



Acquisition of residential properties in Switzerland

April 2016

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Legal and tax aspects

Due to its unique nature and high standard, Switzerland is a popular country for tourists. If individuals whose domicile is located abroad plan on buying a property in Switzerland, they must first deal with permit law. Careful planning can achieve substantial tax savings when buying, holding and selling the property. Finally, financing must be resolved early on.

In Switzerland, real estate for private use is usually held directly, regardless of the purchaser's place of residence. This means that the property is in the direct ownership of the owner without the need for a legal structure.

All the same, a structure should be seriously considered in certain cases, in particular:

- where the purchase of luxury property is involved
- where there are complex family relations and inheritance issues
- for reasons of discretion.

Legal restrictions on acquisition

In principle the acquisition of residential real estate in Switzerland by persons abroad is subject to a prior authorization requirement. Persons abroad are foreigners resident abroad and foreigners resident in Switzerland who are neither EU / EFTA nationals and who do not hold a valid settlement permit. Persons abroad also include structures (e.g. companies/ Trusts) which have their registered office abroad or else in Switzerland but are controlled by persons abroad.

Exemptions from prior authorization are amongst others granted to persons abroad who are resident in Switzerland and who intend to acquire residential real estate in their actual place of main residence.

An acquisition for which prior authorization is required is approved on grounds only provided for by Federal or Cantonal Law. The acquisition of holiday homes in designated tourist resorts which are within the annual quota and do not exceed certain dimensions are generally approved.

Formalities on acquisition

To be valid a written sales agreement has to be certified by a public notary, as do preliminary sales agreements. The real estate is formally transferred once the transaction has been recorded in the land register.

Swiss tax aspects

The following taxes are especially relevant for owners of real estate:

- property transfer tax and notary and land registration fees on acquisition,
- income and wealth taxes and possibly a cantonal property tax when holding property,
- capital gains tax on selling the property, and
- inheritance and gift tax on a transfer of ownership of the property free of charge.

The effective tax burden depends on numerous factors, such as the location of the property. The following table aims at providing an overview of the cantonal tax rates.

The tax consequences of buying a property

In most cantons, property transfer is subject to property transfer tax. Unless stated otherwise in the deed of sale, property transfer tax is generally paid by the purchaser. In addition, land registration and notary fees are due. Buyer and seller usually each pay half of the land registration fee.

The tax consequences of holding the property

Holding a property in Switzerland gives rise to a so-called limited income and wealth tax obligation for the owner.

a) Income taxes

For income tax purpose, the owner is charged a notional income for the right to use the property (so-called notional rental value). The notional rental value corresponds to a carefully assessed market rent. Ordinary running costs can be deducted from this amount. Furthermore, debt interest can be deducted, even if not directly related to the property. The amount that may be deducted is instead based on the percentage of total global assets to the value of the property in Switzerland.

b) Wealth taxes

The so-called tax value of the properties, which is based on assessment criteria specified by the cantons, is used to determine wealth taxes. Normally, the tax value is significantly lower than the purchase price. Debts can be deducted, even if they do not relate directly to the property. As in the case of income taxes, the amount of debts that can be deducted is based on the percentage of total global assets to the value of the property in Switzerland.

c) Cantonal property taxes

Some cantons charge an annual property tax in addition to income and wealth taxes, which is based on the property's tax value.

d) Tax return

The owner has to file a tax return in Switzerland each year. In addition to Swiss tax factors, total global income and wealth has to be declared to assess the applicable tax rate. If the taxpayer does not of global income and wealth, he is no longer entitled to deduct debts or debt interest. In addition, the maximum tax rates apply.

e) Tax planning

Planning, especially for renovations and financings, can result in substantial tax savings. Furthermore, official new estimates for the property value have to be checked closely. We recommend using the services of a real estate specialist for such a new estimate.

The tax consequences of selling a property

Any profits made on selling the property are subject to cantonal capital gains tax. The profit from selling the property

Overview of cantonal taxes

Canton	Income tax ¹	Wealth tax ¹	Property tax ²	Capital gains tax ³	Property transfer tax ⁴	Inheritance and gift tax ⁵	
						Children	Third parties
Aargau	33.8%	0.43%	-	40.0%	0.4%	-	32.0%
Appenzell Innerhoden	25.3%	0.26%	0.010%	40.0%	1.0%	1.0%	20.0%
Appenzell Ausserrhoden	30.5%	0.40%	-	30.0%	2.0%	-	32.0%
Bern	41.4%	0.58%	0.015%	37.3%	1.8%	-	40.0%
Basel Landschaft	42.2%	0.76%	-	25.0%	2.5%	-	30.0%
Basel Stadt	37.5%	0.80%	-	60.0%	3.0%	-	49.5%
Fribourg	36.0%	0.60%	0.030%	35.2%	1.5%	-	37.4%
Geneva	45.0%	1.00%	0.010%	50.0%	3.0%	-	54.6%
Glarus	31.6%	0.35%	-	30.0%	-	-	28.8%
Graubünden	32.4%	0.32%	0.020%	30.0%	2.0%	-	35.0%
Jura	41.2%	0.58%	0.018%	28.8%	2.1%	-	35.0%
Luzern	31.2%	0.26%	-	23.9%	1.5%	2.0%	40.0%
Neuchatel	38.9%	0.68%	0.015%	30.0%	3.3%	3.0%	45.0%
Nidwalden	25.6%	0.13%	-	36.0%	1.0%	-	15.0%
Obwalden	24.5%	0.14%	-	12.6%	1.5%	-	20.0%
St. Gallen	33.5%	0.44%	0.008%	33.5%	1.0%	-	30.0%
Schaffhausen	32.3%	0.48%	-	31.5%	-	-	40.0%
Solothurn	34.5%	0.22%	-	23.0%	2.2%	-	30.0%
Schwyz	27.0%	0.22%	-	30.0%	-	-	-
Thurgau	32.5%	0.29%	0.005%	40.0%	1.0%	-	28.0%
Ticino	40.9%	0.68%	0.030%	31.0%	1.1%	-	41.0%
Uri	25.6%	0.20%	-	31.0%	-	-	24.0%
Vaud	41.5%	0.79%	0.015%	30.0%	2.2%	3.5%	25.0%
Valais	36.5%	0.63%	0.010%	24.0%	1.5%	-	25.0%
Zug	22.9%	0.28%	-	60.0%	-	-	20.0%
Zurich	40.0%	0.66%	-	40.0%	-	-	36.0%

¹ Maximal tax burden in the capital cities of the cantons in % of the taxable income resp. in % of the taxable wealth.

² Maximal tax burden.

³ General tax burden in % of the capital gains on selling the private property. Please notice: The additions or reductions of short- or long-time ownership result in heavy differences of the general tax burden.

⁴ Tax burden in normal case.

⁵ Maximal tax rates. For other relatives partially reduced tax rates apply.

is calculated based on the difference between the sales price and the acquisition value, less investments increasing the value. The tax rate depends on the duration of the ownership and the profit earned on selling the property. The seller pays this capital gains tax. In addition to capital gain taxes most cantons levy a stamp duty and registration fees.

The tax consequences of the free transfer of property

Inheritance or gifting of the property results in cantonal inheritance or gift taxes. Inheritances and gifts to spouses are tax-free in all cantons. Transfers of ownership to direct heirs only incur inheritance and gift taxes in some cantons or municipalities.

The Swiss voted 2015 against a new inheritance and gift tax reform. The implementation of such laws is now no longer in political discussion.

Financing

In order to grant a mortgage, banks in Switzerland generally demand own funds of around 20% to 50% of the purchase price. It is not possible to fully finance a property using third parties without additional securities.

How can we help you?

KPMG International Private Client Services has wide-ranging expertise in all legal and tax-related issues. We would be more than happy to analyze your individual requirements with regard to your current real estate project so that we can provide comprehensive support during the purchase of your property. We can also guide you through all the residence and work permit requirements when you decide to take up residency.

Thanks to our excellent relations with the tax authorities, notaries, and the migration, employment, and land registry

offices, combined with our many years of experience, we can provide you with comprehensive assistance.

After we have organized your property purchase, we provide administrative support for tasks such as your annual tax return. You may also encounter issues with inheritance planning or the subsequent sale of your real estate.

Our specialist skills can fulfill your desire for a beautiful property, and you can feel safe in the knowledge that it has a sound structural and administrative basis.

Contacts

KPMG AG

Badenerstrasse 172
PO Box
8036 Zurich

kpmg.ch

Michael Müller

Director, Certified Tax Expert
Tax

+41 58 249 49 66
mmueller1@kpmg.com

Nicole Willimann

Partner, Attorney-at-Law
Legal

+41 58 249 50 20
nwillimann@kpmg.com

Ulrich Prien

Partner
Real Estate Advisory

+41 58 249 62 72
uprien@kpmg.com

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