

ANNEX IV

REFERRED TO IN ARTICLE 12  
RESERVATIONS BY SWITZERLAND

<b>Sector:</b>	All sectors
<b>Sub-sector:</b>	-
<b>Legal source or authority of the measure:</b>	Federal Act of 30 March 1911 (Code of Obligations) supplementing the Swiss Civil Code (Systematic Collection of Federal Laws and Regulations [RS], No. 220)
<b>Succinct description of the measure:</b>	<ul style="list-style-type: none"><li>- The vast majority of companies in Switzerland are organized as <b>corporations</b> (<i>Société anonyme [SA] – Aktiengesellschaft [AG]</i>), featuring a predetermined capital and shareholders' liability limited to the nominal capital invested. Of the members of the board of directors of a Swiss corporation, the majority must be Swiss citizens residing in Switzerland. Exceptions are possible in the case of holding companies.</li><li>- <b>Limited liability companies</b> (<i>Société à responsabilité limitée [Sàrl] – Gesellschaft mit beschränkter Haftung [GmbH]</i>) are characterized by a limited capital divided into quotas. In a limited liability company, at least one managing officer must be residing in Switzerland.</li><li>- A foreign company may also establish one or several <b>branch offices</b> in Switzerland. At least one representative of a branch office must be residing in Switzerland.</li></ul>
<b>Purpose or motivation of the measure:</b>	To facilitate judicial proceedings

## SWITZERLAND

<b>Sector:</b>	All sectors
<b>Sub-sector:</b>	
<b>Legal source or authority of the measure:</b>	Federal Act of 16 December 1983 on the Acquisition of Real Estate by Persons Abroad (RS 211.412.41)
<b>Succinct description of the measure:</b>	Foreign nationals not residing in Switzerland and companies established, or controlled from, abroad are not allowed to invest in the residential property market (except for residential property directly linked to a business presence) and in agricultural real estate. For the acquisition of vacation homes, a cantonal permit is required.
<b>Purpose or motivation of the measure:</b>	Scarcity of available land

## SWITZERLAND

<b>Sector:</b>	Energy
<b>Sub-sector:</b>	Oil Prospection and Exploitation
<b>Legal source or authority of the measure:</b>	Concordat of 24 September 1955 on Oil Prospecting and Exploitation (RS 931.1)
<b>Succinct description of the measure:</b>	The inter-cantonal agreement (among 10 cantons) stipulates that oil concessions may be granted only to companies that are at least 75 percent Swiss-owned. Other cantons apply similar restrictions.
<b>Purpose or motivation of the measure:</b>	Energy policy considerations and national security

## SWITZERLAND

<b>Sector:</b>	Energy
<b>Sub-sector:</b>	Nuclear energy
<b>Legal source or authority of the measure:</b>	Federal Act of 23 December 1959 on the Peaceful Uses of Atomic Energy (RS 732.0); Federal Decree of 8 October 1978 relative to the Atomic Energy Act (RS 732.01)
<b>Succinct description of the measure:</b>	Authorization to construct and operate nuclear facilities is granted only to Swiss citizens domiciled in Switzerland and legal persons that are subject to Swiss law, headquartered in Switzerland and Swiss-owned.
<b>Purpose or motivation of the measure:</b>	Energy policy considerations and national security

## SWITZERLAND

<b>Sector:</b>	Energy
<b>Sub-sector:</b>	Hydroelectric power
<b>Legal source or authority of the measure:</b>	Federal Act of 22 December 1916 on the Uses of Hydroelectric Power (RS 721.80)
<b>Succinct description of the measure:</b>	When granting concessions, cantons take public interest considerations into account (they may in particular require the concession-holder to have its registered office in the relevant canton).
<b>Purpose or motivation of the measure:</b>	Energy policy considerations and national security

## SWITZERLAND

<b>Sector:</b>	Energy
<b>Sub-sector:</b>	Pipelines
<b>Legal source or authority of the measure:</b>	Federal Act of 4 October 1963 on Pipelines for Liquid or Gaseous Fuels (RS 746.1)
<b>Succinct description of the measure:</b>	For foreign-owned or controlled companies a registered office and management presence in Switzerland is required.
<b>Purpose or motivation of the measure:</b>	Energy policy considerations and national security

## SWITZERLAND

<b>Sector:</b>	Air Transport
<b>Sub-sector:</b>	Aircraft Registration
<b>Legal source or authority of the measure:</b>	Federal Aviation Act of 21 December 1948 (RS 748.0)
<b>Succinct description of the measure:</b>	Aircraft may not be registered in Switzerland unless they are wholly owned by Swiss citizens or by foreign nationals who reside in Switzerland and use the aircraft mainly for travel originating in Switzerland, or by companies based and registered in Switzerland.
<b>Purpose or motivation of the measure:</b>	To ensure an effective tie between aircraft and their owners

## SWITZERLAND

<b>Sector:</b>	Air Transport
<b>Sub-sector:</b>	Holdings in Swiss air transport companies
<b>Legal source or authority of the measure:</b>	Federal Aviation Act of 21 December 1948 (RS 748.0)
<b>Succinct description of the measure:</b>	Access of foreign firms to commercial transport of persons and goods is governed by international agreements. In the absence of such an agreement, foreign firms may be granted concessions to operate certain commercial transport routes. To obtain such a concession, a foreign enterprise must, inter alia, have a legal residence in Switzerland. A foreign holding in a Swiss air transport company may normally not exceed 40 per cent of the latter's share capital.
<b>Purpose or motivation of the measure:</b>	Air transport policy



## SWITZERLAND

<b>Sector:</b>	Air Transport
<b>Sub-sector:</b>	Assistance Services
<b>Legal source or authority of the measure:</b>	Airport Regulations
<b>Succinct description of the measure:</b>	Switzerland applies European Union Directive 96/67. Airport authorities may limit the number of providers for certain services by permanent limitations or temporary measures. Article 20 of the Directive contains a reciprocity clause.
<b>Purpose or motivation of the measure:</b>	Limited space for airport infrastructure.

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