

# Latest environmental legislation in effect and in the pipeline

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**Plant protection**  
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This article summarises key amendments to Swiss environmental laws which either came into effect in recent months or will come into effect in the foreseeable future.

## Plant protection

On 31 October 2018 the Federal Council adopted the new Plant Health Ordinance. **(1)** The ordinance will enter into force on 1 January 2020 and replace the current Plant Protection Ordinance. **(2)**

There has been an increase in harmful organisms in Switzerland due to the growth in international trade with plants and international tourism and the effects of climate change. The new plant health ordinance will make it easier to prevent the import and spread of harmful organisms.

In addition, the new ordinance is necessary to ensure the free movement of goods between Switzerland and the European Union. In the European Union, a new Plant Health Regulation will come into force on 14 December 2019. **(3)** Due to the Swiss-EU bilateral agricultural agreement, the equivalence of the phytosanitary provisions must be maintained. **(4)**

One of the most important changes is the extension and standardisation of the 'plant passport'. The plant passport is an official document which confirms to purchasers that a plant is a controlled product and, in the event of an outbreak, enables the administration to trace harmful plants back through the trade chain.

Also from 2020, the plant passport will be mandatory for all plants intended for planting and will always be a uniform etiquette which must be attached to each plant by the approved company. These innovations will lead to better visibility and recognition of the plant passport.

From 2020, companies placing plants on the market that require a plant passport are subject to admission by the Federal Plant Protection Service. They must, among other things, regularly check the state of health of their goods and have the knowledge necessary to recognise the signs and symptoms of harmful organisms.

Further, increased requirements will apply to imports of plants from non-member countries. Imports of living plant material such as plants, fruits, vegetables, cut flowers and seeds from non-member countries will in principle be permitted only with a phytosanitary certificate. This provision also applies to tourism. Goods which pose an increased phytosanitary risk or whose risk of introducing particularly dangerous harmful organisms is still unknown will be subject to increased conditions or a temporary ban.

The technical provisions and the lists of regulated harmful organisms and goods are expected to be adopted in a new regulation in Autumn 2019 and will enter into force together with the new Plant Health Ordinance on 1 January 2020.

## Water protection

The Waters Protection Ordinance is currently under revision and expected to enter into force in January 2020. **(5)**

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The existing regulations do not sufficiently prevent aquatic organisms from being severely affected by pesticides, pharmaceuticals or industrial chemicals. Currently, a uniform maximum value of 0.1 micrograms per litre applies to all pesticides, irrespective of the toxicity of the substance.

Based on the current state of knowledge, it is possible to determine precisely the concentrations at which pesticides have harmful effects on plants, animals and micro-organisms. Against this background, the limit values for certain substances will be significantly lowered compared with the existing 0.1 micrograms per litre, but increased for others. For certain substances, in particular certain pharmaceuticals and industrial chemicals, the revision sets limit values for the first time.

The revision concerns the protection of aquatic organisms only in surface waters such as lakes and rivers.

## **Chemicals**

The Chemical Risk Reduction Ordinance regulates the handling of certain particularly dangerous substances, preparations and objects in 36 annexes. **(6)** These annexes contain particular restrictions and prohibitions on their production, circulation and use.

Due to the dynamic nature of EU chemical legislation, there is a constant need to adapt the ordinance. Further, as a contracting party to international treaties such as the Stockholm Convention, **(7)** the Vienna Convention for the Protection of the Ozone Layer **(8)** and the Montreal Protocol **(9)** and its extension on the reduction of particularly climate-damaging hydrofluorocarbons (the Kigali Amendment), Switzerland is obliged to implement new regulations for persistent organic pollutants, ozone-depleting substances and greenhouse gases.

The revised ordinance was approved by the Federal Council on 17 April 2019 and entered into force on 1 June 2019.

In a further revision, the ordinance will be amended to require an export authorisation for certain plant protection products which are no longer authorised for sale in Switzerland. An export licence may be issued only with the express consent of the importing country. This revision is expected to enter into force in April 2020.

## **Non-ionising radiation**

The Ordinance on Protection against Non-ionising Radiation is currently being revised. **(10)**

As part of the expansion of the 5G mobile network, additional frequencies have been assigned in the 700MHz, 1,400MHz and 3,500MHz ranges. Until now, there were no emission limits in the 1,400MHz range. The revision aims to close this regulatory gap.

In addition, mobile radio transmitters transmitting less than 800 hours per year will be exempted from the precautionary emission limits.

A new provision will assign to the Federal Office for the Environment the competence of collecting data regarding the non-ionising radiation emissions in the environment and periodically publishing a national survey of the exposure of the population to radiation.

The revision was approved by the Federal Council on 17 April 2019 and entered into force on 1 June 2019.

## **Energy**

The Federal Electricity Supply Act is currently being revised. **(11)**

According to the proposed draft, the electricity market will be completely opened. For consumers, it will be possible to switch between the basic supplier and the free market at the end of each calendar year.

The revision will align with the goals of the Energy Strategy 2050. For this reason, it is proposed that customers in the basic supplier segment will receive electricity from Switzerland as standard and a minimum share of this electricity must be produced from renewable sources.

The new Energy Act entered into force on 1 January 2018 and provides that the use of all renewable energies in Switzerland must be expanded (for further details please see "[Swiss voters adopt revised Energy Act](#)"). **(12)** On this basis, Switzerland will adapt its wind energy strategy, which formulates certain federal positions and goals to be observed by the cantons when new wind turbines are planned and installed. The proposed amended concept is currently in consultation.

## **CO2 reduction**

In December 2018 the National Council rejected the draft of the revised CO2 Act (for further details please see "[Revised CO2 Act to reduce greenhouse gas emissions from passenger cars](#)").<sup>(13)</sup> The draft provided measures to enable Switzerland to reduce its CO2 emissions by 2030 in accordance with the Paris Agreement. In the coming summer session, the CO2 Act will be discussed by the Council of States and new proposals are expected.

Further, in 2017 Switzerland signed an agreement with the European Union on connecting both emissions trading systems (for further details please see "[Major steps taken towards linking Swiss and EU emissions trading systems](#)").<sup>(14)</sup> As a market-based instrument of climate policy, emissions trading enables emission-intensive companies to reduce greenhouse gas emissions at reasonable costs.

The Swiss emission trading scheme currently covers only 54 emission-intensive industrial plants. Therefore, Switzerland aims to link its system to the much larger EU trading system so that Swiss companies may benefit from the liquid and transparent trading within the European Union and from lower marginal costs for greenhouse gas reductions.

Parliament approved the agreement in March 2019. It must now be ratified by Switzerland and the European Union in order to enter into force on 1 January 2020.

Since September 2017, the Worldwide Harmonised Light Vehicles Test Procedure has been gradually introduced in the European Union and Switzerland. This procedure measures the fuel consumption and emissions of light motor vehicles. It should provide more practical values compared with the previous test procedure and enable a worldwide comparison between vehicles in terms of fuel consumption and emissions.

Since September 2018, all newly registered vehicles must disclose emission values pursuant to the new procedure. The conversion of the energy label and the information in advertising and sales documents will take effect on 1 January 2020.

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## **Endnotes**

(1) Plant Health Ordinance, SR 916.20.

(2) Plant Protection Ordinance SR 916.20.

(3) Article 113(1) of EU Regulation 2016/2031 of 26 October 2016 on protective measures against pests of plants.

(4) Agreement between the Swiss Confederation and the European Community on trade in agricultural products, concluded on 21 June 1999, SR 0.916.026.81.

(5) Waters Protection Ordinance, SR 814.201.

(6) Chemical Risk Reduction Ordinance, SR 814.81.

(7) Stockholm Convention on Persistent Organic Pollutants, SR 0.814.03.

(8) Vienna Convention for the Protection of the Ozone Layer, SR 0.814.02.

(9) Montreal Protocol on Substances that Deplete the Ozone Layer, SR 0.814.021.

(10) Ordinance on Protection Against Non-ionising Radiation, SR 814.710.

(11) Electricity Supply Act, SR 734.7.

(12) Energy Act, SR 730.0.

(13) Act on the Reduction of CO2 Emissions, SR 641.71.

(14) Agreement between the Swiss Confederation and the European Union on linking their greenhouse gas emissions trading schemes, SR 0.814.011.268.

