CELIS Country Note

on

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by

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Abstract

Switzerland has traditionally maintained an open stance towards foreign direct investment (FDI) and, to date, has relied on a patchwork of sector-specific restrictions rather than a comprehensive cross-sector screening regime. Against a backdrop of heightened economic security concerns and international trends, Switzerland has now decided to introduce its first horizontal foreign investment screening framework. On 19 December 2025 the Swiss Parliament adopted the Federal Act on the Screening of Foreign Investments (ISA). The Act is not yet in force and remains subject to an optional referendum and implementing measures; entry into force is expected no earlier than 2027.

This Country Note explains the political and constitutional context shaping Swiss investment policy (economic freedom, neutrality, federalism, and international obligations), maps the current domestic framework (including Lex Koller, financial market entry rules, and cross-sector controls such as merger control and sanctions), and analyses the ISA's key features.

The new mechanism is deliberately narrow by international standards: it focuses on acquisitions by foreign state-controlled investors in sensitive sectors, applies a two-stage review process led by SECO with potential Federal Council involvement, and provides for remedies, enforcement measures and significant sanctions. The Note concludes with developments to follow, notably implementation guidance on "state control" and institutional capacity-building.

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[1] This contribution is prepared in an academic research context and is strictly descriptive of the legal framework. It does not represent the views or positions of any current employer.

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Phil Baumann and Laszlo Csonka

1. Introduction and Political Background

1.1. Introduction

As a medium-sized, open economy with few natural resources and a small domestic market, international investments are considered to be a key factor for economic growth and prosperity in Switzerland. Against this background, Switzerland has historically fostered an open approach to foreign direct investment (FDI). Both the Swiss Federal Council and the cantonal governments have consistently highlighted Switzerland's appeal as an investment destination, drawing on its economic and political stability, stable legal framework, competitive business and tax environment,[2] reliable infrastructure and strong capacity for innovation.

FDI plays a significant role in Switzerland's economy. According to the Swiss National Bank (SNB), the stock of outward FDI at the end of 2023 exceeded CHF 1.3 trillion, placing Switzerland among the ten largest capital exporters worldwide. At the same time, the country attracts substantial foreign investment, with nearly CHF 1 trillion in inward FDI.[3] The largest investors in Switzerland are traditionally the United States followed by EU member states, notably by Ireland, Germany and the Netherlands, with financial intermediation, manufacturing and trade being among the main recipient sectors.[4]

[2] See, among others, IMD World Competitiveness Center, *IMD World Competitiveness Ranking 2024* https://www.imd.org/centers/wcc/world-competitiveness-center/rankings/world-competitiveness-ranking accessed 15 August 2025.
[3] Swiss National Bank, *Direct Investment 2023*, 24th edn https://www.snb.ch/fr/the-snb/mandates-goals/statistics/statistics-pub/direct-investments accessed 15 August 2025.
[4] Lloyds Bank Trade, *Switzerland – Foreign Investment* (based on UNCTAD data) https://www.lloydsbanktrade.com/en/market-potential/switzerland/investment accessed 8 September 2025. According to UNCTAD, the United States accounts for ≈ 39% of total inward FDI stock in Switzerland, followed by Ireland (≈ 11%), Germany and the Netherlands (≈ 5% each). Outward Swiss FDI broadly follows the same pattern: the United States is the primary destination (≈ 22.5%), making Switzerland the 6th largest foreign investor in the U.S., followed by the Netherlands (≈ 11%), Luxembourg (≈ 7%) and Germany (≈ 6%); see Embassy of Switzerland in the United States, *Switzerland's Economic Impact in the United States 2025* https://swissimpactusa.com/wp-content/uploads/2025/04/SwissEconomicImpact2025_web.pdf accessed 8 September 2025.

However, in recent years growing concerns about foreign takeovers of Swiss companies[5] have shifted the domestic debate. Increasingly, discussions focus on whether Switzerland's traditionally liberal stance remains compatible with evolving security and sovereignty issues.

1.2. Relevant Policy Considerations

Foreign investment policy in Switzerland is shaped by a complex interplay of constitutional mandates, neutrality, security concerns, federalism, and international commitments.

The Swiss **economic constitution** favours a market economy that embraces economic freedom, competition and constrains the implementation of industrial policy measures. Furthermore, the Swiss constitution mandates the Federal Government to promote the opening of foreign markets to Swiss companies. However, under the constitutional framework public order and security are legitimate reasons for restricting economic freedom, as long as such restrictions are proportionate.

Neutrality: Switzerland's neutrality,[6] consisting of the law of neutrality (legal obligations and rights of a neutral country) and neutrality policy (political measures serving the credibility of Switzerland's neutrality abroad), is commonly considered a main policy tool for preserving Switzerland's national security. In addition, maintaining neutrality has furthered business opportunities worldwide and enabled Switzerland to become a major financial and commodity trading centre. Switzerland's neutrality shapes Swiss investment policy by requiring that restrictions be proportionate, non-discriminatory unless justified by security concerns, and consistent with its role as a neutral intermediary in international affairs.[7]

[5] For example, the takeover of a Swiss agrochemical company by a Chinese enterprise: see, among others, Swissinfo.ch and agencies, *ChemChina buys Syngenta in record Chinese deal* https://www.swissinfo.ch/eng/business/takeover_chemchina-buys-syngenta-in-record-chinese-deal/41936208 accessed 15 August 2025 ; see also Interpellation Vogt 17.3387 *Acquisitions of Swiss companies by Chinese national firms. A threat to the interests of the Swiss economy?* submitted on 6 June 2017; Interpellation Vogt 17.3388 *Acquisitions of Swiss companies by Chinese national firms. A threat to the interests of Swiss foreign policy?* submitted on 6 June 2017 and Interpellation Vogt 17.3671 *Acquisitions of Swiss companies by Chinese state-owned enterprises. Are investments by foreign state-owned companies important for Switzerland? Does reciprocity exist and what does it bring to Switzerland?* submitted on 18 September 2017.

[6] See Article 185(1) Cst.

[7] For further reading on the theme of neutrality, see, among others, Swiss Federal Council, *Report on Switzerland's Foreign Policy in the 1990s, Annex: Report on Neutrality of 29 November 1999* (FF 1994 I 150 published in the Federal Gazette 25 January 1994) https://www.fedlex.admin.ch/eli/fga/1994/1__150_/en accessed 15 August 2025 and Swiss Federal Council, *Clarity and Guidance on Neutrality Policy – Federal Council Report of 26 October 2022* https://www.eda.admin.ch/eda/fr/dfae/politique-exterieure/droit-international-public/neutralite.html accessed 8 September 2025.

Federalism: Cantonal authorities retain important competences[8] over real estate transactions, infrastructure concessions, and certain permits, necessitating coordination between federal and cantonal levels when investment intersects with these domains.

International obligations: Switzerland is bound by over 120 bilateral investment treaties[9] and commitments under the World Trade Organization (WTO)[10], which limit the scope of its policy by requiring compliance with non-discrimination and fair and equitable treatment standards.

These policy considerations pull sometimes in different directions: safeguarding national security interests may justify restrictive measures against certain foreign investors, while Switzerland's tradition of economic openness favours liberal market access. This tension lies at the heart of the intense debate surrounding the introduction of a foreign investment screening mechanism.

1.3. Key Features of the Screening Mechanism

Until recently, Switzerland did not have a cross-sectoral screening mechanism for foreign investment. Upon growing concern among Swiss parliamentarians regarding national security and public order, the Rieder Motion (19.3962)[11] was adopted, instructing the Federal Council to prepare a mechanism for the examination of foreign investments. On 19 December 2025, Parliament adopted Switzerland's first cross-sector foreign investment screening act (ISA).[12] The ISA in not expected to come into force until 2027 at the earliest, depending on referendum and implementation by the Federal Council. The ISA marks a strategic turning point in Swiss economic policy by introducing a targeted screening mechanism while preserving Switzerland's traditionally liberal approach to foreign private investment. The final design is deliberately narrow by international standards, as the screening obligation is limited to

[8] See Article 3 Cst.
[9] State Secretariat for Economic Affairs (SECO), *'Overview of BITs'* https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/Internationale_Investitionen/Vertragspolitik_der_Schweiz/overview-of-bits.html accessed 15 August 2025.
[10] See for example *General Agreement on Trade in Services (GATS)* (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 183, and *Agreement on Trade-Related Investment Measures (TRIMs)* (adopted 15 April 1994, entered into force 1 January 1995) 1868 UNTS 186.
[11] Motion 18.3021 by Beat Rieder, *Protecting the Swiss economy by controlling investments,* submitted to the Council of States, 26 February 2018 https://www.parlament.ch/en/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20183021 accessed 15 August 2025.
[12] Federal Act on the Screening of Foreign Investments of 19 December 2025 (FF 2026 31 published in the Federal Gazette on 7 January 2026).

acquisitions by foreign state(-controlled) investors in sensitive sectors and only applies if certain thresholds are met.

While Switzerland does not yet maintain a general regime for the screening of FDI, its current domestic legal order is characterized by a patchwork of sector-specific statutes imposing conditions on foreign participation in strategic areas such as real estate, finance, transport, energy, telecommunications, defence, and media. Although some of these provisions are formally neutral with respect to nationality, they frequently rely on criteria such as security, reciprocity, or effective control, and may in practice restrict or complicate market access for foreign investors.

2. Current Domestic Framework

Currently, there is no cross-sectoral screening mechanism with general notification duties or approval requirements for foreign investments in Switzerland. However, a range of sector-specific laws and regulations impose limitations or conditions on foreign participation. Although many do not explicitly target nationality, their substantive requirements can, in practice, restrict or complicate FDI. Even where nationality is not an explicit criterion, the cumulative effect of authorisation and compliance requirements can render market entry or expansion more challenging for foreign investors, particularly in strategic or security-sensitive sectors.

2.1. De facto Investment Restrictions due to Ownership by the Swiss State

In a number of sectors, considered critical for essential services, current law requires that several companies and infrastructures are state-owned. For example, the federal government must hold a majority stake and voting rights in Swiss Post, the telecommunications provider Swisscom, and Swiss Federal Railways (SBB).[13] Similar requirements exist at cantonal and municipal levels, particularly for state water and energy supply companies, public transport companies, hospitals and airports, thus de facto restricting FDI in these companies.[14]

2.2. Sectoral Investment Restrictions and Approval Requirements:

Real estate: The Federal Act on the Acquisition of Immovable Property in Switzerland by Foreign Non-Residents of 16 December 1983 (ANRA, RS 211.412.41) (so-called “Lex Koller”)

[13] See Article 6(1) Telecommunications Enterprise Act (Telekommunikationsunternehmungsgesetz; RS 784.11), Article 6 Post Organisation Act (Postorganisationsgesetz; RS 783.1); Article 7(3) Federal Act on Swiss Federal Railways (Bundesgesetz über die Schweizerischen Bundesbahnen; RS 742.31).
[14] Bericht Investitionskontrollen, p. 13 et seq.

restricts the purchase of certain categories of property by non-resident foreign nationals and foreign-controlled legal entities. The primary aim of the Lex Koller is to preserve domestic control over land and to prevent speculative investment in residential property, thereby prohibiting, in principle, the direct or indirect acquisition of real estate in Switzerland by non-Swiss citizens, unless exceptions apply.

Financial sector: The Federal Act on the Swiss Financial Market Supervisory Authority of 22 June 2007 (Financial Market Supervision Act, FINMASA, RS 956.1) and other sector-specific laws such the Federal Act on Banks and Savings Banks of 8 November 1934 (Banking Act, BA, RS 952.0) and the Federal Act on Financial Market Infrastructures and Market Conduct in Securities and Derivatives Trading of 19 June 2015 (Financial Market Infrastructure Act, FinMIA, RS 958.1) require specific authorisations from FINMA, particularly when foreign actors seek to enter the Swiss banking and financial market.

Other sectors: For several sectors – such as aviation, telecommunications, nuclear power and media and television – the applicable laws provide for specific authorisation requirements for foreign investors (in particular, reciprocity requirements). Furthermore, in other sectors – such as postal services, casinos and gambling, railways, war materials and dual goods, precious metals – general authorization requirements (non-specific to foreign investments) may restrict investments into Switzerland.

2.3. Cross-sectoral Investment Restrictions and Approval Requirements:

Merger control: The Federal Act on Cartels and other Restraints of Competition of 6 October 1995 (Cartel Act, CartA, RS 251) requires pre-merger notification to the Competition Commission (COMCO) when turnover thresholds are met. In addition, notification is mandatory even if these thresholds are not met, where a legally binding decision has previously established that one of the undertakings holds a dominant position in a Swiss market and the concentration relates to this or a neighbouring, upstream, or downstream market. Merger control applies to both domestic and foreign investors/investments.

Sanctions regime: The Federal Act on the Implementation of International Sanctions of 22 March 2002 (Embargo Act, EmbA, RS 946.231) under Article 1, to adopt compulsory measures implementing sanctions ordered by the UN, the OSCE, or Switzerland's most significant trading partners. Such measures may restrict transactions in goods and services, payment and capital transfers, and the movement of people, and may include prohibitions, licensing and reporting obligations.

Current implementing ordinances, such as the Ordinance on Measures in Connection with the Situation in Ukraine of 4 March 2022 (OUKR, RS 946.231.176.72) introduce targeted asset freezes under Article 15 OUKR, prohibitions on making funds or economic resources available to designated persons, and sectoral investment bans, which can directly block foreign investment flows from or into certain targeted foreign jurisdictions. These measures can indirectly block foreign investment flows to or from targeted foreign jurisdictions.[15]

3. New Federal Act on the Screening of Foreign Investments

3.1. Legislative Background

In February 2018 the Motion Rieder (18.3021) was introduced in the Council of States.[16] The motion was motivated by concerns over acquisitions by foreign state-owned or state-financed entities, which could endanger jobs, expertise, public order and national security, and by the increasing use of screening mechanisms in OECD and EU countries.[17]

What followed was a series of back-and-forth between the two chambers, their committees, Parliament, and the Federal Council, which expressed divergent views. The Federal Council initially opposed the motion, arguing in its opinion of 16 May 2018 that Switzerland's openness to investment was essential, that existing laws already protected sensitive sectors, and that a new approval authority would be unnecessary and disproportionate.[18] This position was initially followed by the Committee for Economic Affairs and Taxes of the National Council, which

[15] As of August 2025, Switzerland implements 28 sanctions regimes adopted by the United Nations and/or the European Union, see State Secretariat for Economic Affairs (SECO), *'Sanctions of Switzerland'* https://www.seco.admin.ch/seco/fr/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/exportkontrollen-und-sanktionen/sanktionen-embargos/sanktionsmassnahmen.html accessed 15 August 2025.

[16] Motion 18.3021 by Beat Rieder, *Protecting the Swiss economy by controlling investments,* submitted to the Council of States, 26 February 2018 https://www.parlament.ch/en/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20183021 accessed 15 August 2025.

[17] See, for example, European Parliamentary Research Service (EPRS), *EU framework for FDI screening*, Briefing, January 2018, PE 614.667. https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/614667/EPRS_BRI(2018)614667_EN.pdf accessed 18 August 2025.

[18] Swiss Federal Council, Press release of 18 May 2022, *Federal Council initiates consultation on legislation to screen foreign investment* https://www.news.admin.ch/en/nsb?id=88884 accessed 15 August 2025.

proposed rejecting the motion in its report.[19] Nevertheless, in spring 2020, the National Council adopted the motion, thereby mandating the government to prepare draft legislation.[20]

A consultation draft published in 2022 proposed a light-touch regime limited to state-owned investors and a few critical sectors. Parliament, however, demanded broader coverage.[21] In December 2023 its formal Message on the draft Federal Act on the Screening of Foreign Investments[22], while reiterating scepticism about the need for such a regime but presenting a cautious bill in order to comply with Parliament's mandate.[23] The National Council has broadly endorsed the direction of the draft but insisted on expanding its scope beyond state-controlled investors to encompass private foreign investors, reflecting its concerns that threats to public order and security may arise not only from state-backed acquisitions but also from private actors with opaque links or strategic motivations.

In September 2025, the Council of States largely followed the Federal Council's draft version, by limiting investment controls to state-controlled investors. However, the Council of States rejected a proposal by its Economic Affairs and Taxation Committee to raise thresholds for acquisitions in the security sector requiring approval. In December 2025, Parliament eliminated the remaining divergences and aligned on the Council of States' "slim" approach, i.e., limiting the screening mechanism to foreign state(-controlled) investors (and not extending it to all foreign private investors). The act was adopted by both chambers on 19 December 2025.

The drafting of this bill has exposed two broad visions: one emphasises economic security and sovereignty, advocating a robust mechanism even at the expense of market openness, while the other warns against bureaucratic hurdles that could undermine Switzerland's traditionally liberal investment climate. Despite these divergences, Parliament has nevertheless agreed on

[19] Swiss Federal Assembly, Report of the Committee for Economic Affairs and Taxes of 8 October 2019, *Motion 18.3021 by Beat Rieder – Protecting the Swiss economy by controlling investments*, e-parl, 21 February 2020 https://www.parlament.ch/centers/kb/Documents/2018/Rapport_de_la_commission_CER-N_18.3021_2019-10-08.pdf pt. 4, p. 4

[20] Swiss Federal Assembly, *Official Bulletin of the National Council*, Spring Session 2020, 2nd sitting, 3 March 2020, *Motion 18.3021 by Beat Rieder – Protecting the Swiss economy by controlling investments*, AB 2020 N 45–48 / BO 2020 N 45–48 https://www.parlament.ch/fr/ratsbetrieb/amtliches-bulletin/amtliches-bulletin-die-verhandlungen?SubjectId=48488 accessed 18 August 2025.

[21] For further details on the consultation procedure, see Part II of Swiss Federal Council, *Message concerning the Federal Act on the Screening of Foreign Investments of 15 December 2023* https://www.seco.admin.ch/seco/fr/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/Internationale_Investitionen/Auslandsinvestitionen/Investitionskontrollen.html accessed 18 August 2025.

[22] Draft Federal Act on the Screening of Foreign Investments of 15 December 2025 (FF 2024 125 published in the Federal Gazette on 23 January 2024).

[23] Swiss Federal Council, Press release of 15 December 2023, *Investment Screening Act: Federal Council adopts dispatch* https://www.news.admin.ch/en/nsb?id=99460 accessed 15 August 2025.

establishing Switzerland's first comprehensive investment screening regime, even though the Federal Council remains of the view that the cost–benefit ratio of a screening mechanism is unfavourable, and that existing regulations provide sufficient safeguards.[24]

3.2. Main features

The ISA thus embodies a compromise: while it establishes a screening mechanism as requested by Parliament, its scope and procedures remain narrowly tailored in line with the Federal Council's point of view. To understand this balance, it is useful to examine the main features of the ISA.

3.2.1. Scope and Definitions

The Act aims to prevent acquisitions of Swiss companies by foreign investors that could endanger public order or security according to Article 1. It applies to acquisitions of domestic companies by foreign state investors. Article 2 defines the notions of "acquisition", "Swiss company", and "foreign state investor". The latter includes foreign state bodies, entities under foreign state bodies' control, and persons acting on behalf of a foreign state body.

3.2.2. Approval Requirement

Acquisitions of domestic companies by foreign state investors are subject to an approval requirement if the target company operates in a sensitive sector, provided that the applicable thresholds are met.

Pursuant to the exhaustive list in Article 3 para. 1 a lower threshold applies for the following domestic companies operating in the particularly sensitive sectors:

- companies that manufacture goods or transfer intellectual property that are of crucial importance for the operational capability of the Swiss Armed Forces, federal security institutions, and space programs, provided that their export abroad is subject to authorization under the War Material Act (RS 514.51) or the Goods Control Act (RS 946.202);
- companies that operate or control the domestic transmission grid, certain larger distribution grids, large power plants, or high-pressure natural gas pipelines;
- companies that supply water to over 100,000 inhabitants;

[24] Swiss Federal Council, Press release of 15 December 2023, *Investment Screening Act: Federal Council adopts dispatch* https://www.news.admin.ch/en/nsb?id=99460 accessed 15 August 2025.

- companies that supply central security-related IT systems or provide central security-related IT services to domestic authorities.

In this case, approval is required if the domestic target company has at least 50 full-time employees or an average turnover of CHF 10 million in the two preceding fiscal years.

A higher threshold – namely, an average global turnover of at least CHF 100 million in the two preceding fiscal years – applies for companies operating in less sensitive but still security-critical areas exhaustively listed in Art. 3 para. 2:

- university hospitals and general hospitals with central care functions;
- companies in the pharmaceutical, medical devices, vaccine, and personal protective equipment sectors;
- companies that operate or control important domestic hubs (ports, airports, transshipment facilities for combined transport);
- companies that operate or control domestic railway infrastructure;
- companies that operate or control significant food distribution centers;
- companies that operate or control domestic telecommunications networks;
- companies that operate or control systemically important financial market infrastructures; and
- systemically important banks.

The Federal Council may temporarily extend the list of categories (up to 12 + 12 months) or exempt certain states with sufficient cooperation frameworks under Article 3 paras. 3–4.

3.2.3. Review Criteria

Approval is refused if the acquisition poses risks to public order or security under Article 4 para. 1. Relevant considerations under Article 4 para. 2 include harmful activities of the investor that adversely affect or have affected public order or security in Switzerland or abroad, indications of espionage by the investor or its home state, existing sanctions against the investor under the Embargo Act (RS 946.231), the substitutability of goods, services or infrastructures of the domestic target company, and access to sensitive information or personal data. Article 4 para. 3 allows approvals to be subject to conditions or requirements, if this eliminates the danger or threat to public order or security.

3.2.4. Procedure and Two-stage Review

Article 5 allows domestic companies to request a preliminary clarification on whether its takeover is subject to approval. Article 6 requires formal applications to be filed with the State Secretariat for Economic Affairs (SECO) before completion. The review system operates in two stages as set out in Articles 7 to 9:

1. **Initial examination:** within one month of notification, SECO decides in agreement with administrative units concerned and after consulting the Federal Intelligence Service either to grant immediate clearance or to open a formal review procedure pursuant to Article 7 para. 1 and Article 9 para. 1. If SECO fails to act within this period, approval is deemed granted (Art. 9 para 1).
2. **Formal review procedure:** where risks are identified, SECO initiates a full review lasting up to three months, with possible limited extension under Article 9 para. 2. Again, the decision to grant approval has to be made in agreement with administrative units concerned and after consulting the Federal Intelligence Service. If SECO or an administrative unit with an interest in the matter objects to the approval of the acquisition, or if the case is politically sensitive, the Federal Council takes the final decision pursuant to Article 8. Therefore, only the Federal Council is competent to reject the approval of a takeover.

In urgent cases, the Federal Council may itself approve a transaction to safeguard national security under Article 11. Article 12 empowers SECO to open proceedings *ex officio*, and Article 13 establishes a duty of parties to provide information. Finally, Articles 14 to 17 govern data protection and intergovernmental cooperation, both domestically and, under conditions, with foreign authorities.

3.2.5. Legal Remedies

Articles 18 provides that appeals follow the Federal Act on Administrative Procedure of 20 December 1968 (Administrative Procedure Act, PA, RS. 172.021). Paragraph 2 restricts standing to the foreign state investor and the Swiss target company, while paragraph 3 clarifies that this restriction does not apply in appeals against decisions adopted under Article 13.

3.2.6. Enforcement and Sanctions

According to Article 19 ISA, the Federal Council may order any measures necessary to restore legality, including divestment. Article 20 provides that the resulting entity may be fined up to

10 per cent of the average worldwide annual turnover of the Swiss company over the two previous financial years for unauthorized acquisitions, for approvals obtained based on false information, for failure to implement corrective measures, or for breach of conditions. In addition, foreign state investors or domestic companies may be fined up to CHF 100,000 for non-compliance with the duty to provide information under Article 13. Finally, Article 21 entrusts SECO with investigations and enforcement of fines, subject to a limitation period of five years.

4. Developments to Follow

Following the final parliamentary adoption on 19 December 2025, the main developments to follow concern implementation rather than legislative scope. In particular, attention will turn to (i) whether an optional referendum will be requested, (ii) the preparation of implementing ordinances and administrative guidance – especially on identifying “state control” in complex ownership structures – and (iii) the build-up of enforcement capacity within SECO and coordination modalities with other federal and cantonal authorities. Entry into force is currently expected in 2027, subject to the outcome of ongoing deliberations and potential adjustments in implementation.

Annex 1: Relevant Laws, Ordinances, Regulatory Guidelines

ISA

- Federal Act on the Screening of Foreign Investments of 19 December 2025, published in the Federal Gazette on 7 January 2026 (FF 2026 31) *(not yet in force)*

Preparatory material

- Draft Federal Act on the Screening of Foreign Investments of 15 December 2025 published in the Federal Gazette on 23 January 2024 (FF 2024 125)
- Swiss Federal Council, *Dispatch (Message) on the Draft Federal Act on the Screening of Foreign Investments*, 15 December 2023
- Swiss Federal Council, *Press release: Investment Screening Act – Federal Council adopts dispatch*, 15 December 2023
- Motion Rieder 18.3021, Protecting the Swiss Economy through Foreign Investment Screening, submitted on 26 February 2018

Other parliamentary initiatives and preparatory documents leading up to the ISA

- Interpellation Vogt 17.3387, Acquisitions of Swiss companies by Chinese national firms. A threat to the interests of the Swiss economy?, submitted on 6 June 2017
- Interpellation Vogt 17.3388, Acquisitions of Swiss companies by Chinese national firms. A threat to the interests of Swiss foreign policy?, submitted on 6 June 2017
- Interpellation Vogt 17.3671, Acquisitions of Swiss companies by Chinese state-owned enterprises. Are investments by foreign state-owned companies important for Switzerland? Does reciprocity exist and what does it bring to Switzerland?, submitted on 18 September 2017
- Postulate Stöckli 18.3233, Screening of Foreign Investments, submitted on 15 March 2018
- Postulate Bischof 18.3376, Acquisitions of Swiss Companies by Foreign Investors: Is the Complete Absence of Control Still Sustainable?, submitted on 16 March 2018
- Swiss Federal Council, Opinion on Motion Rieder 18.3021, 16 May 2018
- Swiss Federal Council, Grenzüberschreitende Investitionen und Investitionskontrollen, Bericht des Bundesrates vom 13. Februar 2019 in Erfüllung der Postulate 18.3376 Bischof vom 16. März 2018 und 18.3233 Stöckli vom 15. März 2018

- National Council, Economic Affairs and Taxation Committee, Report on Motion Rieder 19.3962, 8 October 2019
- National Council, Official Bulletin (AB/BO 2020 N 45–48), Debate on Motion Rieder 19.3962, Spring Session 2020, 2nd sitting of 3 March 2020
- Council of States, Economic Affairs & Taxation Committee, Press release: La CER-E rejette toujours l'introduction d'un contrôle des investissements étrangers, 29 August 2025

Other legislation

- Federal Constitution of the Swiss Confederation of 18 April 1999 (Cst., RS 101)
- Federal Act on Administrative Procedure of 20 December 1968 (APA, RS 172.021)
- Federal Act on the Acquisition of Real Estate by Persons Abroad of 16 December 1983 (ANRA, RS 211.412.41)
- Federal Act on the Swiss Financial Market Supervisory Authority of 22 June 2007 (FINMASA, RS 956.1)
- Federal Act on Banks and Savings Banks of 8 November 1934 (BankA, RS 952.0)
- Federal Act on Financial Market Infrastructures and Market Conduct in Securities and Derivatives Trading of 19 June 2015 (FinMIA, RS 958.1)
- Federal Act on Cartels and Other Restraints of Competition of 6 October 1995 (CartA, RS 251)
- Federal Act on War Material of 13 December 1996 (WMA, RS 514.51)
- Federal Act on the Control of Goods Usable for Civil and Military Purposes and Specific Military Goods of 13 December 1996 (GCA, RS 946.202)
- Federal Act on the Implementation of International Sanctions of 22 March 2002 (Embargo Act, EmbA, RS 946.231)
- Federal Act on Telecommunications Enterprise of 30 April 1997 (TCEA, RS 784.11)
- Federal Act on Telecommunications of 30 April 1997 (TCA, RS 784.10).
- Federal Act on Aviation of 21 December 1948 (AviA, RS 748.0).
- Federal Act on Nuclear Energy of 21 March 2003 (NEA, RS 732.1).
- Federal Act on Radio and Television of 24 March 2006 (RTVA, RS 784.40).
- Federal Act on Gambling of 29 September 2017 (GamblA, RS 935.51)
- Federal Act on Swiss Federal Railways of 20 March 1998 (FRA, RS 742.31)
- Federal Act on the Postal Services of 17 December 2010 (PostA, RS 783.0)

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- Federal Act on the Control of Precious Metals and Precious Metal Articles of 20 June 1933 (PMCA, RS 941.31)
- Federal Act on Medicinal Products and Medical Devices of 15 December 2000 (TPA, RS 812.21)

Annex 2: Relevant Administrative and Court Cases

As the Federal Act on Investment Screening has yet to enter into force, no relevant administrative or court cases on this subject have been published.

Cases referring to other legislation

Lex Koller:

- Federal Supreme Court ruling BGE 147 II 281
- Federal Supreme Court ruling BGE 136 II 405

Annex 3: Relevant Literature

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- Ziegler Andreas R., Switzerland and International Investment Law: Why it Matters, SRIEL 2021, 179

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