

Zeitschrift: Swiss review : the magazine for the Swiss abroad
Herausgeber: Organisation of the Swiss Abroad
Band: 41 (2014)
Heft: 6

Rubrik: Imprint

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The Swiss Abroad Act has been adopted

The most important law for the Swiss community abroad will soon become a reality unless a referendum is called contrary to expectations.

On 26 September 2014, the Federal Assembly adopted the “Federal Act on Swiss Persons and Institutions Abroad”, in short the Swiss Abroad Act. The National Council approved the law by 160 votes to 18 with 18 abstentions. The Council of States passed it with no opposing votes and one abstention. It was published in the Federal Gazette (source texts in German, French and Italian see bottom of this article) on 7 October 2014, which means the three-month referendum deadline expires on 15 January 2015.

The law does not introduce any fundamentally new rights or obligations but brings together the most significant aspects for the over 730,000 Swiss Abroad in a single act so they are no longer distributed between various laws, ordinances and regulations. It covers the political rights of the Swiss Abroad, social welfare, consular protection and other consular services. The possibility of electronic voting in referenda and elections is also expressly incorporated into the act. The Federal Council can, in addition, take measures to encourage the exercising of political rights by our compatriots abroad.

The Swiss Abroad Act also forms the basis for federal government to support institutions which promote relations between the Swiss Abroad themselves and with Switzerland or provide them with assistance. The law specifically mentions the Organisation of the Swiss Abroad (OSA).

The Act explicitly states that Swiss citizens who reside or travel abroad bear personal responsibility for doing so. Personal responsibility involves, in particular, avoiding risks by considering alternative courses of action or overcoming difficulties by one's own means in the event of danger. Personal responsibility also includes observing the laws of the country of residence or country visited. What is more, Switzerland should only act in a subsidiary capacity, particularly with regard to social welfare and consular protection. The law also defines a single point of contact which constitutes a significant part of the efforts towards a comprehensive policy on the Swiss Abroad referred to as “coherent” in the parliamentary proposal. With the central single point of contact for all matters concerning the Swiss Abroad, the FDFA will ensure the requirements-led provision of services as a public service.

Provided a referendum is not called, the law can enter into force on 1 November 2015 at the earliest. The drafting work on the ordinance on the Swiss Abroad Act will continue until then. The most significant changes for the Swiss Abroad will be explained in detail in “Swiss Review” over the course of 2015.

The Swiss Abroad Act goes back to the postulate submitted by Filippo Lombardi, Council of States member from Ticino, entitled “The Swiss Abroad – a link to the world”. In its requested report on policy on the Swiss Abroad, the Federal Council acknowledges the importance of the Swiss Abroad and comes to the conclusion that setting out a comprehensive policy on the Swiss Abroad would be beneficial. Following this report, on 15 June 2011 Filippo Lombardi submitted the parliamentary initiative “for a Swiss Abroad Act”, which was accepted by the Federal Assembly at the beginning of 2012. In close cooperation with the FDFA, the Council of States’ competent Political Institutions Committee drew up the bill and presented it to Parliament on 17 January 2014.

DIVISION FOR RELATIONS WITH THE SWISS ABROAD

The text of the Swiss Abroad Act can be found at:

German: www.admin.ch/opc/de/federal-gazette/2014/7229.pdf

French: www.admin.ch/opc/fr/federal-gazette/2014/6965.pdf

Italian: www.admin.ch/opc/it/federal-gazette/2014/6213.pdf



The Aletsch Arena in Bettmeralp, Valais

At the turn of the year

The Consular Directorate wishes all “Swiss Review” readers a wonderful and peaceful festive period and every success and happiness in 2015. We look forward to continuing our successful relationship.

IMPRINT:
“Swiss Review”, the magazine for the Swiss Abroad, is in its 41st year of publication and is published in German, French, Italian, English and Spanish in 14 regional editions. It has a total circulation of 400,000, including 140,000 electronic copies. Regional news appears four times a year. The ordering parties

are fully responsible for the content of advertisements and promotional inserts. This content does not necessarily represent the opinion of either the editorial office or the publisher.
EDITORS: Barbara Engel (BE), Editor-in-Chief; Stéphane Herzog (SH); Marc Lettau (MUL); Jürg Müller (JM); Peter Zimmerli (PZ), responsible for

“info.admin.ch”, Relations with the Swiss Abroad, FDFA, 3003 Berne, Switzerland
TRANSLATION: CLS Communication AG
LAYOUT: Herzog Design, Zürich
PRINT: Vogt-Schild Druck AG, 4552 Derendingen.
POSTAL ADDRESS: Publisher, editorial office, advertising: Organisation of the Swiss Abroad, Alpenstrasse 26,

3006 Berne, Tel.: +41313566110, Fax: +41313566101, Postal account (Swiss National Giro): 30-6768-9. Email: revue@aso.ch

COPY DEADLINE for this edition:
28.10.2014

All Swiss Abroad who are registered with a Swiss representation receive the magazine free of charge. Anyone else can subscribe to the magazine for an annual fee (Switzerland: CHF 30 / abroad: CHF 50). Subscribers are sent the magazine direct from Berne. www.revue.ch

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