

360°Benefits | News

Overview of legislative developments and revisions in the 2nd pillar as of 2026

Various legislative changes came into force on 1 January 2026. Further revisions are also planned for the coming years, which will also have an impact on topics related to occupational benefits law. For example, adjustments are planned to the ordinances in the area of occupational pensions and to the regulations governing 1e pension plans.

We are happy to support you in keeping an overview and making any necessary adjustments. Feel free to contact us if you have any questions or suggestions. You can find an overview of our range of services and our legal advice team [here](#).

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Adjustments and changes in 2026

1. BVG key figures / pension adjustments

The limits for occupational pension provision will remain unchanged as of 1 January 2026. This is because the minimum AHV retirement pension for 2026 has not been adjusted. Details of the current figures can be found [here](#).

The minimum interest rate in occupational pension provision will also remain at **1.25%** in 2026.

In January 2026, the **survivors' and disability pensions** in the BVG mandatory scheme in payment since 2022 will be adjusted for the first time in line with price developments. The adjustment rate is 2.7 per cent. Pensions that arose before 2022 will be adjusted in 2027 at the earliest – at the same time as the AHV pensions. The respective adjustment rates can be found [here](#).

Note: For pensions above the BVG minimum, inflation adjustment is not mandatory. Nevertheless, adjustments should be considered within the financial means of the pension fund. The Board of Trustees of the pension fund must decide annually whether and to what extent pensions are to be adjusted and explain its decisions in the annual financial statements or annual report. Different generations of pensioners and benefits paid to active insured persons must also be taken into account from the point of view of equal treatment.

2. Reduction in contribution rates for the BVG security fund

The Occupational Pension Supervisory Commission (OAK BV) has approved the contribution rates for **financing the BVG security fund** for the 2026 assessment year. The contribution rate for subsidies in the event of an unfavourable age structure will be reduced from 0.13% to 0.11%. The contribution rate for insolvencies and other benefits remains unchanged at 0.002%. Further information on reporting/settlement and the assessment bases can be found [here](#).

Note: All pension funds subject to the Federal Law on the Transfer of Pension Benefits (FZG) are required to pay contributions. The reduced contributions for the year 2026 are due on 30 June 2027.

3. Retrospective purchase option in pillar 3a

Article 7a of the 3rd Occupational Pension Ordinance (BVV 3) came into force on 1 January 2025, introducing the option of making retroactive purchases into the pillar 3a. In 2026, it will now for the first time be possible to make retroactive payments into the 3rd pillar, i.e. for gaps from 2025. The prerequisite for the additional payment is that there was income subject to AHV contributions in Switzerland in both the year in question and the year of the additional payment, and that the regular pillar 3a contributions are already paid in full in 2026.

Note: In 2026, it will for the first time be possible to fill gaps in pillar 3a. However, certain conditions must be met.

4. AHV – Introduction of a 13th AHV pension

With the December pension, AHV pensioners will receive a 13th AHV pension for the first time in 2026. The additional amount corresponds to one twelfth of all monthly pensions received from January to December 2026.

Note: A 13th AHV pension will be paid out for the first time in December 2026. The financing is still unclear.

5. DSV amendment: risk assessment instead of comprehensive logging

With the revision of data protection law in 2023, federal bodies – including pension funds that provide mandatory benefits – were required to log all **automated processing** of personal data, regardless of whether it was particularly sensitive or other personal data. Automated processing refers to processing carried out using digital systems.

In order to reduce the logging effort, an amended regulation will apply from 1 December 2025: only automated processing of particularly sensitive personal data will have to be logged. For automated processing of **other personal data**, a **written risk assessment** (risk-based approach in accordance with Art. 8 DSG) will be required instead. This assessment must show whether the processing poses a risk to the privacy or fundamental rights of the data subjects. The result determines whether logging is necessary. Processing operations that bear particular risks will continue to be subject to logging requirements for all personal data.

Note: As pension funds generally also process particularly sensitive personal data and since it is not practicable to separate particularly sensitive personal data from other personal data, we recommend continuing to log the automated processing of all personal data.

6. New Directives W-02/2025 of the OAK BV – Transfer to 1e foundations

The Directives W-02/2025 of the Swiss Federal Supervisory Commission for Occupational Retirement, Survivors' and Disability Pension Plans (OAK BV) will come into force on 1 January 2026 and specifies the conditions under which pension assets and collective funds may be transferred from a non-1e pension fund to a 1e pension fund. The aim of these guidelines is to ensure that only pension assets originating from salary components above the applicable statutory limit in accordance with Art. 8 para. 1 BVG are transferred to 1e foundations.

Responsibility for compliance with this limit and for determining the transferable portion of the pension assets lies entirely with the transferring non-1e pension fund. The latter is not obliged to examine the origin of the pension assets in detail; insured persons can provide the relevant evidence. If a transfer is made, the transferring non-1e pension fund must check individually for each insured person and document in a comprehensible manner that the legal requirements have been complied with. The documentation is checked by the auditors.

Insured persons do not have an individual right of choice. They cannot decide for themselves whether they wish to be insured in a 1e foundation or whether transferable pension assets are to be transferred. The principle of collectivity applies. The directives apply to various situations, in particular when the employer changes the pension solution, in the event of transfers of vested benefits, and in case of transfers from vested benefits institutions to a 1e pension fund.

Note: Against this background, pension funds are required to critically review their internal processes and regulations in connection with transfers to 1e solutions, to establish clear testing and documentation standards, and to coordinate these with the auditors at an early stage. It is also advisable to inform affiliated employers transparently about the legal restrictions and the lack of freedom of choice for insured persons in order to avoid wrong assumptions and implementation risks.

7. Exemption of the 13th AHV pension from the assessment of adequacy of pension plans

Since occupational pension provision links its limits to the AHV, the introduction of the 13th AHV pension has a direct impact on the relevant thresholds. In principle, old-age pensions from the AHV and occupational

pension provision together may not exceed 85 per cent of the last insurable AHV salary. Under current law, a person who is already close to this limit could see their pension fund benefits reduced as a result of the additional 13th AHV pension.

To prevent this from happening, Art. 1 para. 3 BVV 2 is to be amended as per 1 August 2026 before the first payment of the 13th AHV pension. The 13th AHV pension is not to be included in the assessment of the adequacy of 2nd pillar pension plans. The final decision of the Federal Council is to come.

8. Relaxation of the ban on repo transactions

Until now, pension funds have not been allowed to use repurchase agreements (repos) to obtain short-term liquidity for currency hedging purposes. This prohibition shall be relaxed as of 1 August 2026 (**Art. 53 para. 6 and 7 BVV 2**). The final decision of the Federal Council is to come. Pension funds will forthwith be allowed to use up to 1 per cent of their assets for liquidity management in order to meet obligations arising from hedging transactions. In addition, they will also be able to use up to 4 per cent of their assets for a maximum of 30 calendar days if a liquidity requirement arises from currency hedging. It is important to note that repurchase agreements in which the pension fund acts as a lender should not result in an artificial increase or additional risks for the assets (avoidance of leverage).

Outlook and future developments

1. Taxation of capital withdrawals

On 29 January 2025, the Federal Council approved the consultation draft for the Relief Package 27 (EP27). The Federal Council intended to tax capital withdrawals at a new progressive special rate in order to ease the burden on the federal budget. This was expected to generate around CHF 200 million in additional revenue from 2027 onwards. However, in October 2025, the Council of States' Social Security and Health Committee **rejected higher taxes on pension capital withdrawals**. A change in the tax rules would undermine confidence in the three-pillar system and place an unnecessary additional burden on broad sections of the population. The Council of States also spoke out against higher taxation of these capital withdrawals. The debate will now continue in the National Council and further developments are to be monitored.

2. Pillar 3a – More flexible beneficiary order

The Federal Council intends to amend the order of beneficiaries in pillar 3a (Art. 2 para. 2 and 3 BVV 3) as of 1 January 2027. The final decision of the Federal Council is to come. The amendment takes into account the increasing importance of patchwork families. In the future, insured persons will be able to move persons who are in second place (including direct descendants and life partners) to the first place (surviving spouses/registered partners). Insured persons will, within certain boundaries, be able to decide for themselves on the entitlements of beneficiaries if several persons are in the same place. This allows for individual solutions. Pillar 3a foundations will have to amend their regulations accordingly by 1 January 2027.

3. Further amendments to the occupational pension regulations (BVV 2, FZV)

In addition to the aforementioned amendments to the ordinances, the Federal Council intends to make further minor changes, some of which are terminological. The final decision of the Federal Council on these changes is to come.

In **Art. 27h para. 1 BVV 2** (partial liquidation procedure) and in the appendix to BVV 2 (determination of underfunding), the law currently refers to the non-technical term "**savings and coverage capital**". The Federal Council proposes aligning the terminology with the terminology used in Swiss GAAP FER 26. The current wording is to be adapted to more accurately reflect "**pension capital, including technical**

provisions" and "pension capital and technical provisions". This clarifies what the Federal Council means by savings and coverage capital.

In addition, the Federal Council would like to amend **Art. 8a para. 1 FZV**. Since the introduction of the new provisions regarding division and transfer of pension benefits in the event of divorce in 2017, the *initiation of divorce proceedings* has been considered the decisive date for calculating the pension entitlements to be divided. The initiation of divorce proceedings should also be decisive for the regulation on the interest on pension assets. The provision in the ordinance must therefore be amended and brought into line with the current legal situation.

The amendment to the order of beneficiaries under pillar 3a also requires a correction to be made to the order of beneficiaries under vested benefits law. As newly stipulated in Art. 2 para. 3 BVV 3, insured persons may not reduce the share of certain related persons to such a low level that this would be equal to exclusion. To this end, a new paragraph 3 is to be added to **Art. 15 FZV**.

Note: If these amendments come into force, it is recommended that pension funds and vested benefits institutions review their regulations and, if necessary, amend them accordingly. This would also be an opportunity to check whether there is a need for further amendments to the regulations.

4. 1e – Amendment to the FZG to protect pension capital of leavers of a 1e pension plan "Temporary deposit"

The Federal Council has published the legislative message on **the amendment to the** Federal Law on the Transfer of Pension Benefits (FZG) in connection with the temporary deposit of pension assets from **1e plans** and submitted it to the Parliament. In the future, pension assets from 1e plans can be deposited with a vested benefits institution for up to two years if the new employer does not offer a 1e plan. This is intended to prevent insured persons from having to realise losses at an unfavourable time when leaving a 1e plan. During this two-year period, the assets can continue to be invested in a similar manner. In addition, the exchange of information between the institutions will be regulated so that the assets are reliably transferred to the new pension fund after the two years have expired, and there will be a reporting obligation for the insured person and obligations to obtain the assets for the new pension fund.

5. AHV – Status of the revision of AHV survivors' pensions

The ongoing revision of AHV survivors' pensions, which plans to eliminate lifelong widows' and widowers' pensions and to detach the entitlement to survivors' pensions from the marital status, is currently still being debated in Parliament. The Council of States Committee for Social Security and Health began discussions on the reform in autumn 2025. In the course of this, additional issues such as the pension cap for married couples, the widow's supplement and the exemption from contributions for non-working spouses shall be reviewed. Further discussion of this revision is scheduled for the first quarter of 2026.

6. Other developments

Numerous issues are being discussed at the political level. Some parliamentary motions and postulates aim to adapt pension provision to today's times and initiate improvements in various ways. For example, there are discussions about eliminating discrimination against married couples¹ and about eliminating old-age children's pensions². Furthermore, there are plans to remove the limit of CHF 100,000 on the bankruptcy privileges for vested benefits and pillar 3a assets³ and to allow insured persons to make partial withdrawals in these areas.⁴

¹ Popular initiative "Yes to fair AHV pensions for married couples too – end discrimination against marriage!"

² Motion "Abolish old-age child pensions and simultaneously increase supplementary benefits for parents with maintenance obligations".

³ Motion: "Better protection of vested benefits and pillar 3a assets."

⁴ Motion "Enable partial withdrawal of pension funds".

The situation of part-time employees and those with multiple jobs remains a much-discussed topic. The aim is to improve pension coverage by lowering the entry threshold or the coordination deduction. Until the relevant changes are enacted by the legislature, the responsibility for adequate and appropriate insurance remains with the pension funds, employers and social partners.

Digitalisation is also a recurring key issue. Legal transactions in Switzerland are becoming increasingly digitalised. The **Justitia 4.0** project is creating new platforms for courts and authorities. These are intended to enable secure electronic communication in court and administrative proceedings. New legal basis has been created for this purpose and initial pilot projects have been successfully tested. Digital jurisdiction is to be made available throughout Switzerland from 2027 onwards at the earliest. By 2032, all cantonal and federal legal proceedings are to be digitized. In the pension system, too, efforts are being made at various levels to achieve not only legal but also digital improvements, on the one hand in procedures¹ and on the other hand in access to personal pension data².

We are monitoring further developments for you and will be happy to inform and advise you on regulatory developments.

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This publication is intended for informational purposes only and does not comprehensively cover the topics discussed. It cannot replace advice in individual cases.

¹ Motion "Social insurance: create a comprehensive and uniform legal basis for the electronic procedure (eATSG)".

² Motion "Enabling standardised access to personal pension data".