

1. -----IND- 2013 9506 CH- EN- ----- 20131002 --- --- PROJET

## **Federal Law on Environmental Protection (Law on Environmental Protection, LEP)**

**Amendment of ...**

***Project sent for consultation***

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*The Federal Assembly of the Swiss Confederation,  
in view of the message of the Federal Council of ...<sup>1</sup>  
decrees the following:*

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*The Law of 7 October 1983 on environmental protection<sup>2</sup> is amended as follows:*

*Article 10e, subparagraph 1, introductory wording, and subparagraph 3*

<sup>1</sup> The authorities will objectively inform the public about environmental protection, on the development of environmental pollution and on the effectiveness of using resources, in particular:

<sup>3</sup> Specialist departments will advise the authorities and individual members of the public. They will inform the public about the types of behaviour that respect the environment and resources and will recommend measures to reduce pollution.

*Heading before Article 10h*

### **Chapter 5 (new) Effective use of natural resources**

*Article 10h (new)*

<sup>1</sup> The Confederation and, within their area of responsibility, the cantons are working to achieve sustainable improvements in the effectiveness of using resources in order to significantly reduce environmental damage; environmental damage caused abroad is also taken into account.

<sup>2</sup> The Confederation maintains a platform on the green economy to improve the effectiveness of using resources. It collaborates with business, scientific and civil society organisations at national and international level.

<sup>3</sup> The Federal Council regularly reports to the Federal Assembly on the development of the effectiveness of using resources and additional measures to take, including setting quantitative objectives applied to resources.

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<sup>1</sup> FF ...

<sup>2</sup> RS 814.01

*Article 30b, subparagraph 2<sup>bis</sup> (new)*

<sup>2bis</sup> Concerning packaging which must be recycled under Article 30d, subparagraph 3, the Federal Council makes their acceptance compulsory if this is necessary to ensure their recycling.

*Article 30d*      Recycling

<sup>1</sup> Waste must be recycled as a material or transformed into energy if the state of technology permits and it is economically viable.

<sup>2</sup> The following materials, in particular, must be recycled:

- a. recyclable metals contained in waste treatment residues, wastewater and polluted air;
- b. significant amounts of recyclable components contained in unpolluted excavation and drilling materials destined for permanent storage;
- c. the phosphorus contained in sewage sludge, animal meal and bone meal; the Federal Council will fix transitional deadlines.

<sup>3</sup> The Federal Council will lay down requirements for the recycling of other waste if the amount of waste expected, or environmental considerations, makes this necessary. It will take into account, in doing so, the effectiveness of using raw materials and energy efficiency.

<sup>4</sup> It may restrict the use of materials and products for certain purposes if such a measure promotes the flow of products from waste recycling, brings ecological benefits and is economically viable.

*Article 30e, subparagraph 2*

*Repealed*

*Article 30g, title (only concerns the German text)**Article 30h*      Waste disposal facilities

<sup>1</sup> Any party wishing to build or operate a controlled landfill must obtain a permit. Authorisation will be granted only if it is proven that the landfill is necessary. It will define the waste which may be accepted by the controlled landfill for permanent storage. The authority may impose a time limit on the operation of the landfill.

<sup>2</sup> The Federal Council may authorise other waste disposal facilities if the size of the facilities and properties or the composition of the waste being treated so require.

<sup>3</sup> The Federal Council will lay down technical and organisational requirements on the waste disposal facilities, particularly on the state of the art, the proof that they are needed and the duration of the validity of the authorisations. It takes into account as far as possible the effectiveness of using raw materials and energy efficiency.

*Article 32a<sup>bis</sup>, subparagraph 1) second sentence*

<sup>1</sup> ... The proceeds of the prepaid disposal fee, including interest but minus the costs of implementation, will be used to finance waste disposal by private organisations or public entities.

*Heading before Article 35d*

## **Chapter 7 (new) Reduction of environmental damage related to raw materials and products**

*Article 35d (new)* Information on products

<sup>1</sup> The Federal Council may require

- a. producers, importers and traders of products whose production, use or disposal significantly affects the environment should inform consumers of the damage caused by their products;
- b. producers, importers and traders who inform consumers about the environmental damage caused by their products, without being required to do so under subparagraph a., must comply with the requirements set by the Federal Council in this regard.

<sup>2</sup> The Federal Council shall determine:

- a. methods for assessing the effects of products on the environment, taking into account the entire life cycle of products and all significant aspects for the environment as well as recognised international standards;
- b. the manner in which information must be provided.

*Article 35e (new)* Report on raw materials and products

<sup>1</sup> The Federal Council may require certain categories of producers and traders to assess the environmental effects linked to raw materials and products which could significantly damage the environment, and to report back to the Confederation.

<sup>2</sup> The Federal Council:

- a. will designate those categories of producers and traders who will be obliged to report back;
- b. will designate those raw materials and products which must be the object of such a report;
- c. will determine the methods for assessing the effects of raw materials and products on the environment, taking into account the entire life cycle of those raw materials and products and all significant aspects for the environment as well as recognised international standards;
- d. will determine the form and content of such reports;
- e. will regulate publication of the results of those reports.

*Article 35f (new)* Market placement of raw materials and products

<sup>1</sup> The Federal Council may make the market placement of raw materials and products subject to certain requirements, taking account of recognised international standards, if:

- a. the cultivation, extraction, production or trade of those raw materials and products has not been or could not be carried out in accordance with the environmental or other requirements applicable in the country of origin, or if
- b. the cultivation, extraction and production of those raw materials and products can significantly damage the environment.

<sup>2</sup> It may prohibit the market placement of such raw materials and products.

*Article 35g (new) Duty of diligence*

<sup>1</sup> Any person placing raw materials and products on the market must take every care under the circumstances to ensure that the goods meet the requirements referred to in Article 35f

<sup>2</sup> The Federal Council may, in particular:

- a. determine the type and extent of the measures to be adopted under the duty of diligence;
- b. require that the import of certain raw materials and products be notified;
- c. determine what information on those raw materials and products the person who places them on the market needs to have;
- d. provide for the return and sequestration of certain raw materials and products.

<sup>3</sup> The Federal Council may introduce exceptions to the duty of diligence if compliance with the requirements referred to in Article 35f is guaranteed by other means.

*Article 35h (new) Traceability*

To ensure compliance with the requirements referred to in Article 35f, the Federal Council may require producers, importers and traders to take adequate measures to ensure the traceability of raw materials and products.

*Article 41, subparagraph 1*

<sup>1</sup> The Confederation will implement Articles 12, subparagraph 1(e) (requirements on fuels and fuel oils), 26 (independent supervision) 27 (information for buyer), 29 (requirements on substances), 29a to 29h (use of organisms), 30b, subparagraph 3 (compensation fund related to deposits), 30f and 30g (import and export of waste), 31a, subparagraph 2, and 31c, subparagraph 3 (the Confederation's measures on waste disposal), 32a<sup>bis</sup> (prepaid disposal fee), 32e, subparagraphs 1 to 4 (fee to finance cleaning up), 35a to 35c (incentive of taxes), 35e to 35h (reports on raw materials and products, market placement of raw materials and products, duty of diligence and traceability), 39 (implementation requirements and international

agreements), 40 (market placement of mass-produced equipment) and 46, subparagraph 3 (information on substances and organisms); the cantons may be called upon to cooperate in implementing certain tasks.

*Article 41a, subparagraphs 2 and 3*

<sup>2</sup> They may:

- a. promote the conclusion of sectorial agreements by indicating quantitative objectives and deadlines;
- b. directly agree quantitative objectives and deadlines with businesses and business organisations.

<sup>3</sup> Before laying down implementing requirements, they will consider the economic measures taken voluntarily. If possible and if necessary, they will partially or totally integrate sectorial agreements and agreements with economic businesses into law.

*Article 49, subparagraph 1*

<sup>1</sup> The Confederation will encourage, in cooperation with the cantons, the training and continuing education of those people carrying out functions related to this law.

*Article 49a (new) Information and advice*

The Confederation may, as part of its tasks, support information or advice projects aiming to promote the efficient use of resources.

*Article 53, subparagraph 1, a<sup>bis</sup> (new)*

<sup>1</sup> The Confederation may grant contributions:

- a<sup>bis</sup>. to international institutions that develop bases for a more efficient use of resources;

*Article 61, subparagraph 1, m<sup>bis</sup> (new)*

<sup>1</sup> A fine of 20,000 francs shall be imposed on anyone who has intentionally:

- m<sup>bis</sup>. infringed the regulations on reducing environmental damage caused by using raw materials and products (Articles 35d to 35h);

## II

<sup>1</sup> This law will be subject to a referendum.

<sup>2</sup> It will be published in the Federal Journal as soon as the popular initiative 'For a sustainable economy based on the effective management of resources (green economy)<sup>3</sup>' has been withdrawn or rejected.

<sup>3</sup> The Federal Council shall set the date of entry into force.

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<sup>3</sup> FF 2011 2025