

English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force

Referendum deadline expires on 4 October 2012

Animal Welfare Act

(TSchG)

Amendment of 15 June 2012

The Federal Assembly of the Swiss Confederation,
after examining the message of the Federal Council of 7 September 2011¹,
decrees:

I

The Animal Welfare Act of 16 December 2005² is amended as follows:

Art. 5 paras 1^{bis} and 2

^{1bis} The Federal Council may provide for certain training and continuing education to be recognized by the federal government or the cantons.

² The federal government ensures that the public is informed about animal welfare issues.

Art. 6 para. 3

³ It may define the requirements for the training and continuing education of animal keepers and persons who train animals or engage in animal care and grooming activities.

Art. 7 Title, para. 1, 3 second sentence and 4

Reporting and licence obligations, bans

¹ The Federal Council may make certain types of animal husbandry, the keeping of certain animal species and certain animal care and grooming activities subject to the fulfilment of reporting or licence obligations.

³ ... It is forbidden to import dolphins and other Cetaceans.

¹ BBl 2011 7055

² SR 455

⁴ The Federal Council may make the commercialization and the use of aids and equipment that cause pain for the training and control of animals subject to the fulfilment of reporting or licence obligations or may ban them.

Art. 10 para. 2 second sentence

² ... It may prohibit the breeding, production, keeping, importing, transit and exporting of animals with certain traits, in particular physical and behavioural abnormalities.

Section title before Art. 13

Section 3: Trade in animals and animal products

Art. 13 Licence and reporting obligation

¹ Commercial trading in animals and the use of live animals for promotional purposes require a licence.

² The Federal Council may make supraregional events with animals subject to the fulfilment of reporting or licence obligations.

Art. 14 Title and para. 2

Conditions, restrictions and bans

² It is forbidden to import, transit and export dog and cat fur and products made therefrom and also to trade in such furs and products.

Art. 15 Title

Basic principles

Art. 15a International animal transport

¹ Anyone who engages in the international transport of animals commercially requires a permit.

² The Federal Council may determine what international standards must be observed in the international transport of animals.

³ Cattle, sheep, goats, pigs and also horses and poultry for slaughter may only pass through Switzerland by rail or air.

Art. 20a Public information

¹ On completion of an animal experiment, the Federal Veterinary Office (FVO) publishes the following details:

- a. the title and subject area of the animal experiment;

- b. the purpose of the experiment;
- c. the number of animals used per animal species;
- d. the degree of severity of constraints on the animals.

² The Federal Council may provide for further details being published, unless barred by prevailing private or public interests worthy of protection.

³ It regulates the details, in particular the degree of detail in the information that the people responsible for an animal experiment have to furnish. In doing so, it observes the prevailing private or public interests that are worthy of protection.

Section 6a: Information system in the field of animal experiments

Art. 20b Purpose and content

¹ The federal government operates an information system in support of the legal functions of the federal and cantonal governments in the field of animal experiments.

² The information system contains the following personal data:

- a. Data of administrative and criminal proceedings and sanctions;
- b. Data on licences and the monitoring of animal experiments;
- c. Data on licences and the monitoring of laboratory animal facilities, breeding stations and trading operations;
- d. Data on reports of animal lines or strains that have a clinical pathological phenotype;
- e. Data on qualification, advanced education and continuing education;
- f. Data required for the publication of animal experiment statistics;
- g. Data required for user and system administration.

Art. 20c Access rights

¹ Within the limits of their legal functions, the following persons may process personal data, in particular personal data worthy of protection and personal profiles, and have access to this data in the computerised search system:

- a. FVO staff who perform supervisory duties;
- b. staff of cantonal approval authorities in their sphere of responsibility;
- c. members of cantonal commissions for animal experiments in their sphere of responsibility;

- d. staff of institutes, laboratories and laboratory animal facilities, breeding stations and trading operations in their sphere of responsibility.

² Within the limits of their legal functions, the staff of the cantonal approval authorities and members of the cantonal commissions for animal experiments may examine data on applications for approval and decisions from other cantons in the computerised search system.

Art. 20d Fees

The federal government charges fees for use of the information system by the cantons. The Federal Council sets the fees.

Art. 20e Supplementary regulations

The Federal Council regulates

- a. collaboration with the cantons;
- b. the data catalogue;
- c. the responsibilities for data processing;
- d. access privileges, in particular the scope of access in the search system;
- e. the organisational and technical measures required to ensure data protection and data security, in particular the requirements for granting access;
- f. archiving;
- g. the retention and deletion period.

Art. 23 paras 3 and 4

³ The FVO keeps a list of the bans imposed. This may be examined by the cantonal departments as defined in Article 33 for the fulfilment of their legal duties.

⁴ The Federal Council may conclude agreements under international law on the mutual exchange of information on bans imposed. It may provide for bans imposed abroad being held applicable in Switzerland.

Art. 24 paras 3 and 4

³ If punishable offences against the provisions of this act come to light, the authorities responsible for enforcement shall file charges.

⁴ In minor cases, the authorities responsible for enforcement may decide not to bring charges.

Art. 25 Appeal of authority

¹ The FVO has the cantonal and federal right to appeal against decisions by the cantonal authorities concerning animal experiments.

² The cantonal authorities immediately announce their decisions to the FVO.

Art. 26 para. 1 introductory sentence and para. 2

¹ Anyone who wilfully:
is liable to a term of imprisonment of up to three years or a fine.

² If the offender acts through negligence, the punishment is a fine of up to 180 days' payment in lieu of prison.

Art. 27 Offences committed in trading in animals and animal products

¹ Anyone who violates the Convention of 3 March 1973³ on International Trade in Endangered Species of Wild Fauna and Flora (CITES) by wilfully importing, exporting, transporting through the country or taking into possession animals or animal products as defined in Annexes I to III of the Convention is liable to a term of imprisonment or a fine. If the offender has acted through negligence, the punishment is a fine of up to 180 days' payment in lieu of prison.

² Anyone trading in animals and animal products who wilfully flouts the conditions, restrictions or bans as stipulated in Article 14 is liable to a fine of up to 20 000 francs. Attempt, aiding and abetting and incitement are punishable. If the offender acts through negligence, the punishment takes the form of a fine.

Art. 28 para. 1 introductory sentence and letters h and i, paras 2 and 3

¹ Anyone who wilfully

- h. deals with animals commercially contrary to regulations;
- i. uses live animals for promotion contrary to regulations

is liable to a fine of up to 20,000 francs, unless Article 26 is applicable

² Attempt, aiding and abetting and incitement are punishable. If the offender acts through negligence, the punishment takes the form of a fine.

³ Anyone who either wilfully or through negligence violates an implementing regulation which it has been declared a punishable offence to violate or an order directed at this person whose attention has been drawn to the threat of punishment pursuant to this article is liable to a fine.

Art. 31 Prosecution

¹ The prosecution and judgment of punishable offences are a matter for the cantons.

³ SR 0.453

² The FVO investigates and judges violations as defined in Article 27 Paragraph 1. It investigates and judges violations as defined in Article 27 Paragraph 2 that come to light at approved border inspection posts during the import, transit and export of animals and animal products. If a violation simultaneously constitutes an offence against the Customs Act of 18 March 2005⁴ or the Value-Added Tax Act of 12 June 2009⁵, this is investigated and judged by the Federal Customs Administration.

³ If in the import, transit and export of animals and animal products outside the approved border inspection posts there is simultaneously a violation of the Customs Act of 18 March 2005 or the Value-Added Tax Act of 12 June 2009, this is prosecuted and judged by the Federal Customs Administration.

⁴ If a violation at the same time constitutes an offence against the Customs Act of 18 March 2005, the Value-Added Tax Act of 12 June 2009, the Food Act of 9 October 1992⁶, the Animal Health Act of 1 July 1966⁷, the Hunting Act of 20 June 1986⁸ or the Federal Act of 21 June 1991⁹ on Fishing, to be prosecuted as defined in paragraph 1, 2 or 3 and by the same federal authority, then the penalty threatened for the most serious offence shall be applied; this may be increased proportionately.

Art. 32 para. 1 second sentence, paras 2^{bis}, 4 and 5

¹ ... It may authorise the FVO to issue implementing regulations of a technical nature.

^{2^{bis}} The Federal Council may require the cantons to inform the federal government about enforcement measures and about the results of inspections and investigations.

⁴ The Federal Council regulates the training and continuing education of persons who perform functions in the enforcement of this law.

⁵ The approval procedure as defined in Article 7 paragraph 2, monitoring of the import, transit and export of animals and animal products at the approved border inspection posts and monitoring of traffic with protected species of animals and plants as defined in the Convention on International Trade in Endangered Species of Wild Fauna and Flora of 3 March 1973¹⁰ are a matter for the federal authority.

Art. 32a International cooperation

The Federal Council may conclude contracts under international law on training, the performance of inspections and the exchange of information in the field of animal welfare.

- 4 SR 631.0
- 5 SR 641.20
- 6 SR 817.0
- 7 SR 916.40
- 8 SR 922.0
- 9 SR 923.0
- 10 SR 0.453

Art. 32b Appeal

- ¹ Decisions of the FVO may be contested through an appeals procedure.
- ² The appeal may be deprived of a suspensive effect.
- ³ The deadline for appeal is 10 days.

Art. 35 para. 1

¹ The Federal Council shall appoint a committee of experts on animal experiments which advises the FVO and places itself at the disposal of the cantons for questions of a fundamental nature and for controversial cases.

Art. 35a Review committees

- ¹ The Federal Council may appoint review committees that conduct reviews of persons who perform functions in the enforcement of this law.
- ² The review committees announce the outcome of reviews in the form of a decision.
- ³ The Federal Council may delegate the performance of reviews to the cantons.

Art. 36 first sentence

The FVO publishes annual statistics on all animal experiments carried out in Switzerland. ...

Art. 45a Coordination regulations

Regardless of whether the Federal Act on Trafficking in Protected Species of Animals and Plants of 16 March 2012¹¹ (BGCITES) or the amendment of 15 June 2012 of the Animal Welfare Act comes into force first, Article 27 para. 1, Article 31 and Article 32 para 5 of the Animal Welfare Act will be amended as follows with the entry into force of the law that comes into force later and also in the event of simultaneous entry into force:

Art. 27 para. 1

annulled

Art. 31 Prosecution

- ¹ The prosecution and judgment of punishable acts are a matter for the cantons.
- ² The FVO prosecutes and judges offences, as defined in Article 27 paragraph 2, which come to light in the import, transit and export of animals and animal products at the approved border inspection posts. If there has at the same time been a violation of the Customs Act of 18 March 2005¹² or the Value-Added Tax Act of 12 June

¹¹ SR ...; BBl 2012 3465

¹² SR 631.0

2009¹³, the Federal Customs Administration conducts the investigation and decides on the penalty.

³ If there has at the same time been a violation of the Customs Act of 18 March 2005 or the Value-Added Tax Act of 12 June 2009 in the import, transit and export of animals and animal products outside the approved border inspection posts, the Federal Customs Administration conducts the investigation and decides on the penalty.

⁴ If a violation at the same time constitutes an offence as defined in paragraph 1, 2 or 3 and an offence against the Federal Act of 16 March 2012¹⁴ on the Trade in Protected Species of Animals and Plants, the Customs Act of 18 March 2005, the Value-Added Tax Act of 12 June 2009, the Food Act of 9 October 1992¹⁵, the Animal Health Act of 1 July 1966¹⁶, the Hunting Act of 20 June 1986¹⁷ or the Federal Act of 21 June 1991¹⁸ on Fishing, to be prosecuted as defined in paragraph 1, 2 or 3 and by the same federal authority, then the penalty threatened for the most serious offence shall be applied; this may be increased proportionately.

Art. 32 para. 5

⁵ The approval procedure as defined in Article 7 paragraph 2 and monitoring of the import, transit and export of animals and animal products at the approved border inspection posts are a matter for the federal government.

II

¹ This law is subject to an optional national referendum.

² The Federal Council decides on its entry into force.

Council of States, 15 June 2012

Chairman: Hans Altherr
Secretary: Philippe Schwab

National Council, 15 June 2012

Chairman: Hansjörg Walter
Secretary: Pierre-Hervé Freléchoz

Date of publication: 26 June 2012¹⁹

Referendum deadline expires: 4 October 2012

¹³ SR **641.20**
¹⁴ SR ...; BBl **2012** 3465
¹⁵ SR **817.0**
¹⁶ SR **916.40**
¹⁷ SR **922.0**
¹⁸ SR **923.0**
¹⁹ BBl **2012** 5951