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## **Animal Welfare Act (AniWA)**

of 16 December 2005 (Status as of 1 May 2017)

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*The Federal Assembly of the Swiss Confederation,  
based on Articles 80, paragraphs 1 and 2, and 120, paragraph 2  
of the Federal Constitution<sup>1</sup>,  
after consideration of a Federal Council Dispatch dated 9 December 2002<sup>2</sup>,  
decrees:*

### **Chapter 1 General Provisions**

#### **Art. 1** Purpose

The purpose of this Act is to protect the dignity and welfare of animals.

#### **Art. 2** Scope

<sup>1</sup> The present Act applies to vertebrates. The Federal Council decides to which invertebrates it applies and to what extent. In doing so, it is guided by scientific knowledge on the sentience of invertebrate animals.

<sup>2</sup> The following are reserved: the Hunting Act of 20 June 1986<sup>3</sup>, the Federal Act of 1 July 1966<sup>4</sup> on the Protection of Nature and Cultural Heritage, the Federal Act of 21 June 1991<sup>5</sup> on Fishing, the Vocational and Professional Training and Education Act of 13 December 2002<sup>6</sup> and the Epizootic Diseases Act of 1 July 1966<sup>7</sup>.

#### **Art. 3** Definitions

In this Act:

- a. *dignity* means the inherent worth of the animal that must be respected when dealing with it. If any strain imposed on the animal cannot be justified by overriding interests, this constitutes a disregard for the animal's dignity.

AS 2008 2965

- 1 SR 101
- 2 BBl 2003 657
- 3 SR 922.0
- 4 SR 451
- 5 SR 923.0
- 6 SR 412.10
- 7 SR 916.40

Strain is deemed to be present in particular if pain, suffering or harm is inflicted on the animal, if it is exposed to anxiety or humiliation, if there is major interference with its appearance or its abilities or if it is excessively instrumentalised;

- b. *well-being*: the well-being of animals exists if:
  1. husbandry and feeding are such that their bodily functions and their behaviour are not disturbed and excessive demands are not made on their capacity to adapt,
  2. species-specific behaviour within the limits of their biological capacity to adapt is guaranteed,
  3. they are clinically healthy,
  4. pain, suffering, harm and anxiety are avoided;
- c. *animal experiment* means any procedure in which a live animal is used with the aim of:
  1. testing a scientific hypothesis,
  2. observing the effect of a particular procedure in the animal,
  3. testing a substance,
  4. obtaining or testing cells, organs or bodily fluids, except when this is in the context of agricultural production, diagnostic or curative activities involving the animal or to determine the health status of animal populations,
  5. obtaining or replicating organisms alien to the species in question,
  6. teaching or training.

#### **Art. 4** Principles

<sup>1</sup> Any person who handles animals must:

- a. take account of their needs as well as possible; and
- b. ensure their well-being as far as the intended purpose permits.

<sup>2</sup> No person may inflict pain, suffering or harm on an animal, induce anxiety in an animal or disregard its dignity in any other way without justification. It is forbidden to mishandle, neglect or unnecessarily overwork animals.

<sup>3</sup> The Federal Council forbids any further activities involving animals if such activities disregard their dignity.

#### **Art. 5** Training and information

<sup>1</sup> The federal government may promote the continuing education and training of persons who handle animals.

<sup>1bis</sup> The Federal Council may provide for certain training and education activities to be recognised by the federal government or the cantons.<sup>8</sup>

<sup>2</sup> The federal government shall ensure that the public are informed about animal welfare issues.<sup>9</sup>

## Chapter 2 Handling of Animals

### Section 1 Animal Husbandry

#### Art. 6 General provisions

<sup>1</sup> Any person who keeps or looks after animals must feed and care for them properly and provide them with the activities and freedom of movement needed for their well-being as well as shelter where necessary.

<sup>2</sup> Having consulted the interested parties, the Federal Council shall issue regulations, specifically minimum requirements, on the housing of animals, taking into account the scientific evidence, the state of the art and technical developments. It shall prohibit forms of animal husbandry that contravene the basic principles of animal welfare.

<sup>3</sup> It may define requirements for the continuing education and training of animal keepers and persons who train animals or perform care-related activities on them.<sup>10</sup>

#### Art. 7 Reporting and authorisation requirements, bans<sup>11</sup>

<sup>1</sup> The Federal Council may make certain types of animal husbandry, the keeping of certain animal species and certain care-related activities subject to the fulfilment of reporting or authorisation requirements.<sup>12</sup>

<sup>2</sup> The placing on the market of mass-produced housing systems and installations for farm animals requires federal authorisation. Authorisation is only granted if the systems and installations meet the requirements of species-appropriate husbandry. The Federal Council regulates the authorisation procedure and determines the farm animals to which the procedure applies. It may allow exemptions from authorisation requirements for certain types of animal husbandry.

<sup>8</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>9</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>10</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>11</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>12</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>3</sup> Authorisation is required for the commercial and private keeping of wild animals that pose particular challenges in terms of husbandry and care. It is forbidden to import dolphins and other cetaceans (*Cetacea*).<sup>13</sup>

<sup>4</sup> The Federal Council may require the placing on the market and the use of pain-inducing aids and equipment for the training and control of animals to be reported or authorised or may forbid these activities.<sup>14</sup>

**Art. 8** Investment protection

Following construction, buildings and installations for farm animals licensed in accordance with this Act may be used for at least their normal depreciable life.

**Art. 9** Animal care workers

The Federal Council may define the areas other than agriculture in which the use of animal care workers is necessary.

## Section 2 Animal Breeding and Genetic Modification

**Art. 10** Breeding and production of animals

<sup>1</sup> The use of natural and artificial methods of breeding and reproduction must not cause any pain, suffering, harm or behavioural disorders in the parent animals or their offspring that result from or are associated with the breeding objective, subject to the provisions on animal experiments.

<sup>2</sup> The Federal Council shall issue regulations on the breeding and production of animals and define the criteria for assessing the permissibility of breeding objectives and reproduction methods; in doing so, it considers the animal's dignity. It may prohibit the breeding, production, husbandry, import, transit, export and placing on the market of animals with certain traits, in particular physical and behavioural abnormalities.<sup>15</sup>

**Art. 11** Authorisation requirement for genetically modified animals

<sup>1</sup> Any person who produces, breeds, keeps, manages or trades in genetically modified animals requires cantonal authorisation. Any person who produces, breeds, keeps or trades in such animals for the purpose of research, therapy or diagnostics requires cantonal authorisation in accordance with Article 19 paragraph 1. In other

<sup>13</sup> Second sentence inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>14</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>15</sup> Second sentence amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

cases, the authorisation procedure is based on the provisions governing animal experiments and on the Gene Technology Act of 21 March 2003<sup>16</sup>.

<sup>2</sup> Having consulted the interested parties, the Federal Ethics Committee on Non-Human Biotechnology, the Swiss Expert Committee for Biosafety and the Swiss Committee on Animal Experiments, the Federal Council shall define the criteria for weighing the implications of producing, breeding, housing and using genetically modified animals and trading in such animals.

<sup>3</sup> The Federal Council regulates the requirements binding on the institutes in which activities as defined in the second sentence of paragraph 1 are carried out, and in particular the requirements with regard to infrastructure, personnel, supervision and documentation.

<sup>4</sup> It may allow exemptions from the authorisation requirement or simplifications in the authorisation procedure, particularly if it is certain that the animals will not experience pain, suffering or harm, or develop behavioural disorders as a result of the production and breeding methods and that their dignity will otherwise be taken into account.

#### **Art. 12** Reporting requirement

<sup>1</sup> The cantonal authority must be notified of genetically modified animals that experience pain, suffering or harm, or develop behavioural disorders as a result of production or breeding or whose dignity is violated in other ways.

<sup>2</sup> The cantonal authority shall submit these reports to the cantonal committee on animal experiments and decide on the admissibility of further breeding on the basis of the application.

<sup>3</sup> The Federal Council regulates the details of the report.

### **Section 3 Trade in Animals and Animal Products<sup>17</sup>**

#### **Art. 13<sup>18</sup>** Authorisation and reporting requirement

<sup>1</sup> Authorisation is required for commercial trading in animals and the use of live animals for advertising purposes.

<sup>2</sup> The Federal Council may require supra-regional events involving animals to be reported or authorised.

<sup>16</sup> SR **814.91**

<sup>17</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS **2012** 6279; BBl **2011** 7055).

<sup>18</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS **2012** 6279; BBl **2011** 7055).

**Art. 14** Conditions, restrictions and bans<sup>19</sup>

<sup>1</sup> For reasons of animal welfare, the Federal Council may attach conditions to, restrict or prohibit the import, transit and export of animals and animal products.<sup>20</sup> The foregoing does not apply to kosher or halal meat in order to ensure an adequate supply of such meat to the Jewish and Muslim communities. Authorisation to import and obtain such products is restricted to members of these communities and associated legal entities and partnerships.

<sup>2</sup> The import, transit and export of cat and dog pelts and products made from them is forbidden, as is trade in pelts and products of this kind.<sup>21</sup>

**Section 4 Animal Transport****Art. 15** Principles<sup>22</sup>

<sup>1</sup> Animals must be transported under protected conditions and without unnecessary delay. The travelling time from the place of loading must not be more than six hours. The Federal Council shall issue the exception provisions.

<sup>2</sup> Having consulted the industry organisations, the Federal Council shall regulate requirements for the continuing education and training of personnel entrusted with the commercial transport of animals.

**Art. 15a**<sup>23</sup> International animal transport

<sup>1</sup> Any person who performs international animal transport on a commercial basis shall require authorisation.

<sup>2</sup> The Federal Council may stipulate which international standards must be observed for international animal transport.

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

<sup>19</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>20</sup> Amended by Annex 1 No 2 of the FA of 16 March 2012 on Trade in Protected Animal and Plant Species, in force since 1 Oct. 2013 (AS 2013 3095; BBl 2011 6985).

<sup>21</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>22</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>23</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

## Section 5 Interventions performed on Animals

### Art. 16

Painful interventions may only be performed under general or local anaesthesia administered by a specialist. The Federal Council shall determine any exceptions. It shall determine which persons are deemed to be specialists. This is subject to the provisions of this Act relating to animal experiments.

## Section 6 Animal Experiments

### Art. 17 Limitation to the indispensable minimum

Animal experiments which inflict pain, suffering or harm on animals, induce anxiety in them, substantially impair their general well-being or which may disregard their dignity in any other way must be limited to the indispensable minimum.

### Art. 18 Authorisation requirement

<sup>1</sup> Any person who wishes to conduct animal experiments requires authorisation from the responsible cantonal authorities.

<sup>2</sup> Activities as defined in the last sentence of Article 11 paragraph 1 are equivalent to animal experiments within the scope of the authorisation procedure.

<sup>3</sup> The competent cantonal authority shall submit requests for authorisation for animal experiments to the cantonal committee on animal experiments in accordance with Article 17.

<sup>4</sup> Authorisation is issued for a limited period. They may be subject to conditions and requirements.

<sup>5</sup> Institutes and laboratories which conduct animal experiments and facilities that house laboratory animals must keep records of the animals housed.

### Art. 19 Requirements

<sup>1</sup> The Federal Council shall define the requirements to be satisfied by institutes and laboratories in which animal experiments may be conducted in terms of the continuing education and training of personnel and the authorisation of laboratory animal housing, breeding and trading facilities.

<sup>2</sup> The Federal Council defines the criteria for assessing indispensability under Article 17.

<sup>3</sup> It may declare certain experimental purposes to be impermissible.

<sup>4</sup> An animal experiment is impermissible in particular if the pain, suffering or harm it involves or anxiety it induces is disproportionate to the anticipated gain in knowledge.

**Art. 20** Conduct of experiments

<sup>1</sup> Pain, suffering or harm may be inflicted on, or anxiety induced in, animals only if this is unavoidable for the purpose of the experiment.

<sup>2</sup> Experiments on animals higher on the evolutionary scale may only be carried out if the purpose of the experiment cannot be achieved in animal species that are lower on the evolutionary scale and no suitable alternative methods are available.

<sup>3</sup> The Federal Council shall regulate the further requirements governing the conduct of experiments.

**Art. 20a<sup>24</sup>** Providing information to the public

<sup>1</sup> After an animal experiment has been concluded, the Federal Food Safety and Veterinary Office (FSVO)<sup>25</sup> shall publish the following information:

- a. The title and field of the animal experiment;
- b. The purpose of the experiment;
- c. The number of animals used per species;
- d. The degree of severity of the constraint imposed on the animals.

<sup>2</sup> The Federal Council may provide for further information to be published as long as there are no legitimate overriding private or public interests.

<sup>3</sup> It regulates the details, in particular the level of detail, of the information that the persons responsible for an animal experiment must provide. In doing so, it takes into account the legitimate overriding private or public interests.

**Section 6a<sup>26</sup>****Animal Experiment Information System****Art. 20b** Purpose and content

<sup>1</sup> The federal government operates an information system to support the statutory tasks of the federal government and the cantons relating to animal experiments.

<sup>2</sup> The information system contains the following personal data:

- a. data concerning administrative and criminal prosecutions and sanctions;
- b. data concerning authorisations and the monitoring of animal experiments;

<sup>24</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2012 6279; 2013 3707; BBl 2011 7055).

<sup>25</sup> The name of the administrative unit was modified by applying Art. 16 para. 3 of the Publications Ordinance of 17 Nov. 2004 (AS 2004 4937) with effect from 1 Jan. 2014. The modification was implemented throughout the text.

<sup>26</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

- c. data concerning authorisations and the monitoring of laboratory animal housing, breeding and trading facilities;
- d. data concerning notifications of lines and strains that have a significant clinical pathological phenotype;
- e.<sup>27</sup> data concerning continuing education and training;
- f. data necessary for the publication of animal experiment statistics;
- g. data necessary for user and system administration.

**Art. 20c** Access rights

<sup>1</sup> The following individuals may, in the course of their statutory duties, process personal data, in particular personal data that requires particular protection, and personality profiles and access them using the call procedure:

- a. Employees of the FSVO who perform tasks relating to oversight;
- b. Employees of the cantonal authorisation authorities within their areas of responsibility;
- c. The members of the cantonal committees on animal experiments within their areas of responsibility;
- d. Employees of the institutes, laboratories and experimental animal housing, breeding and trading facilities within their areas of responsibility.

<sup>2</sup> Employees of the cantonal authorisation authorities and members of the cantonal committees on animal experiments may, in the course of their statutory duties, inspect data relating to authorisation requests and decisions from other cantons using the call procedure.

**Art. 20d** Fees

The federal government levies fees on the cantons for using the information system. The fees are set by the Federal Council.

**Art. 20e** Supplementary regulations

The Federal Council regulates:

- a. cooperation with the cantons;
- b. the data catalogue;
- c. responsibilities for data processing;
- d. access rights, specifically the scope of access granted in the call procedure;
- e. the organisational and technical measures necessary to ensure data protection and data security, specifically the conditions under which access can be granted;

<sup>27</sup> Amended by Annex No 20 of the FA of 20 June 2014 on Continuing Education and Training, in force since 1 Jan. 2017 (AS 2016 689; BBl 2013 3729).

- f. archiving;
- g. retention and deletion periods.

## **Section 7 Slaughter of Animals**

### **Art. 21**

<sup>1</sup> Mammals may not be slaughtered unless they have been stunned before the start of exsanguination.

<sup>2</sup> The Federal Council may also stipulate that other animals must be stunned before they are slaughtered.

<sup>3</sup> The Federal Council shall specify the permitted methods of stunning.

<sup>4</sup> After consultation with the industry organisations, the Federal Council shall also regulate the requirements with regard to the continuing education and training of slaughterhouse personnel.

## **Chapter 3 Research**

### **Art. 22**

<sup>1</sup> The federal government shall carry out and support scientific research of relevance to animal welfare.

<sup>2</sup> In collaboration with universities and industry, the federal government shall in particular promote the development, accreditation and application of methods that replace animal experiments, enable fewer animals to be used or result in less strain for the animals. In particular, it shall promote research projects aimed at eliminating pain, suffering or anxiety in interventions in terms of Article 16.

## **Chapter 4 Administrative and Public Authority Appeals**

### **Art. 23** Ban on the keeping of animals

<sup>1</sup> The competent authorities may ban from housing, breeding, trading in or working professionally with animals, for a specified or unspecified period, persons who:

- a. have been convicted of repeated or serious contraventions of the provisions set out in this Act and its implementing decrees or of rulings;
- b. who are incapable of housing or breeding animals for other reasons.

<sup>2</sup> If such a ban is imposed by one canton, it applies throughout Switzerland.

<sup>3</sup> The FSVO shall keep a list of the bans that have been imposed. It may be consulted by the cantonal authorities in accordance with Article 33 to enable them to fulfil their statutory duties.<sup>28</sup>

<sup>4</sup> The Federal Council may conclude international treaties relating to the reciprocal exchange of information on bans that have been imposed. It may provide for bans imposed abroad to be applicable in Switzerland.<sup>29</sup>

#### **Art. 24** Regulatory intervention

<sup>1</sup> If it is found that animals are being neglected or housed under completely unsuitable conditions, the competent authorities must intervene immediately. They may confiscate the animals as a precautionary measure and house them in a suitable place at the expense of the animal keeper; if necessary, they shall arrange for the animals to be sold or euthanised. In doing so, they may enlist the assistance of police authorities.

<sup>2</sup> The proceeds of the sale of the animals shall be given to the animal keeper after the costs of the procedure have been deducted.

<sup>3</sup> If criminal offences under this Act come to light, the authorities responsible for enforcement must report the offence.<sup>30</sup>

<sup>4</sup> In minor cases, the authorities responsible for enforcement may decide not to report the offence.<sup>31</sup>

#### **Art. 25**<sup>32</sup> Public authority appeal

<sup>1</sup> The FSVO may lodge a formal appeal under cantonal and federal law against rulings issued by cantonal authorities with regard to animal experiments.

<sup>2</sup> The cantonal authorities must immediately inform the FSVO of their decisions.

## **Chapter 5 Criminal Provisions**

#### **Art. 26** Mistreatment of animals

<sup>1</sup> A custodial sentence not exceeding three years or a monetary penalty shall be imposed on any person who wilfully:<sup>33</sup>

<sup>28</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>29</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>30</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>31</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>32</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>33</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

- a. mistreats, neglects or unnecessarily overworks an animal or abuses its dignity in any other way;
- b. kills an animal in a manner that causes suffering;
- c. organises fights between or with animals in which animals are tormented or killed;
- d. inflicts pain, suffering or harm on, or induces anxiety in an animal during the course of experiments, unless this is unavoidable for the purpose of the experiment;
- e. releases or abandons an animal that is kept in the house or on the farm with the intention of ridding themselves of it.

<sup>2</sup> If the offender has acted through negligence, he or she is liable to a monetary penalty not exceeding 180 daily penalty units.<sup>34</sup>

**Art. 27<sup>35</sup>** Offences relating to trade with animals and animal products

<sup>1</sup> ...<sup>36</sup>

<sup>2</sup> Any person who, when trading in animals and animal products, wilfully disregards conditions, restrictions or bans under Article 14 shall be liable to a fine of up to CHF 20,000. Attempts, complicity and incitement are also offences. If the offender has acted through negligence, he or she is liable to a fine.

**Art. 28** Other offences

<sup>1</sup> Any person who wilfully does any of the following is liable to a fine of up to CHF 20,000 unless Article 26 is applicable:<sup>37</sup>

- a. disregards the regulations on housing animals;
- b. violates the regulations on breeding or producing animals;
- c. violates the regulations on producing, breeding, housing, trading in or using genetically modified animals;
- d. violates the regulations on the transport of animals;
- e. violates the regulations on interventions involving animals or animal experiments;
- f. violates the regulations on the slaughter of animals;
- g. performs other acts on animals that are forbidden by this Act or the Ordinance;

<sup>34</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>35</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>36</sup> See also Article 45*a* below.

<sup>37</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

h.<sup>38</sup> trades in animals in contravention of the regulations;

i.<sup>39</sup> uses living animals for advertising in contravention of the regulations.

<sup>2</sup> Attempts, complicity and incitement are also offences. If the offender has acted through negligence, he or she is liable to a fine.<sup>40</sup>

<sup>3</sup> Any person who, wilfully or through negligence, violates an implementation provision, contravention of which has been deemed to be an offence, or a ruling of which he or she has been notified that carries the sanctions provided for in this Article is liable to a fine.<sup>41</sup>

#### **Art. 29** Statute of limitations

The statute of limitations is five years for the prosecution of contraventions and four years for the penalties for contraventions.

#### **Art. 30** Legal entities and partnerships

Article 6 of the Federal Act of 22 March 1974<sup>42</sup> on Administrative Criminal Law applies.

#### **Art. 31**<sup>43</sup> Prosecution

<sup>1</sup> The prosecution and adjudication of offences is a matter for the cantons.

<sup>2</sup> The FSVO shall investigate and judge contraventions as defined in Article 27 paragraph 2 that come to light in the context of the import, transit or export of animals and animal products at the authorised border inspection points. If, at the same time, there has been a contravention of the Customs Act of 18 March 2005<sup>44</sup> or the Value Added Tax Act of 12 June 2009<sup>45</sup>, the Federal Customs Administration shall investigate and judge the contraventions.

<sup>3</sup> If, in the import, transit or export of animals and animal products outside of the authorised border inspection points, there is at the same time a contravention of the Customs Act of 18 March 2005 or the Value Added Tax Act of 12 June 2009, the Federal Customs Administration shall investigate and judge the contraventions.

<sup>4</sup> If any contravention as defined in paragraph 1, 2 or 3 simultaneously constitutes a contravention to be prosecuted by the same federal authority under the Federal Act

<sup>38</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>39</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>40</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>41</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>42</sup> SR 313.0

<sup>43</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Oct. 2013 (AS 2012 6279; BBl 2011 7055). See also Article 45a below.

<sup>44</sup> SR 631.0

<sup>45</sup> SR 641.20

of 16 March 2012<sup>46</sup> on Trade in Protected Animal and Plant Species, the Customs Act of 18 March 2005, the Value Added Tax Act of 12 June 2009, the Foodstuffs Act of 20 June 2014<sup>47</sup>, the Epizootic Diseases Act of 1 July 1966<sup>48</sup>, the Hunting Act of 20 June 1986<sup>49</sup> or the Federal Act of 21 June 1991<sup>50</sup> on Fishing, then the penalty for the most serious contravention applies; it may be increased commensurately.<sup>51</sup>

## Chapter 6 Final Provisions

### Section 1 Enforcement

**Art. 32** Enforcement by the federal government and cantons

<sup>1</sup> The Federal Council shall issue enforcement regulations. It may authorise the FSVO to issue implementing regulations of a technical nature.<sup>52</sup>

<sup>2</sup> Enforcement is the responsibility of the cantons unless the law stipulates otherwise. They may regionalise enforcement.

<sup>2bis</sup> The Federal Council may require the cantons to inform the federal government of enforcement measures and the outcome of inspections and investigations.<sup>53</sup>

<sup>3</sup> The Federal Council shall determine the extent to which animal housing facilities must be inspected and how the conduct of animal experiments must be monitored. The inspection of animal housing units and corresponding data gathering must be coordinated with the inspections that are required under the legislation on agriculture, epizootic diseases and foodstuffs.

<sup>4</sup> The Federal Council regulates the continuing education and training of persons who perform tasks connected with the enforcement of this Act.<sup>54</sup>

<sup>5</sup> Implementation of the authorisation procedure under Article 7 paragraph 2 and the monitoring of the import, transit and export of animals and animal products at the authorised border inspection points are the responsibility of the federal government.<sup>55</sup>

<sup>46</sup> SR 453

<sup>47</sup> SR 817.0

<sup>48</sup> SR 916.40

<sup>49</sup> SR 922.0

<sup>50</sup> SR 923.0

<sup>51</sup> Amended by Annex No II 2 of the Foodstuffs Act of 20 June 2014, in force since 1 May 2017 (AS 2017 249; BBl 2011 5571).

<sup>52</sup> Second sentence amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>53</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>54</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>55</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Oct. 2013 (AS 2012 6279; BBl 2011 7055). See also Article 45a below.

**Art. 32a<sup>56</sup>** International cooperation

The Federal Council may conclude international treaties relating to training, the performance of inspections and the exchange of information relating to animal welfare.

**Art. 32b<sup>57</sup>** Opposition

- <sup>1</sup> Decisions made by the FSVO may be contested by filing opposition.
- <sup>2</sup> The suspensive effect of opposition may be revoked.
- <sup>3</sup> Opposition must be filed within 10 days of notification of the decision.

**Art. 33** Cantonal technical office

Each canton must set up a technical office for which the cantonal veterinary officer is responsible and which is suitable for ensuring that this Act and the regulations issued on the basis hereof are enforced.

**Art. 34** Cantonal Committee on Animal Experiments

- <sup>1</sup> Each canton shall appoint a committee of experts for animal experiments which is independent of the authorisation authority and in which the animal welfare organisations are appropriately represented. Two or more cantons may appoint a joint committee.
- <sup>2</sup> The committee reviews applications and makes a submission to the authorisation authority. It shall be consulted on the inspection of laboratory animal facilities and the conduct of experiments. The cantons may entrust further duties to the committee.

**Art. 35** Federal Committee on Animal Experiments

- <sup>1</sup> The Federal Council shall appoint a committee of experts for animal experiments. It shall advise the FSVO and make itself available to the cantons for questions of a fundamental nature and controversial cases.<sup>58</sup>
- <sup>2</sup> The Federal Committee on Animal Experiments shall cooperate with the Federal Ethics Committee on Non-Human Biotechnology.

**Art. 35a<sup>59</sup>** Examination boards

- <sup>1</sup> The Federal Council may appoint examination boards to carry out examinations of persons who perform tasks connected with the enforcement of this Act.

<sup>56</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>57</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>58</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>59</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>2</sup> The examination boards publish the results of examinations in the form of a decision.

<sup>3</sup> The Federal Council may delegate the performance of examinations to the cantons.

**Art. 36** Animal experiment statistics

The FSVO shall publish annual statistics on all animal experiments conducted in Switzerland.<sup>60</sup> It shall inform the public about issues concerning animal experiments and genetic modifications in animals.

**Art. 37** Agreement on objectives

The Federal Council may conclude agreements with the cantons on objectives for the enforcement of parts of this Act.

**Art. 38** Co-determination of organisations and companies

<sup>1</sup> The federal government and cantons may consult organisations and companies on enforcement of the Act or may establish organisations suitable for this purpose.

<sup>2</sup> They supervise the co-determination of these organisations and companies. The duties and authority assigned to them must be defined in a mission statement by the competent authority. They must provide this authority with details of their business management and accounting. The parliamentary control of federal and cantonal government remains unaffected by this provision.

<sup>3</sup> The Federal Council and the cantons may authorise the instructed organisations and companies to charge fees for their services.

**Art. 39** Right of access

The authorities instructed to enforce this Act shall have access to premises, facilities, vehicles, objects and animals; in doing so, they act as an agency of the police.

**Art. 40** Supervision by the federal government

Enforcement of this Act by the cantons is supervised on behalf of the federal government by the Federal Department of Home Affairs.<sup>61</sup>

**Art. 41** Fees

<sup>1</sup> Unless it stipulates otherwise, this Act is enforced free of charge.

<sup>60</sup> Amended by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>61</sup> Expression in accordance with No I 14 of the O of 15 June 2012 (Reorganisation of Departments), in force since 1 Jan. 2013 (AS 2012 3655). This change has been made throughout the text.

<sup>2</sup> The cantons are authorised to levy fees for:

- a. authorisations and official decisions;
- b. inspections which have resulted in complaints;
- c. special services that require more than the normal amount of work.

<sup>3</sup> The Federal Council shall define the limits for cantonal fees.

#### **Art. 42**            Cantonal regulations

<sup>1</sup> If this Act requires supplementation by cantonal law for the purposes of implementation, the cantons are obliged to draw up the relevant regulations.

<sup>2</sup> The cantons shall notify the Federal Department of Home Affairs of the implementing regulations.

## **Section 2**

### **Repeal of Existing Law and Transitional Provisions**

#### **Art. 43**            Repeal of existing law

The Animal Welfare Act of 9 March 1978<sup>62</sup> is repealed.

#### **Art. 44**            Transitional provision to Article 16

The surgical castration of piglets without anaesthetic is forbidden as from 1 January 2009. If no practical alternative method is available by this date, the Federal Council may postpone the date on which this ban comes into force by up to two years.

#### **Art. 45**            Transitional provision with regard to rights of appeal

Until the commencement of the Administrative Court Act of 17 June 2005<sup>63</sup>, rights of appeal are regulated, in addition to the general provisions on the administration of federal justice, as follows: the Appeals Commission of the Federal Department of Economic Affairs shall assess appeals against decisions of the Federal Food Safety and Veterinary Office.

#### **Art. 45a**<sup>64</sup>        Coordination provision

Irrespective of whether the Federal Act of 16 March 2012<sup>65</sup> on the Trade in Protected Animal and Plant Species (FA-CITES) or the amendment of 15 June 2012 to the AniPA comes into force first, Articles 27 paragraph 1, 31 and 32 paragraph 5 AniPA

<sup>62</sup> [AS 1981 562, 1991 2345, 1995 1469 Art. 59 No 1, 2003 4181 4803 Annex No 3, 2006 2197 Annex No 45]

<sup>63</sup> SR 173.32 This Act entered into force on 1 Jan. 2007.

<sup>64</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 Jan. 2013 (AS 2012 6279; BBl 2011 7055).

<sup>65</sup> BBl 2012 3465

shall be amended as follows on the commencement of the Act that comes into force later or if both come into force at the same time:

...<sup>66</sup>

### **Section 3 Referendum and Commencement**

#### **Art. 46**

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

<sup>2</sup> It will not be published in the Federal Gazette until the popular initiative «For modern animal welfare (Say yes to animal welfare!)» has been withdrawn or rejected<sup>67</sup>.

<sup>3</sup> The Federal Council shall determine the commencement date.

Commencement date: 1 September 2008<sup>68</sup>

<sup>66</sup> The changes may be consulted under AS **2012** 6279.

<sup>67</sup> The popular initiative was withdrawn (see BBl **2006** 355).

<sup>68</sup> BRB 23 April 2008.