

Delivering expert knowledge to global counsel


[Home](#) | [About](#) | [Newsletters](#) | [Deals](#) | [Directory](#) | [Awards](#) | [Partners](#) | [My ILO](#) | [Bookstore](#)

Environment - Switzerland



Key legislation in effect and in the pipeline

Contributed by **Pestalozzi Attorneys at Law**

March 10 2014

Polluted sites

National and international movement of waste
Chemicals
Energy Act and Energy Ordinance
Plan approval procedure for electrical facilities
Electricity supply
Energy label for new automobiles
Railway noise

This update summarises various amendments to Swiss environmental statutes and ordinances which either came into effect in 2013 or will come into effect in 2014.

Polluted sites

Switzerland has about 38,000 polluted sites, 4,000 of which are qualified as contaminated sites. The Federal Council intends to investigate, monitor and remediate these sites by 2025. These measures will cost around Sfr5 billion, which must be borne by the polluters. However, if a polluter cannot be identified or is unable to pay, the relevant authority must bear the costs.

Since November 1 2013 the Federal Act on the Protection of the Environment⁽¹⁾ stipulates that the competent authority may request the responsible person (ie, the polluter) to provide appropriate security for the measures covering its probable share of the costs of investigation, monitoring and remediation. The amount of the security is determined on the extent, nature and intensity of the pollution. It is adjusted from time to time on the basis of improved knowledge of the situation.

In July 2014 further amendments will be enacted. From then on, a sale or parcelling of land that is listed in the register of contaminated sites will be subject to approval by the responsible authority. Approval will be granted if:

- the land is not expected to cause harmful effects or nuisances;
- security for the measures has been assured; or
- there exists a prevailing public interest in the sale or parcelling.

National and international movement of waste

Certain amendments to the Ordinance on Movements of Waste⁽²⁾ will come into effect on May 1 2014. Regarding the domestic movement of waste, the ordinance stipulates that hazardous waste can be received not only at the location of the waste disposal enterprise, but also at the location of the enterprise delivering the waste. However, this is possible only if the waste disposal enterprise meets its duty to control the waste outside of its enterprise and takes over the responsibility.

Regarding the cross-border movement of waste, a duty to deposit a security when exporting waste will be implemented. Amendments to the ordinance will simplify regulations on the import and export of laboratory waste samples. Finally, the quantity threshold for information to be carried according to the green control procedure will be adapted to the Organisation of Economic Cooperation and Development Environment Policy Committee Decision C(2001)107/FINAL and EU Regulation 1013/2006. Thus, according to the green control procedure,⁽³⁾ a form will have to be carried only if more than 20 kilograms (kg) of waste is transported. Until May 1 2014, no such weight limit applies.

Chemicals

Since August 1 2013, the list of substances of very high concern in the Ordinance on Protection against Dangerous Substances and Preparations⁽⁴⁾ (Annex 7) has been adapted to the respective candidate list of the EU Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals.⁽⁵⁾ Fifty-three substances have been added to the list. If a preparation contains at least

Authors

Anne-C Imhoff



Michael Lips



Actions

[Comment for author](#)

[Advanced search](#)

[Send to colleague](#)

[Updates for this firm](#)

[Updates for this jurisdiction](#)

[Updates for this workarea](#)

[Print](#)



0.1% by weight of a substance listed in Annex 7, the manufacturer is obliged to issue a safety data sheet. The supplier of the relevant preparation is obliged to provide the safety data sheet to persons who use the preparation professionally or commercially.

On October 1 2013 amendments to the Ordinance on the Control of Chemicals for Civilian and Military Applications⁽⁶⁾ came into effect. The ordinance implements obligations resulting from the Chemical Weapon Convention.⁽⁷⁾ For List 1 chemicals (ie, chemicals that have been or can be easily used as chemical weapons and which have limited, if any, use for peaceful purposes), a concentration of less than 0.5% by weight is now considered as equal to zero. The Federal Council has the authority to grant certain types of business the approval to work with List 1 chemicals (eg, for research purposes and in the pharmaceutical industry).

Since December 1 2013, it is no longer necessary to obtain cantonal approval for cooling devices and heating pumps containing more than 3kg of refrigerants that are stable in the air, in particular hydrofluorocarbon. Pursuant to an amendment to the Ordinance on the Reduction of Risks Relating to the Use of Certain Particularly Dangerous Substances, Preparations and Articles,⁽⁸⁾ such devices are prohibited if they exceed a certain performance.

Energy Act and Energy Ordinance

On January 1 2014 amendments to the Energy Act⁽⁹⁾ came into effect. These amendments provide, in particular, that there will be more funds for feed-in remuneration⁽¹⁰⁾ at cost:

- The maximum network supplement has been increased from 1 cent to 1.5 cents per kilowatt hour (kWh);
- The network supplement can be refunded to enterprises with high energy consumption;
- Small photovoltaic facilities with a capacity of less than 10kW will be supported by a one-time remuneration instead of the feed-in remuneration at cost. Photovoltaic facilities with a capacity of 10kW to 30kW can choose between the feed-in remuneration at cost or a one-time remuneration; and
- A producer of fossil or renewable energy now has the explicit right to use its produced energy fully or partially for its own purposes.

As of January 1 2014, the Energy Ordinance⁽¹¹⁾ was also amended. Photovoltaic facilities and small hydroelectrical power stations commencing operations after January 1 2014 receive the feed-in remuneration at cost for 20 years only, instead of 25 years.

Additionally, the energy label for certain types of electrical device has been amended in order to align it with the EU rules. For the relevant types of device, the energy label provides for energy classes from A+++ to D, instead of A to G as before. For these changes, a transition period applies until December 31 2014. For certain other devices, the new classes were already introduced in 2012.

Plan approval procedure for electrical facilities

On December 1 2013 certain amendments to the Ordinance on the Plan Approval Procedure for Electrical Facilities⁽¹²⁾ entered into force. The amendments aim to reframe energy politics and facilitate the installation of small power-generating systems. In particular, the minimum level for the obligation to induce a plan approval procedure for power generation facilities has been raised. Consequently, smaller facilities can now be built without the approval of the Federal Inspectorate for Heavy Current Installations. It is expected that especially small photovoltaic installations will benefit from these amendments.

In addition, the plan approval proceedings in general, as well as the sectoral plan process, have been shortened and tightened.

Electricity supply

On March 1 2013 amendments to the Electricity Supply Ordinance⁽¹³⁾ came into effect. The following amendments aim to make investment in the renewal and expansion of the Swiss energy grid more attractive:

- The calculation method of weight average cost of capital has been adapted;
- Price regulation for end users has been adapted – from now on, only the actual costs are to be price decisive; and
- An exception for railway operators regarding the end-consumer regulation has been implemented.

The Regulation on Wholesale Energy Markets Integrity and Transparency⁽¹⁴⁾ (Remit Regulation) stipulates that market participants must submit data, in particular data regarding wholesale trade, to the European authorities. Since July 1 2013 Swiss energy market participants with trade relations to the European Union must submit these data reports simultaneously to EU authorities and the Swiss Federal Electricity Commission.

Energy label for new automobiles

Each year, the Federal Department of the Environment, Transport, Energy and Communications adapts the energy label for new automobiles to state-of-the-art standards (the reference period is between June 1 and May 31). The new limits for the efficiency categories, which came into effect on August 1 2013, are stated in the Department of the Environment, Transport, Energy and

Communications Ordinance on the Information of the Energy Label of New Automobiles,⁽¹⁵⁾ with a transition period until December 31 2013. For 2014, the average value of carbon emissions released by new automobiles, also declared on the energy label had to be adapted and now lies at 148 grams per kilometre (g/km) (153g/km in 2013 and 159g/km in 2012).

Railway noise

As of March 1 2014, an amendment to the Federal Law on Noise Remediation of Railways⁽¹⁶⁾ will introduce new noise limit values. As a result, the use of noisy cargo wagons on the Swiss railway network will be virtually prohibited as of 2020. The amendments further establish the prerequisites for the use of noise control measures and the support of technical innovations.

For further information on this topic, please contact [Anne-C Imhoff](#) or [Michael Lips](#) at Pestalozzi Attorneys at Law by telephone (+41 44 217 91 11), fax (+41 44 217 92 17) or email (anne-c.imhoff@pestalozzilaw.com or michael.lips@pestalozzilaw.com). The Pestalozzi Attorneys at Law website can be accessed at www.pestalozzilaw.com.

Endnotes

- (1) Environmental Protection Act, SR 814.01.
- (2) Regulation on the Movement of Waste, SR 814.610.
- (3) For more information regarding the green control procedure, please see www.bafu.admin.ch/abfall/01508/06061/08974/index.html?lang=en.
- (4) Chemicals Ordinance, SR 813.11.
- (5) EU Regulation 1907/2006.
- (6) Chemicals Control Ordinance, SR 946.202.21.
- (7) Chemical Weapons Convention, SR 0.515.08.
- (8) Chemical Risk Reduction Ordinance, SR 814.81.
- (9) Energy Act, SR 730.0.
- (10) For more information regarding the feed-in remuneration at cost, please see www.bfe.admin.ch/themen/00612/02073/index.html?lang=en.
- (11) Energy Ordinance, SR 730.01.
- (12) Regulation on the Plan Approval Process for Electrical Facilities, SR 734.25.
- (13) Electricity Supply Ordinance, SR 734.71.
- (14) EU Regulation 1227/2011.
- (15) Federal Department of the Environment, Transport, Energy and Communications Ordinance on Information on the Energy Label of New Automobiles, SR 730.011.1.
- (16) Federal Act on Noise Remediation of Railways, SR 742.144.

Comment or question for author

The materials contained on this website are for general information purposes only and are subject to the [disclaimer](#).

ILO is a premium online legal update service for major companies and law firms worldwide. In-house corporate counsel and other users of legal services, as well as law firm partners, qualify for a free subscription. Register at www.iloinfo.com.

Online Media Partners



© Copyright 1997-2014 Globe Business Publishing Ltd

[Contact](#) | [Disclaimer](#) | [Privacy Policy](#)