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## **Federal Act on the Unique Business Identification Number (BINA)**

of 18 June 2010 (Status as of 1 January 2022)

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*The Federal Assembly of the Swiss Confederation,*

on the basis of articles 59 para. 4, 61 para. 4, 65 para. 2, 77 para. 2, 80 paras 1 and 2, 95 para. 1, 104 para. 1, 112 para. 1, 113 para. 1, 114 para. 1, 116 para 2 and 3, 117 para. 1, 118 para. 2 let. a and b, 122 para. 1 and 130 para. 1 of the Federal Constitution<sup>1</sup>,  
having considered the Dispatch of the Federal Council of 28 October 2009<sup>2</sup>,  
*decrees:*

### **Section 1    General Provisions**

#### **Art. 1            Purpose**

With a Unique Business Identification Number (UID), enterprises can be clearly identified so that information can be exchanged simply and safely within administrative and statistical processes.

#### **Art. 2            Object**

This Act establishes:

- a. the allocation and use of the UID;
- b. the keeping and the use of the Business Identification Register (UID register);
- c. the allocation and use of the required administrative number in connection with the UID;
- d.<sup>3</sup> the allocation of a uniform international identifier «Legal Entity Identifier» (LEI) at the request of the UID entity.

AS 2010 4989

<sup>1</sup> SR 101

<sup>2</sup> BBl 2009 7855

<sup>3</sup> Inserted by No I of the FA of 16 June 2017, in force since 15 Oct. 2017 (AS 2017 5155; BBl 2017 1).

**Art. 3** Definitions

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

- a. *UID*: a non-speaking and unchangeable number that clearly identifies a UID entity;
- b. *UID supplement*: the supplementary indication that specifies whether the UID entity has not been deleted from the commercial register or is registered in the VAT register as subject to taxation;
- c. *UID entities*:
  1. the legal entities registered in the commercial register,
  2. natural and legal persons not registered in the commercial register, subject to taxes or fees received by the Confederation or its institutions,
  3. natural persons who operate a commercial business or exercise a liberal profession and do not come under no.1 or 2, whereby the UID is allocated for each individual business,
  4. corporate bodies lacking legal capacity that need to be identified for administrative purposes due to their economic activity,
  5. foreign or international legal persons that have a place of business in Switzerland or need to be identified for the implementation of Swiss law,
  6. all businesses and persons subject to agricultural, forestry, epizootic, animal protection or food legislation that need to be identified for administrative purposes,
  7. administrative units of the Confederation, cantons and communes that need to be identified due to their administrative duties or for statistical reasons,
  8. all institutions that are charged with the execution of public law duties;
  9. associations and foundations that are neither subject to VAT nor registered in the commercial register but pay OASI contributions;
- d. *UID services*: Administrative entities of the Confederation, cantons and communes, institutions of public law and private institutions charged with public law duties that keep data collections on UID entities due to their economy activity;
- e. *Administrative number*: Number to identify administrative entities that are not considered UID entities but need to be identified, however, by certain UID services for the fulfilment of duties;
- f. *UID register*: central register of all UID entities and administrative entities;
- g.<sup>4</sup> *LEI*: a uniform, non-speaking number pursuant to the requirements of the «Global Legal Entity Identifier System» (GLEIS) that clearly identifies on an international level a UID entity and legal entities that manage these such as funds or subsidiaries.

<sup>4</sup> Inserted by No I of the FA of 16 June 2017, in force since 15 Oct. 2017 (AS 2017 5155; BBl 2017 1).

<sup>2</sup> The Federal Council describes the UID entities and the UID services in further detail.

## **Section 2 UID, UID Register and Administrative Number**

### **Art. 4 Allocation of the UID**

<sup>1</sup> The Federal Statistical Office (FSO) allocates every UID entity a unique UID free of charge.

<sup>2</sup> Each UID is only allocated once.

<sup>3</sup> The UID is allocated when the responsible UID service has communicated to the FSO the attributes pursuant to Article 9 para. 1 let. a.

### **Art. 5 Use of the UID**

<sup>1</sup> The UID services have the following obligations:

- a. to recognise the UID as an identifier;
- b. record the UID in their data collections;
- c. to use the UID in their exchanges with each other and with the UID entities.

<sup>2</sup> The Federal Council designates the UID services that only need to recognise the UID as an identifier.

<sup>3</sup> The UID entities may use their UID in exchanges with each other and with a UID service subject to specific legal regulations.

### **Art. 6 UID register**

<sup>1</sup> The FSO maintains the UID register.

<sup>2</sup> The UID register contains data concerning the following key data of the UID entities (UID data):

- a. *Key data:*
  1. UID, status of the entry in the UID register and UID supplement,
  2. Name, company name or designation and address,
  3. Status of entry in the commercial register,
  4. Status of the entry in the VAT register with the start and end date of the obligation to pay VAT,
  - 5.<sup>5</sup> LEI for a UID entity and status of the entry in the «Global Legal Entity Identifier Foundation» register (GLEIF register);

<sup>5</sup> Inserted by No I of the FA of 16 June 2017, in force since 15 Oct. 2017 (AS 2017 5155; BBI 2017 1).

- b. *Additional data*: Data serving to distinguish the UID entity more specifically, notably a more detailed designation of the UID entity and information about its economic activity;
- c. *System data*: technical or organisational data that are required to maintain the UID register, particularly the date of entry in the UID register.

<sup>3</sup> The UID register also contains data concerning the attributes required to identify administrative entities.

<sup>4</sup> The Federal Council designates the additional data and system data of the UID entities.

**Art. 6a<sup>6</sup>** Identifier in the UID register

The FSO may disclose the OASI number to the UID services that are also authorised to use it systematically if this is necessary to identify the person concerned in the register.

**Art. 7** Legal effect of the UID

The UID has no legal effect pursuant to the Federal Act of 19 December 2003<sup>7</sup> on electronic signatures.

**Art. 8** Procurement, updating and use of the UID data

<sup>1</sup> The FSO obtains the UID data from the UID entities:

- a. for the first time from the Business and Enterprise Register pursuant to Article 10 para. 3 of the Federal Statistics Act of 9 October 1992<sup>8</sup>;
- b. on a continuing basis from the information from the UID services.

<sup>2</sup> It updates the UID data from the UID entities on a continuing basis and makes updates available to the UID services in a suitable form.

<sup>3</sup> It can use the UID data to update the Business and Enterprise Register.

**Art. 9** Disclosure and rectification of UID data

<sup>1</sup> The UID services shall disclose to the FSO:

- a. data relating to the key data and additional data of new UID entities;
- b. all changes and rectifications to UID data;
- c. the termination of a UID entity's economic activity.

<sup>6</sup> Inserted by Annex No 3 of the FA of 30 Sept. 2016 (AS **2017** 3575; BBl **2015** 2615). Amended by Annex No 12 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).

<sup>7</sup> [AS **2004** 5085, **2008** 3437 No II 55. AS **2016** 4651 Annex No I]. See now: FA of 18 March 2016 (SR **943.03**).

<sup>8</sup> SR **431.01**

<sup>2</sup> UID services pursuant to Article 5 para. 2 may communicate this information voluntarily.

<sup>3</sup> The data are taken from the commercial register in unchanged form.

<sup>4</sup> The Federal Council may designate further UID services whose data may be taken over in unchanged form.

**Art. 10** Administrative number

<sup>1</sup> The FSO designates the UID services that may report administrative entities for inclusion in the UID register. It allocates the administrative numbers.

<sup>2</sup> The administrative numbers and their attributes are not published and are only accessible to the UID services requiring these to fulfil their duties.

<sup>3</sup> The Federal Council regulates the allocation and use of the administrative numbers and designates the attributes required to identify the administrative entities.

**Section 2a<sup>9</sup> LEI**

**Art. 10a** Allocation of the LEI

<sup>1</sup> The FSO allocates every UID entity an LEI upon their request.

<sup>2</sup> UID entities that manage legal entities such as funds or subsidiaries may request an LEI for each individual legal entity from the FSO.

**Art. 10b** Disclosure of the LEI data

The FSO discloses to the GLEIF the data required for registration in the GLEIF register.

**Art. 10c** Costs

<sup>1</sup> The allocation and the renewal of the LEI are subject to charge.

<sup>2</sup> The FSO provides its services on the basis of cost accounting; prices must cover costs.

<sup>3</sup> The FSO makes its fees known.

<sup>9</sup> Inserted by No I of the FA of 16 June 2017, in force since 15 Oct. 2017 (AS 2017 5155; BBl 2017 1).