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Ordinance on the Declaration for Timber and Timber Products

of 4 June 2010 (Status as of 1 January 2022)

The Swiss Federal Council,

based on Articles 4 and 11 of the Consumer Information Act of 5 October 1990¹ (ConsumIA);

based on Article 35g paragraph 2 of the Environmental Protection Act of 7 October 1983² (EPA);

based on Article 46a of the Government and Administration Organisation Act of 21 March 1997³ (GAOA),⁴

ordains:

Section 1 Subject Matter

Art. 1

¹ This Ordinance regulates duties to declare in respect of timber and timber products supplied to consumers and the verification of that declaration.

² The Federal Department of Economic Affairs, Education and Research (EAER)⁵, after consulting the Federal Department of the Environment, Transport, Energy and Communications (DETEC), shall determine the timber and timber products to which this Ordinance applies.

³ This Ordinance does not apply to the following timber products:

- a. packaging;
- b. waste;
- c. recycling products.

AS **2010** 2873

¹ SR **944.0**

² SR **814.01**

³ SR **172.010**

⁴ Amended by Annex 3 No 2 of the Timber Trade Ordinance of 12 May 2021, in force since 1 Jan. 2022 (AS **2021** 306).

⁵ The name of this administrative unit was amended in application of Art. 16 para. 3 of the Publications Ordinance of 17 Nov. 2004 (AS **2004** 4937) on 1 Jan. 2013. The amendment has been made throughout the text.

Section 2 Duties to Declare

Art. 2 Duty to declare the timber species

- ¹ Any person who supplies timber or timber products to consumers must:
 - a. indicate the trade name of the timber; and
 - b. provide information that makes it possible for consumers to ascertain the scientific name of the timber.
- ² The EAER, after consulting DETEC, shall specify the reference system for the trade names and scientific names to be used.
- ³ If the timber cannot be allocated to a specific species or if the species cannot be determined with certainty, several timber species or the genus may be given.
- ⁴ In the case of derived wood products based on wood chips or wood fibres, the indication «mixed timber» is permitted.
- ⁵ In the case of products that are composed of more than three components made of different timber species, at least the three species that make up the largest proportion by mass of the product must be indicated. The timber species of a veneer must be indicated if it covers the surface of a product subject to declaration.

Art. 3 Duty to declare the place of origin of the timber

- ¹ Any person who supplies timber or timber products to consumers must indicate the place of origin of the timber.
- ² The place of origin of the timber is the country in which the timber was harvested.
- ³ If the timber cannot be allocated with certainty to a country of origin, several possible countries of origin may be given.
- ⁴ If more than five countries of origin come into consideration, the smallest possible geographical area from which the timber originated may be given.
- ⁵ If it is not possible to allocate the timber to several possible countries of origin or to a geographical area in accordance with paragraph 4, the indication «origin unknown» may be used.
- ⁶ In the case of products that are composed of more than three components made of different timber species, at least the place of origin of the three species that make up the largest proportion by mass of the product must be indicated. The place of origin of a veneer must be indicated if it covers the surface of a product subject to declaration.

Art. 4 Position and language of the declaration

- ¹ The species and place of origin of the timber must be indicated by written note on the product itself, in its immediate proximity or on its packaging.
- ² If it is not possible for technical reasons to put the notice on the product itself, in its immediate proximity or on its packaging, the species and place of origin of the timber

may be indicated in some other easily accessible and easily legible form (on the shelf, in a catalogue).

³ Persons who supply custom-made products and small batches of up to 50 units may also inform consumers of the species and place of origin of the timber by means of a commercial document accompanying the offer. This commercial document shall indicate the countries of origin of each timber species based on the purchases made in the previous year.

⁴ The species and place of origin of the timber must be indicated in an official Swiss language.

Section 3 Verification of the Declaration

Art. 5 Self-verification

¹ Any person who supplies timber or timber products to consumers must ensure compliance with the obligations under Articles 2–4.

² He or she must establish systems and procedures which provide authorities the required information on request and free of charge.

Art. 6 Verification body

¹ The Federal Consumer Affairs Bureau (FCAB) shall verify whether the declarations comply with the provisions of this Ordinance.

² It may call on the assistance of private and public agencies when carrying out verification procedures.

³ It may request the Federal Office for Customs and Border Security⁶ to report import declaration data on specific indications of timber and timber products for a fixed period of time.

Art. 7 Conduct of verification procedure

¹ The verification procedure by the FCAB shall be carried out:

- a.⁷ in the form of random tests at the points of supply; or
- b. in the form of specific tests based on substantiated evidence that a declaration does not comply with the provisions of this Ordinance.

² The FCAB may inspect delivery notes, contracts, bills and other required documents and if necessary take samples for identification purposes and arrange for these to be tested. It may for this purpose during normal working hours enter the business premises of the person supplying the timber or the timber product to consumers.

⁶ The name of this administrative unit was changed on 1 Jan. 2022 in application of Art. 20 para. 2 of the Publications Ordinance of 7 Oct. 2015 (SR **170.512.1**).

⁷ Amended by Annex 3 No 2 of the Timber Trade Ordinance of 12 May 2021, in force since 1 Jan. 2022 (AS **2021** 306).

³ If the verification procedure reveals that the declaration does not comply with the provisions of this Ordinance, the FCAB shall notify the person supplying the timber or the timber product to consumers of the result of the verification procedure and give him or her the opportunity to respond.

⁴ The FCAB may order the correction of the declaration.

Art. 8 Fee

¹ If the verification procedure reveals an infringement of the duty to declare, the person who has infringed this duty shall be charged a fee to cover the costs of the verification procedure.

² The fee shall be based on the amount of time spent on the case.

³ The hourly rate amounts to 200 Swiss francs.

⁴ The provisions of the General Fees Ordinance of 8 September 2004⁸ also apply.

Section 4 Penalties

Art. 9

Any person who infringes the provisions on declaration in accordance with Articles 2–4 shall be liable to the penalties contained in Article 11 ConsumIA.

Section 5 Final Provisions

Art. 10 Amendment of Current Legislation

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Art. 11 Transitional provision

Timber and timber products which do not respect the provisions of this Ordinance may continue to be supplied to consumers until 31 December 2011.

Art. 12 Commencement

This Ordinance comes into force on 1 October 2010.

⁸ SR 172.041.1

⁹ The amendments may be consulted under AS 2010 2873.