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Federal Act on the Protection of the Environment (Environmental Protection Act, EPA)

of 7 October 1983 (Status as of 1 April 2025)

*The Federal Assembly of the Swiss Confederation,
based on Article 74 paragraph 1 of the Federal Constitution^{1,2}
and having considered the Federal Council Dispatch dated 31 October 1979³,
decrees:*

Title 1 Principles and General Provisions

Chapter 1 Principles

Art. 1 Aim

¹ This Act is intended to protect people, animals and plants, their biological communities and habitats against harmful effects or nuisances and to preserve the natural foundations of life sustainably, in particular biological diversity and the fertility of the soil.⁴

² Early preventive measures must be taken in order to limit effects which could become harmful or a nuisance.

Art. 2 Polluter pays principle

Any person who causes measures to be taken under this Act must bear the costs.

Art. 3 Reservation of other legislation

¹ Stricter regulations in other federal legislation are reserved.

AS **1984** 1122

¹ SR **101**

² Amended by No II 1 of the FA of 19 March 2010, in force since 1 Aug. 2010 (AS **2010** 3233; BBl **2009** 5435).

³ BBl **1979** III 749

⁴ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

² Radioactive substances and ionising rays are covered by the legislation on protection against radiation and on atomic energy.⁵

Art. 4 Implementing provisions based on other federal legislation

¹ Regulations on the environmental effects of air pollution, noise, vibrations and radiation that are based on other federal legislation must comply with the principles of limitation of emissions (Art. 11), ambient limit values (Art. 13–15), alarm values (Art. 19) and planning values (Art. 23–25).⁶

² Regulations on the handling of substances and organisms affecting the environment that are based on other federal legislation must comply with the principles governing environmentally hazardous substances (Art. 26–28) and organisms (Art. 29a–29h).⁷

Art. 5 Exemptions for reasons of national defence

If the interests of national defence so require, the Federal Council regulates exemptions from the provisions of this Act by means of ordinances.

Art. 6⁸

Chapter 2 General Provisions

Art. 7 Definitions

¹ Effects are air pollution, noise, vibrations, radiation, water pollution or other interference in water, soil pollution, modifications of the genetic material of organisms or modifications of biological diversity caused by the construction and operation of installations, by the handling of substances, organisms or waste, or by the cultivation of the soil.⁹

² Air pollution, noise, vibrations and radiation are referred to as emissions when discharged from installations, and as ambient pollution levels at their point of impact.

³ Air pollution means modification of the natural condition of the air, in particular, through smoke, soot, dust, gases, aerosols, steams, odours or waste heat.¹⁰

⁴ Infrasound and ultrasound are regarded as noise.

⁵ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

⁶ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

⁷ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4803; BBl 2000 2391).

⁸ Repealed by Art. 2 No I of the FD of 27 Sept. 2013 (Aarhus Convention), with effect from 1 June 2014 (AS 2014 1021; BBl 2012 4323).

⁹ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4803; BBl 2000 2391).

¹⁰ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

^{4bis} Soil pollution is the physical, chemical and biological modification of the natural condition of the soil. Soil means the unsealed top layer of land where plants may grow.¹¹

⁵ Substances are natural or manufactured chemical elements and their compounds. Preparations (mixtures, blends and solutions) and articles containing such substances are also regarded as substances.¹²

^{5bis} Organisms are any cellular or non-cellular biological entity capable of replication or of transferring genetic material. Mixtures and articles containing such entities are also regarded as organisms.¹³

^{5ter} Genetically modified organisms are organisms whose genetic material has been changed in a way that does not occur under natural conditions by crossbreeding or natural recombination.¹⁴

^{5quater} Pathogenic organisms are organisms that can cause disease.¹⁵

⁶ Waste is any moveable material disposed of by its holder or the disposal of which is required in the public interest.¹⁶

^{6bis} Disposal of waste includes its recovery or deposit in a landfill as well as the preliminary stages of collection, transport, storage and treatment. Treatment is any physical, chemical or biological modification of the waste and preparation for its reuse.^{17, 18}

^{6ter} Handling means any activity in connection with substances, organisms or waste, and in particular their manufacture, import, export, putting in circulation, use, storage, transport or disposal.¹⁹

⁷ Installations are buildings, traffic routes and other fixed facilities as well as modifications of the terrain. Appliances, machines, vehicles, ships and aircraft are also regarded as installations.

⁸ Environmental information is information in the fields addressed by this Act and in the fields addressed by legislation on the protection of nature and cultural heritage,

¹¹ Inserted by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

¹² Amended by Annex No II 2 of the Chemicals Act of 15 Dec. 2000, in force since 1 Aug. 2005 (AS 2004 4763, 2005 2293; BBl 2000 687).

¹³ Inserted by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

¹⁴ Inserted by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

¹⁵ Inserted by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4803; BBl 2000 2391).

¹⁶ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

¹⁷ Second sentence amended by No I of the FA of 15 March 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

¹⁸ Inserted by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

¹⁹ Inserted by No I of the FA of 21 Dec. 1995 (AS 1997 1155; BBl 1993 II 1445). Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4803; BBl 2000 2391).

landscape protection, waters protection, protection against natural hazards, forest conservation, hunting, fishing, gene technology and climate protection.²⁰

⁹ Renewable motor fuels are liquid or gaseous motor fuels that are produced from biomass or by using other renewable energy sources.²¹

¹⁰ Renewable thermal fuels are solid, liquid or gaseous thermal fuels that are produced from biomass or by using other renewable energy sources.²²

Art. 8 Assessment of effects

Effects are assessed individually, collectively and according to their actions in combination.

Art. 9²³

Art. 10 Disaster prevention

¹ Any person who operates or intends to operate installations which, in exceptional circumstances, could seriously damage people or their natural environment must take the measures required to protect the population and the environment.²⁴ In particular, suitable sites must be chosen, the required safety distances must be observed, technical safety measures must be taken and the monitoring of the installation and organisation of the alarm system must be ensured.

² The cantons coordinate the services responsible for disaster prevention and designate a reporting agency.

³ The operator of the installation must immediately report any extraordinary event to the reporting agency.²⁵

⁴ The Federal Council may prohibit by ordinance certain production methods and the keeping of certain stocks if there is no other way of protecting the population and the natural environment adequately.

²⁰ Inserted by Art. 2 No I of the FD of 27 Sept. 2013 (Aarhus Convention), in force since 1 June 2014 (AS **2014** 1021; BBl **2012** 4323).

²¹ Inserted by the Annex to the FA of 21 March 2014 (AS **2016** 2661; BBl **2013** 5737, 5783). Amended by Annex No 4 of the FA of 15 March 2024, in force since 1 Jan. 2025 (AS **2024** 376; BBl **2022** 2651).

²² Inserted by Annex No 4 of the FA of 15 March 2024, in force since 1 Jan. 2025 (AS **2024** 376; BBl **2022** 2651).

²³ Repealed by No I of the FA of 20 Dec. 2006, with effect from 1 July 2007 (AS **2007** 2701; BBl **2005** 5351, 5391).

²⁴ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS **1997** 1155; BBl **1993** II 1445).

²⁵ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS **1997** 1155; BBl **1993** II 1445).

Chapter 3²⁶ Environmental Impact Assessment

Art. 10a Environmental impact assessment

¹ Before taking any decision on the planning, construction or modification of installations, an authority must assess their impact on the environment at the earliest possible stage.

² The requirement of an environmental impact assessment applies to installations that could cause substantial pollution to environmental areas to the extent that it is probable that compliance with regulations on environmental protection can only be ensured through measures specific to the project or site.

³ The Federal Council designates the types of installation that are subject to an environmental impact assessment; it may stipulate threshold values above which the assessment must be carried out. It reviews the types of installation and threshold values periodically and adjusts these if required.

Art. 10b Environmental impact report

¹ Any person who wishes to plan, construct or modify an installation that is subject to an environmental impact assessment must submit an environmental impact report to the competent authority. This forms the basis for the environmental impact assessment.

² The report contains all the information required to assess the project in accordance with the environmental protection regulations. It is drawn up in accordance with the guidelines issued by the environmental protection agencies and includes the following:

- a. the existing condition;
- b.²⁷ the project, including proposed measures for the protection of the environment and in the event of disaster, and an outline of the main alternatives, if need be studied by the applicant;
- c. the foreseeable residual environmental impact.

³ In order to prepare for the report, a preliminary investigation is carried out. If the preliminary investigation conclusively ascertains the effects on the environment and the environmental protection measures required, the results of the preliminary investigation are deemed to be the report.

⁴ The competent authority may request information or further clarification. It may call for expert reports; before doing so, the authority must allow interested parties the opportunity to state their opinions.

²⁶ Inserted by No I of the FA of 20 Dec. 2006, in force since 1 July 2007 (AS **2007** 2701; BBl **2005** 5351, 5391).

²⁷ Amended by Art. 2 No I of the FD of 27 Sept. 2013 (Aarhus Convention), in force since 1 June 2014 (AS **2014** 1021; BBl **2012** 4323).

Art. 10c Assessment of the report

¹ The environmental protection agencies assess the preliminary investigation and the report and proposes the measures required to the competent decision-making authority. The Federal Council issues regulations on the time limits for the assessment.

² The competent authority must also consult the Federal Office for the Environment (the Federal Office) when the assessment concerns refineries, aluminium smelters, thermal power stations, or large cooling towers. The Federal Council may extend the duty to consult to cover other installations.

Art. 10d Public access to the report

¹ Any person may inspect the report and the results of the environmental impact assessment unless overriding public or private interests require secrecy.

² Manufacturing and business secrecy shall be duly observed.

Chapter 4²⁸ Environmental Information**Art. 10e** Environmental information and advice

¹ The authorities shall inform the public adequately about environmental protection and levels of environmental pollution; in particular:

- a. they shall publish studies on environmental pollution and on the success of measures under this Act (Art. 44);
- b. they may, provided it is of general interest and having consulted those concerned, publish:
 1. the results of the conformity assessment of series-produced installations (Art. 40),
 2. the results of inspections of installations,
 3. the information under Article 46.

² Overriding private and public interests in confidentiality and manufacturing and business secrecy are reserved in every case.

³ The environmental protection agencies shall advise the authorities and private individuals. They shall advise the public on environmentally sound behaviour and recommend measures to reduce environmental pollution.

⁴ Environmental information must if possible be made available as open digital data records.

²⁸ Inserted by Art. 2 No I of the FD of 27 Sept. 2013 (Aarhus Convention), in force since 1 June 2014 (AS **2014** 1021; BBl **2012** 4323).

Art. 10f Environmental reports

The Federal Council shall assess the state of the environment in Switzerland at least every four years and shall submit a report on the results to the Federal Assembly.

Art. 10g Freedom of information in the case of environmental information

¹ Any person has the right to inspect environmental information in official documents and information relating to energy regulations that relate the environment and to request information from the authorities about the content of these documents.

² In the case of federal authorities, this right is governed by the Freedom of Information Act of 17 December 2004²⁹ (FoIA). Article 23 FoIA applies only to documents that contain information under paragraph 1 relating to nuclear installations.

³ The right to inspect also applies in the case of public corporations and private individuals who have been entrusted with enforcement duties but which do not have the power to issue rulings in accordance with Article 5 of the Administrative Procedure Act of 20 December 1968³⁰. In these cases, the competent enforcement authority shall issue rulings under Article 15 FoIA.

⁴ In the case of cantonal authorities, the right is governed by cantonal law. If the cantons have not issued provisions on the access to documents, they shall apply the provisions of this Act and the FoIA *mutatis mutandis*.

Chapter 5³¹**Conserving Natural Resources and Improving the Circular Economy****Art. 10h**

¹ The Confederation and, within the scope of their responsibilities, the cantons shall ensure that natural resources are conserved. They shall in particular commit to reducing the environmental impact of products and buildings throughout their entire life cycle, closing any gaps in material cycles and improving resource efficiency. The environmental impact caused abroad shall be taken into account.

² The Federal Council shall report regularly to the Federal Assembly on the consumption of natural resources and the development of resource efficiency. It shall identify any need for further action and submit proposals for qualitative and quantitative resource targets aimed at the product or building and its life cycle. As far as possible, it shall use internationally recognised standards to measure these targets.

³ The Confederation and the cantons shall regularly examine whether the legislation they have enacted is hindering industry initiatives to conserve resources and improve the circular economy.

²⁹ SR 152.3

³⁰ SR 172.021

³¹ Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

Title 2 Pollution Control**Chapter 1 Air Pollution, Noise, Vibrations and Radiation****Section 1 Emissions****Art. 11 Principles**

¹ Air pollution, noise, vibrations and radiation are limited by measures taken at their source (limitation of emissions).

² Irrespective of the existing environmental pollution, as a precautionary measure emissions are limited as much as technology and operating conditions allow, provided that this is economically acceptable.

³ Emissions are limited more strictly if the effects are found or expected to be harmful or a nuisance, taking account of the existing level of environmental pollution.

Art. 12 Limitation of emissions

¹ Emissions are limited by issuing:

- a. emission limit values;
- b. regulations on construction and equipment;
- c. traffic or operating regulations;
- d. regulations on the heat insulation of buildings;
- e. regulations on thermal and motor fuels.

² Limits are prescribed by ordinance or, in cases where an ordinance makes no such provision, by rulings based directly on this Act.

Section 2 Ambient Pollution Levels**Art. 13 Ambient limit values**

¹ The Federal Council stipulates by ordinance the ambient limit values for assessing harmful effects or nuisances.

² In doing so, it also takes account of the effects of pollution levels on particularly sensitive groups such as children, the sick, the elderly and pregnant women.

Art. 14 Ambient limit values for air pollution

The ambient limit values for air pollution must be set so that, in the light of current scientific knowledge and experience, ambient air pollution below these levels:

- a. does not endanger people, animals or plants, their biological communities and habitats;

- b. does not seriously affect the well-being of the population;
- c. does not damage buildings;
- d. does not harm soil fertility, vegetation or waters.

Art. 15 Ambient limit values for noise and vibrations

Ambient limit values for noise and vibrations must be set so that, in the light of current scientific knowledge and experience, ambient noise below these levels will not seriously disturb the well-being of the population.

Section 3 Improvements

Art. 16 Obligation to make improvements

¹ Installations which do not comply with the provisions of this Act or with the environmental provisions of other federal acts must be improved.

² The Federal Council enacts provisions on installations, the extent of the measures to be taken, the time limits and procedures.

³ Before ordering major improvement works, the authorities must request the operator of the installation to submit improvement proposals.

⁴ In urgent cases, the authorities must order improvements as a precautionary measure. In an emergency, they may order the shutdown of the installation.

Art. 17 Concessions in individual cases

¹ The authorities must grant concessions if any improvement under Article 16, paragraph 2 is disproportionate in a particular case.

² The ambient limit values for air pollutants and the alarm values for ambient noise levels must not, however, be exceeded.³²

Art. 18 Structural alteration or extension of installations requiring improvement

¹ Installations requiring improvement may be altered or extended only if they are improved at the same time.

² Concessions granted under Article 17 may be qualified or revoked.

³² Amended by No I 10 of the FA of 17 March 2017 on the Stabilisation Programme 2017–2019, in force since 1 Jan. 2018 (AS **2017** 5205; BBl **2016** 4691).

Section 4

Additional Regulations for Protection against Noise and Vibrations

Art. 19 Alarm values

In order to assess the urgency of improvements (Art. 16 para. 2, and Art. 20), the Federal Council may set alarm values for ambient noise levels that are higher than the ambient limit values (Art. 15).

Art. 20 Soundproofing of existing buildings

¹ If ambient noise levels in existing buildings near existing roads, airports, railway installations or other public or licensed fixed installations cannot be reduced to below the alarm values by measures taken at their source, the owners of the buildings concerned are required to protect areas used for long-stay accommodation by providing soundproof windows or by other similar building measures.

² The owners of fixed installations emitting noise bear the cost of the required soundproofing measures unless they can prove that when the planning application was made for the building in question:

- a. the ambient limit values were already being exceeded; or
- b. the installation plans had already been made public.

Art. 21 Soundproofing of new buildings

¹ Any person who wishes to construct a building for use as long-stay accommodation must take adequate soundproofing measures to protect it against internal and external noise and against vibration.

² The Federal Council determines the minimum protection required by ordinance.

Art. 22 Building permits in areas affected by noise

¹ Building permits for new buildings intended for use as long-stay accommodation are issued, subject to paragraph 2, only if the ambient limit values are not exceeded.

² If the ambient limit values are exceeded, building permits for new buildings intended for use as long-stay accommodation are issued only if the rooms are suitably arranged and any necessary additional soundproofing measures are taken.³³

Art. 23 Planning values

The Federal Council lays down maximum planning values for the planning of new building zones and for protection against noise from new fixed installations. These planning values are lower than the ambient limit values.

³³ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

Art. 24 Standards for building zones

¹ New building zones intended for residential buildings or for other buildings intended as long-stay accommodation may be planned only in areas where ambient noise levels do not exceed the planning values or in areas where these values can be met by the application of planning, design or structural measures. The rezoning of building zones does not constitute the definition of new building zones.³⁴

² If the planning values are exceeded in an existing but as yet undeveloped building zone intended for residential buildings or other buildings intended as long-stay accommodation, it must be reallocated for a use that is less sensitive to noise, unless the planning values can be met in the greater part of the area by the application of planning, design or structural measures.

Art. 25 Construction of fixed installations

¹ New fixed installations may be constructed only if the ambient noise levels emitted from these installations alone do not exceed the planning values in the surrounding area; the planning authority may request a forecast of noise levels.

² Concessions may be granted if the installation is of overriding public benefit, in particular in relation to spatial planning, and compliance with the planning values would place a disproportionate burden on the project.³⁵ However, subject to paragraph 3, the ambient limit values must not be exceeded in this case.

³ If ambient limit values cannot be met during the construction of new roads, airports, railway installations or other public or licensed fixed installations by measures taken at source, buildings affected by the noise must be protected by soundproof windows or other similar building measures and the owner of the installation must bear the costs.

Chapter 2 Environmentally Hazardous Substances**Art. 26** Self-regulation

¹ Putting substances into circulation for uses where, when handled correctly, they, their derivatives or waste may present a danger to the environment or indirectly endanger people is prohibited.³⁶

² To this end, the manufacturer or importer is responsible for their own self-regulation.

³ The Federal Council issues regulations on the nature, extent and supervision of the self-regulation.³⁷

³⁴ Sentence inserted by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

³⁵ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

³⁶ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

³⁷ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

Art. 27³⁸ Information for recipients

¹ Any person who puts substances into circulation must:

- a. inform recipients about their environment-related properties;
- b. provide recipients with instructions so that, when the substances are handled correctly, they do not present a danger to the environment or indirectly endanger people.

² The Federal Council issues regulations on the nature, content and extent of the information given to recipients.³⁹

Art. 28⁴⁰ Environmentally safe handling

¹ Substances may only be handled in such a way that they, their derivatives or their waste cannot present a danger to the environment or indirectly endanger people.

² Instructions from manufacturers or importers must be complied with.

Art. 29 Federal Council regulations

¹ The Federal Council may enact regulations on substances which, due to their properties, method of use or the quantities used, may present a danger to the environment or indirectly endanger people.

² These regulations relate in particular to:

- a. substances that enter the environment due to their intended purpose, such as herbicides and pesticides, including wood preservatives and stock preservatives, fertilisers, growth regulators, road salts and propellants;
- b. substances or their derivatives that can accumulate in the environment, such as chlorinated organic compounds and heavy metals.

Chapter 3⁴¹ Handling Organisms**Art. 29a** Principles

¹ Organisms must be handled in such a way that they, their metabolic products or wastes:

- a. cannot endanger the environment or people;

³⁸ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS **1997** 1155; BBl **1993** II 1445).

³⁹ Amended by Annex No II 2 of the Chemicals Act of 15 Dec. 2000, in force since 1 Aug. 2005 (AS **2004** 4763, **2005** 2293; BBl **2000** 687).

⁴⁰ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS **1997** 1155; BBl **1993** II 1445).

⁴¹ Inserted by No I of the FA of 21 Dec. 1995 (AS **1997** 1155; BBl **1993** II 1445). Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

- b. do not harm biological diversity or its sustainable use.

² The handling of genetically modified organisms is governed by the Gene Technology Act of 21 March 2003⁴².

³ Regulations in other federal acts that serve to protect people's health against immediate danger from organisms are reserved.

Art. 29b Activities in contained systems

¹ Any person who handles pathogenic organisms that he may not release for experimental purposes (Art. 29c) or put into circulation for uses in the environment (Art. 29d) must take all the containment measures required, in particular due to the risk that the organisms represent to the environment and to people.

² The Federal Council shall introduce a notification or authorisation requirement for handling of pathogenic organisms.

³ For certain pathogenic organisms and activities, the Federal Council may provide for a simplification of the notification or authorisation requirement or for exemptions if, in the light of current scientific knowledge or experience, an infringement of the principles contained in Article 29a is excluded.

Art. 29c Experimental releases

¹ Any person who wishes for experimental purposes to release pathogenic organisms that may not be put into circulation for uses in the environment (Art. 29d) requires the authorisation of the Confederation.

² The Federal Council determines the requirements and the procedure. It regulates in particular:

- a. the consultation with specialists;
- b. the financial guarantee for measures by which any effects causing damage or nuisance may be detected, averted or eliminated;
- c. the information provided to the general public.

³ For certain pathogenic organisms, it may provide for a simplification of the authorisation requirement or for exemptions if, in the light of current scientific knowledge or experience, an infringement of the principles contained in Article 29a is excluded.

Art. 29d Putting into circulation

¹ Organisms may not be put into circulation for uses in which the principles contained in Article 29a are infringed despite their being handled in accordance with the relevant provisions.

² The manufacturer or importer carries out its own self-regulation for this purpose. The Federal Council enacts regulations on the nature, extent and supervision of the self-regulation.

³ Pathogenic organisms may be put into circulation for uses in the environment only with the authorisation of the Confederation.

⁴ The Federal Council determines the requirements and the procedure and regulates the information provided to the general public. For certain pathogenic organisms, it may provide for a simplification of the authorisation requirement or for exemptions if, in the light of current scientific knowledge or experience, an infringement of principles contained in Article 29a is excluded.

Art. 29d^{bis} 43 Objection procedure

¹ Applications for authorisations under Articles 29c paragraph 1, 29d paragraph 3 and 29f paragraph 2 letter b shall be published by the issuing authority in the Federal Gazette and made available for public inspection for 30 days.

² Any person who is a party in accordance with the Federal Act of 20 December 1968⁴⁴ on Administrative Procedure may file an objection with the issuing authority during the public inspection period. Persons who fail to file an objection are excluded from any further proceedings.

Art. 29e Information to recipients

¹ Any person who puts organisms into circulation must:

- a. inform recipients of properties of the organisms that are of significance to the application of principles contained in Article 29a;
- b. provide recipients with instructions so that handling according to the provisions will not result in any breach of the principles contained in Article 29a.

² Instructions from manufacturers and importers must be complied with.

Art. 29f Further Federal Council regulations

¹ The Federal Council shall issue further regulations on handling of organisms, their metabolic products and wastes if, due to their properties, the form of their use or the quantity used, the principles contained in Article 29a may be breached.

² It may in particular:

- a. regulate the transport and the import, export and transit of the organisms;
- b. declare handling certain organisms to be subject to authorisation, or restrict or prohibit such handling;
- c. stipulate measures to combat certain organisms or to prevent their occurrence;
- d. stipulate measures to prevent any harm to biological diversity and its sustainable use;
- e. require long-term studies into the handling of certain organisms;

⁴³ Inserted by No II 1 of the FA of 19 March 2010, in force since 1 Aug. 2010 (AS 2010 3233; BBl 2009 5435).

⁴⁴ SR 172.021

- f. require public hearings in connection with licensing procedures.

Art. 29g Advisory committees

The Swiss Expert Committee for Biosafety and the Federal Ethics Committee on Non-human Biotechnology (Art. 22 and 23 of the Gene Technology Act of 21 March 2003⁴⁵) advise the Federal Council on the issue of regulations and on the enforcement of provisions on organisms.

Art. 29h⁴⁶

Chapter 4⁴⁷ **Waste**

Section 1 **Avoidance and Disposal of Waste**

Art. 30 Principles

¹ The production of waste should be avoided wherever possible.

² Waste must be recovered wherever possible.

³ Waste must be disposed of in an environmentally compatible way and, insofar as this is possible and reasonable, within Switzerland.

Art. 30a Avoidance

The Federal Council may:

- a. prohibit putting products intended for once-only, short-term use into circulation if the benefits of such use do not justify the harm to the environment that they cause;
- b. prohibit the use of substances and organisms that considerably hamper disposal or the disposal of which may represent a danger to the environment;
- c. require manufacturers to avoid production waste where there is no known environmentally compatible process for its disposal.

Art. 30b Collection

¹ The Federal Council may require certain types of waste that are suitable for recovery or that need special treatment to be handed over separately for disposal.

² It may require those who put products into circulation that are suitable for recovery or need special treatment:

⁴⁵ SR **814.91**

⁴⁶ Repealed by Art. 2 No I of the FD of 27 Sept. 2013 (Aarhus Convention), with effect from 1 June 2014 (AS **2014** 1021; BBl **2012** 4323).

⁴⁷ Originally Chapter 3. Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS **1997** 1155; BBl **1993** II 1445).

- a. to accept the return such products back after use;
- b. to charge a minimum deposit and to refund this when the product is returned.

³ It may arrange for the establishment of a deposit compensation fund and specifically require:

- a. those who put products into circulation on which deposits are paid to pay any surplus from the deposit charges into the compensation fund;
- b. the surplus to be used to cover losses from refunding deposits and to encourage the return of products on which deposits are paid.

Art. 30c Treatment

¹ Waste intended for deposit in a landfill must be treated so that it contains as little organic bound carbon as possible and is as insoluble as possible in water.

² Waste must not be burned other than in incineration plants; the foregoing does not apply to the burning of natural forest, field and garden waste provided that this causes no excessive ambient pollution levels.

³ The Federal Council may issue further regulations on treatment for specific types of waste.

Art. 30d⁴⁸ Recovery

¹ Waste must be reused or materially recovered if this is technically possible and economically viable and has less impact on the environment than an alternative form of disposal or the manufacture of new products.

² In accordance with the principles set out in paragraph 1, the following in particular must be recovered:

- a. recoverable metals from waste, wastewater and exhaust air treatment residues;
- b. recoverable parts from uncontaminated excavated material destined for landfill;
- c. phosphorus from sewage sludge and from animal and bone meal and food waste;
- d. waste suitable for composting or fermentation;
- e. nitrogen from wastewater treatment plants.

³ If material recovery is not possible in accordance with the conditions in paragraph 1, the waste must be prioritised first for material/energy recovery, and secondly for energy recovery only.

⁴ The Federal Council shall determine the quantity of phosphorus to be returned to the economic circuit from municipal wastewater or from sewage sludge produced by centralised wastewater treatment plants. It shall do so based on domestic requirements.

⁴⁸ Amended by No I of the FA of 15 June 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

⁵ The obligation to materially recover phosphorus from sewage sludge shall be deemed fulfilled when the person delivering the sewage sludge proves to the enforcement authority that, for the delivered quantity of sewage sludge, the quantity of phosphorous stipulated by the Federal Council has been returned to the economic circuit. The operating and capital costs not covered by the proceeds from the products, such as phosphoric acid, shall be borne by the producers of sewage sludge.

⁶ If it is proved that the obligation to recover phosphorous from sewage sludge, as set out in paragraph 5, has been fulfilled, the sewage sludge may be used as a substitute fuel without the requirement to recover phosphorous from it.

⁷ The Federal Council may restrict the use of substances and products for certain purposes if this will promote the sale of equivalent products made from recovered waste without significant loss of quality or additional cost.

Art. 30e Depositing in landfills

¹ Waste may be deposited only in landfills.

² Any person wishing to set up or operate a landfill requires authorisation from the relevant canton; this will be issued only if he furnishes proof that the site is necessary. The types of waste that may be deposited on the site are specified in the authorisation.

Art. 30f Handling of special waste

¹ The Federal Council enacts regulations on handling of waste whose environmentally compatible disposal requires special measures (special waste). It also regulates the import, export and transit of such waste, paying special attention to the interests of regional cross-border cooperation as well as to the environmental impact of disposal facilities in Switzerland and abroad. It may also enact regulations for companies which from within Switzerland organise or are involved in handling of special waste.

² It requires, in particular, that special waste:

- a. must be marked as such for transfer within Switzerland as well as for import, export and transit;
- b. may be handed over in Switzerland only to companies with authorisation in terms of letter d;
- c. may be exported only with authorisation from the Federal Office;
- d. may be accepted or imported only by companies with authorisation from the canton.

³ These authorisations are granted if environmentally compatible disposal is guaranteed.

⁴ ...⁴⁹

⁴⁹ Repealed by No I 2 of the FA of 21 Dec. 2007 on the Abolition and Simplification of Licensing Procedures, with effect from 1 June 2008 (AS **2008** 2265; BBl **2007** 315).

Art. 30g Handling of other forms of waste

¹ The Federal Council may enact regulations in accordance with Article 30f paragraphs 1 and 2 on handling of other forms of waste, if environmentally compatible disposal is not guaranteed.

² ...⁵⁰

Art. 30h Waste disposal facilities

¹ The Federal Council enacts technical and organisational regulations on waste disposal facilities.

² The authority may set a time limit for the operation of waste disposal facilities.

Section 2 Waste Management and the Disposal Obligation**Art. 31** Waste management

¹ The cantons draw up a waste management plan. In particular, they establish their requirements for waste disposal facilities, avoid over-capacity, and decide on the sites for the waste disposal facilities.

² They notify the Confederation of their waste management plan.

Art. 31a Cooperation

¹ The cantons cooperate on waste management and disposal. They avoid over-capacity in waste disposal facilities.

² If they cannot agree, they must submit proposed solutions to the Confederation. If mediation by the Confederation does not lead to agreement, the Federal Council may order the cantons:

- a. to determine the areas from which waste must be delivered to the installations for treatment, recovery or deposit in landfills (catchment areas);
- b. to determine sites for waste disposal facilities;
- c. to make suitable waste disposal facilities available to other cantons; where necessary, it determines how costs are to be shared.

Art. 31b Disposal of municipal waste

¹ Municipal waste, waste from the maintenance of public roads and from public waste water treatment as well as waste generated by persons unknown or unable to pay is disposed of by the cantons. For waste that must be recovered by the holder or the return of which must be accepted by third parties in accordance with special federal regulations, the duty of disposal is governed by Article 31c.

⁵⁰ Repealed by No I 2 of the FA of 21 Dec. 2007 on the Abolition and Simplification of Licensing Procedures, with effect from 1 June 2008 (AS **2008** 2265; BB1 **2007** 315).

² The cantons determine the catchment areas for these forms of waste and ensure that the waste disposal facilities are operated economically.⁵¹

³ The holder must hand over the waste for collection by the services organised by the cantons or deliver it to the collection points determined by the cantons.

Art. 31c Disposal of other waste

¹ Any other form of waste must be disposed of by its holder. He may instruct third parties to dispose of it.

² Where necessary, the cantons may facilitate disposal of this waste by appropriate means. They may, in particular, determine catchment areas.

³ If the disposal of this waste requires only a few catchment areas in the whole of Switzerland, the Federal Council may determine them.

Section 3 Financing of Disposal

Art. 32 Principles

¹ The holder of the waste bears the cost of its disposal, except for waste for which the Federal Council regulates the bearing of the cost in some other way.

² If the holder cannot be identified or if he cannot fulfil his obligation under paragraph 1 because he is unable to pay, the cantons bear the cost of disposal.

Art. 32a⁵² Financing for municipal waste

¹ The cantons ensure that the cost of disposing of municipal waste, insofar as it is their responsibility, is passed on to those responsible for producing the waste through fees or other charges. In organising the charges, the following factors in particular are taken into account:

- a. the nature and the quantity of the waste handed over;
- b. the costs of the construction, operation and maintenance of the waste disposal facilities;
- c. the depreciation required to preserve the value of such installations;
- d. the interest;
- e. the planned investment requirements for maintenance, improvements and replacements, for adaptation to statutory requirements and operational optimisation.

⁵¹ Amended by No II of the FA of 20 June 1997, in force since 1 Nov. 1997 (AS 1997 2243; BBl 1996 IV 1217).

⁵² Inserted by No II of the FA of 20 June 1997, in force since 1 Nov. 1997 (AS 1997 2243; BBl 1996 IV 1217).

² If imposing cost-covering charges on those responsible for the waste jeopardises the environmentally sustainable disposal of municipal waste, disposal may be financed differently to the extent required.

³ The operators of the waste disposal facilities must form the required financial reserves.

⁴ The principles for the calculation of the charges must be made available to the public.

Art. 32a^{bis}⁵³ Financing via organisations commissioned by the Confederation⁵⁴

¹ The Federal Council may require manufacturers, importers and foreign online retail companies which put products into circulation in Switzerland which, after use by a large number of holders, become waste and have to be given special treatment or are suitable for recovery to pay a prepaid disposal fee to a private organisation appointed and supervised by the Confederation. This fee shall be used to finance the disposal of the waste by private individuals or public corporations.⁵⁵

^{1bis} A foreign online retail company is a company that offers products for sale online on a professional or commercial basis, delivers these products or has them delivered to consumers in Switzerland, and has neither a registered office, domicile nor a permanent establishment in Switzerland.⁵⁶

² The Federal Council shall set the minimum and maximum amount of the fee on the basis of the cost of disposal. Within this framework, the Federal Department of the Environment, Transport, Energy and Communications⁵⁷ shall determine the level of the fee.

³ The Federal Council shall regulate the methods for collecting and using the fee. It may, in particular, require that persons putting products into circulation inform customers in an appropriate manner of the level of the fee.

⁴ The Federal Office for Customs and Border Security (FOCBS) shall provide the private organisation with the details from the customs declarations that are required for the collection of the prepaid disposal fee in accordance with paragraph 1.⁵⁸

⁵ The import of products subject to charges in accordance with paragraph 1 is excluded from the simplified goods declaration under customs legislation.⁵⁹

⁵³ Originally Art. 32a.

⁵⁴ Amended by No I of the FA of 15 June 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

⁵⁵ Amended by No I of the FA of 15 June 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

⁵⁶ Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

⁵⁷ The designation of the administrative entity was amended according to Art. 16 para. 3 of the Publication O of 17 Nov. 2004 (AS 2004 4937). This amendment has been made throughout the text.

⁵⁸ Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

⁵⁹ Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

Art. 32a^{ter} 60**Art. 32a^{quater}** 61 Ensuring payment of statutory charges

The Federal Council shall take measures, in particular by imposing an obligation to designate a representative in Switzerland, to ensure that foreign online retail companies fulfil their obligations to pay charges. In doing so, it shall take Switzerland's international obligations into account.

Art. 32a^{quinquies} 62 Joint and several liability of the representative

If the obligation to designate a representative in Switzerland is determined as a measure under Article 32a^{quater}, this representative shall be jointly and severally liable for the fee under Article 32a^{bis} and for the contribution under Article 32a^{ter}.

Art. 32a^{sexies} 63 Electronic platform operators

¹ If an electronic platform operator enables products to be put into circulation in accordance with Article 32a^{bis} or Article 32a^{ter} by bringing foreign online retail companies into contact with consumers in order to conclude a contract on the platform, the operator shall be responsible for providing the private organisation or private sector organisation with information and details on the fee and contribution obligations.

² The operator is obliged to inform users of its electronic platform of their fee and contribution obligations in accordance with Articles 32a^{bis} and 32a^{ter}.

³ An electronic platform operator is anyone who operates a platform in accordance with Article 20a of the Value Added Tax Act of 12 June 2009⁶⁴.

Art. 32a^{septies} 65 Administrative measures

¹ The Federal Office may take administrative measures against persons liable to pay fees or contributions if they fail to fulfil their obligations under Articles 32a^{bis}–32a^{quinquies}.

² It may impose the following administrative measures:

- a. publication of the names of persons or entities liable to pay fees or contributions;
- b. an import ban on their products;

⁶⁰ Comes into force at a later date ((AS 2024 648; BBl 2023 13, 437).

⁶¹ Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

⁶² Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

⁶³ Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

⁶⁴ SR 641.20

⁶⁵ Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

- c. temporary seizure of the products at the border and auctioning of these products;
- d. temporary seizure of the products at the border and handover of these products free of charge to a charitable organisation;
- e. temporary seizure of the products at the border and destruction of these products if they are damaged, pose a safety or environmental risk or have been imported illegally.

³ After expenses have been deducted, the proceeds from the auction in accordance with paragraph 2 letter c shall be allocated to the private organisation in accordance with Article 32a^{bis} or the private sector organisation in accordance with Article 32a^{ter} to finance the disposal of waste.

⁴ The Federal Office may publish the names of electronic platform operators that do not fulfil their obligations under Article 32a^{sexies}.

⁵ It shall consult the persons or entities liable to pay fees and contributions and the electronic platform operators before deciding on the administrative measures.

⁶ The measures under paragraph 2 letters b and e shall be enforced by the FOCA, and those under paragraph 2 letters a, c and d shall be enforced by the Federal Office. For the purpose of enforcing the measures under paragraph 2 letters c and d, the FOCA shall hand over the products temporarily seized at the border to the Federal Office.

Art. 32a^{octies} ⁶⁶ Consideration of regulations of Switzerland's main trading partners
When implementing Articles 32a^{bis}–32a^{septies}, the Federal Council shall take into account the regulations of Switzerland's main trading partners.

Art. 32b Financial guarantee for landfills

¹ Any person who operates or wishes to operate a landfill must guarantee that the costs of closure, after-care and remediation are covered by making reserves, by taking out insurance or in some other way.

² If the operator of the landfill is himself the guarantor, he must notify the authority annually of the amount of the guarantee.

³ If a third party acts as guarantor, he must notify the authority of the existence, suspension and termination of the guarantee. The Federal Council may provide that the guarantee must not be suspended or terminated until 60 days after receipt of the notification.

⁴ The Federal Council may enact regulations on the guarantee. In particular, it may:

- a. determine its scope and duration or leave this to the authority to decide on a case-to-case basis;

⁶⁶ Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

- b. make provision for the land on which the landfill is situated to become the property of the canton when the site is closed, and enact regulations concerning any compensation.

Art. 32^{bis} 67 Financing in the case of excavation material from polluted sites

¹ If the proprietor of land removes material from a polluted site that does not require to be disposed of in terms of remediation under Article 32c, he may normally claim reimbursement of two thirds of additional costs of the investigation and disposal of the material from the persons responsible for the pollution and the previous proprietors of the site if:

- a. the persons responsible have not paid any compensation for the pollution or the previous proprietors did not grant any reduction of the price on the sale of the land due to the pollution;
- b. the removal of the material is required for the construction or alteration of buildings; and
- c. the proprietor acquired the property between 1 July 1972 and 1 July 1997.

² The claim may be filed in the civil court at the location of the property. The relevant civil procedure code applies.

³ Claims under paragraph 1 may be filed at the latest by 1 November 2021.

Section 4⁶⁸ Remediation of Polluted Sites

Art. 32c Obligation to remediate

¹ The cantons shall ensure that the following sites are remediated if such sites lead to harmful effects or nuisances or if there is a clear risk that such effects may arise:

- a. landfills and other sites polluted by waste (polluted sites);
- b. public children's playgrounds and public green spaces where the soil is contaminated with environmentally hazardous substances and where small children regularly play.⁶⁹

^{1bis} The cantons may provide financial support for remediating private children's playgrounds and private gardens if:

- a. the soils of these sites are contaminated with environmentally hazardous substances and young children regularly play on them; and

⁶⁷ Inserted by No I of the FA of 16 Dec. 2005, in force since 1 Nov. 2006 (AS 2006 2677; BBl 2003 5008, 5043).

⁶⁸ Amended by No I of the FA of 16 Dec. 2005, in force since 1 Nov. 2006 (AS 2006 2677; BBl 2003 5008, 5043).

⁶⁹ Amended by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS 2025 178; BBl 2023 239).

- b. these locations lead to harmful effects or nuisances or there is a clear risk that such effects will arise.⁷⁰
- ² The cantons shall draw up a register of polluted sites that is accessible to the public.
- ³ They may investigate, monitor and remediate polluted sites themselves or instruct third parties to do so if:
 - a. this is required to avert imminent effects;
 - b. the person liable is unable to arrange for the measures to be carried out; or
 - c. the person liable fails to act despite being reminded and allowed time to do so.
- ⁴ The Federal Council may issue regulations on the need for remediation and on the objectives and urgency of remediation for sites in accordance with paragraph 1.⁷¹

Art. 32d Responsibility for costs

- ¹ The person responsible bears the costs of the measures required to investigate, monitor and remediate polluted sites.
- ² If two or more persons are responsible, they bear the costs according to their shares of the responsibility. The first to bear the costs is the person who caused the measures to be needed through his conduct. Any person who is responsible simply as the proprietor of the site does not bear any costs if, by exercising the required care, he could not have had any knowledge of the pollution.
- ³ The public authority concerned bears the share of the costs of any person responsible who cannot be identified or is unable to pay.
- ⁴ The authority issues a ruling on the allocation of costs if any person responsible so requests or if the authority is carrying out the measures itself.
- ⁵ If an investigation of a site entered in the register (Art. 32c para. 2) or for which an entry is planned reveals that the site is not polluted, the public authority concerned bears the costs of the investigative measures required.

Art. 32d^{bis} 72 Security for costs

- ¹ The authority may request the person responsible to provide appropriate security to cover his probable share of the costs of investigation, monitoring and remediation where a polluted site is expected to cause harmful effects or nuisances.
- ² The amount of the security is fixed in particular on the basis of the extent, nature and intensity of the pollution. It is adjusted if justified on the basis of improved knowledge of the situation.

⁷⁰ Inserted by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS **2025** 178; BBl **2023** 239).

⁷¹ Inserted by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS **2025** 178; BBl **2023** 239).

⁷² Inserted by No I of the FA of 22 March 2013, in force since 1 Nov. 2013, para. 3 and 4 in force since 1 July 2014 (AS **2013** 3241; BBl **2012** 9391, 9403).

³ The sale or division of immovable property on which a site is located that is entered in the register of polluted sites requires the authority's authorisation. Authorisation is granted if:

- a. no harmful effects or nuisances are expected from the site;
- b. security is provided for the costs of the expected measures; or
- c. there is an overriding public interest in the sale or in the division.

⁴ The cantonal authority may have the entry in the register of polluted sites noted in the land register entry for the property in question.

Art. 32e Charge to finance measures

¹ The Federal Council may require that a charge be paid to the Confederation:

- a. by the operator of a landfill on the deposit of waste in the landfill;
- b. by any person who exports waste for deposit in a landfill, on the export of waste.

^{1bis} In the case of landfills in which only non-contaminated waste is deposited, a charge may only be required if it is necessary in order to fund the recovery of such waste.⁷³

² The Federal Council determines the rates of the charge, taking special account of the expected costs and the various types of landfill. The maximum rates of the charge are as follows:

- a. for waste deposited in Switzerland:
 1. in the case of landfills for non-contaminated or lightly contaminated waste: CHF 8/t,
 2. in the case of other landfills: CHF 25/t;
- b. for waste deposited abroad:
 1. in the case of underground landfills: CHF 30/t,
 2. in the case of other landfills: as much as it would cost to deposit the waste in a landfill in Switzerland.⁷⁴

^{2bis} The Federal Council may adjust the rate of the charge under paragraph 2 in line with Swiss Consumer Price Index.⁷⁵

3-6 ...⁷⁶

⁷³ Inserted by No I of the FA of 26 Sept. 2014, in force since 1 April 2015 (AS **2015** 865; BBl **2014** 3673, 3685).

⁷⁴ Amended by No I of the FA of 26 Sept. 2014, in force since 1 April 2015 (AS **2015** 865; BBl **2014** 3673, 3685).

⁷⁵ Inserted by No I of the FA of 26 Sept. 2014, in force since 1 April 2015 (AS **2015** 865; BBl **2014** 3673, 3685).

⁷⁶ Repealed by No I of the FA of 27 Sept. 2024, with effect from 1 April 2025 (AS **2025** 178; BBl **2023** 239).

Art. 32^e_{bis} 77 Federal payments

¹ The Confederation shall use the income from the charges collected in accordance with Article 32e to pay the costs of investigating sites that prove not to be contaminated (Art. 32d para. 5) if the investigations are completed by 31 December 2045.

² The Confederation shall use the income from the charges collected in accordance with Article 32e to pay the costs of investigating polluted sites on which no waste has been deposited since 31 January 2001, provided the need for monitoring and remediation has been assessed by 31 December 2032 and:

- a. the person responsible cannot be identified or is insolvent; the foregoing does not apply to the sites referred to in paragraphs 6–8; or
- b. a significant proportion of the waste deposited on the site is municipal waste.

³ The Confederation shall use the income from the charges collected in accordance with Article 32e to pay the costs of investigating sites polluted by a waste incineration plant and on which no waste has been deposited since 1 September 2007, provided the need for monitoring and remediation has been assessed by 31 December 2032.

⁴ The Confederation shall use the income from the charges collected in accordance with Article 32e to pay the costs of monitoring and remediating polluted sites on which no waste has been deposited since 31 January 2001, provided the monitoring measures and the structural remediation measures have been completed by 31 December 2045 and:

- a. the person responsible cannot be identified or is insolvent; the foregoing does not apply to the sites referred to in paragraphs 6 and 7; or
- b. a significant proportion of the waste deposited on the site is municipal waste.

⁵ The Confederation shall use the income from the charges collected in accordance with Article 32e to pay the costs of monitoring and remediating sites polluted by a waste incineration plant and on which no waste has been deposited since 1 September 2007, provided the monitoring measures and the structural remediation measures have been completed by 31 December 2045.

⁶ The Confederation shall use the income from the charges collected in accordance with Article 32e to pay the costs of investigating, monitoring and remediating the following sites at shooting ranges that do not serve a predominantly commercial purpose and are not covered by paragraph 7, provided the measures are completed by 31 December 2045:

- a. sites in groundwater protection zones on which no waste has been deposited since 31 December 2012;
- b. other sites on which no waste has been disposed since 31 December 2020.

⁷ The Confederation shall use the revenue from the charges collected in accordance with Article 32e on sites at shooting ranges for historical shooting and field shooting

⁷⁷ Inserted by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS 2025 178; BBl 2023 239).

to cover the costs of suitable protective measures such as bullet traps and the costs of investigation, monitoring and remediation, provided:

- a. the measures are completed by 31 December 2045; and
- b. the only waste deposited on the site is from historical shooting events or field shooting events that are held no more than once a year and that had already been held regularly at the same location before 31 December 2020.

⁸ The Confederation shall use the income from the charges collected in accordance with Article 32e to pay for the costs of the investigation and remediation of public children's playgrounds and green spaces completed by 31 December 2060 that are remediated in accordance with Article 32c paragraph 1 letter b, provided there is no entitlement to payment in accordance with paragraphs 1–7.

⁹ The Confederation shall use the income from the charges collected in accordance with Article 32e to pay for the costs of the remediation of private children's playgrounds and private gardens completed by 31 December 2060 that are remediated in accordance with Article 32c paragraph 1^{bis}, provided there is no entitlement to payment in accordance with paragraphs 1–7.

¹⁰ The Confederation shall use the income from the charges collected in accordance with Article 32e to cover the costs of investigating sites polluted by extinguishing foams containing perfluoro- and polyfluoroalkyl substances (PFAS) and on which no foams containing PFASs have been deposited from two years after the amendment of 27 September 2024 comes into force, provided:

- a. the monitoring and remediation needs are assessed by 31 December 2035; and
- b. the fire brigades that caused the pollution are publicly funded or are called in to support or replace such fire brigades.

¹¹ The Confederation shall use the income from the charges collected in accordance with Article 32e to pay the costs of monitoring and remediating sites polluted by extinguishing foams containing PFAS and on which no foams containing PFASs have been deposited from two years after the amendment of 27 September 2024 comes into force, provided:

- a. the monitoring measures and the structural remediation measures are completed by 31 December 2045; and
- b. the fire brigades that caused the pollution are publicly funded or are called in to support or replace such fire brigades.

¹² The Confederation shall make flat-rate payments to the competent cantonal authorities from the income from the charges for their work in:

- a. assessing the need for the monitoring and remediation of polluted sites requiring investigation in accordance with paragraphs 2 and 4, provided the assessment is completed by 31 December 2032;
- b. assessing the remediation measures for the sites in need of remediation in accordance with paragraphs 6 and 7, provided the structural remediation measures are completed by 31 December 2045; and

- c. assessing the remediation measures for all other sites in need of remediation, with the exception of those under paragraphs 8 and 9, provided the structural remediation measures are completed by 31 December 2045.

Art. 32^{eter 78} Amount of payments and collecting the charge

¹ The payments in accordance with Article 32^{e^{bis}} shall only be made if the measures taken are environmentally compatible and cost-effective and correspond to the state of the art. They are paid to the cantons in accordance with the expenditure incurred and amount to:

- a. for payments in accordance with Article 32^{e^{bis}} paragraph 1: 40 per cent of the chargeable costs;
- b. for payments in accordance with Article 32^{e^{bis}} paragraphs 2 and 4 letter b:
 - 1. 40 per cent of the chargeable costs for sites where no waste has been deposited since 31 January 1996,
 - 2. 30 per cent of the chargeable costs for sites on which waste was deposited after 31 January 1996, but has not been since 31 January 2001;
- c. for payments in accordance with Article 32^{e^{bis}} paragraphs 3 and 5: 40 per cent of the chargeable costs;
- d. for payments in accordance with Article 4^{e^{bis}} paragraph 4:
 - 1. 60 per cent of the chargeable costs for sites where no waste has been deposited since 31 January 1996,
 - 2. 30 per cent of the chargeable costs for sites on which waste was deposited after 31 January 1996, but has not been since 31 January 2001;
- e. for payments in accordance with Article 32^{e^{bis}} paragraphs 6 und 7: 40 per cent of the chargeable costs;
- f. for payments in accordance with Article 32^{e^{bis}} paragraph 8: 60 per cent of the chargeable costs;
- g. for payments in accordance with Article 32^{e^{bis}} paragraph 9: 40 per cent of the chargeable costs;
- h. for payments in accordance with Article 32^{e^{bis}} paragraph 10: 40 per cent of the chargeable costs;
- i. for payments in accordance with Article 32^{e^{bis}} paragraph 11: 40 per cent of the chargeable costs;
- j. for payments in accordance with Article 32^{e^{bis}} paragraph 12 letter a: 3,000 francs per site;
- k. for payments in accordance with Article 32^{e^{bis}} paragraph 12 letter b: 5,000 francs per site;

⁷⁸ Inserted by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS 2025 178; BBl 2023 239).

1. for payments in accordance with Article 32^e_{bis} paragraph 12 letter c: a flat-rate payment 10,000 francs per site.
- ⁵ The Federal Council shall issue regulations on the procedure for collecting the charges and making the payments as well as on the chargeable costs.
- ⁶ Provision may be made under cantonal law for cantonal charges to finance the investigation, monitoring and remediation of polluted sites.

Chapter 5⁷⁹ Soil Pollution

Art. 33 Measures against soil pollution

¹ For the long-term preservation of soil fertility, measures against chemical and biological soil pollution must be laid down in the implementing regulations to the Federal Act on the Protection of Water of 24 January 1991⁸⁰, on disaster management, on air pollution control, on environmentally hazardous substances and organisms, on waste and on incentive taxes.⁸¹

² The soil may be physically affected only to the extent that its fertility is not durably degraded; this does not apply to land used for building. The Federal Council may issue regulations or recommendations on measures against physical impacts such as erosion or compaction.

Art. 34 Stricter measures against soil pollution

¹ If soil fertility in certain areas is no longer guaranteed in the long term, the cantons must, in agreement with the Confederation, introduce to the required extent stricter regulations on requirements for sewage infiltration, limitation of emissions for installations, the use of substances and organisms or physical impacts on soil.

² If the soil pollution endangers humans, animals or plants, the cantons must restrict the use of the soil to the required extent.

³ If the soil is intended for horticultural, agricultural or forestry use⁸² and it is impossible to cultivate it in a normal way in that location without endangering humans, animals or plants, the cantons must enact measures to reduce the soil pollution at least to such an extent that non-hazardous cultivation is possible.

⁷⁹ Originally Chapter 4. Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS **1997** 1155; BBl **1993** II 1445).

⁸⁰ SR **814.20**

⁸¹ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

⁸² Expression in German version in accordance with No II 1 of the FA of 19 March 2010, in force since 1 Aug. 2010 (AS **2010** 3233; BBl **2009** 5435). This amendment has been made throughout the Act.

Art. 35 Guide values and soil remediation values

¹ The Federal Council may set guide values and soil remediation values for assessing pollution of the soil.

² The guide values indicate the pollution level above which, in the light of current scientific knowledge or experience, soil fertility is no longer guaranteed in the long term.

³ The soil remediation values indicate the pollution level above which, in the light of current scientific knowledge or experience, certain uses are not possible without endangering humans, animals or plants.

Chapter 6⁸³ Incentive Taxes**Art. 35a** Volatile organic compounds

¹ Any person who imports volatile organic compounds or any person who, as a manufacturer, puts such compounds into circulation or uses them himself must pay an incentive tax to the Confederation.

² The import of such compounds in paints and varnishes is also subject to the tax. The Federal Council may make the import of such compounds in other mixtures or articles subject to the tax if the quantities of these compounds are such as to pollute the environment to a considerable extent or if these compounds account for a significant proportion of the cost of the product.

³ Volatile organic compounds are exempt from the tax if:

- a. they are used as motor or thermal fuels;
- b. they are in transit or being exported;
- c. they are used or treated in such a way that they are not released into the environment.

⁴ The Federal Council may grant tax relief to the extent of the additional costs incurred for volatile organic compounds which are so used or treated that their emissions are reduced to substantially below the legal requirements.

⁵ The Federal Council may exempt volatile organic compounds that are not environmentally hazardous from the tax.

⁶ The tax rate amounts to a maximum of CHF 5 per kilogram of volatile organic compounds, plus a surcharge to take account of inflation from the date on which this provision comes into force.

⁷ The Federal Council sets the rate of the tax with reference to the air quality objectives, taking special account of:

- a. the pollution that volatile organic compounds cause to the environment;

⁸³ Inserted by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

- b. the danger these compounds represent to the environment;
- c. the cost of measures that can limit the effects of these compounds;
- d. the price of these substances and the price of alternative substances which are less harmful to the environment.

⁸ The Federal Council shall introduce the tax in stages and set the timetable and the rate for each stage in advance.

⁹ The revenue from the tax, including interest and under deduction of implementation costs, is shared equally among the population. The Federal Council regulates the distribution procedure. It may instruct the cantons, public corporations or private individuals to make the distribution.

Art. 35^b⁸⁴

Art. 35^{bis}⁸⁵

Art. 35^c Tax liability and procedure

¹ The persons liable for the tax on volatile organic compounds are those liable to pay tax on imports under the Customs Act of 18 March 2005⁸⁶ as well as manufacturers and producers in Switzerland.⁸⁷

² If the conditions for exemption cannot be proved until after the tax has been collected, the taxes are refunded. The Federal Council may stipulate the requirements of proof and refuse a refund if this would cause disproportionate costs.

³ The Federal Council stipulates the procedure for the collection and refund of the tax on volatile organic compounds. In the case of import or export, the relevant procedural provisions of the customs legislation apply.⁸⁸

3bis ...⁸⁹

⁴ Any person who in Switzerland produces substances or organisms that are subject to the tax must declare them.

⁸⁴ Repealed by No I of the FA of 27 Sept. 2024, with effect from 1 April 2025 (AS **2025** 178; BBl **2023** 239).

⁸⁵ Inserted by No I of the FA of 20 June 2003 (AS **2003** 4215; BBl **2002** 6464). Repealed by No I of the FA of 27 Sept. 2024, with effect from 1 April 2025 (AS **2025** 178; BBl **2023** 239).

⁸⁶ SR **631.0**

⁸⁷ Amended by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS **2025** 178; BBl **2023** 239).

⁸⁸ Amended by Annex 2 No 6 of the Mineral Oil Tax Act of 21 June 1996, in force since 1 Jan. 1997 (AS **1996** 3371; BBl **1995** III 137).

⁸⁹ Inserted by Annex 2 No 6 of the Mineral Oil Tax Act of 21 June 1996 (AS **1996** 3371; BBl **1995** III 137). Repealed by No I of the FA of 27 Sept. 2024, with effect from 1 April 2025 (AS **2025** 178; BBl **2023** 239).

Chapter 7⁹⁰**Reduction of the Environmental Impact caused by Raw Materials and Products⁹¹****Section 1⁹² Biogenic Motor and Thermal Fuels⁹³****Art. 35d**

¹ Renewable thermal and motor fuels may only be put into circulation if they meet certain ecological requirements.

² Renewable thermal and motor fuels that are produced from foodstuffs or animal feed or that directly compete with the production of foodstuffs may not be put into circulation. This does not apply to mass-balanced renewable thermal and motor fuels that meet the ecological requirements.

³ The Federal Council shall stipulate the ecological requirements. In doing so, it shall take account of comparable international regulations and standards.

⁴ It may stipulate ecological requirements for putting into circulation other thermal and motor fuels that generate significantly lower greenhouse gas emissions than conventional fossil thermal and motor fuels.

⁵ It may provide that the requirements under this Article do not apply to:

- a. ethanol used for thermal purposes;
- b. renewable thermal and motor fuels that are only put into circulation in small quantities.

⁶ It may provide for further exceptions if this is necessary due to market conditions.

⁹⁰ Inserted by the Annex to the FA of 21 March 2014, in force since 1 Aug. 2016 (AS **2016** 2661; BBl **2013** 5737, 5783).

⁹¹ Amended by No I of the FA of 15 June 2024, in force since 1 Jan. 2025 (AS **2024** 648; BBl **2023** 13, 437).

⁹² Inserted by No II of the Federal Act of 20 Dec. 2019 on the extension of the time limit for tax relief for natural gas, liquefied petroleum gas and biogenic fuels and on the amendment of the Federal Act on the Reduction of CO₂ Emissions (RO **2020** 1269; **2022** 262; BBl **2019** 5679, 5813; **2021** 2252, 2254). Amended by Annex No 4 of the FA of 15 March 2024, in force since 1 Jan. 2025 (AS **2024** 376; BBl **2022** 2651).

⁹³ Amended by No I of the FA of 15 June 2024, in force since 1 Jan. 2025 (AS **2024** 648; BBl **2023** 13, 437).

Section 2⁹⁴**Cultivation, Extraction and Production of Timber and Wood Products and other Raw Materials and Products⁹⁵****Art. 35e** Requirements for putting into circulation

¹ Putting timber and wood products into circulation for the first time where such products have not been harvested or traded in accordance with the regulations of the country of origin is prohibited.

² The Federal Council shall lay down the requirements for putting timber and wood products into circulation in line with the rules of the European Union.

³ In line with international standards, it may impose requirements for putting other raw materials and products into circulation or prohibit their being put into circulation if their cultivation, extraction or production significantly pollutes the environment or significantly jeopardises the sustainable use of natural resources.

Art. 35f Duty of care

¹ Any person who puts timber or wood products or other raw materials and products specified by the Federal Council pursuant to Article 35e paragraph 3 into circulation for the first time must exercise the required care to ensure that the goods meet the requirements under Article 35e.

² The Federal Council regulates:

- a. the nature, content and scope of the duty of care;
- b. the monitoring of compliance with the duty of care;
- c. the recognition of organisations that support and verify compliance with the duty of care, and the monitoring of their activities.

³ It may impose a notification requirement on those who put timber or wood products into circulation for the first time.

⁴ It may provide for the return, seizure or forfeiture of timber or wood products and other raw materials and products that it specifies pursuant to Article 35e paragraph 3 in cases of infringement of paragraphs 1 and 2 and of Article 35e. It may also provide for a ban on the marketing of timber and wood products in particularly serious cases.

Art. 35g Traceability and declaration

¹ Traders must document the supplier from which they have obtained timber or wood products and the purchaser to which they have supplied them; the Federal Council may impose a documentation requirement for timber or wood products and other raw materials and products that it specifies pursuant to Article 35e paragraph 3.

⁹⁴ Inserted by No I of the FA of 27 Sept. 2019, in force since 1 Jan. 2022 (AS **2021** 614; BBl **2019** 1251).

⁹⁵ Amended by No I of the FA of 15 June 2024, in force since 1 Jan. 2025 (AS **2024** 648; BBl **2023** 13, 437).

² Any person who supplies timber or wood products to consumers must declare the type of timber and its origin. The Federal Council shall determine the timber and wood products to which this declaration obligation applies.

Art. 35h Data processing

¹ The authorities or third parties entrusted with the implementation of this Act or with the control or supervision of its implementation may process personal data, including sensitive personal data relating to administrative or criminal sanctions, in so far as is necessary to implement this section.

² The domestic authorities may disclose personal data, including sensitive personal data relating to administrative or criminal sanctions, to foreign authorities and international institutions for the purpose of implementing the provisions of the European Union concerning the putting into circulation of timber and wood products.

Section 3⁹⁶ Resource-conserving Design of Products and Packaging

Art. 35i

¹ Depending on the environmental impact caused by products and packaging, the Federal Council may lay down requirements for putting them into circulation, in particular with regard to:

- a. usability and service life, availability of spare parts and reparability of products;
- b. avoiding harmful effects and increasing resource efficiency during their life cycle;
- c. uniform, comparable, visible and comprehensible labelling and information;
- d. introduction of a repair index.

² When implementing paragraph 1, the Federal Council shall take account of the regulations of Switzerland's main trading partners.

Section 4⁹⁷ Resource-conserving Construction

Art. 35j

¹ As part of a comprehensive, building- and life cycle-based sustainability assessment in accordance with the environmental impact caused by buildings and taking account of Switzerland's international obligations, the Federal Council may set requirements for:

⁹⁶ Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

⁹⁷ Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

- a. the use of environmentally friendly building materials and components;
- b. the use of building materials that originate from the material recovery of construction waste;
- c. the removability of buildings; and
- d. the reuse of components in buildings.

² The Confederation shall act as a role model in the planning, construction, operation, renovation and removal of its own buildings. It shall take account of increased requirements for resource-saving construction and innovative solutions.

Title 3 Enforcement, Promotional Measures and Procedure

Chapter 1 Enforcement

Section 1 Enforcement by the Cantons

Art. 36 Enforcement powers of the cantons

Subject to the reservation of Article 41, the enforcement of this Act is the responsibility of the cantons.

Art. 37⁹⁸ Cantonal implementing provisions

Cantonal implementing provisions on disaster prevention (Art. 10), the environmental impact assessment (Art. 10a–10d), improvement (Art. 16–18), soundproofing of buildings (Art. 20 and 21) and waste (Art. 30–32 and 32a^{bis}–32e) require the approval of the Confederation to be valid.

Section 2 Enforcement by the Confederation

Art. 38 Supervision and coordination

¹ The Confederation supervises the enforcement of this Act.

² It coordinates the enforcement measures of the cantons and of its own institutions and establishments.

³ The Federal Council decides on the methods of testing, measurement and calculation to be applied.

Art. 39 Implementing provisions and international law agreements

¹ The Federal Council enacts the implementing provisions.

⁹⁸ Amended by No I of the FA of 20 March 2006, in force since 1 July 2007 (AS 2007 2701, 2012 2389; BBl 2005 5351, 5391).

^{1bis} In doing so, it may declare internationally harmonised technical regulations and standards to be applicable and:

- a. authorise the Federal Office responsible to declare subordinate amendments to these regulations and standards to be applicable;
- b. provide that the regulations and standards declared to be applicable are published in a specific manner and that translation into the official languages is dispensed with.⁹⁹

² It may conclude international agreements on:¹⁰⁰

- a. technical regulations;
- a^{bis},¹⁰¹ environmentally hazardous substances (Art. 26–29);
- b.¹⁰² waste avoidance and disposal;
- c. cooperation in frontier zones by the establishment of international commissions with advisory status;
- d. data collections and surveys;
- e. research and training.

³ ...¹⁰³

Art. 40¹⁰⁴ Placing series-produced installations on the market

¹ The Federal Council may make placing series-produced installations on the market dependent on conformity assessments, labelling, registration or licensing according to the environmental pollution they produce.

² It may recognise foreign tests, conformity assessments, labelling, registrations and authorisations.

Art. 41 Enforcement powers of the Confederation

¹ The Confederation enforces Article 12 paragraph 1 letter e (Regulations on thermal and motor fuels), 26 (self-regulation), 27 (Information for recipients), 29 (Regulations on substances), 29a–29h (Environmentally hazardous organisms), 30b paragraph 3 (Deposit compensation fund), 30f and 30g (Import and export of waste), 31a paragraph 2 and 31c paragraph 3 (Federal waste disposal measures), 32a^{bis}–32a^{septies} (Pre-paid disposal fee and recycling contributions), 32e paragraphs 1–4 (Charge to finance

⁹⁹ Inserted by Annex No II 2 of the Chemicals Act of 15 Dec. 2000, in force since 1 Jan. 2005 (AS **2004** 4763, **2005** 2293; BBl **2000** 687).

¹⁰⁰ Amended by Annex No II 2 of the Chemicals Act of 15 Dec. 2000, in force since 1 Aug. 2005 (AS **2004** 4763, **2005** 2293; BBl **2000** 687).

¹⁰¹ Inserted by Annex No II 2 of the Chemicals Act of 15 Dec. 2000, in force since 1 Aug. 2005 (AS **2004** 4763, **2005** 2293; BBl **2000** 687).

¹⁰² Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS **1997** 1155; BBl **1993** II 1445).

¹⁰³ Repealed by Art. 12 No 2 of the Consultation Procedure Act of 18 March 2005, with effect from 1 Sept. 2005 (AS **2005** 4099; BBl **2004** 533).

¹⁰⁴ Amended by Annex No 2 of the FA of 6 Oct. 1995 on Technical Barriers to Trade, in force since 1 July 1996 (AS **1996** 1725; BBl **1995** II 521).

remediation), 35a–35c (Incentive taxes), 35d (Requirements for motor and thermal fuels), 35e–35h (Timber or wood products or other raw materials and products), 35i (Resource-conserving design of products and packaging), 39 (Implementing provisions and international law agreements), 40 (Placing series-produced installations on the market) and 46 paragraph 3 (Information on substances and organisms); it may require the cantons to carry out certain duties.¹⁰⁵

² Any federal authority that enforces another Federal Act or an international agreement is, in fulfilling this duty, also responsible for the enforcement of the Environmental Protection Act. It must consult the cantons concerned before making its decision. The Federal Office and the other federal agencies concerned cooperate in accordance with Articles 62a and 62b of the Government and Administration Organisation Act of 21 March 1997¹⁰⁶ in relation to enforcement.¹⁰⁷

³ If the procedure under paragraph 2 is not suitable for certain duties, the Federal Council regulates enforcement by the federal agencies concerned.¹⁰⁸

⁴ The federal enforcement authorities must take account of cantonal environmental protection measures.¹⁰⁹

Section 2a¹¹⁰ Cooperation with the Private Sector

Art. 41a

¹ The Confederation and, within the scope of their responsibilities, the cantons shall cooperate with private sector organisations in enforcing this Act.

² They may promote sectoral agreements by setting quantitative targets and deadlines for meeting them.

³ Before enacting implementing regulations, they must examine voluntary private sector measures. Wherever possible and necessary, they shall incorporate sectoral agreements into the implementing regulations in whole or in part.

⁴ When enacting the implementing provisions, they shall take account of voluntary measures already taken by companies, provided these have at least the same effect on environmental protection as the implementing legislation.¹¹¹

¹⁰⁵ Amended by No III of the FA of 15 March 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

¹⁰⁶ SR 172.010

¹⁰⁷ Amended by No I 14 of the FA of 18 June 1999 on the Coordination and Simplification of Decision-making Procedures, in force since 1 Jan. 2000 (AS 1999 3071; BBl 1998 2591).

¹⁰⁸ Amended by No I 14 of the FA of 18 June 1999 on the Coordination and Simplification of Decision-making Procedures, in force since 1 Jan. 2000 (AS 1999 3071; BBl 1998 2591).

¹⁰⁹ Originally: Para. 3.

¹¹⁰ Inserted by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

¹¹¹ Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

Section 3 Special Enforcement Provisions

Art. 42 Environmental protection agencies

¹ The cantons shall set up a specialist agency to consider environmental questions or designate existing public agencies to carry out this task.

² The Federal Office is the specialist agency for the Confederation.¹¹²

Art. 43 Delegation of enforcement duties¹¹³

The enforcement authorities may entrust public corporations or private entities with enforcement duties, and in particular with control and monitoring.

Art. 43a¹¹⁴ Eco-labelling and environmental management

¹ The Federal Council may issue regulations on the introduction of:

- a. a voluntary system for an environmental label ('eco-label');
- b. a voluntary system for the evaluation and improvement of environmental protection in establishments (environmental management and auditing).

² In so doing, it must take account of international law and internationally recognised technical standards.

Art. 44 Environmental pollution surveys

¹ The Confederation and the cantons conduct surveys on environmental pollution and check the effectiveness of measures taken in terms of this Act.

² The Federal Council coordinates the federal and cantonal surveys and data collections.

³ It decides what information on substances and organisms collected in terms of the legislation on gene technology, foodstuffs, therapeutic products, chemicals, agriculture, epidemics and epizootic diseases is made available to the Federal Office.¹¹⁵

¹¹² Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

¹¹³ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

¹¹⁴ Inserted by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

¹¹⁵ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4803; BBl 2000 2391).

Art. 44a¹¹⁶ Action plans for air pollution

¹ If several sources of air pollution cause or are expected to cause harmful effects or nuisances, the authority concerned must draw up a plan of the measures that will contribute to reducing or eliminating these effects within a set time (action plan).

² Action plans are binding for the authorities that are entrusted with enforcement by the cantons. They must make a distinction between measures which may be ordered immediately and measures for which the legal framework still has to be enacted.

³ If a plan provides for measures which come within the area of responsibility of the Confederation, the cantons must make the necessary applications to the Federal Council.

Art. 45¹¹⁷ Regular inspections

The Federal Council may require the regular inspection of installations such as oil-fired furnaces, waste disposal facilities and construction machinery.

Art. 46 Obligation to provide information

¹ Everyone is obliged to provide the authorities with the information required to enforce this Act and, if necessary, to conduct or acquiesce in the conduct of enquiries.

² The Federal Council or the cantons may order that registers be kept on air pollution, noise and vibrations, waste and its disposal, and the types, amounts and assessment of substances and organisms, and that such registers be stored and made available to the authorities on request.¹¹⁸

³ The Federal Council may order that information be provided on substances and organisms that may present a threat to the environment or which are being put into circulation for the first time.¹¹⁹

Art. 47 Information and professional secrecy¹²⁰

¹ and ² ...¹²¹

³ All those responsible for enforcing this Act as well as experts and members of commissions and technical committees are bound by official secrecy.

¹¹⁶ Inserted by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS **1997** 1155; BBl **1993** II 1445).

¹¹⁷ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS **1997** 1155; BBl **1993** II 1445).

¹¹⁸ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS **1997** 1155; BBl **1993** II 1445).

¹¹⁹ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS **1997** 1155; BBl **1993** II 1445).

¹²⁰ Amended by Art. 2 No I of the FD of 27 Sept. 2013 (Aarhus Convention), in force since 1 June 2014 (AS **2014** 1021; BBl **2012** 4323).

¹²¹ Repealed by Art. 2 No I of the FD of 27 Sept. 2013 (Aarhus Convention), with effect from 1 June 2014 (AS **2014** 1021; BBl **2012** 4323).

⁴ Confidential information obtained in the implementation of this Act may be disclosed to foreign authorities and international organisations only if this is provided for in an international agreement, decisions of international organisations, or a federal act.¹²² The Federal Council regulates responsibilities and the procedure.¹²³

Art. 48 Fees

¹ A fee is charged for licences, inspections and special services under this Act.

² The rates are set by the Federal Council at federal level and by the competent authority under cantonal law at cantonal level.

Art. 48a¹²⁴ Pilot projects

The Federal Council may issue provisions for the implementation of innovative pilot projects that derogate from this Act, provided that these provisions are limited in terms of time, place and subject matter and serve to gather experience for the further development of this Act and its enforcement.

Chapter 2 Promotional Measures

Art. 49 Training and research

¹ The Confederation may promote the basic and continuing education and training of specialists who carry out activities related to environmental protection.¹²⁵

^{1bis} In order to ensure a high-quality range of courses, it may make contributions to private organisations that offer basic and continuing education and training courses on the handling of plant protection products containing substances in accordance with Article 29. The contributions shall be based on the Confederation's interest in the fulfilment of the task and the funding options for the beneficiary organisation and amount to a maximum of 50 per cent of the eligible course costs. Financial assistance may also be paid as a lump sum based on the estimated costs of an efficiently provided service.¹²⁶

² It may commission or support research studies and technology assessments.¹²⁷

¹²² Amended by Annex No II 2 of the Chemicals Act of 15 Dec. 2000, in force since 1 Aug. 2005 (AS **2004** 4763, **2005** 2293; BBl **2000** 687).

¹²³ Inserted by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS **1997** 1155; BBl **1993** II 1445).

¹²⁴ Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 648; BBl **2023** 13, 437).

¹²⁵ Amended by No I of the FA of 15 June 2024, in force since 1 Jan. 2025 (AS **2024** 648; BBl **2023** 13, 437).

¹²⁶ Inserted by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS **2025** 178; BBl **2023** 239).

¹²⁷ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

³ It may promote the development, certification, verification and market introduction of installations and processes that can reduce pollution in the public interest. Financial aid may not normally exceed 50 per cent of the costs. In the event of the commercial exploitation of the development results, it must be refunded in proportion to the earnings made. Every five years, the Federal Council shall make a general assessment of the effect of the promotion and reports to the Federal Assembly on the results.¹²⁸

Art. 49¹²⁹ Information, advice and platforms

¹ The Confederation may grant financial aid for:

- a. information and advisory projects related to environmental protection;
- b. platforms for conserving resources and improving the circular economy.

² Financial aid may not exceed 50 per cent of the costs.

Art. 50¹³⁰ Contributions towards environmental protection measures along roads

¹ As part of the use of the net revenue from the mineral oil tax and the national highways charge, the Confederation shall contribute to the cost:

- a. of environmental protection measures along national roads and main roads to be upgraded with federal aid according to the provisions of the Federal Act of 22 March 1985¹³¹ on the Application of the Earmarked Mineral Oil Tax (MinOA); in the case of main roads, these contributions are part of the global contributions under the MinOA;
- b. of noise abatement and soundproofing measures as part of the upgrading of the remainder of the road network on the basis of programme agreements with the cantons; the level of the contributions is based on the effectiveness of the measures.

² The cantons shall report to the Confederation on the use of the contributions towards environmental protection measures along main roads that are to be upgraded with federal aid, and along other roads.

Art. 51 Control and monitoring installations

The Confederation may contribute towards the cost of building and equipping the measuring, control and monitoring installations required to enforce this Act, provided these installations are used by two or more cantons.

¹²⁸ Inserted by No I of the FA of 21 Dec. 1995 (AS **1997** 1155; BBl **1993** II 1445). Amended by No I of the FA of 15 June 2024, in force since 1 Jan. 2025 (AS **2024** 648; BBl **2023** 13, 437).

¹²⁹ Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 648; BBl **2023** 13, 437).

¹³⁰ Amended by No II 22 of the FA of 6 Oct. 2006 on the New System of Fiscal Equalisation and Division of Tasks between the Confederation and the Cantons (NFE), in force since 1 Jan. 2008 (AS **2007** 5779; BBl **2005** 6029).

¹³¹ SR **725.116.2**

Art. 52¹³²**Art. 53**¹³³ International cooperation on the protection of the environment

¹ The Confederation may make contributions:

- a. to international organisations or programmes in the field of international environmental protection;
- b. for the implementation of international agreements on the environment;
- c. for the financing of the secretariats for international agreements on the environment that are permanently based in Switzerland;
- d. to funds that support developing and transition countries in the implementation of international agreements on the environment.

² Contributions under paragraph 1 letter d are authorised as guarantee credits for two or more years in each case.¹³⁴

³ The Federal Council monitors the effective use of the funds authorised under this Act and reports to the Federal Assembly thereon.

Chapter 3 Procedures**Section 1**¹³⁵ **Electronic Communication in Administrative Procedures****Art. 53a**

¹ The Federal Council may stipulate that parties must file documents with the federal enforcement authority electronically if they regularly:

- a. file submissions in proceedings under this Act; or
- b. have to fulfil a notification requirement based on regulations on the protection of the environment.

² It may recognise a different method from a qualified electronic signature for a party to confirm information when electronically filing submissions whose signature is required by law.

¹³² Repealed by No I 10 of the FA of 19 March 2021 on Administrative Simplifications and Federal Budget Relief, with effect from 1 Jan. 2022 (AS **2021** 654; BBl **2020** 6985).

¹³³ Amended by No I of the FA of 20 June 2003, in force since 1 Jan. 2004 (AS **2003** 4061, 4062; BBl **2002** 7911).

¹³⁴ Amended by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS **2025** 178; BBl **2023** 239).

¹³⁵ Inserted by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS **2025** 178; BBl **2023** 239).

Section 1a Appeals¹³⁶**Art. 54¹³⁷** ...¹³⁸

Appeal proceedings are governed by the general provisions on the administration of federal justice.

**Section 2
Organisations' Right of Appeal against Rulings on Installations¹³⁹****Art. 55¹⁴⁰** Organisations with the right to appeal

¹ Environmental protection organisations have the right of appeal against rulings of the cantonal or federal authorities on the planning, construction or modification of installations for which an environmental impact assessment in terms of Article 10a is required, subject to the following requirements:

- a. the organisation is active in Switzerland on a national basis;
- b. it pursues non-profit making objects; any commercial activities must serve to achieve the non-profit making objects.

² The right of appeal is available to organisations only for complaints in legal fields that have formed their objects in terms of their articles for a minimum of ten years.

³ The Federal Council designates the organisations that have the right to appeal.

⁴ The supreme executive body of the organisation is responsible for filing the appeal.

⁵ The organisations may authorise their legally independent cantonal and supra-cantonal subsidiary organisations to file objections and on a case-by-case basis to file appeals that relate to their local field of activity.

Art. 55a¹⁴¹ Notification of the ruling

¹ The authority notifies the organisations of its ruling under Article 55 paragraph 1 by written notice or by publication in the Official Federal Gazette or in the cantonal organ of publication.

¹³⁶ Originally Section 1. Inserted by No I of the FA of 20 Dec. 2006, in force since 1 July 2007 (AS 2007 2701; BBl 2005 5351, 5391).

¹³⁷ Amended by Annex No 91 of the Administrative Court Act of 17 June 2005, in force since 1 Jan. 2007 (AS 2006 2197; BBl 2001 4202).

¹³⁸ Repealed by No I of the FA of 20 Dec. 2006, with effect from 1 July 2007 (AS 2007 2701; BBl 2005 5351, 5391).

¹³⁹ Inserted by No I of the FA of 20 Dec. 2006, in force since 1 July 2007 (AS 2007 2701; BBl 2005 5351, 5391).

¹⁴⁰ Amended by No I of the FA of 20 Dec. 2006, in force since 1 July 2007 (AS 2007 2701; BBl 2005 5351, 5391). The provision on economic activity in para. 1 let. b comes into force on 1 July 2010 (see No III para. 3 of the said amendment).

¹⁴¹ Inserted by No I of the FA of 20 Dec. 2006, in force since 1 July 2007 (AS 2007 2701; BBl 2005 5351, 5391).

² If federal or cantonal law provides for an objection procedure, applications must also be published in accordance with paragraph 1.

Art. 55b¹⁴² Loss of the right to appeal

¹ Organisations that have not sought legal recourse may only participate in subsequent proceedings as a party if they are prejudiced by a change in the ruling. For compulsory purchases, the Federal Act of 20 June 1930¹⁴³ on Compulsory Purchase applies.

² If an organisation has not participated in objection proceedings under federal or cantonal law, it may no longer file an appeal.

³ If an organisation has not filed a permitted complaint against a land use plan that has the character of a ruling or if the complaint has been rejected with full legal effect, the organisation may no longer file the same complaints in subsequent proceedings.

⁴ Paragraphs 2 and 3 also apply to objections and appeals under cantonal law against land use plans.

Art. 55c¹⁴⁴ Agreements between applicants and organisations

¹ If an applicant and organisation enter into an agreement on obligations that relate to public law matters, these agreements are deemed exclusively to be joint applications to the authority. The authority takes account of the result in its ruling or in its decision. It does not take account of the result if it is defective in terms of Article 49 of the Federal Act of 20 December 1968¹⁴⁵ on Administrative Procedure.

² Agreements between applicants and organisations on financial or other benefits are not permitted if they are intended for:

- a. the enforcement of public law obligations, and in particular requirements imposed by authorities;
- b. measures that are not provided for under public law or which have no connection with the project;
- c. compensation for a waiver of legal action or for any other procedural conduct.

³ The appeal authority does not consider an appeal if it constitutes an abuse of the law or if the organisation has demanded unlawful benefits in terms of paragraph 2.

Art. 55d¹⁴⁶ Early start to construction work

Construction work may begin before conclusion of the proceedings provided the outcome of the proceedings cannot have any influence on the work.

¹⁴² Inserted by No I of the FA of 20 Dec. 2006, in force since 1 July 2007 (AS 2007 2701; BBl 2005 5351, 5391).

¹⁴³ SR 711

¹⁴⁴ Inserted by No I of the FA of 20 Dec. 2006, in force since 1 July 2007 (AS 2007 2701; BBl 2005 5351, 5391).

¹⁴⁵ SR 172.021

¹⁴⁶ Inserted by No I of the FA of 20 Dec. 2006, in force since 1 July 2007 (AS 2007 2701; BBl 2005 5351, 5391).

Art. 55^{e147} Procedural costs

If the organisation loses the proceedings, it is liable for the costs of conducting the appeal before the federal authorities.

Section 3¹⁴⁸**Organisations' Right of Appeal against the Authorisation of Organisms****Art. 55^f**

¹ Environmental protection organisations have a right of appeal against any authorisation for putting pathogenic organisms in circulation for lawful use in the environment, subject to the following requirements:

- a. The organisation is active in Switzerland on a national basis.
- b. It was established at least ten years prior to the filing of the appeal.

² The Federal Council designates the organisations that have the right to appeal.

³ The Articles 55a and 55b paragraphs 1 and 2 apply.

Section 4**Public Authority Appeals and Appeals by Communal Authorities, Compulsory Purchase, Costs of Safety and Remedial Measures¹⁴⁹****Art. 56** Public authority appeal

¹ The Federal Office has the right of appeal under federal and cantonal law against rulings by the cantonal authorities made on the basis of this Act and its implementing provisions.¹⁵⁰

² The cantons also have this right in cases where effects from neighbouring cantons on their territory are a matter of contention.

³ ...¹⁵¹

¹⁴⁷ Inserted by No I of the FA of 20 Dec. 2006, in force since 1 July 2007 (AS 2007 2701; BBl 2005 5351, 5391).

¹⁴⁸ Inserted by No I of the FA of 20 Dec. 2006, in force since 1 July 2007 (AS 2007 2701; BBl 2005 5351, 5391).

¹⁴⁹ Inserted by No I of the FA of 20 Dec. 2006, in force since 1 July 2007 (AS 2007 2701; BBl 2005 5351, 5391).

¹⁵⁰ Amended by No I 14 of the FA of 18 June 1999 on the Coordination and Simplification of Decision-making Procedures, in force since 1 Jan. 2000 (AS 1999 3071; BBl 1998 2591).

¹⁵¹ Repealed by Annex No 91 of the Administrative Court Act of 17 June 2005, with effect from 1 Jan. 2007 (AS 2006 2197, 1069; BBl 2001 4202).

Art. 57 Appeal by communal authorities

Communes have the right of appeal under federal and cantonal law against rulings by the cantonal and federal authorities made on the basis of this Act if they are affected by such rulings and have a legitimate interest in having them reversed or amended.

Art. 58 Compulsory purchase

¹ Where enforcement of this law so requires, the Confederation and the cantons have a right of compulsory purchase or may assign this right to third parties.¹⁵²

² The cantons may declare the Federal Act of 20 June 1930¹⁵³ on Compulsory Purchase Act to be applicable in their implementing provisions. They shall provide that the cantonal government decide on objections that remain in dispute.¹⁵⁴

³ Federal legislation on compulsory purchase applies to projects located on the territory of more than one canton.¹⁵⁵ The Federal Department of the Environment, Transport, Energy and Communications decides on the compulsory purchase in such cases.

Art. 58a¹⁵⁶ Cost of safety and remedial measures

The cost of measures taken by the authorities to prevent imminent pollution of the environment, to establish its existence, or to remedy it are charged to the person responsible for the pollution.

Section 5 Information and Documentation Systems¹⁵⁷**Art. 59**

¹ The Federal Office may operate information and documentation systems in order to carry out procedures under this Act electronically.

² When procedures are carried out electronically, the authenticity and integrity of the transmitted data must be ensured.

³ The Federal Office may grant the following bodies and persons access to the information and documentation systems:

- a. Federal Office for Customs and Border Security (FOCBS):

¹⁵² Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

¹⁵³ SR 711

¹⁵⁴ Amended by Annex No 17 of the FA of 19 June 2020, in force since 1 Jan. 2021 (AS 2020 4085; BBl 2018 4713).

¹⁵⁵ Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

¹⁵⁶ Originally Art. 59. Amended by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

¹⁵⁷ Inserted by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS 2025 178; BBl 2023 239).

- b. the cantonal authorities responsible for enforcement;
- c. persons subject to authorisation or notification requirements;
- d. the other bodies and persons designated by the Federal Council, insofar as this is necessary for the fulfilment of tasks and duties under this Act.

⁴ The bodies and persons referred to in paragraph 3 may retrieve personal data from the information and documentation systems and process them insofar as this is necessary for the fulfilment of their tasks and duties under this Act. The retrieval and processing of particularly sensitive personal data relating to administrative and criminal prosecutions or sanctions is reserved for the bodies and persons referred to in paragraph 3 letters a, b and d.

Title 4¹⁵⁸ Liability

Art. 59a General provisions¹⁵⁹

¹ The operator of an establishment or an installation that represents a special threat to the environment is liable for the loss or damage arising from effects that occur when this threat becomes reality. In the case of loss or damage that arises from the handling of pathogenic organisms, Article 59a^{bis} applies.¹⁶⁰

² As a rule, the following establishments and installations are regarded as representing a special threat to the environment:

- a. those that the Federal Council makes subject to the implementing provisions in terms of Article 10 on the basis of the substances or organisms used or the waste produced;
- b. those that are used for waste disposal;
- c. those in which liquids which may pollute water are handled;
- d.¹⁶¹ those in which substances are present for which the Federal Council has introduced an authorisation requirement or other special regulations to protect the environment.

³ Any person who proves that the loss or damage was caused by force majeure or by gross negligence on the part of the injured party or of a third party is relieved of liability.

¹⁵⁸ Inserted by No I of the FA of 21 Dec. 1995, in force since 1 July 1997 (AS **1997** 1155; BBl **1993** II 1445).

¹⁵⁹ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

¹⁶⁰ Wording of the second sentence according to Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

¹⁶¹ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

⁴ Articles 42–47 and 49–53 of the Code of Obligations¹⁶² apply.¹⁶³

⁵ The reservation in Article 3 applies to liability provisions in other federal acts.

⁶ The Confederation, cantons and communes may also be held liable in accordance with paragraphs 1–5.

Art. 59a^{bis} 164 Pathogenic organisms

¹ Persons subject to an authorisation or notification requirement who handle pathogenic organisms in a contained system, release such organisms for experimental purposes or put them into circulation without authorisation shall be liable for any loss or damage that arises from such conduct.

² The person required to obtain authorisation is exclusively liable for any loss or damage occasioned to an agricultural or forestry establishment or customers of products from such establishments by pathogenic organisms that are authorised to be put into circulation if the organisms:

- a. are contained in auxiliary agents used in agriculture or forestry¹⁶⁵; or
- b. originate from such auxiliary agents.

³ In the case of liability under paragraph 2, recourse is reserved against persons who have handled such organisms improperly or have otherwise contributed to causing or aggravating the loss or damage.

⁴ If loss or damage is caused by any other pathogenic organisms that are authorised to be put into circulation, the person required to obtain authorisation is liable if the organisms are defective. He is also liable for any defect that he was unable to detect according to the standards of science and technology at the time that the organism was put into circulation.

⁵ Pathogenic organisms are defective if they do not offer the level of safety that anyone is entitled to expect taking account of all the circumstances; the following must be taken into account in particular:

- a. the way in which they are presented to the public;
- b. the use that may reasonably be expected;
- c. the time at which they were put into circulation.

⁶ A product containing pathogenic organisms is not defective simply because an improved product has subsequently been put into circulation.

⁷ The loss or damage must be due to the pathogenicity of the organisms.

¹⁶² SR 220

¹⁶³ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4803; BBl 2000 2391).

¹⁶⁴ Inserted by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4803; BBl 2000 2391).

¹⁶⁵ Expression in German version in accordance with No II 1 of the FA of 19 March 2010, in force since 1 Aug. 2010 (AS 2010 3233; BBl 2009 5435). This amendment has been made throughout the Act.

⁸ The burden of proving a causal connection lies with the person claiming damages. If such proof cannot be provided with certainty or if the person subject to the burden cannot reasonably be expected to present the required evidence, the court may satisfy itself on the balance of probability. The court may also order that the facts of the case be established *ex officio*.

⁹ The person subject to the authorisation or notification requirement must also reimburse the costs of the required and appropriate measures that have been taken to re-constitute elements of the environment that have been destroyed or damaged or to replace such elements with their equivalents. If the destroyed or damaged elements of the environment are not the subject of a property right or if the person entitled does not take the measures required in the circumstances, the right to damages becomes that of the public authority concerned.

¹⁰ Any person who proves that the loss or damage was caused by force majeure or by gross negligence on the part of the injured party or of a third party is relieved of liability.

¹¹ Articles 42–47 and 49–53 of the Code of Obligations¹⁶⁶ apply.

¹² The Confederation, cantons and communes may also be held liable in accordance with paragraphs 1–11.

Art. 59b Guarantee

For the protection of injured parties, the Federal Council may:

- a.¹⁶⁷ require that the operators of certain establishments or installations as well as the persons subject to an authorisation or notification requirement that handle pathogenic organisms to provide a guarantee for their potential liability through insurance or in another manner;
- b. determine the extent and the duration of this guarantee or leave this to the authority to decide on a case-by-case basis;
- c. require those providing a guarantee for liability to notify the enforcement authority of the existence, suspension and termination of the guarantee;
- d. provide that the guarantee must not be suspended or terminated until 60 days after receipt of the notification;
- e. provide that land on which a waste disposal site is situated becomes the property of the canton when the site is closed, and enact regulations concerning any compensation.

¹⁶⁶ SR 220

¹⁶⁷ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4803; BBl 2000 2391).

Art. 59c¹⁶⁸ Prescription

¹ The right to damages prescribes in accordance with Article 60 of the Code of Obligations¹⁶⁹.

² If the loss or damage occurs due to the handling of pathogenic organisms, the right to damages prescribes three years after the injured person obtains knowledge of the loss or damage and of the identity of the person liable, but at the latest 30 years after:

- a. the event that caused the loss or damage occurred in the establishment or in the installation or came to an end; or
- b. the pathogenic organisms were put into circulation.

Art. 59d¹⁷⁰ Prescription of the right of recourse

The right of recourse prescribes in accordance with Article 59c. The three-year period begins to run as soon as payment of the damages has been made in full and the identity of the person jointly liable is known.

Title 5¹⁷¹ Criminal Provisions**Art. 60** Felonies and misdemeanours¹⁷²

¹ A custodial sentence not exceeding three years or a monetary penalty shall be imposed on any person who wilfully:¹⁷³

- a. fails to take the safety measures prescribed for the prevention of disasters or fails to comply with the prohibition of certain production methods or the keeping of certain stocks (Art. 10);
- b. puts substances into circulation which he knows or must assume may present a danger to the environment or indirectly endanger people when used in a certain manner (Art. 26);
- c. puts substances into circulation without informing recipients about their environment-related properties (Art. 27 para. 1 let. a) or providing instructions on their required handling (Art. 27 para. 1 let. b);
- d. handles substances contrary to instructions in such a manner that they, their derivatives or waste may present a danger to the environment or indirectly endanger people (Art. 28);

¹⁶⁸ Inserted by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

¹⁶⁹ SR **220**

¹⁷⁰ Inserted by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

¹⁷¹ Originally Title 4.

¹⁷² Amended by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS **2025** 178; BBl **2023** 239).

¹⁷³ Amended by No II 1 of the FA of 19 March 2010, in force since 1 Aug. 2010 (AS **2010** 3233; BBl **2009** 5435).

- e.¹⁷⁴ infringes regulations on substances or organisms (Art. 29, 29*b* para. 2, 29*f*, 30*a* let. b and 34 para. 1);
- f.¹⁷⁵ handles organisms in such a manner that the principles contained in Article 29*a* paragraph 1 are infringed;
- g.¹⁷⁶ fails to take all the containment measures required when handling pathogenic organisms (Art. 29*b* para. 1);
- h.¹⁷⁷ without authorisation, releases pathogenic organisms for experimental purposes or puts them into circulation for uses in the environment (Art. 29*c* para. 1 and 29*d* paras. 3 and 4);
- i.¹⁷⁸ puts organisms into circulation that he knows or must assume will infringe the principles contained in Article 29*a* paragraph 1 when used in a certain manner (Art. 29*d* para. 1);
- j.¹⁷⁹ puts organisms into circulation without providing recipients with the required information and instructions (Art. 29*e* para. 1);
- k.¹⁸⁰ handles organisms contrary to the instructions (Art. 29*e* para. 2);
- l.¹⁸¹ ...
- m. constructs or operates a landfill without authorisation (Art. 30*e* para. 2);
- n. fails to mark special waste as such for transfer (Art. 30*f* para. 2 let. a) or hands it over to an undertaking that does not hold the relevant authorisation (Art. 30*f* para. 2 let. b);
- o.¹⁸² accepts or arranges for the import or export of special waste without authorisation (Art. 30*f* para. 2 let. c and d);
- p. infringes regulations on the movement of special waste (Art. 30*f* para. 1);
- q.¹⁸³ infringes regulations on waste (Art. 30*a* let. b);

¹⁷⁴ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

¹⁷⁵ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

¹⁷⁶ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

¹⁷⁷ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

¹⁷⁸ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

¹⁷⁹ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

¹⁸⁰ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

¹⁸¹ Repealed by Annex No 4 of the Gene Technology Act of 21 March 2003, with effect from 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

¹⁸² Amended by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS **2025** 178; BBl **2023** 239).

¹⁸³ Amended by No II 1 of the FA of 19 March 2010, in force since 1 Aug. 2010 (AS **2010** 3233; BBl **2009** 5435).

- r.¹⁸⁴ infringes regulations on the putting into circulation for the first time of timber and wood products and raw materials and products specified by the Federal Council pursuant to Article 35e paragraph 3 (Art. 35e and 35f para. 1 and 2 let. a);
- s.¹⁸⁵ infringes regulations on the resource-conserving design of products and packaging (Art. 35i para. 1);
- t.¹⁸⁶ puts renewable thermal or motor fuels into circulation that do not fulfil the ecological requirements set out in Article 35d paragraph 1 or 4, or provides false or incomplete information in this regard;
- u.¹⁸⁷ violates the prohibition set out in Article 35d paragraph 2.

^{1bis} In aggravating circumstances, the penalty is a custodial sentence not exceeding five years or a monetary penalty. Aggravating circumstances exist if:

- a. the danger to people or the environment caused by the offence is serious;
- b. the offence is committed on a commercial basis; or
- c. the offence is committed by the offender as a member of a gang that has been formed for the purpose of repeatedly committing offences against this Act.¹⁸⁸

² If the offender acts through negligence, he or she shall be liable to a monetary penalty not exceeding 180 daily penalty units.¹⁸⁹

³ The FOCBS shall prosecute and adjudicate offences under paragraph 1 letters t and u.¹⁹⁰

Art. 61 Contraventions

¹ A fine not exceeding CHF 20,000 shall be imposed on any person who wilfully:¹⁹¹

- a. fails to comply with the limitations of emissions stipulated in this Act (Art. 12 and 34 para. 1);
- b. fails to comply with remediation orders (Art. 16 and 32c para. 1);

¹⁸⁴ Inserted by No I of the FA of 27 Sept. 2019, in force since 1 Jan. 2022 (AS 2021 614; BBl 2019 1251).

¹⁸⁵ Inserted by Annex No 4 of the FA of 15 March 2024 (AS 2024 376; BBl 2022 2651). Amended by No III of the FA of 15 March 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

¹⁸⁶ Inserted by Annex No 4 of the FA of 15 March 2024 (AS 2024 376; BBl 2022 2651). Amended by No III of the FA of 15 March 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

¹⁸⁷ Inserted by Annex No 4 of the FA of 15 March 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

¹⁸⁸ Inserted by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS 2025 178; BBl 2023 239).

¹⁸⁹ Amended by No II 1 of the FA of 19 March 2010, in force since 1 Aug. 2010 (AS 2010 3233; BBl 2009 5435).

¹⁹⁰ Inserted by Annex No 4 of the FA of 15 March 2024 (AS 2024 376; BBl 2022 2651). Amended by No III of the FA of 15 March 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

¹⁹¹ Amended by No II 1 of the FA of 19 March 2010, in force since 1 Aug. 2010 (AS 2010 3233; BBl 2009 5435).

- c. fails to carry out officially ordered soundproofing measures (Art. 19–25);
- d. provides false or incomplete information or instructions (Art. 27);
- e. handles substances with no accompanying information or instructions in such a manner that they, their derivatives or waste may present a danger to the environment or indirectly endanger people (Art. 28);
- f. burns waste illegally outside installations (Art. 30c para. 2);
- g. deposits waste outside authorised landfills (Art. 30e para. 1);
- h.¹⁹² infringes the notification requirements in connection with waste (Art. 32b para. 2 and 3);
- i.¹⁹³ infringes the regulations on waste (Art. 30a let. a and c, 30b, 30c para. 3, 30d, 30h para. 1, 31b para. 3, 32a^{bis}, 32b para. 4 and 32e para. 1–2^{bis});
- j.¹⁹⁴ infringes the regulations on resource-conserving construction (Art. 35j para. 1);
- k. infringes the regulations on the movement of other forms of waste (Art. 30g para. 1);
- l. fails to guarantee coverage of the costs of closure, after-care and remediation of a landfill (Art. 32b para. 1);
- m. infringes the regulations on physical impacts on and the use of the soil (Art. 33 para. 2 and 34 para. 1 and 2) or on measures to reduce the soil pollution (Art. 34 para. 3);
- m^{bis}.¹⁹⁵ infringes regulations on the traceability of timber and wood products and raw materials and products specified by the Federal Council pursuant to Article 35e paragraph 3 and for which a documentation requirement has been imposed (Art. 35g para. 1);
- n. infringes the regulations on placing series-produced installations¹⁹⁶ on the market (Art. 40);
- o. refuses to provide information to the competent authority or provides incorrect information (Art. 46);
- p.¹⁹⁷ infringes the regulations on providing a guarantee for liability (Art. 59b).

² If the offender acts through negligence, the penalty is a fine.

³ Attempts and complicity are also offences.

¹⁹² Amended by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS 2025 178; BBl 2023 239).

¹⁹³ Amended by No III of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS 2025 178; BBl 2023 239).

¹⁹⁴ Inserted by No I of the FA of 15 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 648; BBl 2023 13, 437).

¹⁹⁵ Inserted by No I of the FA of 27 Sept. 2019, in force since 1 Jan. 2022 (AS 2021 614; BBl 2019 1251).

¹⁹⁶ Previously: type approval testing and labelling

¹⁹⁷ Amended by No II 1 of the FA of 19 March 2010, in force since 1 Aug. 2010 (AS 2010 3233; BBl 2009 5435).

Art. 61a¹⁹⁸ Evasion of incentive taxes

¹ Any person who wilfully obtains an unlawful tax advantage for him- or herself or for another person in relation to the tax laid down in Article 35a, in particular by evading the tax or unlawfully obtaining an exemption from, refund or reimbursement of the tax, shall be liable to a fine of up to five times the amount of the unlawful tax advantage.

² An attempt is a criminal offence.

³ If the offender acts through negligence, the penalty shall be a fine of up to three times the amount of the unlawful tax advantage.

⁴ If the unlawful tax advantage cannot be determined precisely, it shall be estimated as part of the administrative procedure.

⁵ The prosecuting and adjudicating authority is the FOCBS.

Art. 61b¹⁹⁹ Obstructing the collection of incentive taxes

¹ A fine not exceeding CHF 30,000 shall be imposed on any person who wilfully:

- a. fails to declare or incorrectly declares data and objects relevant to the collection of the tax as set out in Article 35a paragraph 1;
- b. conceals material facts in an application for a tax refund in accordance with Article 35c paragraph 3 or submits untrue evidence of such facts;
- c. provides false information in his or her capacity as a person obliged to provide information (Art. 46);
- d. fails to properly keep, make out, retain or submit accounting records, receipts, business documents and other records or fails to fulfil his or her duty to provide information (Art. 46);
- e. impedes or obstructs the proper inspection process, or makes it impossible to carry out an inspection properly (Art. 46 para. 1); or
- f. violates an implementing provision whose infringement has been declared a criminal offence by the Federal Council.

² An attempt is a criminal offence.

³ If the offender acts through negligence, the penalty shall be a fine.

⁴ The prosecuting and adjudicating authority is the FOCBS.

¹⁹⁸ Inserted by No I of the FA of 21 Dec. 1995 (AS **1997** 1155; BBl **1993** II 1445). Amended by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS **2025** 178; BBl **2023** 239).

¹⁹⁹ Inserted by Annex No 4 of the FA of 15 March 2024, in force since 1 Jan. 2025 (AS **2024** 376; BBl **2022** 2651). Amended by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS **2025** 178; BBl **2023** 239).

Art. 62 Application of administrative criminal law

¹ Articles 6 and 7 of the Federal Act of 22 March 1974²⁰⁰ on Administrative Criminal Law apply to offences under this Act.

² For offences under Articles 61a and 61b, the other provisions of the Federal Act on Administrative Criminal Law also apply.²⁰¹

Art. 62a²⁰² Administrative assistance

¹ The following authorities shall support each other and provide each other with the information they require to prevent and prosecute offences and to enforce measures under the legislation on the environment, nature and cultural heritage protection, landscape protection, water protection, the reduction of greenhouse gas emissions, forest conservation, hunting, fishing, genetic engineering or handling animals and plants of protected species:

- a. the Federal Office;
- b. the FOCBS;
- c. the Federal Food Safety and Veterinary Office;
- d. the Federal Office of Police;
- e. the Office of the Attorney General of Switzerland;
- f. the cantonal criminal and administrative authorities;
- g. other federal criminal or administrative authorities designated by the Federal Council, insofar as this is necessary for the fulfilment of tasks and duties under this legislation.

² The information disclosed may also include sensitive personal data relating to administrative and criminal prosecutions or sanctions insofar as this is necessary to fulfil the statutory tasks and obligations of the authorities concerned.

³ Further-reaching federal and cantonal provisions remain reserved.

²⁰⁰ SR 313.0

²⁰¹ Inserted by No I of the FA of 21 Dec. 1995 (AS 1997 1155; BBl 1993 II 1445). Amended by Annex No 4 of the FA of 15 March 2024, in force since 1 Jan. 2025 (AS 2024 376; BBl 2022 2651).

²⁰² Inserted by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS 2025 178; BBl 2023 239).

Title 6²⁰³ Final Provisions

Art. 63²⁰⁴

Art. 64 Amendment of federal ordinances

If regulations relating to environmental protection enacted under other federal acts contradict or fail to comply with the provisions of this Act, they must be adapted or supplemented in accordance with a schedule to be laid down by the Federal Council.

Art. 65 Cantonal environmental law

¹ Unless and until the Federal Council expressly exercises its power to enact ordinances, the cantons may enact their own regulations in terms of this Act, after consulting the Federal Department of the Environment, Transport, Energy and Communications.

² The cantons may not stipulate any new ambient limit values, alarm levels or planning values nor enact any new regulations governing conformity assessments for series-produced installations or for the handling of substances or organisms.²⁰⁵ Existing cantonal regulations apply until related Federal Council regulations come into force.

Art. 65a²⁰⁶ Transitional provision to the Amendment of 27 September 2024

Applications for payments towards the costs of measures under Article 32e^{bis} paragraphs 3, 4 letter a, 5 and 12 shall in derogation from Article 36 of the Subsidies Act of 5 October 1990²⁰⁷ be assessed in accordance with the law applicable after the date on which the application is filed if work on the measures began or was already completed before the Amendment of 27 September 2024 comes into force. They must be filed with the Federal Office two years at the latest after the Amendment comes into force.

Art. 66 Amendment of federal legislation

...²⁰⁸

Art. 67 Referendum and commencement

¹ This Act is subject to an optional referendum.

²⁰³ Originally Title 5.

²⁰⁴ Repealed by No II 32 of the FA of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437; BBl **2007** 6121).

²⁰⁵ Amended by Annex No 4 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4803; BBl **2000** 2391).

²⁰⁶ Inserted by No I of the FA of 26 Sept. 2014 (AS **2015** 865; BBl **2014** 3673, 3685). Amended by No I of the FA of 27 Sept. 2024, in force since 1 April 2025 (AS **2025** 178; BBl **2023** 239).

²⁰⁷ SR **616.1**

²⁰⁸ The amendments may be consulted under AS **1984** 1122.

² The Federal Council determines the commencement date.

Commencement date: 1 January 1985²⁰⁹

²⁰⁹ FCD of 12 Sept. 1984

