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## **Federal Act on the International Automatic Exchange of Information in Tax Matters (AEOIA)**

of 18 December 2015 (Last amended on 1 January 2026)

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*The Federal Assembly of the Swiss Confederation,*  
based on Article 173 paragraph 2 of the Federal Constitution<sup>1</sup>,  
having examined the Federal Council Dispatch of 5 June 2015<sup>2</sup>,  
*decrees:*

### **Section 1     General Provisions**

**Art. 1**            Subject matter

<sup>1</sup> This Act governs the implementation of the automatic exchange of information in tax matters (automatic exchange of information) between Switzerland and a partner jurisdiction in accordance with:

- a.<sup>3</sup> the Multilateral Model Competent Authority Agreement of 29 October 2014<sup>4</sup> on the Automatic Exchange of Financial Account Information (CRS MCAA), including its addendum and annexes;
- b. other international agreements that provide for the automatic exchange of financial account information;
- c.<sup>5</sup> the Multilateral Competent Authority Agreement of 8 June 2023<sup>6</sup> on the Automatic Exchange of Information in accordance with the Crypto-Asset Reporting Framework (CARF MCAA), including its annex;

AS 2016 1297

<sup>1</sup> SR 101

<sup>2</sup> BBl 2015 5437

<sup>3</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>4</sup> SR 0.653.1

<sup>5</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>6</sup> SR 0.653.4; BBl 2025 886

d.7 other international agreements providing for the automatic exchange of information on crypto-assets.

<sup>2</sup> The deviating provisions of individual applicable agreements are reserved.

## Art. 2 Definitions

<sup>1</sup> In this Act:

a. *applicable agreement* means an agreement or a treaty within the meaning of Article 1 paragraph 1 which applies in a particular case;

b. *common reporting standard (CRS)* means the common standard on reporting and due diligence for financial account information of the Organisation for Economic Co-operation and Development (OECD);

b<sup>bis</sup>.<sup>8</sup> *Crypto-Asset Reporting Framework (CARF)* means the OECD Crypto-Asset Reporting Framework;

c. *partner jurisdiction* means a state or sovereign territory with which Switzerland has agreed to implement the automatic exchange of information;

c<sup>bis</sup>.<sup>9</sup> *CRS Partner Jurisdiction* means a country or territory with which Switzerland has agreed to the automatic exchange of information on financial accounts;

c<sup>ter</sup>.<sup>10</sup> *CARF Partner Jurisdiction* means a country or territory as defined in Section IV Subsection F number 1 of the Annex to the CARF MCAA<sup>11</sup>;

d. *Swiss financial institution* means:

1. a financial institution resident in Switzerland, but excluding any branch of that financial institution that is located outside Switzerland; or
2. a branch of a financial institution not resident in Switzerland if that branch is located in Switzerland;

d<sup>bis</sup>.<sup>12</sup> *Relevant Reporting Crypto-Asset Service Provider* means a Reporting Crypto-Asset Service Provider that has a connection to Switzerland in accordance with Section I Subsection A or B of the Annex to the CARF MCAA;

d<sup>ter</sup>.<sup>13</sup> *Swiss Reporting Crypto-Asset Service Provider* means a Relevant Reporting Crypto-Asset Service Provider which, pursuant to Section I Subsections C–H of the Annex to the CARF MCAA, is not exempt in Switzerland from the

<sup>7</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>8</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>9</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>10</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>11</sup> SR 0.653.4; BBl 2025 886

<sup>12</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>13</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

reporting and due diligence obligations under Sections II and III of that Annex;

- e. *undocumented account* means a preexisting individual account for which a reporting Swiss financial institution is unable to determine the tax residence of the account holder in accordance with the provisions of the applicable agreement;
- f. *Swiss tax identification number for individuals* means the OASI number<sup>14</sup> in accordance with the Federal Act of 20 December 1946<sup>15</sup> on Old-Age and Survivors Insurance;
- g. *Swiss tax identification number for entities (UID)* means the unique enterprise identification number within the meaning of the Federal Act of 18 June 2010<sup>16</sup> on the Unique Enterprise Identification Number;
- h. *foreign tax identification number* means the identification number of a taxpayer according to the law of the state or sovereign territory where that taxpayer is resident for tax purposes;
- i.<sup>17</sup> *existing account* means a financial account that:
  1. is held by a Reporting Swiss Financial Institution on the day before the automatic exchange of information with a CRS Partner Jurisdiction comes into effect or, if the Amendment of 26 September 2025 to this Act comes into force earlier, on the day before that Amendment comes into force,
  2. is held by a Reporting Swiss Financial Institution on the day before the Amendment of 26 September 2025 to this Act comes into force, provided that the account is deemed to be a financial account solely as a result of the implementation of the Addendum of 8 June 2023<sup>18</sup> to the CRS MCAA<sup>19</sup>;
- j.<sup>20</sup> *new account* means a financial account held by a Reporting Swiss Financial Institution which:
  1. is opened on or after the date on which the automatic exchange of information with a CRS Partner Jurisdiction comes into effect, or, if the Amendment of 26 September 2025 to this Act comes into force earlier, on or after the date on which that Amendment comes into force,
  2. is opened on or after the date on which the Amendment of 26 September 2025 to this Act comes into force, provided that the account is deemed

<sup>14</sup> Term in accordance with Annex No 21 of the FA of 18 Dec. 2020 (Systematic Use of the OASI Number by Authorities), in force since 1 Jan. 2022 (AS **2021** 758; BBl **2019** 7359). This change has been made in the provisions specified in the AS.

<sup>15</sup> SR **831.10**

<sup>16</sup> SR **431.03**

<sup>17</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS **2026** 48; BBl **2025** 883).

<sup>18</sup> AS **2025** 863

<sup>19</sup> SR **0.653.1**

<sup>20</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS **2026** 48; BBl **2025** 883).

to be a financial account solely as a result of the implementation of the Addendum of 8 June 2023 to the CRS MCAA;

- k. *lower value account* means a pre-existing individual account held by a natural person which, on 31 December prior to the commencement of the automatic exchange of information with a CRS Partner Jurisdiction<sup>21</sup>, has an aggregate balance or value that does not exceed USD 1 million<sup>22</sup>;
- l. *high value account* means a pre-existing individual account with an aggregate balance or value that exceeds USD 1,000,000 as of 31 December of the year prior to the implementation of the automatic exchange of information with a CRS Partner Jurisdiction or 31 December of any subsequent year.

<sup>2</sup> ...<sup>23</sup>

<sup>3</sup> The terms «[country/territory]» and «[adjective describing the country or territory]» in Sections I and IV Subsections D number 9 and F number 1 of the Annex to the CARF MCAA are to be understood as ‘Switzerland’ and ‘Swiss’ respectively.<sup>24</sup>

<sup>4</sup> The date «[xx.xx.xxxx]» in Section IV Subsection D numbers 4 and 6 of the Annex to the CARF MCAA corresponds to the day before the Amendment of 26 September 2025 to this Act comes into force.<sup>25</sup>

#### **Art. 2a**<sup>26</sup> Agreements on data protection

If the applicable agreement allows the sending authority to set out data protection provisions that are to be respected by the receiving authority, the Federal Council may enter into agreements on data protection. The data protection provisions to be respected must provide at least the same level of protection as the Data Protection Act of 25 September 2020<sup>27</sup> (FADP) and this Act.

#### **Art. 2b**<sup>28</sup> OECD commentaries

<sup>1</sup> The applicable agreements, including their annexes, shall be interpreted in accordance with the relevant commentaries.

<sup>2</sup> The Federal Council shall specify the version of the commentaries to be used.

<sup>21</sup> Term in accordance with No I para. 2 of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883). This amendment has been made in the provisions specified in the AS.

<sup>22</sup> Term in accordance with No I of the FA of 19 June 2020, in force since 1 Jan. 2021 (AS 2020 5247; BBl 2019 8135). This amendment has been made in the provisions specified in the AS.

<sup>23</sup> Repealed by No I of the Federal Act of 26 September 2025, with effect from 1 January 2026 (AS 2026 48; BBl 2025 883).

<sup>24</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>25</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>26</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>27</sup> SR 235.1

<sup>28</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

## Section 2 Common Reporting and Due Diligence Standards for Information on Financial Accounts<sup>29</sup>

### Art. 3 Non-reporting financial institutions

<sup>1</sup> The following in particular are treated as a non-reporting financial institution that is a governmental entity:

- a. the Swiss Confederation;
- b. the cantons and communes;
- c. wholly owned instrumentalities and agencies of an entity under letters a or b, including in particular institutions, bodies and funds of the social security system at federal, cantonal and communal level.

<sup>2</sup> The following in particular are treated as a non-reporting financial institution that is an international organisation:

- a. any partner organisation of the Swiss Confederation to an international headquarters agreement;
- b. any diplomatic mission, permanent mission or other representation to international organisations, consular post or special mission whose status, privileges and immunities are governed by the Vienna Convention of 18 April 1961<sup>30</sup> on Diplomatic Relations, the Vienna Convention of 24 April 1963<sup>31</sup> on Consular Relations or the Convention of 8 December 1969<sup>32</sup> on Special Missions.

<sup>3</sup> The Swiss National Bank and any of its wholly owned bodies are treated as non-reporting financial institutions that are a central bank.

<sup>4</sup> Financial institutions referred to in paragraphs 1–3 are reporting financial institutions in respect of:

- a. payments arising from an obligation in connection with commercial financial activities that correspond to those of a specified insurance company, a custodial institution or a depository institution;
- b. the custody of digital central bank currencies for account holders who are not financial institutions, public sector entities, international organisations or central banks.<sup>33</sup>

<sup>5</sup> The following occupational benefit institutions in particular are treated as a non-reporting financial institution that is a broad participation retirement fund, a narrow participation retirement fund, a pension fund of a governmental entity, international

<sup>29</sup> Originally preceding Art. 7. Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>30</sup> SR 0.191.01

<sup>31</sup> SR 0.191.02

<sup>32</sup> SR 0.191.2

<sup>33</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

organisation or central bank or an entity that presents a low risk of being used to evade tax and has substantially similar characteristics to any of the non-reporting financial institutions according to the applicable agreement:

- a.<sup>34</sup> pension institutions and other retirement arrangements established in Switzerland according to Articles 48 and 49 of the Federal Act of 25 June 1982<sup>35</sup> on Occupational Old Age, Survivors' and Invalidity Pension Provision (OPA), Article 89a paragraph 6 or 7 of the Swiss Civil Code (CC)<sup>36</sup> or Article 331 paragraph 1 of the Swiss Code of Obligations (CO)<sup>37</sup>;
- b. vested benefits institutions established in implementation of Article 4 paragraph 1 and Article 26 paragraph 1 of the Vested Benefits Act of 17 December 1993 (VBA)<sup>38</sup>;
- c. the substitute occupational benefits institution under Article 60 of the OPA;
- d. the guarantee fund under Articles 56 to 59 of the OPA;
- e. institutions for recognised forms of pension benefits under Article 82 of the OPA;
- f. investment foundations according to Articles 53g to 53k of the OPA, provided all of the participants in the investment foundation are pension institutions or other retirement arrangements according to letters a to e.

<sup>6</sup> If the applicable agreement does not provide for a deadline, a credit card issuer shall be treated as a qualified credit card issuer and thus as a non-reporting financial institution if it fulfils the conditions set out in the applicable agreement at the time this Act comes into force. If a credit card issuer commences its commercial activity after this Act comes into force, it shall be treated as a non-reporting financial institution if it fulfils the conditions set out in the applicable agreement within six months of commencing commercial activity, at the latest.

<sup>7</sup> Swiss collective investment schemes subject to the Collective Investment Schemes Act of 23 June 2006<sup>39</sup> that fulfil the conditions set out in the applicable agreement with respect to interests in the collective investment vehicle and to unit certificates which are structured as shares in bearer form are in particular treated as a non-reporting financial institution that is an exempt undertaking for collective investment vehicles. The Federal Council shall set the conditions according to which a collective investment vehicle is treated as a non-reporting financial institution. It determines the vehicles.

<sup>8</sup> If the applicable agreement does not provide for a deadline, collective investment vehicles fulfil the condition with respect to unit certificates which are structured as shares in bearer form if they:

<sup>34</sup> See Art. 41.

<sup>35</sup> SR **831.40**

<sup>36</sup> SR **210**

<sup>37</sup> SR **220**

<sup>38</sup> SR **831.42**

<sup>39</sup> SR **951.31**

- a. do not issue any unit certificates which are structured as shares in bearer form from the time this Act comes into force; and
- b. have measures and procedures in place which ensure that unit certificates which are structured as shares in bearer form are redeemed or withdrawn from the market as soon as possible, but at the latest within two years of this Act coming into force.

<sup>9</sup> If the applicable agreement so provides, a trust is treated as a non-reporting financial institution to the extent that the trustee of the trust is a reporting financial institution and reports all information required to be reported under the applicable agreement with respect to all reportable accounts of the trust.

<sup>9bis</sup> An entity resident in Switzerland is considered a qualified non-profit entity and therefore a non-reporting financial institution if it meets the requirements laid down by the Federal Council and holds a corresponding confirmation from a competent Swiss authority.<sup>40</sup>

<sup>10</sup> ...<sup>41</sup>

<sup>11</sup> The Federal Council may designate further entities as non-reporting financial institutions if they present a low risk of being used to evade tax and have substantially similar characteristics to any of the non-reporting financial institutions according to the applicable agreement. It shall set the conditions according to which other entities are treated as non-reporting financial institutions.

#### **Art. 4** Excluded accounts

<sup>1</sup> The following accounts in particular are treated as an excluded account that is a retirement or pension account or an account that presents a low risk of being used to evade tax and that has substantially similar characteristics to any of the excluded accounts according to the applicable agreement:

- a. accounts within the framework of occupational benefit plans, including group insurance contracts, maintained or held by one or more non-reporting Swiss financial institutions;
- b. vested benefits policies and accounts established on the basis of Article 4 paragraph 1 and Article 26 paragraph 1 of the VBA<sup>42</sup>;
- c.<sup>43</sup> blocked insurance policies with insurance institutions or blocked bank accounts with bank foundations recognised as forms of pension scheme in accordance with Article 82 paragraph 2 of the OPA<sup>44</sup>.

<sup>40</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>41</sup> Repealed by No I of the FA of 19 June 2020, with effect from 1 Jan. 2021 (AS 2020 5247; BBl 2019 8135).

<sup>42</sup> SR 831.42

<sup>43</sup> Amended by No I of the FA of 19 June 2020, in force since 1 Jan. 2021 (AS 2020 5247; BBl 2019 8135).

<sup>44</sup> SR 831.40

<sup>2</sup> The following accounts in particular are treated as an excluded account that presents a low risk of being used to evade tax and that has substantially similar characteristics to any of the excluded accounts according to the applicable agreement:

- a. accounts maintained or held by one or more non-reporting Swiss financial institutions;
- b. rent security deposit accounts in accordance with Article 257e of the CO<sup>45</sup>.

<sup>3</sup> The Federal Council may designate further accounts as excluded accounts if they present a low risk of being used to evade tax and have substantially similar characteristics to any of the the excluded accounts according to the applicable agreement. It sets the conditions according to which other accounts are treated as excluded accounts.

#### **Art. 5** Financial institutions resident in Switzerland

<sup>1</sup> Financial institutions subject to tax in Switzerland are deemed to be resident in Switzerland.

<sup>2</sup> Financial institutions that are not resident for tax purposes in any jurisdiction are deemed to be resident in Switzerland if they:

- a. are incorporated under Swiss law;
- b. have their place of management, including their effective administration, in Switzerland; or
- c. are subject to Swiss financial market supervision.

<sup>3</sup> A financial institution resident in Switzerland and in one or more other jurisdictions is treated as a Swiss financial institution in respect of the financial accounts that it maintains in Switzerland.

<sup>4</sup> A financial institution in the form of a trust is deemed to be resident in Switzerland for the purposes of the applicable agreement and this Act if at least one of the trustees is resident in Switzerland. The residence of the trustee is determined in accordance with paragraphs 1 to 3.

<sup>5</sup> The Federal Council shall set the conditions according to which a financial institution is deemed to be resident within the meaning of paragraph 1. It shall also designate the tax-exempt financial institutions that are deemed to be resident within the meaning of paragraph 1.

<sup>45</sup> SR 220

**Art. 6**<sup>46</sup>**Art. 7** Implementation and further development of the CRS MCAA<sup>47</sup>

<sup>1</sup> The rights and obligations of Reporting Swiss Financial Institutions in the context of the implementation of the CRS MCAA<sup>48</sup> are governed by the Annex to the CRS MCAA and by this Act.

<sup>2</sup> The Federal Council may incorporate amendments to the CRS into the Annex to the CRS MCAA, provided that these amendments are of limited scope.<sup>49</sup>

<sup>3</sup> The following in particular are deemed to be amendments of limited scope:

- a. those which do not create new obligations or remove existing rights for reportable persons or reporting Swiss financial institutions;
- b.<sup>50</sup> those which concern the authorities and govern administrative-technical issues.

**Art. 8**<sup>51</sup>**Art. 9** Facilitations concerning the fulfilment of reporting and due diligence obligations

<sup>1</sup> Reporting Swiss financial institutions may:

- a. use third-party service providers to fulfil their reporting and due diligence obligations; however, the reporting Swiss financial institutions remain responsible for fulfilling these obligations;
- b. apply the due diligence procedures for high value accounts to some or all lower value accounts;
- c. apply the due diligence procedures for new accounts to some or all preexisting accounts; the rules otherwise applicable to preexisting accounts continue to apply;
- d. dispense with a review, identification and reporting of some or all pre-existing entity accounts with an aggregate account balance or value that does not exceed USD 250,000 as of 31 December of the year prior to the implementation of the automatic exchange of information with a CRS Partner Jurisdiction;

<sup>46</sup> Repealed by Section I of the Federal Act of 26 September 2025, with effect from 1 January 2026 (AS 2026 48; BBI 2025 883).

<sup>47</sup> Term in accordance with No I para. 1 of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBI 2025 883). This change has been made throughout the text.

<sup>48</sup> SR 0.653.1

<sup>49</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBI 2025 883).

<sup>50</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBI 2025 883).

<sup>51</sup> Repealed by No I of the FA of 26 September 2025, with effect from 1 Jan. 2026 (AS 2026 48; BBI 2025 883).

- e. apply the residence address test or the electronic record search to identify reportable accounts in the case of some or all preexisting lower value individual accounts;
- f. in fulfilling due diligence obligations for preexisting entity accounts, use as documentary evidence any classification in their records with respect to the account holder that was determined based on a standardised national or international industry coding system and which was recorded by the reporting Swiss financial institutions in accordance with their normal business practices for purposes of AML/KYC procedures or other regulatory purposes, other than for tax purposes, and which was implemented by the reporting Swiss financial institutions prior to the date used to classify the financial account as a preexisting account, provided that the reporting financial institutions do not know or have reason to know that such classification is incorrect or unreliable;
- g. treat some or all financial accounts that are opened no earlier than the day this Act comes into force as new accounts; the reporting Swiss financial institutions may obtain the foreign tax identification number upon account opening.

<sup>2</sup> Reporting Swiss financial institutions may align the scope of the beneficiaries of a trust treated as controlling persons of the trust with the scope of the beneficiaries of a trust treated as reportable persons of a trust that is a financial institution. In the process, they must have appropriate organisational procedures in place to ensure that they can identify distributions to the beneficiaries.

<sup>3</sup> The Federal Council shall determine which alternative provisions in the OECD commentary on the CRS are applicable.

#### **Art. 10** Further details on the general reporting requirements

<sup>1</sup> In order to determine the balance or value of a financial account or other amount, the reporting Swiss financial institution must convert the amount into US dollars by applying a spot rate.<sup>52</sup> For the purpose of account reporting, the reporting Swiss financial institution shall determine the spot rate as of the last day of the calendar year or other appropriate reporting period for which the account is being reported.

<sup>2</sup> The Federal Council shall determine the criteria according to which:

- a. the amount and characterisation of payments credited to a reportable account are to be determined;
- b. the different types of accounts are to be assigned to the categories of financial accounts defined in the applicable agreement.

<sup>3</sup> If a reportable person dies, the reporting Swiss financial institution shall continue to treat the account as it did before the death until such time as it is notified of the estate or the legitimate heirs.

<sup>52</sup> Amended by No I of the FA of 19 June 2020, in force since 1 Jan. 2021 (AS 2020 5247; BBl 2019 8135).

<sup>4</sup> Where a reportable person is considered to be a controlling person or a holder of an equity interest on the basis of more than one role, and where it is necessary to identify the reportable person's role in accordance with anti-money laundering procedures, the Reporting Swiss Financial Institution shall report:

- a. in relation to an entity that is not a trust or a similar legal arrangement, the most hierarchically significant role held by that reportable person; hierarchical significance is determined according to the following order:
  1. natural person who controls the entity by virtue of the ownership shares ultimately held by them,
  2. natural person who otherwise controls the legal person,
  3. natural person in senior management;
- b. in relation to a trust or similar legal arrangement, any role held by that reportable person, including the following roles:
  1. settlor,
  2. trustee,
  3. protector,
  4. beneficiary, and
  5. any other natural person who ultimately exercises control over the trust.<sup>53</sup>

<sup>5</sup> Where a person required to file a return is resident for tax purposes in more than one State, that person shall be treated as a resident of a State requiring the filing of a return in respect of all such States.<sup>54</sup>

**Art. 11** Further details on the due diligence requirements

<sup>1</sup> A self-certification remains valid until there is a change in circumstances that causes a reporting Swiss financial institution to know, or have reason to know, that the original self-certification is incorrect or unreliable.

<sup>2</sup> From the time the automatic exchange of information with a CRS Partner Jurisdiction becomes applicable, pre-existing individual accounts must be reviewed within the following time frames:

- a. within one year for high value accounts;
- b. within two years for lower value accounts.

<sup>3</sup> Pre-existing entity accounts must be reviewed within two years from the time the automatic exchange of information with a CRS Partner Jurisdiction becomes applicable.

<sup>4</sup> The reporting Swiss financial institution may apply the time frames in paragraphs 2 and 3 from the time this Act comes into force.

<sup>53</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>54</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

5 ...55

6 Within the framework of the residence address test, the address listed in the records of the reporting Swiss financial institution is treated as the current address for the following preexisting individual accounts:

- a. accounts which are deemed to be dormant accounts under Article 37/ paragraph 4 of the Banking Act of 8 November 1934<sup>56</sup>;
- b. other accounts which are not annuity contracts:
  1. if the account holder has not initiated a transaction with regard to the account or any other account held by the account holder with the reporting Swiss financial institution in the past three years,
  2. if the account holder has not communicated with the reporting Swiss financial institution that maintains such account regarding the account or any other account held by the account holder with this financial institution in the past six years, and
  3. in the case of a cash value insurance contract, the reporting Swiss financial institution has not communicated with the account holder regarding the account or any other account held by the account holder with this financial institution in the past six years.

7 Reporting Swiss financial institutions must take appropriate organisational measures to ensure that they have all the information that must be obtained in accordance with the applicable agreement and this Act with regard to the opening of an account, and particularly to ensure that the self-certification is issued.

8 A reporting Swiss financial institution may only open a new account without obtaining self-certification from the account holder if:

- a. the account holder is an entity and the institution reasonably establishes, based on information that is in its possession or publicly available, that it is a non-reportable person; or
- b. another exception applies; in this case, it must receive the self-certification and check its plausibility within 90 days; the Federal Council shall describe the exceptions in more detail.<sup>57</sup>

9 If, within 90 days of a new account being opened, a reporting Swiss financial institution does not have the information required under the applicable agreement and this Act to check the plausibility of the self-certification or, in an exceptional case in accordance with paragraph 8 letter b, does not have the self-certification, it must close the account or block all transfers to and from the account until all the information has been received. The institution shall have an extraordinary right of termination. Cases

<sup>55</sup> Repealed by No I of the FA of 19 June 2020, with effect from 1 Jan. 2021 (AS 2020 5247; BBl 2019 8135).

<sup>56</sup> SR 952.0

<sup>57</sup> Amended by No I of the FA of 19 June 2020, in force since 1 Jan. 2021 (AS 2020 5247; BBl 2019 8135).

pursuant to Article 9 of the Anti-Money Laundering Act of 10 October 1997<sup>58</sup> (AMLA) are reserved.<sup>59</sup>

<sup>10</sup> ...<sup>60</sup>

**Art. 12** Further details on the special due diligence requirements

<sup>1</sup> An account with a negative balance or value is deemed to be an account with a balance or value equal to zero.

<sup>2-4</sup> ...<sup>61</sup>

## Section 2a<sup>62</sup> Crypto-Asset Reporting Framework

**Art. 12a** Exempt persons

<sup>1</sup> The following are specifically exempt as public bodies:

- a. the Swiss Confederation;
- b. the cantons and communes;
- c. wholly owned instrumentalities and agencies of an entity under letters a or b, including in particular institutions, instrumentalities and funds of the social security system at federal, cantonal and communal level.

<sup>2</sup> The following, in particular, are considered exempt persons that are international organisations:

- a. any partner organisation of the Swiss Confederation to an international headquarters agreement;
- b. diplomatic missions, permanent missions or other representations to international organisations, consular posts or special missions whose status, privileges and immunities are governed by the Vienna Convention of 18 April 1961<sup>63</sup> on Diplomatic Relations, the Vienna Convention of 24 April 1963<sup>64</sup> on Consular Relations or the Convention of 8 December 1969<sup>65</sup> on Special Missions.

<sup>3</sup> The following are exempt as central banks: the Swiss National Bank and the institutions wholly owned by it.

<sup>58</sup> SR **955.0**

<sup>59</sup> Amended by No I of the FA of 19 June 2020, in force since 1 Jan. 2021 (AS **2020** 5247; BBl **2019** 8135).

<sup>60</sup> Repealed by No I of the FA of 19 June 2020, with effect from 1 Jan. 2021 (AS **2020** 5247; BBl **2019** 8135).

<sup>61</sup> Repealed by No I of the FA of 19 June 2020, with effect from 1 Jan. 2021 (AS **2020** 5247; BBl **2019** 8135).

<sup>62</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS **2026** 48; BBl **2025** 883).

<sup>63</sup> SR **0.191.01**

<sup>64</sup> SR **0.191.02**

<sup>65</sup> SR **0.191.2**

**Art. 12b** Relevant Reporting Crypto-Asset Service Providers

<sup>1</sup> The Federal Council shall lay down the criteria according to which a Reporting Crypto-Asset Service Provider, for the purposes of implementing the CARF MCAA<sup>66</sup>, is deemed to be resident in Switzerland for tax purposes, to be subject to an obligation to submit tax information forms, or to have a branch in Switzerland.

<sup>2</sup> It shall lay down the criteria according to which the provision of a service involving the execution of exchange transactions for or on behalf of clients is deemed to be commercial in nature.

<sup>3</sup> It may lay down the criteria according to which a Reporting Crypto-Asset Service Provider is deemed, for the purposes of implementing the CARF MCAA, to manage crypto-assets from Switzerland or to have a place of regular business in Switzerland.

**Art. 12c** Application and further development of the CARF MCAA

<sup>1</sup> The rights and obligations of the relevant Reporting Crypto-Asset Service Providers are governed in relation to implementing the CARF MCAA<sup>67</sup> by the Annex thereto and by this Act.

<sup>2</sup> The Federal Council may make amendments to the CARF in the Annex to the CARF MCAA, provided that such amendments are of limited scope.

<sup>3</sup> The following in particular are deemed to be amendments of limited scope:

- a. those which do not impose any new obligations on or remove any existing rights of users subject to reporting requirements, controlling persons, persons subject to reporting requirements, or relevant Reporting Crypto-Asset Service Providers;
- b. those which concern the authorities and govern administrative-technical issues.

**Art. 12d** Simplifications regarding the fulfilment of reporting and due diligence obligations

Swiss Reporting Crypto-Asset Service Providers may engage third-party service providers to assist them in fulfilling their reporting and due diligence obligations; they remain responsible for fulfilling these obligations.

**Art. 12e** Clarification of reporting obligations

<sup>1</sup> To determine the value of a retail payment transaction, the Swiss Reporting Crypto-Asset Service Provider must convert the amount into US dollars by applying the spot rate.

<sup>2</sup> The Federal Council shall lay down the criteria according to which Swiss Reporting Crypto-Asset Service Providers may, in the event of the death of a person from a

<sup>66</sup> SR 0.653.4; BBl 2025 886

<sup>67</sup> SR 0.653.4; BBl 2025 886

reporting jurisdiction, treat that person's estate as an estate with its own legal personality.

<sup>3</sup> Article 10 paragraph 4 applies to the reporting of the roles of persons subject to reporting requirements who are regarded as controlling persons.

<sup>4</sup> Where a person required to file a return is resident for tax purposes in more than one jurisdiction, that person shall be treated as a resident of a jurisdiction requiring the filing of a return in relation to all such jurisdictions.

**Art. 12f** Clarification of due diligence obligations

<sup>1</sup> Swiss Reporting Crypto-Asset Service Providers must take appropriate organisational measures to ensure that the self-certification is available by the following date:

- a. for existing crypto-currency users who are natural persons or entities: 12 months after the Amendment of 26 September 2025 to this Act comes into force;
- b. in all other cases: when entering into a business relationship with a crypto-currency user.

<sup>2</sup> A Swiss Reporting Crypto-Asset Service Provider may establish or continue a business relationship with a crypto-asset user without providing a self-certification if the crypto-asset user is considered an entity and the Swiss Reporting Crypto-Asset Service Provider reasonably determines, on the basis of the information that is available to it or that is publicly available, that the crypto-asset user is an exempt person.

<sup>3</sup> A Swiss Registered Crypto-Asset Service Provider may also enter into a business relationship with a crypto-asset user in other exceptional cases without having received a self-certification. In such cases, the Provider must have received the self-certification and verified its validity within 90 days. The Federal Council shall provide further details on these exceptional cases.

<sup>4</sup> If a Swiss Reporting Crypto-Asset Service Provider has not received the information required under the applicable agreement and this Act for the purpose of verifying the validity of a self-certification, or, in exceptional cases provided for in paragraph 3, the self-certification itself, by the following date, it must terminate the business relationship with the crypto-asset user or may not carry out any relevant transactions on behalf of the crypto-asset user until it has received all the information:

- a. for existing crypto-currency users who are natural persons or entities: 12 months after the Amendment of 26 September 2025 to this Act comes into force;
- b. in all other cases: 90 days after establishing a business relationship with a crypto-currency user.

<sup>5</sup> In the cases referred to in paragraph 4, the Swiss Reporting Crypto-Asset Service Provider shall have a right of extraordinary termination. This is without prejudice to the cases referred to in Article 9 [AMLA](#)<sup>68</sup>.

### Section 3 Registration Requirement<sup>69</sup>

#### Art. 13 Registration requirement for Reporting Swiss Financial Institutions<sup>70</sup>

<sup>1</sup> Any person who becomes a Reporting Swiss Financial Institution under an agreement referred to in Article 1 paragraph 1 letter a or b and in accordance with this Act must register with the Federal Tax Administration (FTA) without being asked to do so.<sup>71</sup>

<sup>2</sup> The reporting Swiss financial institution must include in the registration:

- a. its name or business name and place of domicile or residence; entities or companies without legal personality that have their registered office abroad and sole proprietorships domiciled abroad must state their name or business name, their head office and the address of their management in Switzerland;
- b. the UID;
- c. the nature of its business;
- d. the date of commencement of business.

<sup>3</sup> If a Swiss Financial Institution ceases to be a reporting institution under an agreement referred to in Article 1 paragraph 1 letter a or b and under this Act, or if it ceases its business activities, the financial institution must inform the FTA for the purpose of deregistration without being asked to do so.<sup>72</sup>

<sup>4</sup> The trustee must report a trust pursuant to Article 3 paragraph 9. The Federal Council shall regulate the details of the application procedure and the details of registration and deregistration.<sup>73 74</sup>

#### Art. 13a<sup>75</sup> Registration Requirement for Relevant Reporting Crypto-Asset Service Providers

<sup>1</sup> Any person who becomes a Relevant Reporting Crypto-Asset Service Provider under an agreement pursuant to Article 1 paragraph 1 letter c or d and in accordance with this Act must register with the FTA without being asked to do so.

<sup>69</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>70</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>71</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>72</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>73</sup> Second sentence inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>74</sup> Inserted by No I of the FA of 19 June 2020, in force since 1 Jan. 2021 (AS 2020 5247; BBl 2019 8135).

<sup>75</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>2</sup> In the application, the relevant crypto-asset service provider must state:

- a. its name or business name and place of domicile or residence; legal entities or companies without legal personality that have their registered office abroad and sole proprietorships domiciled abroad must state their name or business name, their head office and the address of their management in Switzerland;
- b. the UID;
- c. the nature of its business;
- d. the date of commencement of business;
- e. the connecting factors under Section I of the Annex to the CARF MCAA<sup>76</sup>;
- f. whether it is a Swiss Reporting Crypto-Asset Service Provider.

<sup>3</sup> If the status of a Relevant Reporting Crypto-Asset Service Provider ceases under an agreement pursuant to Article 1 paragraph 1 letter c or d and under this Act, or if business operations are discontinued, the Relevant Reporting Crypto-Asset Service Provider must inform the FTA for the purpose of deregistration without being asked to do so.

<sup>4</sup> The Federal Council shall regulate the details of registration and deregistration.

## Section 4 Requirement to Provide Information<sup>77</sup>

**Art. 14** Requirement for Reporting Swiss Financial Institutions to provide information<sup>78</sup>

<sup>1</sup> Reporting Swiss Financial Institutions shall provide reportable persons, either directly or through their contracting party, with information on the following no later than 31 January of the year in which they first transmit information concerning them to a CRS Partner Jurisdiction:<sup>79</sup>

- a. their capacity as a reporting Swiss financial institution;
- b.<sup>80</sup> the agreements referred to in Article 1 paragraph 1 letters a and b and their content, in particular regarding the information to be exchanged under those agreements;
- c. the list of Switzerland's CRS Partner Jurisdictions and the place of publication of the updated list;

<sup>76</sup> SR 0.653.4; BBl 2025 886

<sup>77</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>78</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>79</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>80</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

d.<sup>81</sup> the permissible use of such information in accordance with the agreements referred to in Article 1 paragraph 1 letters a and b;

e. the rights of the reportable persons according to the FADP<sup>82</sup> and this Act.

<sup>2</sup> In the case of reportable accounts that have been closed, the information shall be sent once to the last known address. There is no duty to inform for accounts that meet the criteria under Article 11 paragraph 6 letter a or b.

<sup>3</sup> Reporting Swiss Financial Institutions shall publish a list of Switzerland's CRS Partner Jurisdictions on their website that is updated annually on 31 January or shall refer to the list provided by the Federal Department of Finance (FDF).

<sup>4</sup> The reporting Swiss financial institution shall, on request, provide a copy of the report to account holders who are reportable persons.

**Art. 14a<sup>83</sup>** Requirement for Swiss Reporting Crypto-Asset Service Providers to provide information

<sup>1</sup> Reporting Swiss Crypto-Asset Service Providers shall provide reportable persons, either directly or through their contracting party, with information on the following no later than 31 January of the year in which they first transmit information concerning them to a CARF Partner Jurisdiction:

- a. their status as a Swiss Reporting Crypto-Asset Service Provider;
- b. the agreements referred to in Article 1 paragraph 1 letters c and d and their content, in particular the information to be exchanged under those agreements;
- c. the list of Switzerland's CARF Partner Jurisdictions and the place of publication of the updated list;
- d. the permissible use of this information in accordance with the agreements referred to in Article 1 paragraph 1 letters c and d;
- e. the rights of persons subject to the reporting obligation under the FADP<sup>84</sup> and this Act.

<sup>2</sup> If the business relationship with the crypto-currency user has been terminated, the information shall be sent on occasion to the last known address.

<sup>3</sup> Swiss Crypto-Asset Service Providers that are required to report must publish a list of Switzerland's CRS Partner Jurisdictions on their website that is updated annually on 31 January, or provide a link to the FDF list.

<sup>4</sup> The Swiss Reporting Crypto-Asset Service Provider shall, on request, provide the crypto-asset user whose transactions are the subject of the report with a copy of the information reported.

<sup>81</sup> Amended by No 1 of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBI 2025 883).

<sup>82</sup> SR 235.1

<sup>83</sup> Inserted by No 1 of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBI 2025 883).

<sup>84</sup> SR 235.1

## Section 5 Reporting Requirements and Reporting Authorisation

### Art. 15 Transmission and use of information

<sup>1</sup> Reporting Swiss financial institutions shall electronically transmit the transmissible information according to the applicable agreement as well as information on their undocumented accounts to the FTA on an annual basis within six months after the end of the relevant calendar year. A reporting Swiss financial institution that does not have any reportable accounts shall inform the FTA accordingly within the same time frame.

<sup>1bis</sup> Swiss Reporting Crypto-Asset Service Providers shall submit the information required under the applicable agreement to the FTA electronically on an annual basis, within six months of the end of the calendar year in question. If a Swiss Reporting Crypto-Asset Service Provider has not carried out any reportable transactions during the reporting period, it must notify the FTA of this fact within the same time frame.<sup>85</sup>

<sup>1ter</sup> Relevant Reporting Crypto-Asset Service Providers who are not Swiss Reporting Crypto-Asset Service Providers shall, within the same time frame, notify the FTA of the country in which they are subject to the reporting requirement, as well as the connecting factor in accordance with Section I of the Annex to the CARF MCAA<sup>86</sup> on the basis of which they are subject to the reporting requirement in that jurisdiction.<sup>87</sup>

<sup>2</sup> The FTA shall transmit the information it receives from Reporting Swiss Financial Institutions pursuant to the applicable agreement to the CRS Partner Jurisdictions' competent authorities within the time frames set out in the applicable agreement.

<sup>2bis</sup> It shall forward the information provided to it by Swiss Reporting Crypto-Asset Service Providers in accordance with the applicable agreement to the competent authorities of the CARF Partner Jurisdictions within the time frames set out in the applicable agreement. It may transmit the information referred to in paragraph <sup>1ter</sup> to the competent authorities of the CARF Partner Jurisdictions within the same time frames.<sup>88</sup>

<sup>3</sup> The FTA shall notify the partner jurisdictions' competent authorities of the restrictions on the use of the transmitted information and of the confidentiality obligations under the administrative assistance provisions of the applicable agreement.

<sup>4</sup> Where the applicable agreement stipulates that the information transmitted within the framework of the automatic exchange of information may be used by the receiving authority for purposes other than tax matters or that it may be forwarded to a third jurisdiction if the competent authority of the sending jurisdiction consents to such use or forwarding, the FTA shall give its consent after examining the situation. If the

<sup>85</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>86</sup> SR 0.653.4; BBl 2025 886

<sup>87</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>88</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

information is to be forwarded to criminal justice authorities, the FTA shall give its consent in consultation with the Federal Office of Justice.

<sup>5</sup> Information transmitted to the FTA in accordance with paragraph 1 may be used for the application and enforcement of Swiss tax law only insofar as it could have been obtained under Swiss law.

#### **Art. 16** Statute of limitations

<sup>1</sup> The right to have the Reporting Swiss Financial Institution or the Relevant Reporting Crypto-Asset Service Provider transmit the report becomes time-barred five years from the end of the calendar year in which the report was to be transmitted.<sup>89</sup>

<sup>2</sup> The limitation period shall be interrupted whenever a Reporting Swiss Financial Institution or a relevant reporting Crypto-Asset Service Provider is notified of any official act aimed at enforcing the report.<sup>90</sup> Once a limitation period has been interrupted, a new limitation period shall begin to run.

<sup>3</sup> The limitation period expires no later than ten years after the end of the calendar year in which the report was to be transmitted.

#### **Art. 17<sup>91</sup>** Authorisation to report in the case of trusts

If a trust is regarded as a reporting financial institution under the law of another jurisdiction, or if it is subject to the reporting requirement under Section I of the Annex to the CARF MCAA<sup>92</sup> in another jurisdiction as a Reporting Crypto-Asset Service Provider, any trustee resident in Switzerland is authorised to submit the report to the competent authority of that jurisdiction on behalf of the trust.

### **Section 5a<sup>93</sup> Retention Requirement**

#### **Art. 17a**

Reporting Swiss Financial Institutions and Relevant Reporting Crypto-Asset Service Providers must retain the records issued and vouchers obtained in order to fulfil their obligations pursuant to the Annex to the CRS MCAA,<sup>94</sup> or the Annex to the CARF

<sup>89</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>90</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>91</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>92</sup> SR 0.653.4; BBl 2025 886

<sup>93</sup> Inserted by Section I of the Federal Act of 19 June 2020 (AS 2020 5247; BBl 2019 8135). Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>94</sup> SR 0.653.1

MCAA,<sup>95</sup> and under this Act in accordance with the requirements of Article 958f CO<sup>96</sup>.

## Section 6 Rights and Obligations of Reportable Persons

**Art. 18<sup>97</sup>** Duty to notify a change in circumstances following a self-certification

In the event of a change in circumstances, any person who has submitted a self-certification in accordance with the applicable agreement and this Act must notify the Reporting Swiss Financial Institution or the Reporting Crypto-Asset Service Provider of the new pertinent data within the framework of the self-certification process.

**Art. 19<sup>98</sup>** Rights and procedures relating to data protection

<sup>1</sup> With regard to information collected by Reporting Swiss Financial Institutions and Reporting Swiss Crypto-Asset Service Providers, and to the transmission of such information to the competent authorities of Partner Jurisdictions, the rights of the reportable persons are defined in the FADP<sup>99</sup>.

<sup>2</sup> With regard to the FTA, reportable persons may only assert a right to information that corresponds to that in Article 25 FADP and may request that inaccurate data resulting from transmission errors be corrected. Where the disclosure of the data would result in disadvantages for the reportable person which could be unreasonable due to an absence of constitutional safeguards, they are entitled to the rights set out in Article 25a of the Administrative Procedure Act of 20 December 1968<sup>100</sup> (APA).

<sup>3</sup> If information transmitted to a partner jurisdiction's competent authority is corrected following a final decision, by virtue of a final judgment, the Reporting Swiss Financial Institution or the Reporting Swiss Crypto-Service Provider shall transmit the corrected information to the FTA, which shall forward the corrected information to the relevant authority.

<sup>95</sup> SR 0.653.4; BBl 2025 886

<sup>96</sup> SR 220

<sup>97</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>98</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>99</sup> SR 235.1

<sup>100</sup> SR 172.021

## Section 7 Information Transmitted Automatically from Abroad

### Art. 20<sup>101</sup> Use of the Swiss tax identification number for natural persons

Reporting Financial Institutions, Reporting Crypto-Asset Service Providers and a partner jurisdiction's competent authorities shall use the OASI number when transmitting the information regarding individuals required within the framework of the automatic exchange of information.

### Art. 21 Forwarding of information

<sup>1</sup> For the application and enforcement of Swiss tax law, the FTA shall forward information that has automatically been transmitted to it by other jurisdictions to the Swiss authorities that are responsible for determining and collecting the taxes under the scope of the applicable agreement. It shall notify these authorities of the restrictions on the use of the transmitted information and of the confidentiality obligations under the administrative assistance provisions of the applicable agreement.

<sup>2</sup> Provided the applicable agreement so authorises and Swiss law so provides, the FTA shall forward information that has automatically been transmitted to it by another jurisdiction to other Swiss authorities for which this information is of interest. Where appropriate, it shall obtain the consent of the sending jurisdiction's competent authority.

## Section 8 Organisation and Procedure

### Art. 22 Tasks of the FTA

<sup>1</sup> The FTA shall ensure the proper implementation of the applicable agreement and this Act.

<sup>2</sup> It shall take all measures and decisions necessary for the implementation.

<sup>3</sup> It may prescribe the use of certain forms and require that certain forms be submitted solely in electronic format.

<sup>4</sup> It may issue directives. These shall be based on the OECD commentaries on the Model Competent Authority Agreement and on the Addendum of 8 June 2023<sup>102</sup> to the CRS MCAA<sup>103</sup> and to the CRS, including its amendment, or on the CARF MCAA<sup>104</sup> and on the CARF.<sup>105</sup>

<sup>101</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>102</sup> AS 2025 863

<sup>103</sup> SR 0.653.1

<sup>104</sup> SR 0.653.4; BBl 2025 886

<sup>105</sup> Second sentence amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

**Art. 23** Data processing

<sup>1</sup> In order to fulfil its tasks under the applicable agreements and this Act, the FTA may process personal data and data relating to legal entities, including sensitive personal data in connection with tax-related administrative and criminal prosecutions and sanctions.<sup>106</sup>

<sup>2</sup> It may systematically use the tax identification numbers set out in Article 2 paragraph 1 letters f to h to perform its tasks under the applicable agreements and this Act.

**Art. 24** Information system

<sup>1</sup> The FTA shall operate an information system for processing personal data and data relating to legal entities, including sensitive personal data in connection with tax-related administrative and criminal prosecutions and sanctions.<sup>107</sup>

<sup>2</sup> The data may be processed only by FTA employees or by specialists under the control of the FTA.

<sup>3</sup> The purpose of the information system is to enable the FTA to perform its tasks under the applicable agreements and this Act. In particular, it may be used to:<sup>108</sup>

- a. receive and forward information in accordance with the applicable agreements and Swiss law;
- b. keep a register of the reporting Swiss financial institutions;
- b<sup>bis</sup> <sup>109</sup> keep a register of Relevant Reporting Crypto-Asset Service Providers;
- c. process legal proceedings associated with the applicable agreements and this Act;
- d. carry out the reviews cited in Article 28;
- e.<sup>110</sup> impose and enforce administrative and criminal sanctions;
- f. process administrative and mutual legal assistance requests;
- g. combat tax offences;
- h. compile statistics.

<sup>4</sup> The Federal Council shall specify the details, in particular concerning:

- a. the organisation and management of the information system;

<sup>106</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>107</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>108</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>109</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>110</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

- b.<sup>111</sup> the categories of personal data and data relating to legal entities processed;
- c.<sup>112</sup> the catalogue of data on administrative and criminal proceedings or sanctions;
- d. the access and processing authorisations;
- e. the duration of storage, the archiving and destruction of data.

<sup>5</sup> The FTA may give the Swiss authorities to which it forwards information in accordance with Article 21 paragraph 1 in the retrieval procedure access to data in the system which is necessary for them to perform their statutory tasks. The Federal Council shall determine the authorities and data to which the FTA may grant access.

#### **Art. 25<sup>113</sup>** Duty to provide information

<sup>1</sup> Persons and authorities to which the FTA transmits information received from abroad in accordance with the applicable agreements and this Act, as well as Swiss Financial Institutions and Relevant Reporting Crypto-Asset Service Providers, must provide the FTA with information on all facts relevant to the implementation of the agreements and this Act.

<sup>2</sup> The FTA, the Swiss Financial Market Supervisory Authority, the self-regulatory organisations referred to in Article 24 AMLA<sup>114</sup> and the supervisory organisations referred to in Article 43a of the Financial Market Supervision Act of 22 June 2007<sup>115</sup> (FINMASA) may exchange among themselves information not accessible to the public which they require to fulfil their respective duties under this Act or under federal legislation on combating money laundering and terrorist financing, in particular personal data and data relating to legal entities, including sensitive personal data in accordance with Article 5 letter c numbers 1, 2, 5 and 6 FADP<sup>116</sup> or sensitive data in accordance with Article 57r paragraph 2 of the Government and Administration Organisation Act of 21 March 1997<sup>117</sup>. They may only use the information provided to carry out the relevant tasks. Article 40 FINMASA remains reserved.

#### **Art. 26** Confidentiality obligation

<sup>1</sup> Any person entrusted with the enforcement of an applicable agreement and this Act or who is involved in their enforcement shall preserve confidentiality towards other authorities and private individuals about the findings of which they become aware in the course of their work.

<sup>2</sup> There is no obligation to preserve confidentiality:

<sup>111</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>112</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>113</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>114</sup> SR 955.0

<sup>115</sup> SR 956.1

<sup>116</sup> SR 235.1

<sup>117</sup> SR 172.010

- a. for the transmission of information and notifications under the applicable agreement and this Act;
- b. with respect to judicial and administrative bodies that have been authorised in the specific case by the FDF to obtain official information from the authorities entrusted with the enforcement of this Act;
- c. insofar as the applicable agreement allows for the removal of the confidentiality obligation and there is a legal basis for this removal under Swiss law.

<sup>3</sup> Findings relating to third parties made in the course of a review in accordance with Article 28 may be used only for the implementation of the applicable agreement.

#### **Art. 27** Statistics

<sup>1</sup> The FTA shall publish the statistics necessary for the peer review of the Global Forum on Transparency and Exchange of Information for Tax Purposes.

<sup>2</sup> There is no right to access information beyond that published in accordance with paragraph 1.

#### **Art. 28**<sup>118</sup> Review

<sup>1</sup> The FTA shall review Swiss Financial Institutions and the relevant Reporting Crypto-Asset Service Providers with regard to compliance with their duties under the applicable agreements and this Act.

<sup>2</sup> For the purposes of clarifying the facts, it may:

- a. inspect the books, records and other documents of the Swiss Financial Institution or the Relevant Reporting Crypto-Asset Service Provider at its premises or order the surrender thereof;
- b. obtain information in writing and verbally.

<sup>3</sup> If the FTA finds that the Swiss Financial Institution or the Relevant Reporting Crypto-Asset Service Provider has failed to fulfil its obligations, or has done so inadequately, it shall give it the opportunity to comment on the shortcomings identified.

<sup>4</sup> If the Swiss Financial Institution or the Relevant Reporting Crypto-Asset Service Provider and the FTA cannot reach an agreement, the FTA shall issue a ruling.

<sup>5</sup> On request, the FTA shall issue a declaratory ruling on:

- a. on its status as a financial institution or as a Reporting Crypto-Asset Service Provider in accordance with the applicable agreements and this Act;
- b. the content of the reports filed in accordance with the applicable agreements and this Act.

<sup>118</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

**Art. 28a**<sup>119</sup> Electronic procedures

<sup>1</sup> The Federal Council may stipulate the electronic conduct of procedures under this Act. In doing so, it shall regulate the modalities of such conduct.

<sup>2</sup> The FTA shall ensure the authenticity and integrity of the data in electronic procedures.

<sup>3</sup> For the electronic filing of submissions whose signature is required by law, it may accept a different electronic confirmation of the information by the person submitting it from a qualified electronic signature.

**Art. 29**<sup>120</sup> Applicable procedural law

Unless otherwise specified in this Act, the APA<sup>121</sup> applies.

**Art. 30** Legal remedies

<sup>1</sup> Appeals against rulings issued by the FTA in accordance with Articles 22 to 29 can be filed in writing within 30 days of such rulings being issued.

<sup>2</sup> The appeal shall include the motions and set out the grounds on which it is based.

<sup>3</sup> Where an appeal has been validly filed, the FTA shall examine the ruling without being bound by the motions submitted and issue a substantiated appeal decision.

<sup>4</sup> A complaint against the appeal decision is governed by the general provisions on federal procedural law.

**Section 9 Suspension and Termination****Art. 31**

<sup>1</sup> The competent Swiss authority may only act with the approval of the Federal Council when it takes one of the following measures pursuant to the applicable agreement:

- a. suspends or terminates the automatic exchange of information with a partner jurisdiction;
- b. terminates the agreement.

<sup>2</sup> It shall suspend the automatic exchange of information with a partner jurisdiction on its own authority for as long as the partner state does not meet the OECD's requirements for confidentiality and data security.<sup>122</sup>

<sup>119</sup> Inserted by No I 7 of the FA of 18 June 2021 on Electronic Procedures in the Field of Taxation, in force since 1 Jan. 2022 (AS 2021 673; BBl 2020 4705).

<sup>120</sup> Amended by No I 7 of the FA of 18 June 2021 on Electronic Procedures in the Field of Taxation, in force since 1 Jan. 2022 (AS 2021 673; BBl 2020 4705).

<sup>121</sup> SR 172.021

<sup>122</sup> Inserted by No I of the FA of 19 June 2020, in force since 1 Jan. 2021 (AS 2020 5247; BBl 2019 8135).

<sup>3</sup> It may, on its own authority, refrain from transmitting the information required under the CRS MCAA<sup>123</sup>, including its addendum, to a CRS Partner Jurisdiction, or suspend the automatic exchange of information on financial accounts with a CRS Partner Jurisdiction, if:

- a. the Federal Council has, on the basis of a request pursuant to Section 2 paragraph 2 letter a number ii of the Addendum of 8 June 2023<sup>124</sup> to the CRS MCAA, permitted the partner jurisdiction concerned to continue to transmit information to Switzerland during a specific transitional period without applying or completing the enhanced reporting and due diligence procedures within the meaning of this Addendum, and this transitional period has expired; or
- b. the Federal Council has not approved a request from a CRS Partner Jurisdiction in accordance with Section 2 paragraph 2 letter a number ii of the Addendum to the CRS MCAA.<sup>125</sup>

## Section 10 Criminal Provisions

**Art. 32**<sup>126</sup> Violation of the reporting and due diligence obligations

A fine not exceeding CHF 250,000 shall be imposed on any person who intentionally:

- a. violates the due diligence obligations referred to in the applicable agreement and in Articles 9 to 12 concerning the review of accounts and the identification of reportable persons;
- b. violates the due diligence obligations referred to in the applicable agreement and in Articles 12*d* and 12*f* concerning the verification of crypto-currency users and the identification of reportable users and controlling persons who are reportable persons;
- c. violates the registration requirements in Articles 13 and 13*a*;
- d. violates the information requirements in Article 14 paragraphs 1 and 3 and Article 14*a* paragraphs 1 and 3;
- e. violates the reporting requirements in Articles 12*e* and 15 paragraphs 1 to 1<sup>ter</sup>;
- f. violates the retention requirement in Article 17*a*.

<sup>123</sup> SR **0.653.1**

<sup>124</sup> AS **2025** 863

<sup>125</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS **2026** 48; BBl **2025** 883).

<sup>126</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS **2026** 48; BBl **2025** 883).

**Art. 32a**<sup>127</sup> Violation of the requirement to provide information

Any person who intentionally violates the requirement imposed by Swiss Financial Institutions or relevant Reporting Crypto-Asset Service Providers to provide information to the FTA under Article 25 paragraph 1 shall be liable to a fine not exceeding CHF 100,000.

**Art. 33** Offences against official orders

A fine not exceeding CHF 50,000 shall be imposed on any person who, in the course of a review under Article 28, intentionally fails to comply with an official ruling notified to them under threat of the penalty provided for by this Article.

**Art. 34** Offences in businesses

If a fine not exceeding CHF 50,000 is appropriate and if investigative measures against the offenders under Article 6 of the Federal Act of 22 March 1974<sup>128</sup> on Administrative Criminal Law (ACLA) would require investigations that are disproportionate relative to the penalty applicable, the prosecution of the offenders may be dispensed with and the business may be ordered to pay the fine instead (Art. 7 ACLA).

**Art. 35**<sup>129</sup> Offences relating to self-certification

A fine not exceeding CHF 10,000 shall be imposed on any person who intentionally fails to provide self-certification information, or provides false self-certification information, to a Reporting Swiss Financial Institution or a Reporting Swiss Crypto-Service Provider; fails to notify it of changes in circumstances; or provides false information regarding changes in circumstances.

**Art. 36** Voluntary disclosure

<sup>1</sup> An offender who voluntarily discloses the violation of an obligation or requirement shall not be penalised if the following conditions are met:

- a. they have given complete and precise details of the scope and content of the obligation or requirement;
- b. they have helped to clarify the facts and fulfil their obligations or the requirements; and
- c. they have never before made a voluntary disclosure for an intentional violation of a similar nature.

<sup>2</sup> The decision not to penalise the offender also applies to any other persons involved in the violation.

<sup>127</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

<sup>128</sup> SR 313.0

<sup>129</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBl 2025 883).

**Art. 37** Procedure

<sup>1</sup> The ACLA<sup>130</sup> applies to the prosecution and adjudication of violations of this Act.

<sup>2</sup> The FTA is the prosecuting and adjudicating authority.

**Art. 38**<sup>131</sup>**Section 11 Final Provisions****Art. 39**<sup>132</sup> Approval powers

<sup>1</sup> The Federal Assembly shall, by means of a simple federal decree, approve international treaties falling within its remit with jurisdictions that are to be included in the list referred to in Section 7 paragraph 1 letter f of the CRS MCAA<sup>133</sup> or the list referred to in Section 7 paragraph 1 letter g of the CARF MCAA<sup>134</sup>, regarding market access for financial service providers and the regularisation of taxpayers' tax situations.

<sup>2</sup> The Federal Council shall decide on whether to include a jurisdiction in the list under Section 7 paragraph 1 letter f of the CRS MCAA or in the list under Section 7 paragraph 1 letter g of the CARF MCAA.

<sup>3</sup> It shall decide on requests from CARF Partner Jurisdictions, in accordance with Section 7 paragraph 1 letter c of the CARF MCAA, concerning the use of the information received for the assessment, collection or enforcement of taxes, the prosecution of tax offences, or the determination of appeals in respect of taxes under Article 2 paragraph 1 letter b number i of the Convention of 25 January 1988<sup>135</sup> on Mutual Administrative Assistance in Tax Matters (Mutual Assistance Convention), in respect of which they have entered a reservation regarding administrative assistance pursuant to Article 30 paragraph 1 letter a of the Mutual Assistance Convention.

<sup>4</sup> It may decide to request the competent authorities of the CARF Partner Jurisdictions in accordance with Section 7 paragraph 1 letter c of the AIA Agreement to provide information on crypto-assets in order to determine whether the information received may be used for the assessment, collection or enforcement, criminal prosecution or the determination of appeals concerning taxes in accordance with Article 2 paragraph 1 letter b numbers ii–iv of the Mutual Assistance Agreement.

<sup>5</sup> It shall give notice of the CRS Partner Jurisdictions which it permits, on the basis of a request pursuant to Section 2 paragraph 1 letter a number ii of the Addendum of 8 June 2023<sup>136</sup> to the CRS MCAA, to continue to transmit information to Switzerland

<sup>130</sup> SR 313.0

<sup>131</sup> Repealed by No I of the FA of 26 September 2025, with effect from 1 January 2026 (AS 2026 48; BBI 2025 883).

<sup>132</sup> Amended by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS 2026 48; BBI 2025 883).

<sup>133</sup> SR 0.653.1

<sup>134</sup> SR 0.653.4; BBI 2025 886

<sup>135</sup> SR 0.652.1

<sup>136</sup> AS 2025 863

during a specific transitional period without applying or completing the enhanced reporting and due diligence procedures within the meaning of the Addendum to the CRS MCAA.

**Art. 40** Amendment of other legislation

...<sup>137</sup>

**Art. 41** Coordination with the amendment of 25 September 2015 to the CC (Employee benefits schemes)

*With the entry into force of the amendment of 25 September 2015<sup>138</sup> to the CC<sup>139</sup> (Employee benefits schemes), Article 3 paragraph 5 letter a of this Act shall read as follows:*

...<sup>140</sup>

**Art. 41a<sup>141</sup>** Transitional provisions to the Amendment of 26 September 2025

<sup>1</sup> Notwithstanding Section I Subsection A of the Annex to the CRS MCAA<sup>142</sup>, the information to be reported under Section I Subsection A paragraphs 1 letter b and 6<sup>bis</sup> of the Annex to the CRS MCAA regarding the roles on the basis of which reportable persons are deemed to be controlling persons or holders of equity interests in the entity for each reportable account maintained or held by a Reporting Swiss Financial Institution on the day before the Amendment of 26 September 2025 to this Act comes into force, and for reporting periods ending in the second calendar year following that date, shall be reported only if such information is available in the electronically searchable data of the Reporting Swiss Financial Institution.

<sup>2</sup> Persons who are resident for tax purposes in more than one jurisdiction may rely on the provisions contained in tax treaties until the day before the Amendment of 26 September 2025 to this Act concerning the determination of tax residence comes into force. Once this Amendment comes into force, individuals who are resident for tax purposes in more than one jurisdiction and who are being registered for the first time or re-registered will no longer be able to rely on the provisions contained in tax treaties when determining their tax residence, and will be required to declare all countries in which they are resident for tax purposes.

<sup>3</sup> Entities that are newly classified as Reporting Swiss Financial Institutions after the Amendment of 26 September 2025 to this Act comes into force shall be subject to the due diligence requirements for existing accounts in respect of accounts held by them on the day before that Amendment comes into force. The time limits set out in Article

<sup>137</sup> The amendment may be consulted under AS **2016 1297**.

<sup>138</sup> AS **2016 935**

<sup>139</sup> SR **210**

<sup>140</sup> Inserted above.

<sup>141</sup> Inserted by No I of the FA of 26 Sept. 2025, in force since 1 Jan. 2026 (AS **2026 48**; BBI **2025 883**).

<sup>142</sup> SR **0.653.1**

11 paragraphs 2 to 4 apply. The time limit begins to run from the date on which this Amendment comes into force.

<sup>4</sup> The Federal Council may, for a limited period, provide for derogations from the provisions set out in Section I of the Annex to the CARF MCAA<sup>143</sup>.

**Art. 42** Referendum and commencement

<sup>1</sup> This Act is subject to an optional referendum.

<sup>2</sup> The Federal Council shall determine the commencement date.

Commencement date:<sup>144</sup> 1 Jan. 2017

Art. 39: 27 May 2016

<sup>143</sup> SR **0.653.4**; BBl **2025** 886

<sup>144</sup> FCD of 20 April 2016.

