

APPENDIX 5 TO ANNEX XVIII

REFERRED TO IN ARTICLE 5.4

RESERVATIONS/NON-CONFORMING MEASURES
BY THE SWISS CONFEDERATION

SWITZERLAND

Sector:	All sectors
Sub-sector:	-
Legal source or authority of the measure:	Federal Act of 30 March 1911 (Code of Obligations) supplementing the Swiss Civil Code(Systematic Collection of Federal Laws and Regulations [RS], No. 220)
Succinct description of the measure:	<p>For a “corporation” (société anonyme/ Aktiengesellschaft), a “corporation with unlimited partners” (société en commandite par actions/ Kommanditaktiengesellschaft), a “limited partnership” (société à responsabilité limitée/Gesellschaft mit beschränkter Haftung) and a “cooperative” (société cooperative/ Genossenschaft) at least one member of the governing body of the legal person or another person with the right to represent the legal person must be domiciled in Switzerland.</p> <p>A foreign legal person may also establish one or several branch offices in Switzerland. At least one person of the branch office with the right to represent the branch office must be domiciled in Switzerland.</p>
Purpose or motivation of the measure:	To facilitate judicial proceedings

SWITZERLAND

Sector:	All sectors
Sub-sector:	
Legal source or authority of the measure:	Federal Act of 16 December 1983 on the Acquisition of Real Estate by Persons Abroad (RS 211.412.41)
Succinct description of the measure:	Acquisition of real estate is subject to authorisation by the relevant cantonal authority when the acquirer does not use the property to operate a permanent establishment.
Purpose or motivation of the measure:	Scarcity of available land

SWITZERLAND

Sector:	Energy
Sub-sector:	Oil Prospection and Exploitation
Legal source or authority of the measure:	Concordat of 24 September 1955 on Oil Prospecting and Exploitation
Succinct description of the measure:	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.
Purpose or motivation of the measure:	Energy policy considerations and national security

SWITZERLAND

Sector:	Energy
Sub-sector:	Nuclear energy
Legal source or authority of the measure:	Federal Act of 21 March 2003 on Atomic Energy (RS 732.1)
Succinct description of the measure:	A concession to construct and operate nuclear facilities is granted only to a corporation, a cooperative or a legal person of public law. A foreign company must have a registered subsidiary in Switzerland. Without prejudice to international obligations, the Federal Council may refuse the concession to a foreign company if its home state does not grant reciprocity.
Purpose or motivation of the measure:	Energy policy considerations and national security

SWITZERLAND

Sector:	Energy
Sub-sector:	Hydroelectric power
Legal source or authority of the measure:	Federal Act of 22 December 1916 on the Uses of Hydroelectric Power (RS 721.80)
Succinct description of the measure:	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).
Purpose or motivation of the measure:	Energy policy considerations and national security

SWITZERLAND

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