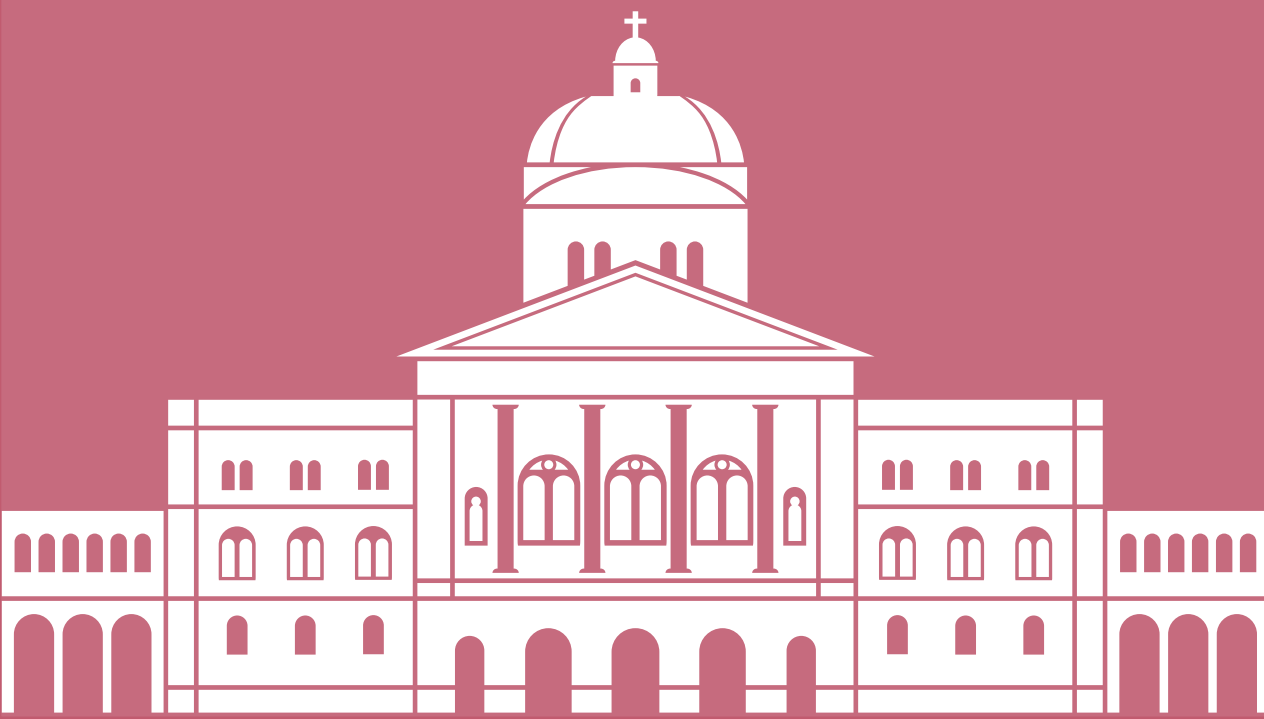


Session Preview

Spring Session 2024



Contents

National Council

23.080 BRG. Supplementary Agreement to the Agreement of 9 September 1966 between Switzerland and France for the avoidance of double taxation with respect to taxes on income and capital and for the prevention of tax fraud and tax evasion. Authorisation 1

SwissHoldings supports the approval of the supplementary agreement to the double taxation agreement with France.

23.077 Agreement between Switzerland and Slovenia for the avoidance of double taxation with respect to taxes on income and capital. Protocol of amendment.....2

SwissHoldings asks the National Council to approve the protocol of revision to the double taxation agreement with Slovenia.

Council of States

16.498 Subordination of the strategic infrastructures of the energy industry to the Lex Koller.....3

SwissHoldings is asking the Council of States not to approve the draft amendment to the Lex Koller.

24.008 Report on foreign trade policy 2023.....4

We recommend to take note of the report and approve the federal resolution.

21.3891 Promotion of social enterprises5

The association rejects the motion.










SwissHoldings is the association of multinational industrial and service companies in Switzerland. At federal level, we advocate for optimal framework conditions on behalf of our current 64 members. Together, our members account for around 66 per cent of the total market capitalisation on the SIX Swiss Exchange. Our members employ around 1.8 million people worldwide, around 202,000 of them in Switzerland. Through the numerous service and supply contracts they place with SMEs, Switzerland's multinational companies employ - directly and indirectly - more than half of all employees in Switzerland.



NATIONAL COUNCIL

23.080 BRG. Supplementary Agreement to the Agreement of 9 September 1966 between Switzerland and France for the avoidance of double taxation with respect to taxes on income and capital and for the prevention of tax fraud and tax evasion. Authorisation








On the agenda on **13 of March 2024**

 Recommendation	SwissHoldings supports the approval of the supplementary agreement to the double taxation agreement with France.
 Content	<p>The supplementary agreement mainly regulates the possibility for cross-border commuters to carry out part of their work from home. The agreement contains welcome improvements, particularly for cross-border commuters without decision-making functions who only make a few business trips (especially in France). From the point of view of Swiss employers, the regulation with France is extremely complicated, which is also due to the three different regulations for cross-border commuters in the cantons. The solution found by the SIF with France allows up to 40 per cent home office, which is attractive for many Swiss companies and their French cross-border commuters. At the same time, the negotiated easing of the 10-day rule is also to be welcomed, although the complexity and tax risks for Swiss employers can only be reduced to a limited extent as a result. In practice, the complex rules are likely to lead to cross-border commuters in management positions in particular only partially utilising the home office options, which is generally to be welcomed from the perspective of the Confederation and the cantons.</p>
 Stand	16.01.2024: Adoption in the WAK-N
 Position	<p>Overall, the agreement strengthens the attractiveness of Switzerland as a business location, reduces border traffic, improves the employment situation of numerous employees of Swiss companies and reduces immigration to Switzerland. Our association therefore supports the supplementary agreement with France. At the same time, we would like to see steps taken over the next few years to reduce the complex requirements and tax risks for Swiss employers. This also includes eliminating the risk of unintentionally creating a permanent establishment at the cross-border worker's place of residence in France. Neither the federal government, the cantons nor Swiss companies are interested in having to pay profit tax or social security contributions in France.</p>
 Contact	<p>Martin Hess Head of Tax & Member of the Executive Committee  martin.hess@swissholdings.ch  +41 (0)78 805 04 95</p>



23.077 Agreement between Switzerland and Slovenia for the avoidance of double taxation with respect to taxes on income and capital. Protocol of amendment

On the agenda on **13 of March 2024**








 Recommendation	<p>SwissHoldings asks the National Council to approve the protocol of revision to the double taxation agreement with Slovenia.</p>
 Contents	<p>The revision protocol contains almost exclusively adjustments to the BEPS minimum standard already adopted by Switzerland in many double taxation agreements. Switzerland has made an international commitment to adopt this standard. Late agreement solutions are to be favoured over agreements that are reached too late or not at all and thus double taxation from a corporate perspective.</p>
 Stand	<p>16.01.2024: Adoption in the WAK-N</p>
 Position	<p>SwissHoldings has welcomed the adoption of the BEPS minimum standard in the Swiss double taxation agreements in the course of numerous hearings. Against this background, SwissHoldings also has no objections to the corresponding amendment of the double taxation agreement with Slovenia. The fact that Slovenia, in accordance with BEPS measure 14 and in application of the second sentence of Article 25 paragraph 2 of the OECD Model Tax Convention, demanded that mutual agreement solutions be implemented regardless of the deadlines under the domestic law of the contracting states is not to be criticised by the company. Nevertheless, mutual agreement procedures to eliminate double taxation should be implemented as quickly as possible. Mutual agreement solutions only found after more than ten years since the assessment period should be avoided in practice wherever possible.</p>
 Contact	<p>Martin Hess Head of Tax & Member of the Executive Committee  martin.hess@swissholdings.ch  +41 (0)78 805 04 95</p>



COUNCIL OF STATES

16.498 Subordination of the strategic infrastructures of the energy industry to the Lex Koller








On the agenda on **28 of February 2024**

 Recommendation	<p>SwissHoldings is asking the Council of States not to approve the draft amendment to the Lex Koller.</p>
 Contents	<p>The bill provides for the acquisition of strategic infrastructure in the energy industry to be subject to the Lex Koller with authorisation requirement, analogous to that for the acquisition of real estate by persons abroad.</p>
 Stand	<p>22.01.2018: DETEC-N follows suit 19.03.2018: DETEC-S agrees 19.06.2020: Deadline extension by the National Council 18.03.2022: Further deadline extension by the National Council 07.06.2023: Adoption of the draft by 120:72(1)</p>
 Position	<p>SwissHoldings clearly rejects subjecting the acquisition of strategic infrastructure in the energy industry to the Lex Koller. Subjecting the acquisition of strategic infrastructures in the energy industry to the Lex Koller with an authorisation requirement analogous to that for the acquisition of real estate by persons abroad is not an effective means of ensuring security of supply in the energy sector. The existing regulations already take full account of the concerns of the proposal - the protection of the Swiss economy and the safeguarding of the energy supply in Switzerland. Moreover, the chosen approach via the Lex Koller is questionable anyway and should be clearly rejected. There would be no positive effects on Switzerland's security of supply, while the negative effects on Switzerland's attractiveness as a business location and the quality of its infrastructure would be considerable.</p>
 Contact	<p>Dr Gabriel Rumo Director & Legal  gabriel.rumo@swissholdings.ch  +41 (0)79 712 20 20</p>



24.008 Report on foreign trade policy 2023


On the agenda on **4 March 2024**


 Recommendation	<p>We recommend to take note of the report and approve the federal resolution.</p>
 Contents	<p>The Federal Council (FC) adopted the Foreign Economic Policy Report 2023 on 10 January 2022. The report provides an overview of Switzerland's foreign economic policy developments in the reporting year. Among other things, the report looks at the increasing geopolitical tensions between economic areas and how Switzerland is positioning itself as an independent player in this area of tension. It shows that our country relies on proven instruments to maintain and create favourable framework conditions for the economy. These include a high degree of economic openness, competition-friendly regulation, a high availability of education, research and innovation as well as physical and knowledge capital, healthy public finances, an attractive tax policy, entrepreneurial freedom, a high degree of legal certainty, a flexible labour market and an efficient infrastructure.</p> <p>In this context, it is also important that Switzerland has decided to stick to its tried and tested practice of not pursuing a "vertical industrial policy" to promote individual sectors. On the one hand, such policies harbour a high risk of market distortions, disincentives and policy failures; they can also be costly for taxpayers and their track record is often mixed. Secondly, Switzerland has neither the size of the domestic market nor the economic structures that would allow the use of industrial policy funds in the first place.</p>
 Stand	<p>30.01.2024: Proposal APK-N Approval of the FC's draft 12.02.2024: Proposal APK-S Approval of the FC's draft</p>
 Position	<p>SwissHoldings takes note of the 2023 Foreign Economic Policy Report and particularly welcomes the commitment to the further development of multilateralism and bilateral relations with various countries. The association supports the Confederation's continued focus on an open, broad-based and liberal foreign economic policy.</p>
 Contact	<p>Denise Laufer Head Economics & Member of the Executive Committee  denise.laufer@swissholdings.ch  +41 (0)76 407 02 48</p>






21.3891 Promotion of social enterprises

On the agenda on **11 March 2024**

	Recommendation The association rejects the motion.
---	---

	Contents	<p>The Federal Council is instructed to adapt the legal framework for the promotion of social entrepreneurship. In particular, a legal basis should be created to enable the recognition and promotion of social enterprises. In addition, the Federal Council must integrate the promotion of social enterprises into the 2030 Sustainable Development Strategy. Based on the experience of numerous other countries in Europe, the following support measures are among those that could be considered:</p> <ul style="list-style-type: none"> - Offers to facilitate financing - Tax incentives to engage in ecological, social and cultural activities - Advice centres for social enterprises - Special consideration of social enterprises in public procurement - Promotion of awareness through public relations work and education - Collecting statistics on social enterprises
---	-----------------	---

Specialised research and training institutions should be actively involved in the development, implementation, evaluation and future adaptation of support measures.

	Stand	12.06.2023: Adoption in the National Council
	Position	<p>Like the Federal Council, the business community rejects the motion. Social entrepreneurship is widely established in Switzerland and exists in all legal forms in Switzerland. Entrepreneurship with a focus on social or sustainable issues is already easily possible today.</p>
	Contact	<p>Denise Laufer Head Economics & Member of the Executive Committee</p> <p>✉ denise.laufer@swissholdings.ch</p> <p>☎ +41 (0)76 407 02 48</p>

