

Zeitschrift: Swiss review : the magazine for the Swiss abroad
Herausgeber: Organisation of the Swiss Abroad
Band: 21 (1994)
Heft: 6

Rubrik: Official news

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Legal changes in parliament's autumn session

Practical consequences for you too

The Lex Friedrich, the 10th revision of the pension scheme and the drop in the age of majority to 18 show that parliament can have a direct effect on our fellow-citizens abroad.

The revision of the Lex Friedrich means that in principle Swiss Abroad will in future have to obtain permission to acquire land in Switzerland. The National Council, which originally wanted to exclude Swiss Abroad from this procedure, finally agreed to settle its differences with the Federal Council and the Council of States by a slim majority (78 to 67).

The Lex Friedrich at present requires persons resident abroad to obtain permission to acquire land in Switzerland, but Swiss Abroad – on the nationality principle – are exempt.

But this will hinder future European integration. The Lex Friedrich as now in force also contradicts treaties on residence containing equal treatment clauses – which Switzerland has concluded with almost all west European countries.

Italy, Germany and Austria have already threatened countermeasures if the privileged position of the Swiss Abroad is maintained. Such measures would cause the latter more problems than the solution now approved.

The revised Lex Friedrich is based entirely on the residence principle. This means that Swiss Abroad fall under the new provisions just like other persons resident abroad. But these now cover only the "inner core" of land acquisition (capital investment, holiday homes, for commercial gain).

We would like to take the opportunity of clarifying the following points:

Swiss Abroad who have been resident in Switzerland

for a total of at least five years are exempt from the revised law.

The new provision does not mean that other Swiss Abroad are prohibited from acquiring land. It means merely that they must obtain permission – which will normally be granted. Acquisition of land by inheritance is expressly excluded. Permission to acquire holiday homes will in future be less of a problem in view of the planned quota increase.

In any case a commission of experts set up by the Federal Council is now examining the possibility of complete abolition of the Lex Friedrich.

If the referendum call already announced does not come to fruition, the revised law may be expected to come into force in mid-1995.

Tenth revision of the pension scheme

With the introduction of the splitting system, all Swiss citizens have a personal claim to a pension regardless of their marital status. But the sum of the pensions of a married couple will be limited to 150% of the highest individual pension.

Parents responsible for the upkeep of children under 16 are now entitled to a school allowance. Persons responsible for relatives requiring care and living in the same household may claim a maintenance allowance.

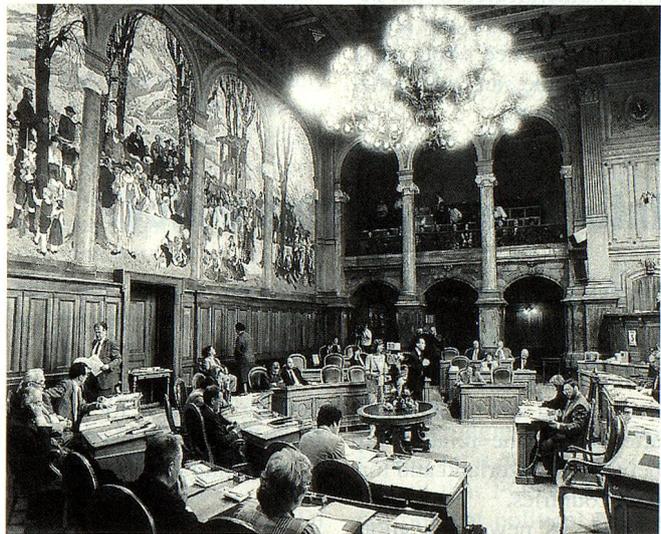
These important reforms are seen as a breakthrough towards equality between men and women in this most

essential area of social security.

A majority in parliament are also in favour of extending gender equality to pensionable age by raising that for women in two stages to 63 from the year 2001 and to 64 from 2005. It will be possible to bring pensions forward. These will be reduced by only half the actuarial rate (3.4% instead

a Swiss disability pension even if they are not members of the optional old age and disability pension scheme.

Since the increase in the pensionable age in the 10th revision of the pension scheme has come up against substantial resistance and already by the beginning of November enough signatures (50,000) had been collected against it to force a referen-



Parliament approved a number of important reforms during the autumn session.
(Photo: Keystone)

of 6.8%) in the framework of a transitional period.

Two other major reforms affecting Swiss Abroad were also approved. Now spouses will be able to enter the optional old-age and disability pension scheme independently of each other. In addition, for disability pension claims Swiss Abroad will be treated like nationals of the state in which they reside provided that a social security agreement exists between that state and Switzerland. This means that Swiss Abroad will be able to claim

dum, it is by no means certain that the new provisions will in fact come into force on January 1, 1997.

Age of majority

This is to be reduced from 20 to 18. According to the Swiss Civil Code, majority taken together with the ability to make competent judgements (i.e. to think rationally) forms the basis of the power to take legal measures (i.e. creation of rights and obligations by one's actions). Persons aged 18 will also be able to sign contracts, marry, etc. The new provisions will come into force on January 1, 1996.

Paul Andermatt ■



New identity cards

How to order

In Swiss Review 4/94, we referred to the introduction of new identity cards in credit card format. These will be produced in Switzerland and will be available to you in other countries from January 1, 1995.

You may either fill in the application form in person at your embassy or consulate or request it and return it to the same by post. In the latter case, before returning it you must have the contents of the form authenticated by an official authority of your country of residence. You must also include an additional passport photo.

The price of the new card is fixed at Sfr. 35.- for persons over 15, and it will be valid for ten years. For children under 15, the price will be Sfr. 25.-, and the card will be valid for five years. The amount due must arrive at the embassy or consulate before the application form can be sent to Switzerland. The cost of postage between the diplomatic post and the applicant is not included.

It goes without saying that the old identity cards remain valid until their expiry.

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Brief initiative overview

The «solar» and «energy-environment» initiatives

These two closely related referendum calls aim to add the following provisions to the federal constitution:

The solar initiative: To promote the use of solar energy and efficient energy use, the federal government shall levy an indexed charge rising from 0.1 to 0.5 centimes per kilowatt hour on the end-use of non-renewable energy resources. At least half of the yield shall be set aside for solar energy.

If the relevant legislation has not come into force within three years after the initiative has been accepted, the Federal Council shall enact executive provisions without further delay.

The energy-environment initiative: The federal government shall take measures to stabilise and gradually reduce consumption of non-renewable energy resources.

To this end, it shall levy an incentive tax at a fixed rate on consumption of all non-renewable energy resources and electricity produced by hydro-electric plants above a certain capacity.

The yield shall be reimbursed in such a way as to reward thrifty and efficient consumers.

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Current popular initiatives

The following popular initiatives are still open for signature:

For fair representation of women in the federal authorities – until March 21, 1995

Jacqueline Gottschalk, P.O. Box 632, CH-3000 Berne 25.

For rewarding energy saving and against energy waste (energy-environment initiative) – until March 28, 1995

Gallus Cadonau, P.O. Box 2272, CH-8033 Zurich.

For a 'solar centime' (solar initiative) – until March 28, 1995

Gallus Cadonau, P.O. Box 2272, CH-8033 Zurich.

For controlled immigration – until September 9, 1995

Philipp Müller, P.O. Box, CH-5734 Reinach, Aargau.

To reduce by half motorised road traffic in order to maintain and improve living space (traffic reduction initiative) – until March 20, 1996

Beat Schweingruber, Seefeldstr. 102, P.O. Box, CH-8034 Zurich