially harmful effects of cartels and similar groupings;
 - e) take precautionary measures for the economic protection of the country and also measures to ensure that the country is supplied with vital goods and services in the event of severe shortages which the economy itself cannot remedy.
- (4) Regulations under headings a) and b) shall be enacted only if the economic sectors or professions to be protected have taken such measures to help themselves as can reasonably be expected of them.
- (5) Federal legislation enacted under Paragraph (3)(a) and (b), shall promote the development of organizations based on mutual assistance.

Article 31ter [Restaurants]

(1) The Cantons may legislate to make the running of establishments serving food or drink depend on professional and personal qualifications and also to subordinate the number of establishments to the existence of a need whenever the very existence of this trade is threatened by excessive competition. In so doing, due account shall be taken of the importance of the various types of establishments for the public welfare.

(2) Furthermore, the Confederation may, within the limits of its own legislative powers, authorize the Cantons to enact regulations on matters which do not call for federal legislation and concerning which the Cantons themselves have no legislative powers.

Article 31quater [Banking]

(1) The Confederation is entitled to legislate on banking.

(2) Such legislation shall take into consideration the specific task and position of the cantonal banks.

Article 31quinquies [Economic Policy]

(1) The Confederation shall take measures to ensure balanced economic development and, in particular, to prevent and combat unemployment and price inflation. It shall collaborate with the Cantons and private enterprise.

(2) In the case of measures in the monetary and banking spheres, public finances and foreign trade, the Confederation can, if necessary, depart from the principle of freedom of trade and industry. It can oblige firms to form tax-privileged employment creation reserves. After their release the firms shall freely decide how to use them within the purpose laid down by law.

(3) When drawing up their estimates the Confederation, the Cantons and the Communes shall take into consideration the requirements of the economic situation. The Confederation can temporarily levy surcharges or grant rebates on federal taxes to stabilize the economy. The money withdrawn from circulation is to be frozen for as long as the economic situation requires. Direct taxes shall then be refunded individually, indirect ones shall be used for the granting of rebates or for work creation.

(4) The Confederation shall take into consideration the varying economic development of the individual regions of the country.

(5) The Confederation shall conduct the necessary economic policy surveys.

Article 31sexies [Consumer Protection]

(1) The Confederation, while safeguarding the general interests of the Swiss economy as a whole and freedom of trade and industry, shall take measures to protect the consumer.

(2) In the area of federal legislation on unfair competition consumer organizations have the same rights as professional and industrial associations.

(3) For disputes arising from contracts between end users and suppliers the Cantons shall, in cases up to a value prescribed by the Federal Council, provide for an arbitration procedure or a simple and quick litigation procedure.

(4) To prevent abuses in price fixing the Confederation shall issue regulations for monitoring the prices and price recommendations for goods and services of enterprises and organizations governed by public and private law, especially of cartels and cartel-like bodies, with a dominant position in the market. Insofar as the purpose requires it, such prices can be reduced.

Article 32 [Procedures for Economic Regulations]

(1) Provisions mentioned in Articles [31bis](#), [31ter \(2\)](#), [31quater](#), and [31quinquies](#) may only be enacted through federal laws or federal decrees on which a popular vote can be requested. In the case of emergencies occurring during periods of economic disturbances, Article [89bis](#) shall remain applicable.

(2) The Cantons shall be consulted prior to the enactment of executory legislation. As a rule, the execution of the federal regulations shall be entrusted to them.

(3) Interested economic organizations shall be consulted prior to the enactment of executory legislation and may be called upon to cooperate in the application of executory regulations.

Article 32bis [Alcohol]

(1) The Confederation is entitled to legislate on the manufacture import, refining, sale and taxation of distilled spirits.

(2) This legislation shall aim at reducing the consumption and consequently the import and manufacture of spirits. It shall encourage the growing of table-fruit and the use of indigenous raw materials suitable for distillation as food or fodder. The Confederation shall reduce the number of stills by way of agreed purchases.

(3) Concessions for industrial manufacture of distilled spirits shall be granted to cooperative and other private enterprises. The concessions thus granted shall facilitate the use of waste products from the cultivation of fruit-trees, grapes and sugarbeets and of the surplus production of fruits and potatoes to the extent that such raw materials cannot be suitably employed otherwise.

(4) Non-commercial manufacture of distilled spirits from fruit, fruit-waste, cider, wine, grape-skins, lees of wine, gentian roots, and similar materials shall remain authorized in existing domestic or circulating stills provided those materials are exclusively indigenous and either the product of the distiller's own harvest or grown wild. Such spirits shall be tax-free to the extent that they are necessary for the manufacturer's household or agricultural activities. Domestic stills continuing to operate after a period of 15 years as from the adoption of this article shall, in order to be able to continue their production, have to apply for a license which shall be granted to them free of charge, subject to the conditions to be specified by law.

(5) Specialties produced from distilled stone-fruit, wine, grape-skins, lees of wine, gentian roots and similar products shall be subject to taxation. The producer shall, however, be enabled to obtain a fair remuneration for the indigenous raw materials he uses.

(6) With the exception of tax-free quantities for home consumption and specialties, the distilled spirits produced in the country are to be delivered to the Confederation, which shall take them over against a fair price.

(7) No taxes shall be levied on products which are exported, in transit or denatured.

(8) The yield of taxes on sales in public establishments and on retail trade within the limits of their territory shall remain the due of the Cantons. Licenses for intercantonal and international retail trade shall be granted by the Confederation; the corresponding revenue shall be distributed amongst the Cantons in proportion to their normal resident population.

(9) The Cantons shall receive 10 per cent of the Confederation's net revenue from taxes on spirits, which they must spend on combating the causes and effects of alcoholism and the abuse of addictive and narcotic drugs and of medicaments. The funds shall be distributed among the Cantons in proportion to their resident populations. The Confederation must spend its share on old age, survivors' and disability insurance.

Article 32ter [Absinthe Prohibition]

(1) The manufacture, import, transport, sale and holding for sale of the liquor called absinthe are prohibited throughout the Confederation. This prohibition extends to all spirits which, whatever their designation, are an imitation of absinthe. It does not apply to transit of absinthe nor to its use for pharmaceutical purposes.

(2) The prohibition shall enter into force two years after its adoption. Federal legislation shall lay down the provisions rendered necessary by the prohibition.

(3) The Confederation is entitled to decree the same prohibition, by means of legislation, with respect to all other beverages containing absinthe which might constitute a public danger.

Article 32quater [Innkeeping]

(1) The Cantons are entitled to enact legislation in order to subject the practice of the innkeeping profession and the retail trade in spirits to the restrictions required by public welfare. Trade in quantities less than two liters is deemed to be retail trade in the case of non-distilled spirits.

(2) The Cantons may, within the limits of Article [31 \(2\)](#), and by appropriate legislation, subject the trade in non-distilled spirits in quantities ranging from 2 to 10 liters to the granting of a license and the payment of a modest fee as well as to supervision by the authorities.

(3) The sale of non-distilled spirits may not be subjected by the Cantons to the payment of special taxes apart from licensing fees.

- (4) Corporate persons may not be treated less favorably by Cantons than individuals. Producers of wine and cider may sell their own production in quantities of two liters and more, without authorization and without paying any fee.
- (5) The Confederation is entitled to legislate on the trade in non-distilled spirits in quantities of two liters and more. Such provisions may not infringe the principle of freedom of trade and industry.
- (6) Hawking and other forms of itinerant sale of spirits are prohibited.

Article 33 [Liberal Professions]

- (1) The Cantons may require proofs of capacity from persons who intend to exercise a liberal profession.
- (2) Federal legislation shall provide the possibility for such persons to obtain certificates of capacity valid throughout the Confederation.

Article 34 [Child Labor, Worker Protection, Insurance Firms]

- (1) The Confederation is entitled to enact uniform regulations on the employment of children in factories and on the working hours of adult persons. It is likewise entitled to enact regulations in order to protect the worker against the operation of unhealthy and dangerous industries.
- (2) The business operations of emigration agencies and of private insurance firms are subject to the supervision and legislation of the Confederation.

Article 34bis [Health and Accident Insurance]

- (1) The Confederation shall institute, by means of legislation, an insurance against illness and accidents, taking due account of existing insurance funds.
- (2) It may make adherence thereto compulsory for all or for specific categories of citizens.

Article 34ter [Employee Protection]

- (1) The Confederation is entitled to legislate on:
- a) the protection of employees;
 - b) the relations between employers and employees, particularly as regards mutually agreed regulations concerning industrial and professional matters;
 - d) adequate compensation for loss of wages and earnings due to military service;
 - e) employment agencies;
 - f) {...}
 - g) vocational training in the fields of industry, crafts, commerce, agriculture, and domestic service.
- (2) The generally binding effect under heading c) may only be decreed in the field of labor relations and provided such regulations take due account of legitimate minority interests and regional diversities and do not affect equality before the law and freedom of association.

(4) The provisions of Article [32](#) shall be applicable by analogy.

Article 34quater [Retirement and Disability Insurance]

(1) The Confederation shall adopt the measures necessary to promote an adequate old age, survivors', and disability insurance scheme. This scheme shall be provided for by a federal insurance, professional insurance and insurance undertaken by the individual.

(2) The Confederation shall institute, by means of legislation, compulsory insurance for old age, survivors, and the disabled covering the entire population. This insurance shall provide for benefits in cash and in kind. Payments shall take appropriate account of basic needs. Maximum payments shall not exceed double the minimum payments. Payments shall be adjusted at least to the cost of living. The insurance schemes shall be implemented with the co-operation of the Cantons; professional associations and other private or public organizations may be called upon to cooperate. The insurance shall be financed:

a) by contributions by those insured; in the case of wage or salary-earners, half the contributions shall be the responsibility of the employer;

b) by a contribution from the Confederation, which shall not exceed one half of the cost, and which shall be covered in the first instance by the net revenue from the tax and customs duty on tobacco, as well as by tax on spirits under the provisions of Article [32bis \(9\)](#);

c) if provided for in the implementing regulations, by a contribution from the Cantons, which shall reduce accordingly the share provided by the Confederation.

(3) In order to allow elderly people, survivors, and disabled persons to maintain their previous standard of living in an appropriate manner, the Confederation shall - taking into account the provisions of the federal insurance scheme - institute the following measures with regard to professional insurance by means of legislation:

a) it shall oblige employers to insure their personnel with an insurance institution for business enterprises, administrations, or associations, or with some similar institution and to assume responsibility for at least half of the contributions;

b) it shall fix the minimum requirements which these insurance institutions must satisfy; it shall be entitled, in order to resolve certain special problems, to make provisions for measures applying to the whole country;

c) it shall take steps to ensure that every employer is able to insure personnel with an insurance institution; it shall have power to set up a federal fund;

d) it shall take steps to ensure that all self-employed persons have the option of insuring themselves with an institution undertaking professional insurance under conditions equivalent to those offered to salary- or wage-earners. Insurance can be made obligatory for certain categories of self-employed persons generally or for covering specific risks.

(4) The Confederation shall take steps to ensure that the professional insurance as well as the federal insurance schemes are able, in the long term, to develop in

accordance with their aims.

(5) The Cantons can be obliged to grant tax exemptions to institutions engaged in federal insurance or professional insurance, as well as tax relief to those insured, and to their employers with regard to contributions and rights to benefits.

(6) The Confederation, in collaboration with the Cantons, shall encourage individuals to provide for their future, notably through fiscal measures and policies which establish rights of ownership.

(7) The Confederation shall encourage the rehabilitation of disabled persons and support efforts made to assist elderly persons, survivors and the disabled. It shall be entitled to use the financial resources of the federal insurance scheme for this purpose.

Article 34quinquies [Family Protection]

(1) The Confederation shall, in the exercise of the power conferred upon it and within the limits set by the Constitution have due regard for the needs of the family.

(2) The Confederation is entitled to legislate in the field of family compensation funds. It may declare adherence thereto compulsory for all or for specific categories of citizens. It shall take account of the existing funds, assist the efforts of the Cantons and professional associations to set up new funds and it is entitled to establish a central compensation fund. It may make its financial contributions dependent on adequate participation of the Cantons.

(3) {...}

(4) The Confederation shall institute maternity insurance by means of legislation. It may declare adherence thereto compulsory for all or for specific categories of citizens and it may require persons to contribute financially who are not eligible for insurance benefits. It may make its financial contribution dependent on an adequate participation of the Cantons.

(5) The laws enacted pursuant to this article shall be implemented with the cooperation of the Cantons; private and public associations may be called upon to cooperate.

Article 34sexies [Housing Development]

(1) The Confederation shall take measures aimed at encouraging the construction of housing, especially through a lowering of costs, and providing the opportunity for owning a dwelling or house. Federal legislation shall determine the conditions for giving assistance grants.

(2) The Confederation shall have the following particular powers:

a) to facilitate the obtaining and development of sites for housing construction;

b) to support efforts aimed at improving housing and environmental conditions for families, persons with limited earning capacity, the elderly, the disabled, and persons in care;

c) to research into the housing market and into building methods, and to encourage

rationalization in building;

d) to ensure that capital is obtained for housing construction.

(3) The Confederation is authorized to decree the necessary legal provisions for the development of sites intended for housing construction as well as for rationalization in building.

(4) Insofar as the nature of these measures exceeds the powers of the Confederation alone, the Cantons shall be called on to help carry them out.

(5) The Cantons and other interested groups shall be consulted during the drafting of implementing legislation.

Article 34septies [Tenant Protection]

(1) The Confederation shall be empowered to issue regulations against abuses in the renting area. It shall regulate the protection of tenants from excessive rents and other improper demands by landlords, the voidability of improper notice and the extension for a limited time of tenancies.

(2) In order to encourage the conclusion of common agreements and to prevent abuses in the field of rents and housing, the Confederation shall be empowered to decree provisions having generally binding effect with regard to certain obligations in basic contracts and other measures commonly agreed between lessors and lessees, or organizations representing similar interests. Article [34ter \(2\)](#) of the Constitution is applicable by analogy.

Article 34octies {...}

Article 34novies [Unemployment Insurance]

(1) The Confederation shall regulate unemployment insurance by means of legislation. It is entitled to make regulations about unemployment benefit.

(2) Unemployment insurance shall be obligatory for employees. The law shall lay down the exceptions. The Confederation shall ensure that self-employed persons can, on certain conditions, insure themselves.

(3) Unemployment insurance shall guarantee adequate compensation for loss of earnings and shall support, by means of financial contributions, measures to prevent and combat unemployment.

(4) Unemployment insurance shall be financed by the insured persons' contributions; if the insured persons are employees their employers shall bear half the cost of the contributions. The law shall limit the amount of earned income subject to contributions and the contribution rate. The Confederation and the Cantons shall make financial contributions in exceptional circumstances.

(5) The Cantons and economic groupings (unions, employers' organizations, and professional organizations etc.) shall cooperate in the making and implementation of the regulations.

Article 35 [Gambling]

- (1) The opening and the running of gambling houses are prohibited.
- (2) Cantonal governments may, subject to the restrictions required by the public welfare, permit recreational games to the extent customary in the kursaals up to the spring of 1925, provided that, in the opinion of the licensing authority, such games appear necessary in order to maintain or to further the tourist trade and that they are organized by enterprises running kursaals for that purpose. The Cantons may also prohibit such games.
- (3) An order of the Federal Council shall determine the restrictions required by the public welfare. The stake may not exceed five francs.
- (4) All licenses granted by the Cantons are subject to approval by the Federal council.
- (5) One quarter of the gross receipts from the games shall be paid to the Confederation, which shall contribute these sums to relief for victims of natural disasters and to public utility works, without taking account of its own contributions.
- (6) The Confederation may also take appropriate measures concerning lotteries.

Article 36 [Post and Telegraphs, Secrecy]

- (1) Throughout Switzerland, post and telegraphs are a federal concern.
- (2) Revenue from posts and telegraphs shall accrue to the federal treasury.
- (3) In all parts of Switzerland, rates shall be fixed according to the same principles and as fairly as possible.
- (4) The inviolability of the secrecy of letters and telegrams is guaranteed.

Article 36bis [National Highways]

- (1) The Confederation shall ensure the setting up and utilization of a network of national highways by means of legislation. The main communication routes which present an interest for the whole of Switzerland may be declared national highways.
- (2) The Cantons shall build and maintain the national highways according to the regulations laid down by the Confederation and under its high supervision. The Confederation may take over the task incumbent upon a Canton on request by the latter or if the interest of the work so requires.
- (3) Land suitable for agricultural production shall be spared whenever possible. Disadvantages as regards the utilization and cultivation of land which result from the building of national highways shall be compensated by appropriate measures at the expense of the road-building funds.
- (4) The cost of building, running and maintaining national highways shall be shared between the Confederation and the Cantons, due account being taken of the burdens falling on the individual Cantons as a result of the national highways as well as of their interests and financial resources.
- (5) {...}

(6) Subject to the powers of the Confederation, the national highways remain under the sovereignty of the Cantons.

Article 36ter [National Highways Finances]

(1) The Confederation shall allocate half the net revenue from the import duty on motor fuels and all the revenue from any supplementary tax to the following ends connected with road traffic:

- a) its share in the cost of the national highways;
- b) contributions to the cost of building main highways belonging to a network to be determined by the Federal Council in collaboration with the Cantons and conforming to specific technical standards;
- c) contributions to the cost of removing level crossings or of making them safe, to the promotion of combined traffic, of the transport of accompanied motor vehicles, and of the building of station parking facilities as well as other measures aimed at separating traffic;
- d) contributions to measures for the protection of the environment and the landscape made necessary by motorized road traffic and to structures for protection against the forces of nature along roads open to motorized traffic;
- e) general contributions to the cost of roads open to motor vehicles and to financial equalization in highway matters;
- f) contributions to Cantons with Alpine roads serving international traffic and to Cantons without national highways.

(2) To the extent that the revenue from the basic tax earmarked for the purpose is not sufficient to cover the tasks listed in Paragraph (1) the Confederation shall levy a supplementary tax.

Article 37 [Roads and Bridges]

(1) The Confederation shall exercise high supervision over roads and bridges in the upkeep of which it is interested.

(2) No duties may be collected for the use of roads the purpose of which is to be open to the public. The Federal Assembly may authorize exceptions in special cases.

Article 37bis [Vehicle Regulations]

(1) The Confederation is entitled to enact regulations concerning automobiles and bicycles.

(2) The Cantons retain the right to limit or prohibit the circulation of automobiles or bicycles. The Confederation may, however, declare certain roads which are necessary for general transit traffic totally or partially open. The use of the roads for the service of the Confederation remains reserved.

Article 37ter [Aerial Regulations]

Legislation on aerial navigation is a federal concern.

Article 37quater [Footpath Networks]

- (1) The Confederation shall lay down principles governing footpath networks.
- (2) The construction and maintenance of footpath networks shall be a cantonal matter. The Confederation can support and co-ordinate their activities.
- (3) In the performance of its tasks the Confederation shall have regard to footpath networks and replace paths which it has to destroy.
- (4) The Confederation and the Cantons shall collaborate with private organizations.

Article 38 [Coinage, Monetary System]

- (1) The Confederation is entitled to exercise all rights pertaining to the state monopoly of coinage.
- (2) It alone has the right to coin money.
- (3) It shall determine the monetary system and, if necessary, shall enact regulations on the rate of exchange.

Article 39 [Banknotes, Central Bank]

- (1) The right to issue banknotes and other types of paper money rests exclusively with the Confederation.
- (2) The Confederation may exercise its monopoly of issuing banknotes by means of a state bank placed under a separate management or concede its right, subject to a right of repurchase, to a joint stock central bank managed with the collaboration and under the supervision of the Confederation.
- (3) The main function of the bank enjoying the monopoly of issuing banknotes shall be to regulate the circulation of money in the country, to facilitate payment operations and to conduct within the scope of federal legislation a credit and monetary policy beneficial to the general interest of Switzerland.
- (4) At least two thirds of the net profits of the bank after deduction of a reasonable interest or of reasonable dividends on the initial capital or the shares and of statutory payments to the reserve fund shall accrue to the Cantons.
- (5) The bank and its branches shall be exempt from any taxation the Cantons.
- (6) The Confederation may not suspend its obligation to reimburse banknotes and other paper money nor decree the compulsory acceptance thereof except in time of war or disturbed monetary relations.
- (7) Banknotes issued must be covered by gold and short-term securities.
- (8) Regulations on the implementation of this article shall be laid down by federal legislation.

Article 40 [Weights and Measures]

- (1) The determination of weights and measures is a federal concern.
- (2) The Cantons shall implement the legislation concerning this subject under the

supervision of the Confederation.

Article 41 [Arms]

(1) Manufacture and sale of gunpowder are the exclusive concern of the Confederation.

(2) Manufacture, purchase and distribution of arms, ammunition, explosives, and other kinds of war materials and components thereof are subject to an authorization to be granted by the Confederation. Such authorizations shall only be granted to persons who and enterprises which present the necessary guarantees in the light of the national interest. The rights of state-owned enterprises of the Confederation remain reserved.

(3) The import and export of arms, ammunition, and war materials as understood in the present provisions may take place only with the authorization of the Confederation. The Confederation is also entitled to make transit dependent on its authorization.

(4) Subject to federal legislation, the Federal Council shall enact the necessary regulations for the implementation of Paragraphs (2) and (3) by means of an ordinance. In particular, it shall lay down detailed regulations concerning the granting, duration and recalling of concessions. Furthermore, it shall specify the arms, ammunition, explosives, other materials and components thereof to which the present provision shall apply.

Article 41bis [Taxes]

(1) The Confederation is entitled to levy the following taxes:

a) stamp duties on securities, including coupons, bills of exchange and similar documents, on insurance premium receipts and other documents relating to trading operations; this right to levy taxes does not extend to documents concerning transactions in the field of real estate and mortgages;

b) an anticipatory tax on income from movable capital, on lottery prizes, and insurance payments;

c) taxes on raw tobacco and manufactured tobacco, and on other materials and on products manufactured from these other materials which are used in the same way as raw tobacco and manufactured tobacco;

d) special taxes affecting persons resident abroad to counteract fiscal measures by foreign states.

(2) Any object which according to legislation is subject to a federal tax under Paragraph (1)(a), (b) and (c), or exempt from such taxes shall remain free from any taxation on similar grounds by the Cantons or Communes.

(3) Federal legislation shall provide for the implementation of this article.

Article 41ter [Additional Taxes]

(1) In addition to the taxes it is entitled to levy under Article [41bis](#), the Confederation

can levy:

- a) a turnover tax;
- b) special consumer taxes on the turnover and importation of goods of the type designated in Paragraph (4);
- c) a direct federal tax.

The power to levy the taxes mentioned under a) and c) shall expire at the end of 1994.

(2) Turnover on which the Confederation levies taxes or which it declares exempt from taxation according to Paragraph (1)(a) and (b) shall not be subject to the same kind of taxation by the Cantons and Communes.

(3) The turnover tax referred to in Paragraph (1)(a) can apply to transactions in goods, to the import of goods, and to professional work on movable property, buildings, and land with the exception of cultivation of the soil for agricultural purposes. The law shall stipulate which goods are exempt or are to be taxed at a lower rate. The tax shall not exceed 6.2 per cent of the value of retail goods and 9.3 per cent of the value of wholesale goods.

(4) The special consumer taxes according to Paragraph (1)(b) shall apply to:

a) petroleum and natural gas, and products refined from them, as well as motor fuel derived from other materials. Article [6ter](#) similarly applies to proceeds from taxes on motor fuel;

b) beer. The total tax rate to which beer is subject, consisting of the beer tax, supplementary customs duty on raw materials for brewing and on beer, and turnover tax, shall remain, in proportion to the price of beer, at the level of 31st December 1970.

(5) The direct federal tax, according to Paragraph (1)(c), shall be established according to the following rules:

a) the tax is applicable to both the incomes of individuals and the net profits, capital, and reserves of corporate bodies. Corporate bodies, whatever their legal form, shall be rated, according to their economic capacity, in as equitable a way as possible;

b) the tax is levied by the Cantons on behalf of the Confederation. Three tenths of the gross tax yield shall be assigned to the Cantons; at least one sixth of the total apportioned to the Cantons must be used for financial equalization among Cantons;

c) in fixing tariffs, due account shall be taken of the burden imposed by direct, cantonal, and communal taxes. The tax shall not exceed:

- 9.5 per cent of the income of individuals; liability shall begin at the earliest when net income reaches 9,000 francs or, in the case of married Persons, 11,000 francs,
- 9.8 per cent of net profits of corporate bodies,
- 0.825 per cent of the capital and reserves of corporate bodies.

The effect of fiscal drag on the tax on individuals' income shall be adjusted periodically.

(6) Federal legislation shall govern the implementation of this article.

Article 42 [Federal Resources]

In order to cover its expenses, the Confederation shall have the following resources:

- a) the income from federal property;
- b) the net revenue from posts and from the monopoly of gunpowder (Article [41](#));
- c) the net receipts from the privilege tax on exemption from military service (Article [18 \(4\)](#));
- d) the receipts from customs duties (Article [30](#));
- e) the Confederation's share of the net receipts from taxes on distilled spirits (Article [32bis and 34quater \(7\)](#)) as well as of the gross receipt from gambling (Article [35 \(5\)](#));
- f) the Confederation's share of the net profits of the bank entrusted with the monopoly of issuing bank-notes (Article [39 \(4\)](#));
- g) the receipts from federal taxes (Article [41bis and following](#));
- h) the receipts from fees and other revenues provided by law.

Article 42bis [Debt]

The Confederation shall reduce the federal debt. In so doing it shall have due regard to the economic situation.

Article 42ter [Cantonal Equalization]

The Confederation shall encourage financial equalization among the Cantons. In particular, appropriate consideration shall be given to the financial resources of the Cantons and to the situation of mountainous regions whenever federal subsidies are granted.

Article 42quater [Tax Advantage Regulation]

The Confederation is entitled to enact regulations, by means of legislation, against arrangements with tax-payers granting unjustified tax advantages.

Article 42quinquies [Tax Administration]


- (1) The Confederation, in cooperation with the Cantons, shall ensure the harmonization of direct taxes levied by the Confederation, the Cantons and the Communes.
- (2) To this end it shall promulgate, by means of federal legislation, principles for cantonal and communal legislation on tax liability, on objects liable to tax, on taxation periods, and on procedural and penal law governing taxation matters and shall supervise compliance. The Cantons shall remain responsible, in particular, for fixing tax scales, tax rates and tax-free amounts.
- (3) In legislating on the principles for direct cantonal and communal taxes and in

legislating for direct federal taxes, the Confederation shall take account of the efforts of the Cantons to achieve fiscal harmonization. The Cantons shall be granted an adequate period to adjust their fiscal legislation.

(4) The Cantons shall cooperate in the drafting of the federal legislation.

Article 43 [Citizenship, Right to Vote]

(1) Every citizen of a Canton is a Swiss citizen.

(2) In this capacity, he may take part in all federal elections and votes  at his domicile after having duly proved his right to vote.

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

(4) The established Swiss citizen shall enjoy at his domicile all the rights of the citizens of that Canton and, with these, all the rights of the citizens of that Commune. However, sharing in property belonging in common to local citizens or to corporations and the right to vote in matters exclusively regarding local citizens are excepted unless cantonal legislation should provide otherwise.

Article 44 [Acquisition of Citizenship]

(1) The Confederation shall regulate the acquisition and loss of citizenship through descent, marriage and adoption and the loss of Swiss nationality and its restoration.

(2) Swiss nationality can also be acquired through naturalization in a Canton and a Commune. Naturalization is carried out by the Cantons after the Confederation has granted permission for naturalization. The Confederation shall issue minimal regulations.

(3) Anyone who is naturalized shall have the rights and duties a citizen of a Canton and a Commune. Insofar as the cantonal law provides for this he shall share in the property belonging in common to local citizens and corporations.

Article 45 [Settlement, Extradition]

Every Swiss citizen can settle in any place in the country. A Swiss may not be expelled from Switzerland.

Article 45bis [Swiss Living Abroad]

(1) The Confederation is entitled to further the relations of Swiss living abroad among themselves and with the fatherland and to assist institutions set up to that effect.

(2) It may, taking account of the special situation of the Swiss living abroad, enact regulations determining their rights and duties, in particular with respect to the exercise of political rights, the carrying out of military obligations and to assistance. The Cantons shall be consulted beforehand.

Article 46 [Subjection to Jurisdiction]

- (1) In matters of civil law, established persons shall, as a rule, be subject to the jurisdiction and legislation of their domicile.
- (2) Federal legislation shall enact the provisions required to implement this principle and to prevent double taxation.

Article 47 [Resident Swiss Citizens]

A federal law shall specify the difference between establishment and residence and at the same time lay down provisions regulating the political and civil rights of resident Swiss citizens.

Article 48 [Assistance for Needy Persons]

- (1) Needy persons shall be assisted by the Canton in which they are living. The cost of this assistance shall be borne by their canton of domicile.
- (2) The Confederation can order that recourse be had to a previous canton of domicile or the canton of origin.

Article 49 [Freedom of Religion and Belief]

- (1) Freedom of creed and conscience ^{Key} is inviolable.
- (2) No one may be forced to participate in a religious association, to attend religious teaching or to perform a religious act, nor be subjected to penalties of any sort because of his religious beliefs.
- (3) The holder of the paternal or tutelary authority shall determine the religious education of children in conformity with the foregoing principles until they have completed their 16th year.
- (4) The exercise of civil or political rights may not be restricted by any prescription or condition of an ecclesiastical or religious nature.
- (5) Religious beliefs do not exempt anyone from carrying out civic duties.
- (6) No one shall be bound to pay taxes the proceeds of which are specifically appropriated to cover the cost of worship within a religious community to which he does not belong. The detailed implementation of this principle shall be a matter for federal legislation.

Article 50 [Right to Worship]

- (1) The free exercise of acts of worship is guaranteed within the limits set by public order and morality.
- (2) The Cantons and the Confederation may take appropriate measures for the preservation of public order and of peace among the members of the different religious communities, as well as against encroachment by religious authorities on the rights of citizens and the state.
- (3) Disputes of public or private law which may arise out of the creation of new religious communities or out of the splitting up of existing communities may be brought before the competent federal authorities by lodging a complaint.

(4) The establishment of bishoprics on Swiss territory is subject to the authorization of the Confederation.

Article 51 {...}

Article 52 {...}

Article 53 [Registration, Burial]

(1) The determination and registration of civil status rests with the civil authorities. Federal legislation shall lay down further provisions on this subject.

(2) The disposal of burial grounds is a concern of the civil authorities. They shall make sure that every deceased person can have a decent burial.

Article 54 [Right to Marry]

(1) The right to marry is placed under the protection of the Confederation.

(2) This right may not be limited for religious or economic reasons nor on account of previous conduct or of other police considerations.

(3) A marriage which has been celebrated in a Canton or abroad according to the local legislation shall be recognized as valid within the whole territory of the Confederation.

(5) Children born before marriage shall be legitimized by the subsequent marriage of their parents.

(6) No bride-admission fee or any other similar tax may be levied.

Article 55 [Freedom of the Press]

(1) The freedom of the press is guaranteed.

(2) {...}

(3) {...}

Article 55bis [Radio and Television]

(1) Legislation concerning radio and television and other forms of public diffusion of features and information by telecommunication techniques is a matter for the Confederation.

(2) Radio and television shall contribute to the cultural development and entertainment of the listeners and viewers and to the free formation of opinion. They shall take into account the peculiarities of the country and the needs of the Cantons. They shall present events factually and give impartial expression to multiplicity of views.

(3) The independence of radio and television and autonomy in the creation of programs are guaranteed within the limits laid down in Paragraph (2).

(4) Account is to be taken of the position and functions of other communications media, especially the press.

(5) The Confederation shall create an independent authority to examine complaints.

Article 56 [Freedom of Association]

(1) Citizens have the right to form associations provided that neither the purpose of such associations nor the means used to carry it out are illegal or dangerous to the state. Cantonal laws shall lay down the measures required to repress the misuse of this right.

(2) {...}

(3) {...}

Article 57 [Right of Petition]

The right of petition is guaranteed.

Article 58 [Constitutional Judge, Ecclesiastical Jurisdiction]

(1) No one may be deprived of his constitutional judge; therefore no extraordinary courts of law may be set up.

(2) Ecclesiastical jurisdiction is abolished.

Article 59 [Personal Jurisdiction]

(1) The solvent debtor having a domicile in Switzerland must be sued, for personal debts, before the judge of his domicile; therefore, his property may not be seized or attached for personal claims outside the Canton in which he has his domicile.

(2) In the case of aliens, the pertinent provisions of international treaties remain reserved.

(3) Imprisonment for debts is abolished.

Article 60 [Intercantonal Equality]

All Cantons are bound to afford all Swiss citizens the same treatment as their own citizens in the fields of legislation and of judicial proceedings.

Article 61 [Intercantonal Enforceability of Judgments]

Final judgments rendered in civil law cases in all Cantons shall be enforceable in the whole of Switzerland.

Article 62 [Transfer Taxes, Cantonal Preemption Rights]

All transfer taxes on the moving of property inside Switzerland and all preemption rights of citizens of one Canton against citizens of other Cantons are abolished.

Article 63 [Free Transfer of Property]

With respect to foreign states, free transfer of personal belongings shall be granted, provided reciprocity exists.

Article 64 [Federal Civil Legislation]

(1) The Confederation is entitled to legislate

- on civil capacity,
- on all legal matters relating to commerce and movable property transactions (law of contracts and tort including commercial law and law of bills of exchange),
- on copyrights in literature and arts,
- on protection of inventions suitable for industrial use, including designs and models,
- on suits for debts and bankruptcy.

(2) The Confederation is also entitled to legislate in the other fields of civil law.

(3) The organization of the courts, procedure, and jurisdiction shall remain a matter for the Cantons as before.

Article 64bis [Federal Criminal Legislation]

(1) The Confederation is entitled to legislate in the field of criminal law.

(2) The organization of the courts, procedure, and jurisdiction shall remain a matter for the Cantons as before.

(3) The Confederation is entitled to grant subsidies to the Cantons for the construction of penitentiaries, workhouses and reformatories and for penal reforms. It is also entitled to assist institutions for the protection of neglected children.

Article 64ter [Victim Protection]

The Confederation and the Cantons shall ensure that the victims of criminal acts against life and the person receive assistance. This shall include appropriate compensation if, in consequence of the criminal act, the victims get into financial difficulties.

Article 65 [Capital Punishment]

(1) No death sentence may be passed for political crimes.

(2) Corporal punishments are prohibited.

Article 66 [Deprivation of Political Rights]

Federal legislation shall fix the limits within which a Swiss citizen can be deprived of his political rights.

Article 67 [Extradition]

Federal legislation shall lay down the necessary provisions concerning the extradition of the accused from one Canton to another; however, extradition may not be made compulsory for Political and press offences.

Article 68 [Statelessness]

Measures to secure citizenship for stateless persons and to prevent new cases of statelessness shall be a matter for federal legislation.

Article 69 [Contagious Diseases]

The Confederation is entitled to enact legislation in order to combat contagious, widespread and particularly dangerous diseases of man and animals.

Article 69bis [Consumer Protection]

(1) The Confederation is entitled to legislate:

- a) on trade in foodstuffs;
 - b) on trade in other consumer goods insofar as they may endanger life or health.
- (2) The Cantons shall implement these provisions.

(3) Control of imports at the national frontiers shall be exercised by the Confederation.

Article 69ter [Immigration, Asylum]

(1) The Confederation is entitled to legislate on immigration, emigration, residence and establishment of aliens.

(2) The Cantons shall decide on residence and settlement in accordance with federal legislation. The Confederation is, however, entitled to give final decisions on:

- a) cantonal authorizations for protracted residence and settlement as well as exceptions made in cases of hardship;
- b) violations of treaties concerning establishment;
- c) cantonal expulsion orders valid for the whole territory of the Confederation;
- d) refusal to grant asylum.

Article 70 [Expulsion]

The Confederation has the right to expel from its territory aliens who endanger the internal or external security of Switzerland.

Chapter II Federal Authorities

Part I Federal Assembly

[Subsection 0 General Provisions]

Article 71 [Federal Assembly]

Subject to the rights of the people and the Cantons (Articles [89 and 121](#); at the present time: Articles [89, 89bis, 120, 121, 121bis and 123](#)) the supreme power of the Confederation shall be exercised by the Federal Assembly which consists of two sections or councils, to wit:

- A. the National Council;
- B. the Council of States.

Subsection A National Council

Article 72 [National Council Membership]

(1) The National Council shall be composed of 200 representatives of the Swiss people.

(2) The seats shall be distributed among the Cantons and Half-Cantons in proportion to their resident population, each Canton and Half-Canton being entitled to one seat at least.

(3) A federal law shall lay down detailed provisions.

Article 73 [National Council Elections]

(1) The elections to the National Council shall be direct. They shall take place according to a system of proportional representation, each Canton or Half-Canton forming one electoral district.

(2) Federal legislation shall lay down detailed provisions for the implementation of this principle.

Article 74 [National Council Electorate]

(1) Swiss men and women shall have the same rights and the same duties in matters of federal elections and other federal polls.

(2) Each Swiss man and each Swiss woman who has completed his or her 18th year and who has not been deprived of his or her political rights by the legislation of the Confederation or of the Canton where he or she is resident has the right to participate in such elections and other polls.

(3) The Confederation can decree uniform legal provisions on the right to participate in elections and other polls on federal matters.

(4) The right at cantonal level shall remain the affair of cantonal and communal voting and elections.

Article 75 [National Council Eligibility]

Every lay Swiss citizen entitled to vote is eligible for membership of the National Council.

Article 76 [National Council Election Period]

The National Council shall be elected every four years and each time the whole Council is subject to election.

Article 77 [National Council Incompatibilities]

Members of the Council of States and of the Federal Council and officials appointed by the latter may not at the same time be members of the National Council.

Article 78 [National Council Presidency]

(1) The National Council shall elect from among its members a president and a vice-president for each ordinary and extraordinary session

(2) The member who has been president during an ordinary session is not eligible to be president or vice-president for the following ordinary session. The same member may not be vice-president during two successive ordinary sessions.

(3) When the votes are equal the president shall have the casting vote; at elections he shall have the same voting rights as every other member.

Article 79 [National Council Allowances]

Members of the National Council shall be paid an allowance by the federal treasury.

Subsection B Council of States

Article 80 [Council of States Membership]

The Council of States shall consist of 46 representatives of the Cantons. Each Canton shall elect two representatives; in the halved Cantons, each Half-Canton shall elect one representative.

Article 81 [Council of States Incompatibilities]

Members of the National Council and of the Federal Council may not at the same time be members of the Council of States.

Article 82 [Council of States Presidency]

(1) The Council of States shall elect from among its members a president and a vice-president for each ordinary and extraordinary session.

(2) Neither the president nor the vice-president may be elected from among the representatives of the Canton from which the president of the immediately preceding ordinary session has chosen.

(3) Representatives of the same Canton may not hold office as vice-presidents for two successive ordinary sessions.


(4) When the votes are equally divided, the president shall decide; in elections, he shall vote like any other member.

Article 83 [Council of States Allowances]


Members of the Council of States shall be paid an allowance by the Cantons.

Subsection C Powers of the Federal Assembly

Article 84 [Federal Assembly Authority]

The National Council  and the Council of States shall deal with all matters which, according to this Constitution, fall within the competence of the Confederation and have not been attributed to another federal authority.

Article 85 [Federal Assembly Competences]

The matters within the competence of the two Councils are in particular the following :

(1) Laws on the organization and the mode of election of the federal authorities.

(2) Laws and decrees on matters which the Constitution places within the competence of the Confederation.

(3) Salaries and allowances of the members of the federal authorities and the Federal Chancery; setting up of permanent federal offices and determination of the corresponding salaries.

(4) Election of the Federal Council, the Federal Court, the Chancellor and the General of the federal army. Federal legislation may entrust to the Federal Assembly the right to make or to confirm other appointments.

(5) Alliances and treaties with foreign states as well as approval of treaties of Cantons among themselves or with foreign states. However, such treaties of the Cantons shall only be submitted to the Federal Assembly if the Federal Council or another Canton raises an objection to them.

(6) Measures for the external security as well as for the preservation of the independence and neutrality of Switzerland, declaration of war and conclusion of peace.

- (7) Guarantee of the constitutions and the territory of the Cantons; interventions pursuant to this guarantee; measures for internal security and the preservation of peace and order; amnesty and pardon.
- (8) Measures aimed at the implementation of the Federal Constitution, the guaranteeing of the cantonal constitutions and the carrying out of federal obligations.
- (9) The right to dispose over the federal army.
- (10) The drawing up of the annual budget^(Key) and approval of the State's accounts as well as decrees on the floating of loans.
- (11) General supervision of federal administration and justice.
- (12) Complaints against decisions of the Federal Council concerning administrative disputes (Article [113](#)).
- (13) Conflicts of competence between federal authorities.
- (14) Revision of the Federal Constitution.

Article 86 [Federal Assembly Sessions]

- (1) Both Councils shall meet once a year for an ordinary session on a day to be determined by their rules of procedure.
- (2) They shall be convened for an extraordinary session by decision of the Federal Council or on request from one quarter of the members of the National Council or from five Cantons.

Article 87 [Federal Assembly Competency]

In order that a Council may deliberate validly, the absolute majority of its members must be present.

Article 88 [Federal Assembly Majority Rule]

In the National Council and the Council of States decisions are taken by the absolute majority of the members casting a vote.

Article 89 [Federal Assembly Legislation]

- (1) Federal laws and federal decrees must be approved by both Councils.
- (2) Federal laws and generally binding federal decrees must be submitted to the people for approval or rejection if 50,000 Swiss citizens entitled to vote or eight Cantons so demand.
- (3) Paragraph (2) shall be applicable also to international treaties which:
 - a) are of unspecified duration and cannot be denounced;
 - b) provide for adherence to an international organization;
 - c) entail a multilateral unification of the law.
- (4) By a decision of both Houses Paragraph (2) shall be applicable to other treaties.
- (5) Adherence to collective security organizations or to supranational bodies shall be submitted to the vote of the people and the Cantons.

Article 89bis [Federal Assembly Decrees]

- (1) Generally binding federal decrees whose entry into force ought not to be delayed may be put into effect immediately by a majority of all members of each of the two Councils; the period of validity is to be limited.
- (2) If 50,000 Swiss citizens entitled to vote or eight Cantons request a popular vote, the decrees put immediately into effect shall lose their validity one year after their adoption by the Federal Assembly if they have not been approved by the people during that period; in that case, they may not be renewed.
- (3) Decrees put immediately into effect which have no constitutional basis must be approved by the people and the Cantons within one year after their adoption by the Federal Assembly; failing this, they shall lose their validity after the lapse of this year and may not be renewed.

Article 90 [Federal Assembly Legislation Formalities]

Federal legislation shall lay down the necessary rules concerning the formalities and time-limits for popular votes.

Article 91 [Federal Assembly Voting Procedure]

Members of both Councils shall vote without instructions.

Article 92 [Federal Assembly Joint Meetings]

Each Council shall deliberate separately. However, for elections (Article [85 \(4\)](#)), for the exercise of the right of pardon and when deciding conflicts of competence (Article [85 \(13\)](#)), both Councils shall assemble for a joint meeting under the chairmanship of the President of the National Council and decisions shall be taken by the majority of the members of both Councils casting a vote.

Article 93 [Federal Assembly Initiative]

- (1) Each of the two Councils and each of their members have the right of initiative.
- (2) The Cantons may exercise the same right by correspondence.

Article 94 [Federal Assembly Publicity]

As a rule, the meetings of both Councils shall be public.

Part II Federal Council

Article 95 [Federal Council]

The supreme executive and governing  authority of the Confederation is a Federal Council  composed of seven members.

Article 96 [Federal Council Elections]

- (1) The members of the Federal Council shall be elected by the Federal Assembly for four years from among all the Swiss citizens who are eligible for the National Council. However, not more than one member may be elected from the same Canton.
- (2) The Federal Council shall be elected anew after each renewal of the National Council.
- (3) Vacancies occurring during the four-year period shall be filled in the following session of the Federal Assembly for the remainder of the term.

Article 97 [Federal Council Incompatibilities]

Members of the Federal Council may not hold another office, be it in the service of the Confederation or in a Canton, nor carry on any other profession or industry.

Article 98 [Federal Council Presidency]

- (1) The chairman of the Federal Council shall be the President of the Confederation; he and the Vice-President shall be chosen by the Federal Assembly from among the members of the Council for a term of one year.
- (2) The outgoing President is not eligible to be President or Vice-President for the following year. The same member may not hold the office of Vice-President for two successive years.

Article 99 [Federal Council Salaries]

The President of the Confederation and the other members of the Federal Council shall draw a salary from the federal treasury.

Article 100 [Federal Council Competency]

In order that its deliberations may be valid, at least four members of the Federal Council must be present.

Article 101 [Federal Council Privileges]

Members of the Federal Council may participate in the debates of both sections of the Federal Assembly in a consultative capacity and have the right to voice proposals concerning the subject-matter under discussion.

Article 102 [Federal Council Powers]

The powers and obligations of the Federal Council, within the limits of this constitution, are in particular the following:

- (1) It shall conduct federal affairs in conformity with the federal laws and decrees.
- (2) It shall ensure compliance with the constitution, the laws and the decrees of the Confederation as well as with the provisions of the federal concordats; it shall, on

its own initiative or pursuant to a request, take the necessary steps to secure their enforcement to the extent that such requests are not among those which fall within the jurisdiction of the Federal Court according to Article [113](#).

(3) It shall ensure that the guarantee of the cantonal constitutions is not infringed.

(4) It shall submit to the Federal Assembly drafts of laws and decrees and shall give its opinion on proposals submitted to it by the Councils or the Cantons.

(5) It shall give effect to the federal laws and decrees, the judgments of the Federal Court as well as to the settlements or arbitral awards in connection with disputes between Cantons.

(6) It shall make the appointments which are not entrusted to the Federal Assembly, the Federal Court or another authority.

(7) It shall examine the agreements of the Cantons among themselves and with foreign states and shall approve them if they are admissible (Article [85 \(5\)](#)).

(8) It shall watch over the external interests of the Confederation, particularly its international relations, and it shall be in charge of external affairs generally.

(9) It shall watch over the external security of Switzerland and over the preservation of its independence and neutrality.

(10) It shall ensure the internal security of the Confederation and the preservation of peace and order.

(11) In urgent cases and if the Federal Assembly is not meeting, the Federal Council is entitled to raise the necessary troops and to dispose of them, with the reservation that it shall summon the Federal Assembly immediately if the troops raised exceed 2000 men or remain under arms for more than three weeks.

(12) It shall be in charge of the military affairs of the Confederation and of all branches of the federal administration.

(13) It shall examine the laws and decrees of the Cantons which require its approval; it shall supervise such branches of cantonal administrations as are placed under its control.

(14) It shall manage the finances of the Confederation, draft the budget and render the accounts of receipts and expenditure.

(15) It shall supervise the official activities of all officials and employees of the federal administration.

(16) At each ordinary session, it shall render an account of its activities to the Federal Assembly and submit a report on the internal as well as on the external state of the Confederation and it shall draw the Federal Assembly's attention to such measures as it deems useful for the promotion of common prosperity. It shall also submit reports on specific questions if the Federal Assembly or one of its sections so request.

Article 103 [Federal Council Principles]

(1) The tasks of the Federal Council shall be distributed among its members according to departments. Decisions are taken by the Federal Council as a body.

- (2) Federal legislation may authorize the departments or the services thereof to settle certain matters directly, subject to the right of appeal.
- (3) Federal legislation shall determine in which cases the appeal shall be referred to a federal administrative court.

Article 104 [Federal Council Advice]

The Federal Council and its departments are entitled to call in experts on specific matters.

Part III Federal Chancery

Article 105 [Federal Chancery]

- (1) A Federal Chancery, headed by the Chancellor of the Confederation, shall act as the secretariat of the Federal Assembly and the Federal Council.
- (2) The Chancellor shall be elected by the Federal Assembly for a term of four years, at the same time as the Federal Council.
- (3) The Federal Chancery shall be placed under the special supervision of the Federal Council.
- (4) Federal law shall determine the details of the organization of the Federal Chancery.

Part IV Federal Court

Article 106 [Federal Court]

- (1) A Federal Court^{Key} shall be established for the administration of justice to the extent that this is a federal concern.
- (2) In criminal cases (Article [112](#)) a jury shall be instituted to pronounce a verdict.

Article 107 [Federal Court Membership]

- (1) The members of the Federal Court and their substitutes shall be elected by the Federal Assembly which shall ensure that the three official languages of the Confederation are represented.
- (2) The organization of the Federal Court and of its divisions, the number of its members and substitutes, the duration of their term of office and their salary shall be determined by law.

Article 108 [Federal Court Eligibility, Incompatibilities]

- (1) Any Swiss citizen who is eligible for the National Council may be appointed to the Federal Court.
- (2) The members of the Federal Assembly and of the Federal Council and the officials appointed by these authorities may not at the same time be members of the Federal Court.
- (3) Members of the Federal Court may not hold another office, be it in the service of the Confederation or in the Cantons, or carry on any other occupation or trade.

Article 109 [Federal Court Organization]

The Federal Court shall organize its chancery and appoint its staff.

Article 110 [Federal Court Civil Jurisdiction]

- (1) The Federal Court shall adjudicate civil law disputes:
 - 1) between the Confederation and the Cantons;
 - 2) between the Confederation and corporations or private persons if the subject of the dispute is of a degree of importance to be determined by federal legislation and if those corporations or private persons are plaintiffs;
 - 3) between the Cantons;
 - 4) between Cantons and corporations or private persons if the subject of the dispute is of a degree of importance to be determined by the federal legislation and if one of the parties so requests.
- (2) The Federal Court shall also adjudicate disputes concerning statelessness and disputes between Communes of different Cantons concerning questions of citizenship.

Article 111 [Federal Court Choice of Jurisdiction]

The Federal Court is also bound to adjudicate other cases if both parties agree to refer them to it and if the subject of the dispute is of a degree of importance to be determined by federal legislation.

Article 112 [Federal Court Criminal Jurisdiction, Jury]

The Federal Court shall pass judgment, with the assistance of a jury to give a verdict on the facts, in criminal cases concerning:

- 1) High treason against the Confederation, revolt and violence against the federal authorities;
- 2) crimes and offences against the law of nations;
- 3) political crimes and offences which are the cause or the consequence of disorders which give rise to an armed federal intervention.
- 4) Charges against officials appointed by a federal authority, if the latter refers them to the Federal Court.

Article 113 [Federal Court Public Law Jurisdiction]

(1) The Federal Court shall further adjudicate:

- 1) Conflicts of competence between federal authorities on the one hand and authorities of the Cantons on the other;
- 2) disputes between Cantons in the field of public law;
- 3) complaints concerning the violation of the constitutional rights of citizens as well as individual complaints concerning the violation of concordats and international treaties.

(2) The administrative disputes which shall be specified by federal legislation are excepted.

(3) In all aforementioned instances, the Federal Court shall apply the laws and generally binding decree adopted by the Federal Assembly, as well as the international treaties approved by this Assembly.

Article 114 [Federal Court Conferred Jurisdiction]

Federal legislation may also confer jurisdiction upon the Federal Court on matters other than those specified in Articles [110](#), [112](#) and [113](#); it may, in particular, with regard to the enactment of the federal laws provided for in Article [64](#), determine the competence necessary to ensure their uniform application.

Part IVbis Federal administrative and disciplinary jurisdiction

Article 114bis [Federal Administrative Court]

(1) The Federal Administrative Court shall adjudicate administrative disputes falling within the scope of the Confederation and referred to it by federal legislation.

(2) The Administrative Court shall also adjudicate disciplinary cases of the federal administration referred to it by federal legislation insofar as such cases shall not be referred to a special jurisdiction.

(3) The Court shall apply the federal legislation and the treaties approved by the Federal Assembly.

(4) The Cantons are entitled, subject to the approval of the Federal Assembly, to refer to the Federal Administrative Court for adjudication administrative disputes falling within the scope of their competence.

(5) The organization of federal administrative and disciplinary jurisdiction and its procedure shall be determined by law.

Part V Miscellaneous Provisions

Article 115 [Seat of Federal Authorities]

Everything concerning the seat of the federal authorities shall be a matter of federal legislation.

Article 116 [Languages]

(1) German, French, Italian and Romansh are the national languages of Switzerland.

(2) German, French and Italian are declared to be the official languages of the Confederation.

Article 117 [Official Liability]

The officials of the Confederation are responsible for their official activities. A federal law shall specify the scope of this responsibility.

Chapter III Revision of the Federal Constitution**Article 118 [Constitutional Revision]**

At any time, the Federal Constitution may be revised wholly or in part.

Article 119 [Constitutional Total Revision]

The total revision shall be carried out in accordance with the forms laid down for federal legislation.

Article 120 [Constitutional Total Revision Procedures]

(1) If one section of the Federal Assembly decides on a total revision of the Federal Constitution and the other does not consent or if 100,000 Swiss citizens entitled to vote demand the total revision of the Federal Constitution, the question whether such a revision should take place or not must be submitted in both cases to the vote of the Swiss people.

(2) If in either of these cases the majority of the Swiss citizens casting a vote give an affirmative answer, both Councils shall be elected anew in order to undertake the revision.

Article 121 [Constitutional Partial Revision Procedures]

(1) Partial revision may be carried out either by means of a popular initiative or in accordance with the forms laid down for federal legislation.

(2) The popular initiative consists of a request, presented by a hundred thousand Swiss citizens entitled to vote, aiming at the introduction, setting aside or modification of specified articles of the Federal Constitution.

(3) If by means of a popular initiative several different provisions are to be modified or introduced into the Federal Constitution, each one must be the subject of a separate initiative request.

(4) An initiative request may consist of a general proposal or take the form of a complete draft.

(5) If such a request consists of a general proposal and if it meets with the approval of the Federal Chambers, the latter shall prepare a partial revision along the lines of the proposal and submit their draft to the people and the Cantons for adoption or rejection. If the Federal Chambers do not approve of the request, the question of partial revision shall be submitted to the decision of the people; if the majority of the Swiss citizens casting a vote decide in the affirmative, the Federal Assembly shall undertake the revision in conformity with the decision of the people.

(6) If the request is in the form of a complete draft and if it meets with the approval of the Federal Assembly, the draft shall be submitted to the people and the Cantons for adoption or rejection. If the Federal Assembly disagrees, it may prepare its own draft or recommend the rejection of the proposed draft and submit its own draft or recommendation of rejection together with the draft proposed by the initiative to the decision of the people and the Cantons.

Article 121bis [Constitutional Alternative Revision Procedures]

(1) If the Federal Assembly draws up a counter-draft, three questions shall be submitted to the voters on the same ballot paper. Every voter can state unreservedly

- 1) whether he prefers the popular initiative to the law in force;
- 2) whether he prefers the counter-draft to the law in force;

3) which of the two texts should enter into force if the people and the Cantons prefer both texts to the law in force.

(2) The absolute majority shall be determined for each question separately. Unanswered questions shall not count.

(3) If both the popular initiative and the counter-draft are accepted, the result of the third question shall decide the issue. The text which obtains more of the people's and Cantons' votes on this question shall come into force. If, on the other hand, one text obtains more of the people's votes and the other more of the Cantons' votes, then neither of the texts shall come into force.

Article 122 [Popular Initiative Procedures]

A federal law shall determine the procedure to be followed in the case of popular initiative requests and votes on the revision of the Federal Constitution.

Article 123 [Constitutional Revision Approval]

(1) The revised Federal Constitution or the revised part of it, as the case may be,

shall enter into force if it has been approved by the majority of the Swiss citizens casting a vote and the majority of the Cantons.

(2) In order to determine the majority of the Cantons, the vote of each Half-Canton is counted as half a vote.

(3) The result of the popular vote in each canton is considered to be the vote of that Canton.

[Chapter IV] Transitional Provisions

Article 1 [Military Finances Transition]

(1) The revenue from the posts and from customs duties shall be distributed according to the existing system until the Confederation shall in fact take over the military expenses borne up to now by the Cantons.

(2) Furthermore, federal legislation shall ensure that losses which might result for the finances of certain Cantons from the combined effect of the changes introduced by Articles [20](#), [30](#), [36 \(2\)](#), and [42 e](#)) will affect them gradually and become fully effective only after a transitional period of several years.

(3) Cantons which, at the time of the coming into force of Article [20](#), have not fulfilled the military obligations placed upon them by the former Federal Constitution and the federal laws, are bound to carry them out at their own expense.

Article 2 [Derogation of Law]

The provisions of existing federal laws, concordats, cantonal constitutions, and laws which are inconsistent with the present Federal Constitution shall cease to be in force with the adoption of the latter or, as the case may be, the enactment of the federal laws it provides for.

Article 3 [Federal Court Transition]

The new provisions concerning the organization and jurisdiction of the Federal Court shall only enter into force after the enactment of the pertinent federal laws.

Article 4 [Schooling Transition]

(1) A time-limit of five years shall be granted to the Cantons for the introduction of free public primary education (Article [27](#)).

(2) They shall be given a time-limit of five years to introduce the beginning of the school year in accordance with Article [27 \(3bis\)](#)). The Federal Council shall take measures in accordance with Article [27 \(4\)](#) by means of an ordinance. It shall notify

the Federal Assembly of this.

Article 5 [Liberal Profession Transition]

Persons carrying on a learned profession, who prior to the enactment of the federal legislation provided for in Article [33](#) have obtained a certificate of competence from a Canton or from an authority representing several Cantons pursuant to a concordat, shall be entitled to carry on their profession throughout the Confederation.

Article 6 [Privilege Tax Transition]

For the years 1959 and 1960, the Cantons' share of the receipts from the privilege tax on exemption from military service, including their fee for collecting it, is fixed at 31 per cent; as from 1st January, 1961, this share shall be replaced by a collecting fee of 20 per cent of the gross receipts. All contrary provisions of the federal legislation shall cease to be in force.

Article 7 [Freight Document Transition]

- (1) The stamp duty on freight documents shall no longer be levied after 1st January, 1959. All contrary provisions of the federal legislation shall cease to be in force.
- (2) Freight documents for the transport of luggage, animals and goods by the federal railways and by transport enterprises which have been granted a concession by the Confederation shall not be subjected by the Cantons to stamp or registration duty.

Article 8 [Additional Taxes Transition]

- (1) Subject to Federal Acts within the meaning of Article [41ter](#), the provisions applicable on 31st December 1981 to turnover tax, direct Federal Tax (formerly defence tax), and beer tax shall remain in force with the following amendments.
- (2) With effect from 1st October 1982 the following provisions shall apply to the turnover tax:
 - a) the tax rate shall amount to 6.2 per cent of returns in the case of retail deliveries and 9.3 per cent in the case of wholesale deliveries;
 - b) painters and sculptors shall be exempt from taxation in respect of the works of art which they themselves have created.
- (3) For the tax years after 31st December 1982 direct Federal Tax shall be regulated as follows:
 - a) allowances deducted from the income of individuals shall amount to:
 - 4000 francs for married persons;

- 2000 francs for each child;
 - 2000 francs for each needy person;
 - 3000 francs for widowed, divorced or single taxpayers who run a household containing children or needy persons;
 - for insurance premiums and interest from savings capital together:
 - 2500 francs for widowed, divorced or single persons;
 - 3000 francs for married persons;
 - 4000 francs from the income from gainful activity of the spouse, when both husband and wife pursue a gainful activity.
- b) the amount of tax due from individuals shall be reduced as follows:
- 30 per cent on the first 100 francs of the annual tax;
 - 20 per cent on the next 300 francs of the annual tax;
 - 10 per cent on the next 500 francs of the annual tax.
- c) the reduction granted up to the end of 1982 to married persons on the amount of tax shall be cancelled;
- d) a vice-chairman shall be appointed to the Federal Commission for Remission of direct Federal Tax. The competent cantonal authority shall rule on applications for remission of direct Federal Tax up to a tax amount of 1000 francs.
- (4) The Federal Council shall adapt its decrees on turnover tax and defence tax to the amendments in Paragraphs (2) and (3). In the case of turnover tax it shall also regulate the effects of passing on the tax for the transitional period. The term "defence tax" shall be replaced by "direct Federal Tax" in all laws and regulations.

Article 9 [Tax Amnesty Transition]

- (1) During the years 1969 to 1973, the Confederation can institute a special tax amnesty for federal, cantonal and communal taxes.
- (2) Federal legislation shall determine the date of this amnesty and specify its conditions and effects.

Article 10 [Cantonal Equalization Transition]

- (1) Until the introduction of new rules for financial equalization among the Cantons, the present 6 per cent commission of the Cantons shall be replaced as from 1st January 1972 by a cantonal share of 12 per cent of the net withholding tax yield; federal legislation shall determine the share of each Canton.
- (2) In years when the withholding tax exceeds 30 per cent the Cantons' share shall amount to 10 per cent.

Article 11 [Retirement and Disabled Insurance]

- (1) Insofar as the provisions for federal insurance do not cover basic requirements,

as defined in Article [34quater \(2\)](#), the Confederation shall grant the Cantons subsidies for the financing of supplementary allowances. For this purpose it may use fiscal resources intended for the financing of the federal insurance scheme. The maximum contribution of the public authorities, stipulated in Article [34quater \(2\)\(b\) and \(c\)](#), shall be calculated so as to take into account these federal subsidies and the corresponding contributions of the Cantons.

(2) Those insured who belong to the relevant generation at the time of the introduction of the system for obligatory professional insurance, in accordance with Article [34quater \(3\)](#), shall be able to benefit from the minimum legally prescribed protection after a period whose duration, calculated from the time the law comes into effect, shall vary between 10 and 20 years, according to the amount of their income. The law shall specify those persons belonging to the relevant generation at the time of the introduction, and shall determine the minimum allowance granted during the transitional period; it shall take into account, by special provisions, the situation of those insured for whom an employer had made insurance arrangements prior to the law's coming into effect. The contributions necessary for covering the allowances must reach their normal level after a period of no more than five years.

Article 12 {...}

Article 13 {...}

Article 14 {...}

Article 15 {...}

Article 16 [Supplementary Tax Transition]

Subject to amendment by legislation, the supplementary tax on motor fuels shall amount to 30 centimes per liter.

Article 17 [Annual Road Charge Transition]

(1) The Confederation shall levy on domestic and foreign motor vehicles and trailers with a total weight of over 3.5 tons each an annual charge for the use of all roads open to general traffic.

(2) This charge shall amount to:

a) for lorries and articulated motor vehicles

- over 3.5 and up to 11 tons..... 500 francs
- over 11 and up to 16 tons..... 1500 francs

- over 16 and up to 19 tons.....	2000 francs
- over 19 tons.....	3000 francs
b) for trailers	
- over 3.5 and up to 8 tons.....	500 francs
- over 8 and up to 10 tons.....	1000 francs
- over 10 tons.....	1500 francs
c) for coaches.....	500 francs

(3) In the case of vehicles which are not on the road in Switzerland for the whole year, the Federal Council shall fix graduated rates commensurate with the length of time involved; it shall take into consideration the cost of collecting the charge.

(4) The Federal Council shall regulate the implementation by ordinance. It can determine the rates, within the meaning of Paragraph (2), for special categories of vehicle, exempt specific vehicles from the charge and issue special regulations, particularly for journeys in the frontier area. Such regulations shall not result in vehicles registered abroad being treated more favorably than Swiss vehicles. The Federal Council can provide for fines for contraventions. The Cantons shall collect the charge for vehicles registered in Switzerland.

(5) This charge shall be levied for a period of 10 years. Before the expiry of this time-limit the charge can be wholly or partially abolished by legislation.

Article 18 [National Highway Charge Transition]

(1) The Confederation shall levy on domestic and foreign motor vehicles and trailers up to a total weight of 3.5 tons each an annual charge of 30 francs for the use of the first- and second-class national highways.

(2) The Federal Council shall regulate the implementation by ordinance. It can exempt specific vehicles from the charge and issue special regulations, particularly for journeys in the frontier area. Such regulations shall not result in vehicles registered abroad being treated more favorably than Swiss vehicles. The Federal Council can provide for fines for contraventions. The Cantons shall collect the charge for vehicles registered in Switzerland and monitor the keeping of the regulations by all vehicles.

(3) This charge shall be levied for a period of 10 years. Before the expiry of this time-limit the charge can be wholly or partially abolished by legislation.

Article 19 [Nuclear Energy Moratorium Transition]

For a period of 10 years after the adoption of this transitional provision by the people and the Cantons no planning, building, start-up, or operating permits shall be issued under Federal law for new installations for the production of nuclear energy (nuclear power stations or nuclear reactors for heating

purposes). Installations of the kind for which building permission under Federal law was not granted up to 30th September 1986 count as new.