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## **Federal Act on Forest** **(Forest Act, ForA)**

of 4 October 1991 (Status as of 1 January 2008)

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*The Federal Assembly of the Swiss Confederation,*

based on the articles 24, 24<sup>sexies</sup>, 24<sup>septies</sup> and 31<sup>bis</sup> of the Federal Constitution<sup>1,2</sup> and having considered the Federal Council Dispatch dated 29 June 1988<sup>3</sup>,  
*decrees:*

### **Chapter 1: General Provisions**

#### **Art. 1**            Aim

<sup>1</sup> This Act is intended to:

- a. conserve the forest in its area and spatial distribution;
- b. protect the forest as a near-natural community;
- c. ensure that the forest can fulfil its functions, in particular its protective, social and economic functions (forest functions);
- d. promote and maintain the forestry sector.

<sup>2</sup> It is furthermore intended to contribute to the protection of human life and important material assets against avalanches, landslides, erosion and rockfall (natural events).

#### **Art. 2**            Definition of forest

<sup>1</sup> Forest is defined as any area that is covered with forest trees or forest shrubs and can fulfil forest functions. Origin, type of use and land registry designation are not decisive.

AS **1992** 2521

<sup>1</sup> [BS **1** 3; AS **1962** 749, **1971** 905, **1980** 380, **1988** 352, **1996** 2502]. The provisions mentioned now correspond to Art. 74, 77, 78, 94 and 95 of the Federal Constitution of 18 April 1999 (SR **101**).

<sup>2</sup> Amended in accordance with Annex No. 9 of the Gene Technology Act of 21 March 2003, in force since 1 Jan. 2004 (SR **814.91**).

<sup>3</sup> BBl **1988** III 173

<sup>2</sup> Also defined as forest are:

- a. grazing forests, wooded pastures and chestnut and walnut groves;
- b. unstocked or unproductive areas of a forest plot, such as clearings, forest roads and other forest structures and installations;
- c. plots subject to compulsory afforestation.

<sup>3</sup> Isolated groups of trees and shrubs, hedges, avenues, gardens, planted areas and parks, tree plantations established on open ground for short-term use and trees and bushes on check dams and in the immediate foreground of such installations are not defined as forest.

<sup>4</sup> Within the framework defined by the Federal Council, the cantons may determine the width, area and age, from which an area newly colonised by forest shall be defined as forest, and the width and area from which other wooded areas shall be defined as forest. If the wooded area fulfils social or protective functions, in particular, the cantonal criteria are not definitive.

### **Art. 3** Forest conservation

Forest area should not be reduced.

## **Chapter 2: Protection of the Forest against Intervention**

### **Section 1: Deforestation and Declaration as Forest**

#### **Art. 4** Definition of deforestation

Deforestation is the permanent or temporary change of use of forest land.

#### **Art. 5** Prohibition on deforestation and derogations

<sup>1</sup> Deforestation is prohibited.

<sup>2</sup> In exceptional cases a deforestation permit may be granted if the applicant proves that there are important reasons for the deforestation that outweigh the interest of forest conservation and, furthermore, the following conditions are fulfilled:

- a. the proposed site must be essential to the works, for which the deforestation is to be carried out;
- b. the works must essentially fulfil the spatial planning requirements;
- c. the deforestation does cause any serious threat to the environment.

<sup>3</sup> Important reasons do not include financial interests, such as the potentially profitable use of the land or the low-cost acquisition of land for non-forestry purposes.

<sup>4</sup> The protection of nature and cultural heritage must be taken into account.

<sup>5</sup> A time limit shall be set for deforestation permits.

**Art. 6<sup>4</sup>** Responsibility

<sup>1</sup> Exceptional permits are granted by:

- a. the federal authorities, if they are competent to decide on the construction or alteration of works, for which deforestation is to be carried out;
- b. the cantonal authorities, if they decide on the construction or alteration of works, for which deforestation is to be carried out.

<sup>2</sup> Before the cantonal authority decides on a derogation, it shall hear the Federal Office for the Environment<sup>5</sup> (Federal Office), if:

- a. the area to be deforested exceeds 5000 m<sup>2</sup>; if several deforestation applications are made for one and the same project, the total area is decisive;
- b. the forest to be deforested is located in several cantons.

**Art. 7** Compensation for deforestation

<sup>1</sup> For all deforestation, compensation in kind must be made in the same region and with species that are predominantly suited to the location.

<sup>2</sup> By way of exception, in the interest of the conservation of agricultural priority areas and areas of ecological or landscape value, the compensation in kind may be made in a different region.

<sup>3</sup> By way of exception, measures may be implemented for the benefit of nature and landscape conservation instead of compensation in kind.

<sup>4</sup> If it is necessary to clear newly formed forest in the flood cross-section of water bodies to restore safety, it is admissible to dispense with compensation in kind.

**Art. 8** Exemption taxes

The cantons shall levy an exemption tax if a deforestation permit is granted and equivalent compensation in kind is dispensed with as defined in Article 7. The exemption tax corresponds to the amount saved and shall be used for forest conservation measures.

**Art. 9** Compensation

The cantons shall ensure that considerable benefits arising from deforestation permits that are not covered by Article 5 of the Federal Act on Spatial Planning of 22 June 1979<sup>6</sup> are adequately compensated for.

<sup>4</sup> Amended in accordance with No. I 17 of the Federal Act on the Coordination and Simplification of Decision-Making Procedures of 18 June 1999, in force since 1 January 2000 (AS 1999 3071 3124; BBl 1998 2591).

<sup>5</sup> The designation of the administrative entity was amended according to Art. 16 para. 3 of the Publications Ordinance of 17 November 2004 (SR 170.512.1).

<sup>6</sup> SR 700

**Art. 10** Declaration as forest

<sup>1</sup> Anyone who can demonstrate a legitimate interest, may have the canton declare whether a plot of land is a forest.

<sup>2</sup> When enacting and revising land-use plans in accordance with the Spatial Planning Act of 22 June 1979<sup>7</sup>, declaration as forest shall be ordered in locations, in which development zones border the forest or will border it in the future.

<sup>3</sup> If a request for declaration as forest in association with an application for deforestation, responsibility is governed by Article 6.

**Chapter 2: Forest and Spatial Planning****Art. 11** Deforestation and planning permission

<sup>1</sup> The deforestation permit does not exempt its holder from the obligation to obtain planning permission as stipulated in the Spatial Planning Act of 22 June 1979.<sup>8</sup>

<sup>2</sup> Should a construction project require both a deforestation permit and an exceptional permit to build outside the building zone, the latter may only be granted in agreement with the competent authority as stated in Article 6 of this Act.

**Art. 12** Inclusion of forest in land-use plans

The allocation of forest to a zone requires a deforestation permit.

**Art. 13** Demarcation of forest and building zones

<sup>1</sup> Where area is subject to a legally binding declaration that it is a forest in accordance with Article 10 of this Act, the forest boundaries shall be entered in the plans for the building zones as defined in the Spatial Planning Act of 22 June 1979.<sup>9</sup>

<sup>2</sup> New wooded areas outside of these boundaries are not considered as forest.

<sup>3</sup> Forest boundaries shall be verified in a procedure of declaration as forest in accordance with Article 10 of this Act if sites are excluded from the building zone following a revision of the land-use plan.

**Chapter 3: Pedestrian and Vehicular Access to the Forest****Art. 14** Accessibility

<sup>1</sup> The cantons ensure that the forest is accessible to the general public.

<sup>7</sup> SR 700

<sup>8</sup> SR 700

<sup>9</sup> SR 700

<sup>2</sup> Where necessary for the conservation of the forest or other public interests, such as the protection of wild flora and fauna, the cantons shall:

- a. restrict accessibility to certain forest areas;
- b. subject the staging of major events in the forest to obtaining a permit.

**Art. 15** Motorised vehicular traffic

<sup>1</sup> Forests and forest roads may only be accessed by motorised vehicular traffic for forestry purposes. The Federal Council regulates the exceptions to be made for military and other public tasks.

<sup>2</sup> The cantons may authorise access to forest roads for other purposes if this does not jeopardise forest conservation or other matters of public interest.

<sup>3</sup> The cantons provide traffic signals and signs and the necessary controls. If signals, signs and controls are not sufficient, barriers may be installed.

## **Chapter 4: Protection against Other Detrimental Effects**

**Art. 16** Detrimental uses

<sup>1</sup> Uses that do not constitute deforestation as defined in Article 4, but which endanger or interfere with the functions or management of the forest are unlawful. Rights of use in such cases shall be revoked, if necessary by compulsory purchase. The cantons shall enact the necessary provisions.

<sup>2</sup> The cantons may authorise such uses for important reasons subject to certain conditions and requirements.

**Art. 17** Distance from forest edge

<sup>1</sup> Buildings and installations are only admissible in the vicinity of the forest if they do not interfere with its conservation, maintenance and use.

<sup>2</sup> The cantons shall specify a suitable minimum distance for buildings and installations from the forest edge. They shall take the location and expected stand height into consideration in the specification of this distance.

**Art. 18** Environmentally hazardous substances

The use of environmentally hazardous substances in the forest is prohibited. Exemptions from this provision are regulated by the environmental protection legislation.

## Chapter 3: Protection against Natural Events

### Art. 19

Where necessary for the protection of human life and significant material assets, the cantons shall secure avalanche release areas and landslide, erosion and rockfall areas and carry out torrent control works in forests. The measures used should be as natural as possible.

## Chapter 4: Maintenance and Use of the Forest

### Section 1: Forest Management

#### Art. 20 Forest management principles

<sup>1</sup> The forest shall be managed in such a way that it can fulfil its functions without interruption or restriction (sustainability).

<sup>2</sup> The cantons shall enact planning and management regulations; in doing this, they shall take into account the requirements of wood supply, near-natural silviculture and the protection of nature and cultural heritage.

<sup>3</sup> Should the state of the forest and forest conservation allow it, the maintenance and use of the forest may be dispensed with entirely or in part for ecological and landscape reasons.

<sup>4</sup> The cantons may delimit suitable areas as forest reserves for the conservation of the species diversity of flora and fauna.

<sup>5</sup> Where required by the protective function of the forest, the cantons ensure a minimum level of maintenance.

#### Art. 21 Wood harvesting

Anyone who wishes to fell trees requires a permit issued by the forestry service. The cantons may provide for exemptions.

#### Art. 22 Prohibition of clearcutting

<sup>1</sup> Clearcutting and forms of wood harvesting that have effects similar to clearcutting are prohibited.

<sup>2</sup> The cantons may authorise exemptions to allow special silvicultural measures to be carried out.

#### Art. 23 Restocking of forest gaps

<sup>1</sup> Should gaps arise in the forest due to interventions or natural events which endanger the stability or protective function of a forest, their restocking shall be ensured.

<sup>2</sup> If this does not occur through natural regeneration, the gaps must be planted with tree and shrubs that are suited to the location.

**Art. 24** Forest reproductive material

<sup>1</sup> Only reproductive material and plants that are healthy and suited to the location may be used for forest planting.

<sup>2</sup> The Federal Council issues regulations on the origin, use, trading and safeguarding of forest reproductive material.

**Art. 25** Alienation and division

<sup>1</sup> The alienation of forest in the ownership of communes and corporations and the division of forests requires the authorisation of the canton. This may only be granted if the functions of the forest are not impaired as a result.

<sup>2</sup> If the alienation or division also requires authorisation in accordance with the Federal Act of 4 October 1991<sup>10</sup> on Rural Land Rights, the cantons shall ensure that the authorisation processes procedures are combined and concluded by joint decision.

## Section 2: Prevention and Remediation of Forest Damage

**Art. 26** Federal measures

<sup>1</sup> The Federal Council enacts regulations on forestry measures:

- a. for the prevention and remediation of forest damage;
- b. for the remediation of the consequences of forest disasters.

<sup>2</sup> It enacts regulations on measures to counteract diseases and pests that affect plants outside the forest that and could pose a nationwide threat to forests.

<sup>3</sup> It establishes a forest plant protection service in cooperation with the cantons and interested parties.

**Art. 27** Cantonal measures

<sup>1</sup> The cantons take the forestry measures necessary to prevent the causes and consequences of damage that could endanger forest conservation.

<sup>2</sup> They regulate wild animal populations in such a way that forest conservation, in particular natural regeneration with tree species suited to the location, is guaranteed without protective measures. Where this is not possible, they undertake measures to prevent damage caused by wild animals.

<sup>10</sup> SR 211.412.11

**Art. 28** Extraordinary measures in the event of forest disasters

In the event of forest disasters, the Federal Assembly may undertake measures, by means of a general federal decree not subject to a referendum, that specifically serve the preservation of the forestry and timber sector.

**Chapter 5: Promotional Measures****Section 1:****Training, Advice, Research and Data Acquisition****Art. 29** Duties of the Confederation in matters of education and training

<sup>1</sup> The Confederation shall oversee, coordinate and promote forestry education and training.

<sup>2</sup> It shall ensure the basic training of forestry engineers at the Swiss Federal Institutes of Technology and their continuing education and training.

<sup>3</sup> It regulates the eligibility for senior office in the public forestry service.

<sup>4</sup> The legislation on vocational and professional education and training applies to the training of forestry personnel. The Federal Council shall specify the forestry education and training areas, in which the Federal Department of the Environment, Transport, Energy and Communications implements this legislation.<sup>11</sup>

**Art. 30** Duties of the cantons in the areas of training and advice

The cantons shall ensure the training of forestry workers and the provision of advice to forest owners.

**Art. 31** Research and development

<sup>1</sup> The Confederation may commission or provide funding for the following purposes:

- a. research on the forest;
- b. research and development of measures for the protection of the forest against harmful effects;
- c. research and development of measures aimed at protecting human life and significant material assets against natural events;
- d. research and development of measures to boost the market for wood and the use of wood.

<sup>2</sup> It may establish and operate research institutes.

<sup>11</sup> Amended in accordance with Annex No. II 6 of the Vocational and Professional Education and Training Act of 13 December 2002, in force since 1 Jan. 2004 (SR **412.10**).

**Art. 32** Transfer of responsibilities to associations

<sup>1</sup> The Confederation may entrust national organisations with duties relating to forest conservation and make funding available to them for this purpose.

<sup>2</sup> It may also entrust to cantonal or regional associations duties of particular significance for certain regions, in particular in the mountain areas.

**Art. 33** Surveys

<sup>1</sup> The Confederation shall ensure that periodic surveys of the locations, functions and state of the forest, of the production and use of wood and of the structures and economic situation of the forestry sector are carried out. The forest owners and the management bodies of forestry and timber enterprises must provide the authorities with the information required and, if necessary, acquiesce in the conduct of enquiries.

<sup>2</sup> All of those responsible for carrying out or evaluating surveys are bound by official secrecy.

**Art. 34** Information

The Confederation and cantons shall ensure that the authorities and public are informed about the significance and state of the forest and about the forestry and timber sector.

**Section 2: Financing****Art. 35<sup>12</sup>** Principles

<sup>1</sup> Funding paid in accordance with this Act is granted within the scope of the authorised credits under the condition that:

- a. the measures are cost effective and carried out professionally;
- b. the measures are assessed in conjunction with those of other Federal Acts both collectively and according to their actions in combination;
- c. the beneficiary makes a contribution that is proportionate to its economic performance, the other sources of finance and reasonable self-financing measures;
- d. third parties, who are beneficiaries or originators of damage, are called on for co-financing;
- e. a permanent resolution of conflicts that is beneficial to forest conservation is reached.

<sup>12</sup> Amended in accordance with No. II 30 of the Federal Act of 6 Oct. 2006 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons (NFE), in force since 1 Jan. 2008 (AS 2007 5779 5817; BBl 2005 6029).

<sup>2</sup> The Federal Council may require that contributions are only made to beneficiaries who participate in self-financing measures by the forestry and timber sector.

**Art. 36** Protection against natural events

<sup>1</sup> The Confederation grants to the cantons on the basis of programme agreements global payments for measures that protect human life and significant material assets against natural events, in particular for:<sup>13</sup>

- a.<sup>14</sup> the erection, maintenance and replacement of protective structures and installations;
- b. the creation of forest with special protective function and the corresponding young forest maintenance;
- c. the compilation of hazard registers and hazard maps, the establishment and operation of monitoring stations and the development of early-warning services to secure settlements and transport routes.

<sup>2</sup> By way of exception, it may provide financial assistance by means of a ruling for projects that require an individual assessment by the Confederation.<sup>15</sup>

<sup>3</sup> The amount of financial assistance provided is determined by the risk posed by natural events and the cost and effectiveness of the measures.<sup>16</sup>

**Art. 37**<sup>17</sup> Protective forest

<sup>1</sup> The Confederation grants to the cantons on the basis of programme agreements global payments for measures necessary for the fulfilment of function of the protective forest, in particular for:

- a. the maintenance of the protective forest, including the prevention and remediation of forest damage that endanger the protective forest;
- b. the guaranteeing of the infrastructure for the maintenance of the protective forest insofar as it takes the forest as a natural community into account.

<sup>2</sup> The amount of financial assistance is determined by the protective forest area to be maintained, the risk to be hindered and the effectiveness of the measures.

<sup>13</sup> Amended in accordance with No. II 30 of the Federal Act of 6 Oct. 2006 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons (NFE), in force since 1 Jan. 2008 (AS 2007 5779 5817; BBl 2005 6029).

<sup>14</sup> Amended in accordance with No. II 30 of the Federal Act of 6 Oct. 2006 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons (NFE), in force since 1 Jan. 2008 (AS 2007 5779 5817; BBl 2005 6029).

<sup>15</sup> Inserted by No. II 30 of the Federal Act of 6 Oct. 2006 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons (NFE), in force since 1 Jan. 2008 (AS 2007 5779 5817; BBl 2005 6029).

<sup>16</sup> Inserted by No. II 30 of the Federal Act of 6 Oct. 2006 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons (NFE), in force since 1 Jan. 2008 (AS 2007 5779 5817; BBl 2005 6029).

<sup>17</sup> Amended in accordance with No. II 30 of the Federal Act of 6 Oct. 2006 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons (NFE), in force since 1 Jan. 2008 (AS 2007 5779 5817; BBl 2005 6029).

**Art. 38<sup>18</sup>** Biological diversity of the forest

<sup>1</sup> The Confederation provides financial assistance for measures that contribute to the conservation and improvement of biological diversity in the forest, in particular for:

- a. the protection and maintenance of forest reserves and other ecologically valuable forest habitats;
- b. young forest maintenance;
- c. the connectivity of forest habitats;
- d. the conservation of traditional forms of forest management;
- e. the collection of forest reproductive material.

<sup>2</sup> It provides financial assistance:

- a. for measures under paragraph 1 letters a–d: as global payments on the basis of programme agreements concluded with the cantons;
- b. for measures under paragraph 1 letter e: by a ruling of the Federal Office.

<sup>3</sup> The level of the financial assistance is based on the significance of the measures in relation to biological diversity and the effectiveness of the measures.

**Art. 38a<sup>19</sup>** Forestry sector

<sup>1</sup> The Confederation provides financial assistance for measures that improve the profitability of forest management, in particular for:

- a. interoperational planning bases;
- b. measures to improve the management conditions of the forestry operations;
- c. temporary joint measures by the forestry and timber sector for advertising and marketing promotion in the case of exceptional wood supply;
- d. the storage of wood in the case of exceptional wood supply.

<sup>2</sup> It provides financial assistance:

- a. for measures under paragraph 1 letters a, b and d: as global payments on the basis of programme agreements concluded with the cantons;
- b. for measures under paragraph 1 letter e: by a ruling of the Federal Office.

<sup>3</sup> The level of the financial assistance is based on the effectiveness of the measures.

<sup>18</sup> Amended in accordance with No. II 30 of the Federal Act of 6 Oct. 2006 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons (NFE), in force since 1 Jan. 2008 (AS 2007 5779 5817; BBl 2005 6029).

<sup>19</sup> Inserted by No. II 30 of the Federal Act of 6 Oct. 2006 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons (NFE), in force since 1 Jan. 2008 (AS 2007 5779 5817; BBl 2005 6029).

**Art. 39** Education and training

<sup>1</sup> The Confederation provides funding for the education and training of forestry personnel according to Articles 52–59 of the Vocational and Professional Education and Training Act of 13 December 2002<sup>20,21</sup>

<sup>2</sup> In derogation from paragraph 1 it assumes up to 50 percent of the occupation-specific costs, in particular for the on-site practical training of forestry personnel and creation of teaching material for forestry personnel.<sup>22</sup>

<sup>3</sup> It also assumes up to 50 per cent of the cost of:

- a. the promotion of the education and training of forestry workers;
- b. the practical training of forestry engineers who would like to acquire the Certificate of Eligibility.

**Art. 40** Investment credits

<sup>1</sup> The Confederation may grant interest-free or low-interest repayable credits:

- a. as building loans;
- b.<sup>23</sup> for the financing of the residual costs of measures eligible for subsidy under Articles 36, 37 and 38a paragraph 1 letter b;
- c. for the acquisition of forestry vehicles, machines and equipment and for the creation of forestry installations.

<sup>2</sup> The loans are limited in term.

<sup>3</sup> Loans are only granted on the application of the canton. If a debtor does not meet his repayment obligation, the relevant canton shall assume responsibility for the repayment in his place.

<sup>4</sup> Repayments shall be used to fund new investment credits.

**Art. 41**<sup>24</sup> Provision of subsidies

<sup>1</sup> The Federal Assembly shall approve by simple federal decree a temporary four-year framework credit for the provision of subsidies and credits.

<sup>2</sup> Subsidies for the response to extraordinary natural events are limited in time according to the duration of the corresponding measures.

<sup>20</sup> SR **412.10**

<sup>21</sup> Amended in accordance with Annex No. II 6 of the Vocational and Professional Education and Training Act of 13 December 2002, in force since 1 Jan. 2004 (SR **412.10**).

<sup>22</sup> Amended in accordance with Annex No. II 6 of the Vocational and Professional Education and Training Act of 13 December 2002, in force since 1 Jan. 2004 (SR **412.10**).

<sup>23</sup> Amended in accordance with No. II 30 of the Federal Act of 6 Oct. 2006 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons (NFE), in force since 1 Jan. 2008 (AS **2007 5779 5817**; BBl **2005 6029**).

<sup>24</sup> Amended in accordance with No. II 30 of the Federal Act of 6 Oct. 2006 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons (NFE), in force since 1 Jan. 2008 (AS **2007 5779 5817**; BBl **2005 6029**).

## Chapter 6: Criminal Provisions

### Art. 42 Misdemeanours

<sup>1</sup> Any person who wilfully:<sup>25</sup>

- a. clears forest without authorisation;
- b. obtains a payment for himself or others, to which he is not entitled by providing untrue or incomplete information;
- c. fails to comply with or hinders the prescribed generation of forest

shall be liable to a custodial sentence not exceeding one year or to a monetary penalty.

<sup>2</sup> If the offender acts negligently, he or she shall be liable to a monetary penalty not exceeding 40,000 Swiss francs.

### Art. 43 Contraventions

<sup>1</sup> Any person who wilfully and without authorisation:

- a. misuses forestry buildings and installations;
- b. restricts the accessibility of the forest;
- c. fails to comply with accessibility restrictions according to Article 14;
- d. drives in the forest or on forest roads with motor vehicles;
- e. fells trees in the forest;
- f. hinders investigations or provides untrue or incomplete information or refuses to provide information in breach of the obligation to provide information;
- g. fails to comply within or outside of the forest with the regulations on measures for the prevention and remediation of forest damage and measures against diseases and pests that may threaten the forest internally; Article 233 of the Criminal Code<sup>26</sup> is reserved;
- h. fails to comply with the regulations on the origin, use, trade in and safeguarding of forest reproductive material. If an offence is at the same time an offence against the customs legislation, it is prosecuted and judged under the Customs Act of 1 October 1925<sup>27</sup>;

<sup>25</sup> Amended in accordance with Art. 333 of the Criminal Code (SR 311.0) in its Version according to the Federal Act of 13 Dec. 2002, in force since 1 Jan. 2007 (AS 2006 3459).

<sup>26</sup> SR 311.0

<sup>27</sup> [BS 6 465; AS 1956 587, 1959 1343 Art. 11 No. III, 1973 644, 1974 1857 Annex No. 7, 1980 1793 No. I 1, 1992 1670 No. III, 1994 1634 No. I 3, 1995 1816, 1996 3371 Annex 2 No. 2, 1997 2465 Annex No. 13, 2000 1300 Art. 92 1891 No. VI 6, 2002 248 No. I 1 Art. 41, 2004 4763 Annex No. II 1, 2006 2197 Annex No. 50. AS 2007 1411 Art. 131 para. 1]. Today, see: the Customs Act of 18 March 2005 (SR 631.0).

shall be liable to a monetary penalty not exceeding 20,000 Swiss francs.<sup>28</sup>

<sup>2</sup> Attempts and complicity are also offences.

<sup>3</sup> If the offender acts negligently, the penalty is a fine.

<sup>4</sup> The cantons may sanction offences against cantonal law as contraventions.

#### **Art. 44** Misdemeanours and contraventions in businesses

If the offence or contravention is committed in the course of business of a legal entity, a partnership or a sole proprietorship or in the course of business of a public law corporation or institution, Articles 6 and 7 of the Federal Act of 22 March 1974<sup>29</sup> on Administrative Criminal Law apply.

#### **Art. 45** Prosecution

The cantons are responsible for prosecution.

## **Chapter 7: Procedures and Enforcement**

### **Section 1: Procedures**

#### **Art. 46** Appeals

<sup>1</sup> Appeal proceedings are governed by the general provisions on the administration of federal justice.<sup>30</sup>

1bis and 1ter ...<sup>31</sup>

<sup>2</sup> The Federal Office<sup>32</sup> has the right of appeal under federal and cantonal law against rulings by the cantonal authorities made on the basis of this Act and its implementing provisions.

<sup>3</sup> The right of appeal of the cantons, communes and organisations concerned with the protection of nature and cultural heritage is based on Article 12 of the Federal Act of 1 July 1966<sup>33</sup> on the Protection of Nature and Cultural Heritage. It is also accorded against rulings made on the basis of Articles 5, 7, 8, 10, 12 and 13 of this Act.

<sup>28</sup> Amended in accordance with Art. 333 of the Criminal Code (SR **311.0**) in its Version according to the Federal Act of 13 Dec. 2002, in force since 1 Jan. 2007 (AS **2006** 3459).

<sup>29</sup> SR **313.0**

<sup>30</sup> Amended in accordance with No. 127 of the Administrative Procedure Act of 17 June 2005, in force since 1 Jan. 2007 (SR **173.32**).

<sup>31</sup> Inserted by Annex No. 9 of the Gene Technology Act of 21 March 2003 (SR **814.91**). Repealed by Annex No. 127 of the Administrative Procedure Act of 17 June 2005, with effect from 1. Jan. 2007 (SR **173.32**).

<sup>32</sup> Amended in accordance with No. I 17 of the Federal Act of 18 June 1999 on the Coordination and Simplification of Decision-making Procedures, in force since 1. Jan. 2000 (AS **1999** 3071 3124; BBl **1998** 2591).

<sup>33</sup> SR **451**

**Art. 47** Effectiveness of authorisations and orders

Authorisations and orders in terms of this Act only become effective when they come into force.

**Art. 48** Compulsory purchase

<sup>1</sup> If required by forest conservation measures or the erection of structures and installations for protection against natural hazards, the cantons may acquire the necessary landed property and any associated easements through compulsory purchase.

<sup>2</sup> The cantons may declare the Compulsory Purchase Act of 20 June 1930<sup>34</sup> to be applicable in their implementing provisions whereby the cantonal government shall rule on any objections that remain in dispute. If the object of the compulsory purchase extends over the territory of more than one canton, the Compulsory Purchase Act applies.

**Section 2: Enforcement****Art. 49<sup>35</sup>** Confederation

<sup>1</sup> The Confederation supervises the enforcement of this Act and implements the duties directly assigned to it by this Act.

<sup>2</sup> Before a federal authority issues a ruling on the basis of the Forest Act based on another Federal Act or an international agreement, it shall consult the cantons concerned. The Federal Office and the other federal agencies concerned cooperate in accordance with Articles 62*a* and 62*b* of the Government and Administration Organisation Act of 21 March 1997<sup>36</sup> in relation to enforcement.

<sup>3</sup> The Federal Council enacts the implementing provisions.

**Art. 50** Cantons

<sup>1</sup> The cantons enforce this Act and enact the necessary regulations; Article 49 is reserved.

<sup>2</sup> The cantonal authorities shall undertake immediately the measures necessary to redress unlawful situations. They are authorised to collect security deposits and impose substitutive execution.

**Art. 51** Forest organisation

<sup>1</sup> The cantons ensure the appropriate organisation of the forestry service.

<sup>34</sup> SR 711

<sup>35</sup> Amended in accordance with No. I 17 of the Federal Act on the Coordination and Simplification of Decision-Making Procedures of 18 June 1999, in force since 1 January 2000 (AS 1999 3071 3124; BBl 1998 2591).

<sup>36</sup> SR 172.010

<sup>2</sup> They divide their territory into forest districts and forest areas. They arrange for the forest districts to be managed by qualified forestry engineers who hold a Certificate of Eligibility and the forest areas to be managed by qualified forest wardens.

**Art. 52**            Reservation of the right to grant authorisation

The cantonal implementing provisions on Articles 16 paragraph 1, 17 paragraph 2 and 20 paragraph 2 require the approval of the Confederation to be valid.

**Art. 53**            Duties to provide information

<sup>1</sup> All cantonal implementing provisions must be made known to the Federal Office prior to their entry into force.

<sup>2</sup> The Federal Department of the Environment, Transport, Energy and Communications stipulates which cantonal provisions and decisions must be made known to the Federal Office.

## Chapter 8: Final Provisions

**Art. 54**            Repeal of current legislation

The following are repealed:

- a. the Federal Act of 11 October 1902<sup>37</sup> on the Supervision of the Forest Police by the Confederation;
- b. the Federal Act of 21 March 1969<sup>38</sup> on Investment Credits for the Forestry Sector in the Mountain Region;
- c. the Federal Decree of 21 December 1956<sup>39</sup> on the Contribution of the Confederation to the Rehabilitation of Forests Infested with Chestnut Blight;
- d. the Federal Decree of 23 June 1988<sup>40</sup> on Extraordinary Measures for the Conservation of the Forest.

<sup>37</sup> [BS 9 521; AS 1954 559 No. I 5, 1956 1215, 1965 321 Art. 60, 1969 500, 1971 1190, 1977 2249 No. I 11.11, 1985 660 No. I 23, 1988 1696 Art. 7]

<sup>38</sup> [AS 1970 761]

<sup>39</sup> [AS 1957 317, 1977 2249 No. I 11.12]

<sup>40</sup> [AS 1988 1696]

**Art. 55** Amendment of current legislation

*1. The Federal Act of 19 April 1978<sup>41</sup> on Vocational and Professional Education and Training is amended as follows:*

*Art. 1 para. 3*

...<sup>42</sup>

*2. The Railways Act of 20 December 1957<sup>43</sup> is amended as follows:*

*Art. 21 para. 1 first and last sentence and para. 2 last sentence*

...

*3. The Military Organisation Act of 12 April 1907<sup>44</sup> is amended as follows:*

*Art. 164 para. 3 second sentence*

...

**Art. 56** Transitional provisions

<sup>1</sup> The new law applies to proceedings pending on the commencement of this Act. The competent authority according to the old law shall complete the pending proceedings.

<sup>2</sup> Unlimited deforestation authorisations lapse two years after the commencement of this Act. In individual cases, the competent authority may prolong the deadline on application if the conditions for deforestation are fulfilled. The application must be made before the expiry date. The adaptation of rulings to the new law is reserved.

**Art. 57** Referendum and commencement

<sup>1</sup> This Act is subject to an optional referendum.

<sup>2</sup> The Federal Council determines the commencement date.

Commencement date: 1 January 1993<sup>45</sup>

Art. 40 and 54 let. b: 1 January 1994<sup>46</sup>

<sup>41</sup> [AS 1985 660 No. I 21, 1987 600 Art. 17 No. 3, 1991 857 Annex No. 4, 1992 288 Annex No. 17, 1996 208 2588 Annex No. 1, 1998 1822 Art. 2, 1999 2374 No. I 2, 2003 187 Annex No. II 2. AS 2003 4557 Annex No. I 1]

<sup>42</sup> Text inserted into the said Federal Act.

<sup>43</sup> SR 742.101. The amendment below is inserted into the said enactment.

<sup>44</sup> [BS 5 3; AS 1948 425, 1949 1491 Art. 1-3, 5 let. a-d, 1952 331 338 Art. 2, 1959 2035 Art. 48 para. 2 let. d, 1961 231, 1968 73 no. I, III, 1970 43, 1972 897 Art. 15 No. 3, 1975 11, 1979 114 Art. 72 let. e, 1984 1324, 1990 1882, 1991 857 Annex No. 10 1412, 1992 288 Annex No. 20 2392 No. I 2, 1993 901 Annex No. 5 3043 Annex No. 2, 1994 1622 Art. 22 para. 2. AS 1995 4093 Annex No. 7]

<sup>45</sup> Federal Council Decree of 30 Nov. 1992 (AS 1992 2536).

<sup>46</sup> Federal Council Decree of 30 Nov. 1992 (AS 1992 2536).

