

Acquisition of real estate by persons abroad

General Information

(For the complete documentation see the pages in **German, French** or **Italian**.)

The law restricts the acquisition of real estate in Switzerland by foreigners, by foreign-based companies or by Swiss-based companies controlled by foreigners. As a rule, these categories of persons need an authorisation from the competent cantonal authority. It does not matter whether the real estate is already in foreign hands or not; neither does the legal cause of the transfer (purchase, exchange, donation, etc.) have any bearing on the application of the law.

Responsibility for enforcing the federal law on the acquisition of real estate by persons abroad (the Bundesgesetz über den Erwerb von Grundstücken durch Personen im Ausland, also known as the Lex Koller), falls primarily upon the canton in which the real estate is located. The authority designated by the canton will decide whether or not a legal transaction requires authorisation and is also responsible for granting or refusing that authorisation. Authorisation is granted only if the conditions set out in the federal law and, if applicable, in cantonal implementation legislation, are met. In particular, authorisation to purchase a holiday home (single-family dwelling or owner-occupied flat) may be granted under certain circumstances to persons abroad.

It must be stressed, however, that ownership of real estate in Switzerland does not entitle a foreign person to a residence permit.

Real estate that is used for professional, commercial or industrial activities (with the exception of real estate acquired for the building, sale or rental of housing) may be acquired without authorisation.

The following persons do not require authorisation to purchase real estate in Switzerland: Nationals of a Member State of the European Community/European Union (EU) or of the European Free Trade Association (EFTA) who are domiciled in Switzerland (as a general rule holding a B EC/EFTA permit (resident foreign nationals) or a C EC/EFTA permit (settled foreign nationals)), other foreigners entitled to settle in Switzerland (holding a C settlement permit) and Swiss-based companies controlled by persons holding the above rights of residence or settlement.

Cross-border commuters from EU or EFTA Member States (holding a G EC/EFTA permit (cross-border commuters)) may acquire a second home in the area of their place of work without any authorisation. Non-EU or EFTA nationals domiciled in Switzerland who do not yet have the right to settle in Switzerland (generally holding a B residence permit) do not require authorisation to acquire a home that they live in permanently.

More information on these matters and a list of the competent authorities in each canton can be found in our guidelines.

Reference: Federal Office of Justice (FOJ). Last update: 03.08.2006

On Internet: <http://www.bj.admin.ch/bj/en/home/themen/wirtschaft/grundstueckerwerb.html>

For quite further informations, do not hesitate to contact us by email at the following address:
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