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Environment - Switzerland

[Overview \(January 2012\)](#)

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January 09 2012

[New efficiency requirements for electric devices](#)
[New energy labelling for electronic devices](#)
[Extension of prepaid recycling fee to all types of battery](#)
[List of clean construction machine engines](#)
[Reduced fees for certain heavy vehicles](#)
[New energy labelling for passenger vehicles](#)
[Incentives to lower CO2 emissions of passenger vehicles](#)
[Amendments to Ordinance on Biocidal Products](#)

This overview summarises various amendments to statutes and ordinances of Swiss environmental law which either came into effect in 2011 or come into effect in 2012.

New efficiency requirements for electric devices

With the adoption of the energy-related EU Eco-design Directive (2009/125/EC), new efficiency requirements apply to televisions, circulation pumps, fluorescent lamps, street lamps, set-top boxes, refrigerators and freezers. The Swiss Energy Ordinance has been amended accordingly and changes apply as of January 1 2012.

New devices that do not comply with the ordinance's new provisions may still be put on the market for up to six months and be sold in retail trade during a two-year period, starting on January 1 2012.

In particular, the ordinance adopts the EU law definition of the term 'putting on the market'. Therefore, the new efficiency requirements must be fulfilled only at the moment of introducing a new product on the market for the first time, not at the moment of each subsequent sale. In contrast, under existing Swiss law, the definition encompasses each individual sale or distribution of a product. Upon the adoption of the EU law definition, since January 1 2012 Swiss retailers have more flexibility to sell non-compliant products which they may still have in stock. However, from January 1 2014 non-compliant products may no longer be sold on the Swiss market.

New energy labelling for electronic devices

With the amendment to the Swiss Energy Ordinance and in accordance with the EU Registration Regulation (2010/1062), mandatory energy labelling are used for televisions as of January 1 2012.

Also by January 1 2012, new requirements apply to the energy labelling for refrigerators, freezers, washing machines and dishwashers. The new labelling ranges up to Class A+++. These amendments to the Swiss Energy Ordinance are based on the EU Energy Labelling Directive (2010/30/EC).

Any devices not complying with the new provisions may still be put on the market in Switzerland for up to six months and be sold in retail trade during a two-year period, starting on January 1 2012.

Extension of prepaid recycling fee to all types of battery

Under the previous law, only household batteries weighing up to 5 kilograms (kg) were subject to the prepaid recycling fee that is added to the purchase price. In contrast, recycling fees for heavier batteries were payable only on their disposal. However, the collection of batteries, the recycling of their valuable materials and the disposal of their harmful substances are cost intensive, not only for consumer batteries; but also for industrial batteries.

Thus, the Federal Department of Environment, Transport, Energy and Communications decided to amend the Ordinance on Chemical Risk Reduction⁽¹⁾ by January 1 2012, and to extend the prepaid recycling fee to all types of battery. Consequently, the distinction between household batteries of up to 5kg in weight and heavier industrial batteries no longer applies and all types of battery are subject to the prepaid recycling fee.

In analogy to the EU Batteries Directive (66/2006/EC), fees for different types of battery – falling under the categories of 'portable', 'automotive' and 'industrial' – vary, depending on their recycling costs.

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The amended ordinance allows for one exemption only – namely, for cases where an entire framework of an industry solution provides for the environmentally responsible recycling of batteries and their pollutants and covers all recycling costs.

List of clean construction machine engines

In order to comply with the air quality control provisions of the Federal Ordinance on Air Pollution Control,⁽²⁾ construction machines without air particle filter systems must be upgraded. Since more and more manufacturers are equipping construction machines ex-works with particle filter systems, the Federal Office for the Environment has published a list of engines which comply with the regulations on air pollution without filter retrofit.⁽³⁾

The Federal Office for the Environment acts as the supervisory authority with regard to compliance with the relevant legal provisions. The list, which entered into effect on September 20 2011 and will be updated on a regular basis, serves as an implementation aid.

Reduced fees for certain heavy vehicles

As a result of an amendment to the Federal Ordinance on the Heavy Vehicle Fee,⁽⁴⁾ as of January 1 2012 trucks receive a 10% reduction on the distance-based heavy vehicle fee⁽⁵⁾ if they:

- belong to EURO emission Classes II and III;
- are equipped with a particle filter system; and
- comply with a particle limit corresponding to EURO IV vehicles.

The Federal Council also envisages a 10% reduction on the distance-based heavy vehicle fee for EURO VI vehicles. In addition, an inflation-based adjustment of 0.97% is planned to take effect simultaneously with the aforementioned reduction, presumably in the second quarter of 2012.

The amendments do not affect the flat-rate heavy vehicle charge.⁽⁶⁾

New energy labelling for passenger vehicles

Another amendment to the Energy Ordinance, which came into effect on August 1 2011, makes new energy labelling for passenger vehicles compulsory as of January 1 2012 (a transition period applied until the end of 2011).

The classification of vehicles into different energy efficiency categories is based on a specific vehicle's fuel consumption and net weight. A stronger emphasis is placed on a vehicle's total fuel consumption and thereby its carbon dioxide (CO₂) emissions, by increasing its weight in the relevant formula.

The new energy labelling also applies to alternative engines (eg, electrical vehicles). The classifications will be reviewed annually – instead of the previous two-year timeframe – in order to reflect the most recent technological trends.⁽⁷⁾

Incentives to lower CO₂ emissions of passenger vehicles

In line with EU Regulation 443/2009, the revised Swiss CO₂ Act⁽⁸⁾ and the draft of a regulation thereto⁽⁹⁾ provide that the average emissions of all new passenger vehicles must reach the binding target of a maximum CO₂ output of 130 grams per kilometre by 2015. Passenger vehicles registered abroad for over half a year before their import are not subject to the new provisions.

Car manufacturers and importers will be responsible for implementing the new provisions. For importers with a minimum annual import of 50 newly registered vehicles, the average yearly CO₂ output of all annually registered vehicles is relevant. Thus the environmental impact of cars with emissions above the agreed threshold may be offset by cars that are below that threshold. No such compensation is available to small importers with fewer than 50 vehicles a year or for individual imports. In order to profit from the compensation, 'emission cooperations' are allowed, which must be notified to the Swiss Federal Office of Energy by November 30 of the previous year.⁽¹⁰⁾ By the end of each year, the Federal Office of Energy calculates whether the target has been met and imposes a penalty in the event of non-compliance. The penalty amounts to approximately CHF140 per car and gram of CO₂ by which the actual average output of all vehicles sold by the importer in question exceeds the target output of 130 grams of CO₂. If an importer disagrees, it may ask the authority to issue a formal decision. By contrast, cars imported by small importers are invoiced separately and the Cantonal Motor Vehicle Control Office registers the concerned vehicle only after payment of an applicable penalty.

These provisions will enter into force on May 1 2012.

Amendments to Ordinance on Biocidal Products

According to Article 3(1) of the Ordinance on Biocidal Products,⁽¹¹⁾ biocidal products may be placed on the market only if they are authorised, registered or recognised as such. As a prerequisite for the authorisation of a biocidal product, its substance must be included in Lists I, IA or IB (Annex 1–3 of the ordinance).

A recent amendment to the ordinance provides that the substances bifenthrin, fenoxycarb, nonanoic acid and (Z,E)-tetradeca-9,12-dienylacetat be added to the above list by February 1 2013. This amendment is part of Switzerland's harmonisation with EU law, and specifically the EU Biocidal Products Directive (98/8/EC).

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Endnotes

- (1) *Chemikalien-Risikoreduktions-Verordnung* (May 18 2005), SR 814.81.
- (2) *Luftreinhalte-Verordnung* (December 16 1985), SR 814.318.142.1.
- (3) *BAFU-Liste der LRV-konformen Motortypen*, list available at <http://www.bafu.admin.ch/partikelfilterliste/>.
- (4) *Schwerverkehrsabgabeverordnung* (March 6 2000), SR 641.811.
- (5) *Leistungsabhängige Schwerverkehrsabgabe*.
- (6) *Pauschale Schwerverkehrsabgabe*.
- (7) *Anhang 3.6 der Energieverordnung*, SR 730.01.
- (8) *CO2-Gesetz* (October 8 1999), SR 641.71.
- (9) *Verordnung über die Verminderung der CO2-Emissionen von Personenwagen*, draft of August 8 2011.
- (10) An 'emission cooperation' (*Emissionsgemeinschaften*) is a group of two or more independent manufacturers or importers which is formed and treated as one major importer for a maximum of five years to enable all of the participants to comply with an average carbon-dioxide emissions limit that is applicable to the group as a whole. The formation of emission cooperations is also open to major importers not meeting the threshold. In order to comply with competition law, restrictions on the exchange of information apply.
- (11) *Biozidprodukteverordnung* (May 15 2005), SR 813.12.

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