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## Environment - Switzerland

### Legislative Update

Contributed by [Pestalozzi Lachenal Patry](#)

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Recently, substantial amendments have been made to important areas of Swiss law concerning the protection of the environment and of people's health and safety. The amended laws regulate climate protection, the management of waste (in particular hazardous waste) and the handling of chemical products.

### Climate Protection

The Kyoto Protocol<sup>(1)</sup> came into effect in Switzerland on February 15 2005. Between 2008 and 2012, Switzerland must reduce its emissions of the following six types of greenhouse gas by 8% from 1990 levels:

- carbon dioxide;
- methane;
- nitrous oxide;
- hydrofluorocarbon;
- perfluorocarbon; and
- sulphur hexafluoride.

The same reduction must be achieved by all EU member states.

To achieve this obligation, the Swiss government decided to charge Sfr35 per ton of carbon dioxide produced from fossil fuels. According to the Federal Statute on the Reduction of Carbon Dioxide Emissions, <sup>(2)</sup> Parliament must approve the level of the charge. This approval is still outstanding.

In the first instance, the charge shall apply to heating oil, coal and gas only. It shall not apply to gasoline and diesel, on which importers currently pay Sfr0.015 per litre on a voluntary basis. The government plans to continue the voluntary payment scheme until at least 2007. Depending on the achievement of certain objectives with regard to the emission of carbon dioxide, the mandatory charge may be extended to gasoline and diesel. However, the position of Parliament with regard to the voluntary payment scheme remains unclear. Therefore, even if it becomes apparent that relevant objectives will not be met, it is doubtful whether the legislature will implement effective measures within a reasonable time.

### Waste Management

Switzerland is a member of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.<sup>(3)</sup> In view of the increasing cross-border trade of waste, it became essential to bring Swiss law into line with the provisions of the European Union. The new Ordinance on the Transportation of Waste<sup>(4)</sup> provides that only qualified waste management enterprises may accept waste. The list of 'waste'<sup>(5)</sup> now defines the different types of waste by using new codes. These codes came into effect on January 1 2006.

## Chemical Products

The new Federal Statute on Chemical Products<sup>(6)</sup> came into effect on August 1 2005. The legislation on chemical products needed to be revised as it contained major differences from EU law on trade in and the export of chemicals. Now the same classifications, judgments and approvals apply in Switzerland as in the European Union. In addition, many administrative burdens have been reduced.

The purpose of the Statute on Chemical Products is to protect people's health and keep them safe from the harmful effects of chemical products and preparations, in particular with regard to the effect of pesticides on living spaces. By contrast, employees are protected by the legislation on employment and industry, while the environment is protected by particular legislation on pollution control.

The Statute on Chemical Products does not contain detailed regulations; six different ordinances govern the details. If scientific and economic development requires it, the government can easily amend these ordinances. The ordinances cover the following areas:

- the responsibilities of producers of chemical products and the classification, packaging and labelling of chemicals;<sup>(7)</sup>
- pesticides, disinfectants, food preservatives, timber preservatives, underwater paints and so on;<sup>(8)</sup>
- chemicals which pose particular threats to people or the environment;<sup>(9)</sup>
- quality assurance regarding test data;<sup>(10)</sup>
- tariff rates with regard to the execution of federal legislation on chemical products;<sup>(11)</sup> and
- the import and export of chemicals, in particular with regard to the Rotterdam Convention.<sup>(12)</sup>

In contrast to the previous statute,<sup>(13)</sup> the new statute does not classify chemical products into particular poisonous categories. Rather, the classification and labelling refer to physical and chemical properties (eg, flammability) and the relevance to the environment (eg, potential to endanger water). Special symbols on the packaging summarize the dangerous properties of a particular chemical product. So-called 'risk sentences' describe these dangerous properties in detail. In addition, so-called 'security sentences' inform about the necessary precautions. Since the symbols on the packaging give summarized information only, the user should not only rely on the symbols, but also read the risk and security sentences. The statute distinguishes between old and new substances; the old substances, in contrast to the new ones, were already registered under the previous statute. Therefore, producers are responsible for the old substances, which they need register only under certain circumstances, whereas registration with the competent federal authority<sup>(14)</sup> is always necessary for the new substances.

To reduce administrative burdens, the Statute on Chemical Products heightens the responsibilities of producers and processors, which must exercise self-control to ensure that chemical products do not endanger people's health or safety. Enterprises working with chemicals must appoint a responsible person who is familiar with the properties, dangers and handling of these substances.

The federal and cantonal authorities are responsible for implementing the legislation. The federal authorities are competent to admit new products, maintain the product register and perform coordination tasks. The cantonal authorities control the market and monitor compliance with regulations on the handling of chemical products. The Federal Recourse Commission for Chemicals<sup>(15)</sup> is competent for appeals against orders in connection with the legislation of chemical products.

Although the new legislation on chemical products became effective just a few months ago, the next substantial amendment is already on the horizon. That step is likely to cover the adoption of the new Globally Harmonized System of Classification and Labelling of Chemicals and the EU Registration, Evaluation and Authorization of Chemicals Directive, which are currently being adopted by the European Union.

*For further information on this topic please contact [Max Walter](mailto:Max.Walter@plplaw.ch) or [Michael Lips](mailto:Michael.Lips@plplaw.ch) at Pestalozzi Lachenal Patry by telephone (+41 1 217 91 11) or by fax (+41 1 217 92 17) or by email ([max.walter@plplaw.ch](mailto:max.walter@plplaw.ch) or [michael.lips@plplaw.ch](mailto:michael.lips@plplaw.ch)).*

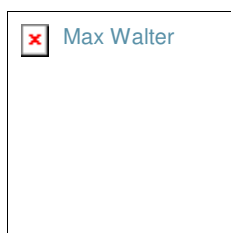
## Endnotes

- (1) December 11 1997, Kyoto Protocol to the United Nations Framework Convention on Climate Change (SR 0.814.011).
- (2) October 8 1999, *Bundesgesetz über die Reduktion der CO2-Emissionen* (SR 641.71).
- (3) March 22 1989, *Basler Übereinkommen über die Kontrolle der grenzüberschreitenden Verbringung gefährlicher Abfälle und ihrer Entsorgung* (SR 0.814.05).
- (4) June 22 2005, *Verordnung über den Verkehr mit Abfällen* (SR 814.610).
- (5) October 18 2005, *Verordnung des UVEK über Listen zum Verkehr mit Abfällen* (SR 814.610.1).
- (6) December 15 2000, *Bundesgesetz über den Schutz vor gefährlichen Stoffen und Zubereitungen* (SR 813.1).
- (7) May 18 2005, *Verordnung über den Schutz vor gefährlichen Stoffen und Zubereitungen* (SR 813.11).
- (8) May 18 2005, *Verordnung über das Inverkehrbringen von und den Umgang mit Biozidprodukten* (SR 813.12).
- (9) May 18 2005, *Verordnung zur Reduktion von Risiken beim Umgang mit bestimmten besonders gefährlichen Stoffen, Zubereitungen und Gegenständen* (SR 814.81).
- (10) May 18 2005, *Verordnung über die gute Laborpraxis* (SR 813.112.1).
- (11) May 18 2005, *Verordnung über Gebühren für den Bundesvollzug der Chemikaliengesetzgebung* (SR 813.153.1).
- (12) September 10 1998, Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (SR 0.916.21); May 18 2005, *Verordnung zum Rottdamer Übereinkommen über das Verfahren der vorherigen Zustimmung nach Inkennzeichnung für bestimmte Chemikalien im internationalen Handel* (SR 814.82).
- (13) March 21 1969, *Giftgesetz* (SR 813.0).
- (14) *Bundesamt für Gesundheit*, Anmeldestelle Chemikalien, 3003 Berne, Switzerland, [www.bag.admin.ch](http://www.bag.admin.ch).
- (15) *Eidgenössische Rekurskommission für Chemikalien*, Effingerstrasse 39, 3003 Bern, Switzerland.

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## Authors

### Max Walter



### Michael Lips



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