

Notes from the Federal Palace

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The life verification process is now automated for the majority of OASI/DI pension beneficiaries

The Swiss Compensation Office is using automated data sharing to improve the process of checking whether pensioners are still alive. This will simplify the procedure for the majority of Swiss nationals who draw pension benefits under the old-age and survivors' insurance (OASI) and/or disability insurance (DI) schemes.

Until now, all insured persons receiving OASI/DI benefits have had to submit a life certificate to the Swiss Compensation Office (SCO) at regular intervals to ensure uninterrupted payment of their pension. As of this year, this process, which is costly both for the SCO and for insured persons, will be simplified through the introduction of automated data sharing between the various administrative bodies including the Federal Department of Foreign Affairs (FDFA).

Specifically, this means that Swiss nationals living abroad who are duly registered with the Swiss representation of their country of domicile will no longer be required to provide a life certificate, as this information will instead be transmitted directly from the Register of the Swiss Abroad to the SCO.

Swiss nationals who are not registered with diplomatic or consular representations will still be asked to submit life certificates. They must complete the document as usual and have it endorsed to prevent their pension from being stopped.

Please note that the new procedure applies from 2022. Anyone who has not yet submitted their life certificate for 2021 is still required to do so.

However, the new simplified procedure does not affect the obligation to inform the SCO directly of any changes in personal status such as a change of address or marital status, etc.

At the beginning of 2022, the SCO also launched an information campaign which will be phased throughout the year. Every insured person will be personally informed about this change at the time they were due to have received the relevant life certificate form. (CCO)

Notifying the SCO of changes in circumstances: <http://revue.link/zascontact>

Federal votes

The Federal Council determines voting proposals at least four months before the voting date.

Everything you need to know about voting proposals (voting pamphlets, committees, recommendations by Parliament and the Federal Council etc.) is available at www.admin.ch/votes or via the Federal Chancellery's VoteInfo app.

The Federal Council decided that there will be three federal proposals submitted to the people on 15 May 2022:

- Amendment of 1 October 2021 to the Federal Act on Film Production and Film Culture (Film Act, FiA)
- Amendment of 1 October 2021 to the Federal Act on the Transplantation of Organs, Tissues and Cells (Transplantation Act)
- Federal Decree of 1 October 2021 on the Approval and Implementation of the Exchange of Notes between Switzerland and the EU on the Adoption of the Regulation (EU) 2019/1896 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (Development of the Schengen Acquis).

Popular initiatives

The following federal popular initiatives have already been launched at the time of going to press (deadline for the collection of signatures in brackets):

- Federal Popular Initiative 'For a day of reflection before every abortion (Sleep on it Initiative)' (21.06.2023)
- Federal Popular Initiative 'For the protection of babies that are viable outside the womb (Save viable babies Initiative)' (21.06.2023)
- Federal Popular Initiative 'Let the people and the cantons decide on emergency federal legislation!' (21.06.2023)

The list of pending popular initiatives is available in German, French and Italian at www.bk.admin.ch > Politische Rechte > Volksinitiativen > Hängige Volksinitiativen

Don't miss the statutory period

Approval of the "Marriage for all" proposal (see edition 1/2022 of "Swiss Review") has retroactive implications with regard to the matrimonial regime for same-sex couples who marry abroad before 1 July 2022 but have no prenuptial agreement. Under Swiss law, joint ownership of property applies retroactively to same-sex couples (instead of separation of property). For this reason, either same-sex spouse can inform the other spouse in writing by 30 June 2022 that their existing matrimonial regime will continue to apply. This declaration must be personally signed. (BJ)

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The FDFA is there for you – but not all the time!

Are you travelling or living abroad? Or spending your retirement in the sun? Or maybe visiting remote areas on your round-the-world trip? The Federal Department of Foreign Affairs is there to support you in times of trouble – provided you have done everything that can reasonably be expected of you to avoid problems.

Amongst the tasks assigned to the Federal Department of Foreign Affairs (FDFA), one of the main responsibilities is the provision of support to Swiss citizens travelling or living abroad. With almost 800,000 Swiss Abroad and millions of trips made outside our borders every year, the Swiss consular representations are called upon to assist our fellow citizens on a daily basis. This role is partly administrative, similar to that of a municipal administration, but it also concerns support relating to difficulties or situations which require special protection.

But be aware that this support is not absolute and there is no entitlement to it. We would like to remind you of the principles of individual responsibility and subsidiarity within the consular domain.

The principle rooted in the Federal Constitution that “all individuals shall take responsibility for themselves” finds its corollary in the provisions governing consular work: “every individual shall exercise personal responsibility when planning or undertaking a stay abroad or when working abroad”. This means that careless or reckless behaviour and the absence of appropriate preparation will result in the limitation of access to the services or protection available. According to the principle of subsidiarity, which also governs questions of consular protection, action from the FDFA can only be envisaged in cases where a person cannot find any means to help themselves. However, there is no enti-

tlement to FDFA assistance.

It is therefore the responsibility of each Swiss citizen abroad to do everything necessary to avoid finding themselves in a difficult situation and, should they find themselves in difficulty, to look for solutions themselves. At the same time, the FDFA does provide a number of tools to Swiss citizens.

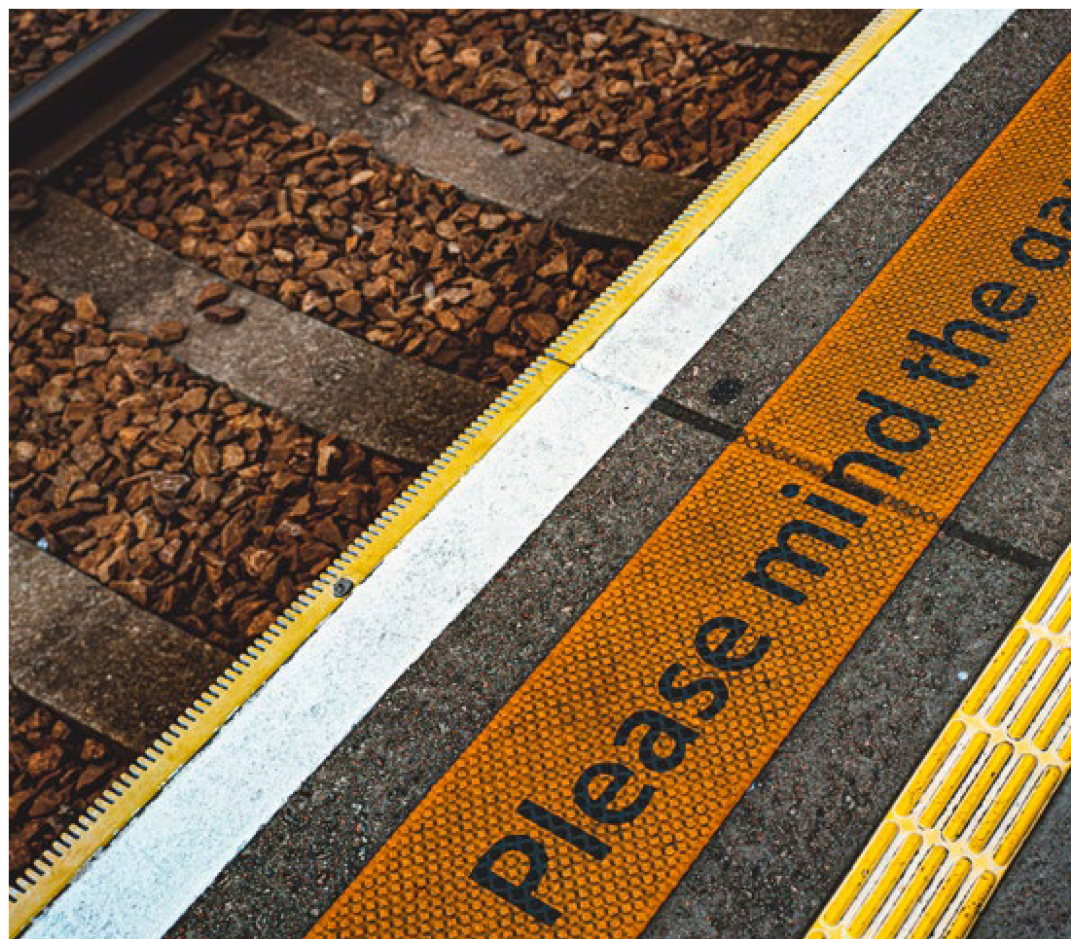
For (future) Swiss Abroad, the first thing to do is register with the relevant representation. This registration is a prerequisite for inclusion in the register of the Swiss Abroad and access to consular services. Whether following arrival or during the preparation stages, it is advisable to consult the large amount of infor-

It is up to you to do what is necessary to avoid trouble. In the end, everyone is responsible for themselves.

Photo: Chunip Wong, iStock

mation and advice published on the FDFA website. This information, which can be accessed directly from the FDFA homepage (under the heading Living and working abroad > Preparations for a stay abroad, emigration and repatriation), concerns the different steps of emigration or a return to Switzerland and provides a great deal of helpful advice.

For travellers, it is necessary to consult the information for travellers and to register their trip on the Travel Admin system, via the mobile or web application, and to respect the recommendations made there. The Travel Admin application also contains a lot of useful information for preparing a trip, in the form of checklists, comple-



mented by the FDFA website (heading **Travel advice & representations**). Where necessary, and if the principles of individual responsibility and subsidiarity have been properly respected, support can be provided by the FDFA, individually or collectively, as demonstrated through the major repatriation action in spring 2020 in the context of the Covid-19 crisis.

¹⁾ Art. 6 – Federal Constitution of the Swiss Confederation

²⁾ Art. 5 – Federal Act on Swiss Persons and Institutions Abroad



The FDFA is there to help

As the central contact point for all consular matters, the FDFA is on hand to advise and assist you every day around the clock via the FDFA Helpline, providing you with various consular services via a worldwide representation network that nurtures relations with the Swiss expatriate community and encourages mutual interaction. The FDFA publishes important information such as travel advice via the usual communication channels and the Travel Admin app. And should you ever find yourself in difficulty, the FDFA can offer consular protection.



Overcoming challenges independently

According to the SAA, the federal government may assist natural persons and legal entities abroad if such parties are unable or cannot be reasonably expected to safeguard their interests independently or with the help of third parties. The federal government's expectation therefore is that each and every individual will assume personal responsibility when planning and spending a period abroad or pursuing an activity abroad, be well informed, act in a risk-appropriate, lawful manner, and try to overcome any difficulties independently or with the help of third parties.



When the federal government cannot help

According to the SAA, there is no legal entitlement to consular protection, even when citizens assume individual responsibility and the principle of subsidiarity is maintained. The federal government may therefore refuse or limit assistance, in particular if it would put others in danger, the persons concerned have acted negligently or abused assistance in the past, or there is a risk that it could be detrimental to the federal government's foreign policy interests. However, this does not apply in cases where there is a threat to the life or health of the persons concerned.



The principle of individual responsibility

Be aware: the Swiss Abroad Act (SAA) is based on the key principle of individual responsibility, which is also enshrined in the Federal Constitution of the Swiss Confederation. Therefore, responsibility for planning and spending a period abroad or pursuing an activity abroad lies with the individual concerned. This does not mean the federal government will abandon any of its citizens who get into difficulty abroad. However, its support is subsidiary and therefore will only apply if an individual has previously exhausted all means of helping themselves.



Welfare assistance and consular protection

In certain cases, the federal government can prevent Swiss Abroad from falling into situations of need and provide them with welfare assistance. It can also provide Swiss nationals abroad with consular protection. However, welfare assistance and consular protection are only provided on a subsidiary basis, i.e. the federal government will only help parties who are unable to support themselves independently or with help from private or public sources, or who are unable or cannot be reasonably expected to safeguard their interests independently or with the help of third parties.



Consular services have their price

Persons who have used consular services must reimburse the costs as well as any fees to the federal government. Individuals are also liable for cost reimbursement if the federal government performs a service without being requested to do so by the persons concerned, but in accordance with their presumed wishes and interests. Fees or cost reimbursement may be waived in part or in full in case of need or for other good reason. However, the federal government must take account of whether the persons concerned have acted negligently.

