interpharmaph

This translation has been initialized
and co-financed by Interpharma.

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

Animal Welfare Act

of 16 December 2005 (position as at 1 January 2011)

The Federal Assembly of the Swiss Confederation,
based on Articles 80, paragraphs 1 and 2, and 120, paragraph 2 of the Federal Constitution[1],
after consideration of a report submitted by the Federal Council, dated 9 December 2002[2],
decrees:

Chapter 1: General provisions

Article 1 Purpose
The purpose of this Act is to protect the dignity and welfare of animals.

Article 2 Scope
[1] The 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 sensitivity of invertebrate animals.

[2] The following are reserved: the Hunting Act of 20 June 1986[3], the Federal Act of 1 July 1966[4] on Nature and Heritage Conservation, the Federal Act of 21 June 1991[5] on Fishing, the Vocational Training Act of 13 December 2002[6] and the Epizootic Diseases Act of 1 July 1966[7].

Article 3 Definitions
In this Act, the following terms are defined as follows:

a. dignity: Inherent worth of the animal that has to 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. 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;

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**

b. well-being: The well-being of animals is given if

1. the 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: Any measure in which a live animal is used with the aim of

1. testing a scientific assumption,
2. observing the effect of a particular measure 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 operations on the animal or for determining the health status of animal populations,
5. obtaining or replicating organisms alien to the species in question,
6. teaching or training.

Article 4 Principles

[1] Anyone who handles animals has

a. to take account of their needs as best as possible; and

b. to ensure their well-being as far as circumstances of the intended purpose permit.

[2] No one may inflict pain, suffering or harm on an animal, induce anxiety in an animal or disregard its dignity in any other way without justification. The mishandling, neglect or unnecessary overworking of animals is forbidden.

[3] The Federal Council forbids any further activities on animals if their dignity is thereby disregarded.

Article 5 Training and information

[1] The Federal Government may promote the training and continuing education of people who handle animals.

[2] It ensures that the public are informed about animal welfare issues.

Chapter 2: Handling of Animals

Section 1: Animal Husbandry

Article 6 General provisions

[1] Anyone 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.

[2] Having consulted the various interest groups, the Federal Council shall issue regulations, and in particular minimum requirements, on the keeping of animals in line with scientific evidence and with the state of the art and technical developments. It prohibits forms of animal husbandry that contravene the basic principles of animal welfare.

[3] It may define the requirements for the training and continuing education of animal keepers and persons who train animals.

Article 7 Reporting and licence obligations

[1] The Federal Council may make certain types of animal husbandry and the keeping of certain animal species subject to the fulfilment of reporting or licence obligations.

[2] The placing on the market of mass-produced housing systems and installations for farm animals requires a federal licence. The licence is only granted if the systems and installations meet the requirements of species-appropriate husbandry. The Federal Council regulates the approval procedure and determines the farm animals to which the procedure is applicable. It may allow exemptions from licence obligations for certain types of animal husbandry.

[3] A licence is required for the commercial and private keeping of wild animals that pose particular challenges in terms of husbandry and care.

Article 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.

Article 9 Animal care takers

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

Section 2: Animal Breeding and Genetic Modification

Article 10 Breeding and generation of animals

[1] 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 results from or is associated with the breeding objective, subject to the provisions on animal experiments.

[2] The Federal Council issues regulations on the breeding and generation of animals and defines the criteria for assessing the reliability of breeding objectives and reproduction methods; in doing so it takes account of the dignity of the animal. It may prohibit the breeding, production and keeping of animals with certain traits, in particular physical and behavioural abnormalities.

Article 11 Licence requirement for genetically modified animals

[1] Anyone who produces, breeds, keeps, manages or trades in genetically modified animals requires a cantonal licence. Anyone who produces, breeds, keeps or trades in such animals for the purpose of research, therapy or diagnostics requires a cantonal licence according to Article 19, paragraph 1. In other cases, the approval procedure is based on the provisions governing animal experiments and on the Genetic Engineering Act of 21 March 2003[8].

[2] Having consulted the various interest groups, the Federal Ethics Committee on Non-Human Gene Technology, the Swiss Expert Committee for Biosafety and the Swiss Committee on Animal Experiments, the Federal Council shall define the criteria for weighing the strain on the animals against the benefits for research in the production, breeding, keeping and use of genetically modified animals and trading in such animals.

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

[4] It may allow exemptions to the licence obligation or simplifications in the approvals procedure, particularly if it is found that no pain, suffering, harm or behavioural disorders occur in the animal as a result of the production and breeding methods and that the dignity of the animal is otherwise taken into account.

Article 12 Reporting obligation

[1] The cantonal authority must be notified about genetically modified animals on which pain, suffering, harm or behavioural disorders are inflicted as a result of production or breeding or whose dignity is violated in other ways.

8 SR **814.91**

[2] The cantonal authority submits these reports to the cantonal committee on animal experiments and decides on the admissibility of further breeding based on the application.

[3] The Federal Council regulates the details of the report.

Section 3: Trade in Animals

Article 13 Authorisation system

A licence is required for commercial trading in animals and the use of live animals for advertising purposes.

Article 14 International trade

[1] For reasons of animal welfare and species conservation, the Federal Council may attach conditions to, restrict or prohibit the import, transit and export of animals and animal products. The foregoing does not apply to kosher or halal meat, in order to ensure an adequate supply of such meat to the Jewish and Islamic communities. The authorisation to import and obtain such products is reserved to members of these communities and associated legal entities and partnerships.

[2] It is forbidden to import dog and cat fur as well as products made therefrom.

Section 4: Transport of Animals

Article 15

[1] 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 provisions on exemptions.

[2] Having consulted the various industry organisations, the Federal Council shall regulate requirements with regard to the training and continuing education of personnel entrusted with the professional transport of animals.

Section 5: Surgical Operations Performed on Animals

Article 16

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

Section 6: Animal Experiments

Article 17 Limitation to the indispensable minimum

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

Article 18 Licence obligation

[1] Anyone who wants to conduct animal experiments requires a licence from the responsible cantonal authorities.

[2] Activities as defined in Article 11, paragraph 1, last sentence, are equivalent to animal experiments within the scope of the approvals procedure.

[3] The responsible cantonal authority submits licence applications for animal experiments as defined in Article 17 to the cantonal committee on animal experiments.

[4] Licences are issued for a limited period. They may be subject to conditions and requirements.

[5] Institutes and laboratories which conduct animal experiments and also housing facilities for laboratory animals must keep records on the animal population.

Article 19 Requirements

[1] The Federal Council defines the requirements for institutes and laboratories in which animal experiments may be conducted with regard to the training and continuing education of personnel and in respect of laboratory animal housing, breeding and operations.

[2] The Federal Council defines the criteria for assessing indispensability within the meaning of Article 17.

[3] It may declare certain experimental purposes to be impermissible.

[4] An animal experiment is impermissible in particular if, in relation to the anticipated gain in knowledge, it inflicts disproportionate pain, suffering or harm or induces disproportionate anxiety in the animal.

Article 20 Conduct of experiments

[1] Pain, suffering or harm may be inflicted on or anxiety caused to an animal only if this is unavoidable for the purpose of the experiment.

[2] Experiments on animals relatively high 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.

[3] The Federal Council regulates the further requirements on the conduct of experiments.

Section 7: Slaughter of Animals

Article 21

[1] Mammals must not be slaughtered unless they have been stunned before the start of exsanguination.

[2] The Federal Council may also stipulate that other animals must be stunned before they are slaughtered.

[3] The Federal Council specifies the permitted methods of stunning.

[4] Having consulted the various industry organisations, the Federal Council regulates the requirements with regard to the training and continuing education of slaughterhouse personnel.

Chapter 3: Research

Article 22

[1] The Federal Government operates and supports scientific research of relevance to animal welfare.

[2] In collaboration with universities and industry, the Federal Government in particular promotes the development, accreditation and application of methods which replace animal experiments, which enable fewer animals to be used or which result in less strain for the animals. In particular, it promotes research projects aimed at eliminating pain, suffering or anxiety in surgical procedures as defined in Article 16.

Chapter 4: Administrative and Public Authority Appeals

Article 23 Ban on the keeping of animals

[1] The authorities responsible may ban persons

a. who have been punished because of repeated or serious violations of the provisions set forth in this Act and its enactments or of decrees, or
b. who are incapable of keeping or breeding animals for other reasons

from keeping or breeding animals, or trading in or working professionally with animals for a specified or unspecified period.

[2] If such a ban is imposed by one canton, it applies throughout Switzerland.

[3] The federal authorities responsible keep a list of the bans that have been imposed. This may be inspected by the cantonal authorities responsible for issuing such bans if there is a suspicion that persons who have moved to a canton are in violation of the animal husbandry provisions of this Act.

Article 24 Regulatory intervention

[1] If it is found that animals are being neglected or kept under completely unsuitable conditions, the responsible authorities must intervene immediately. They may confiscate the animals as a precautionary measure and house them at a suitable place at the expense of the animal keeper; if necessary, they must arrange for the animals to be sold or euthanised. For this they may enlist the assistance of police authorities.

[2] After the costs of the procedure have been deducted, the proceeds from any such transaction go to the keeper.

[3] If a deliberate punishable violation of the provisions set forth in this act comes to light, the authorities responsible for enforcement of the animal welfare regulations must report the offence.

Article 25 Public authority appeals

[1] The federal authorities responsible may lodge a formal appeal under cantonal and federal law against decisions made by cantonal authorities with regard to animal experiments.

[2] The cantonal authorities must immediately inform the responsible authorities of their decisions.

Chapter 5: Criminal Provisions[9]

Article 26 Maltreatment of animals

[1] Anyone who wilfully

a. mistreats or neglects an animal, unnecessarily overworks it or in any other way disregards its dignity;
b. deliberately and without provocation kills an animal in a manner that causes it suffering;
c. organises fights between or with animals in which animals are tormented or killed;
d. inflicts pain, suffering or harm on an animal or induces anxiety in it during the course of experiments, unless this is unavoidable for the purpose of the experiment;
e. abandons or leaves behind an animal that is kept in the house or on the farm with the intention of disposing of it

is liable to a term of imprisonment or a fine

[2] If the offender acts through negligence, he is liable to a term of detention or a fine of up to 20,000 francs.

9 The threatened penalties shall be interpreted according to Article 333 Paragraphs 2–5 of the Penal Code (SR **311.0**) in the Federal Council version of 13 Dec. 2002 (AS **2006** 3459; BBl **1999** 1979).

Article 27 Offences committed in international trade

[1] Anyone who violates the Convention of 3 March 1973[10] 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–III of the Convention is liable to a term of imprisonment or a fine. If the offender has acted through negligence, he is liable to a term of detention or a fine of up to 20,000 francs.

[2] Anyone who wilfully violates the provisions on international trade (Article 14) is liable to a term of imprisonment or a fine of up to 20,000 francs. Attempting or aiding and abetting the commission of an offence is also an offence. If the offender has acted through negligence, he is liable to a term of detention or a fine of up to 20,000 francs.

Article 28 Other offences

[1] Anyone who wilfully

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

is liable to a term of imprisonment or a fine, unless Article 26 is applicable

[2] Attempting or aiding and abetting the commission of an offence is also an offence. If the offender acts through negligence, he is liable to a term of detention or a fine of up to 20,000 francs.

[3] Anyone who, in any other manner, wilfully or through negligence violates this Act, its enforcement regulations or an individual decision of which he has been notified that carries the sanctions provided for in this Article is liable to a fine.

Article 29 Statute of limitations

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

Article 30 Legal entities and partnerships

Article 6 of the Federal Act of 22 March 1974[11] on Administrative Criminal Law applies.

10 SR **0.453**
11 SR **313.0**

Article 31 Prosecution

[1] The prosecution and judgment of offences is a matter for the cantons. …[12]

[2] The federal authority responsible investigates and judges violations as defined in Article 27. If there has at the same time been a violation of the Customs Act of 18 March 2005[13], the Federal Customs Administration conducts the investigation and decides on the penalty.

[3] If a violation simultaneously constitutes a violation as defined in paragraph 2 and a violation to be prosecuted by the federal authority of the Customs Act of 18 March 2005, the Foodstuffs Act of 9 October 1992[14], the Animal Health Act of 1 July 1966[15], the Hunting Act of 20 June 1986[15] or the Federal Act of 21 June 1991[17] on Fishing, then the penalty for the severest violation applies; it may be increased appropriately.

Chapter 6: Final Provisions

Section 1: Enforcement

Article 32 Enforcement by the Federal Government and cantons

[1] The Federal Council issues enforcement regulations. It may authorise the federal authority responsible to issue implementing regulations of a technical nature.

[2] Enforcement is the responsibility of the cantons unless the law stipulates otherwise. They may regionalise enforcement.

[3] The Federal Council determines the extent to which animal holdings must be inspected and how the conduct of animal experiments must be monitored. The inspection of animal husbandries and corresponding data gathering must be coordinated with the inspections that are required under the legislation on agriculture, animal health and food.

[4] The Federal Council regulates the training and continuing education of the enforcement authorities.

[5] Enforcement at the customs frontier, the procedure for authorisation within the scope of Article 7 paragraph 2 and the monitoring of international trade in animals and animal products are the responsibility of the Federal Government.

Article 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 of this Act are enforced.

12 Superseded by Annex section II 12 of the law on the organization of the penal authorities dated 19 March 2010, effective from 1 Jan. 2011 (AS **2010** 3267; BBl **2008** 8125).
13 SR **631.0**
14 SR **817.0**
15 SR **916.40**
16 SR **922.0**
17 SR **923.0**

Article 34 Cantonal Committee on Animal Experiments

[1] Each canton shall appoint a committee of experts for animal experiments which is independent of the licensing authority and is appropriately represented in the animal welfare organisations. Two or more cantons may appoint a joint committee.

[2] The committee reviews applications and submits a proposal to the licensing authority. It is consulted on the inspection of laboratory animal husbandries and the conduct of experiments. The cantons may entrust further duties to the committee.

Article 35 Federal Committee on Animal Experiments

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

[2] The Federal Committee on Animal Experiments collaborates with the Federal Ethics Committee on Non-Human Biotechnology.

Article 36 Animal experiment statistics

The federal authority responsible publishes annual statistics on all animal experiments conducted in Switzerland. It informs the public about issues concerning animal experiments and genetic modifications in animals.

Article 37 Agreement on objectives

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

Article 38 Co-determination of organisations and companies

[1] The Federal Government and cantons may consult organisations and companies on enforcement of the Act or may establish organisations suitable for this purpose.

[2] 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 authority responsible. 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.

[3] The Federal Council and the cantons may authorise the relevant organisations and companies to charge fees for their activities.

Article 39 Right of access

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

Article 40 Supervision by the Federal Government

Enforcement of this Act by the cantons is supervised on behalf of the Federal Government by the Department of Economic Affairs.

Article 41 Fees

[1] Unless it stipulates otherwise, this Act is enforced free of charge.

[2] The cantons are authorised to levy fees for

a. licences and official decisions;
b. inspections which result in complaints;
c. special services which entail expenditure beyond the normal functions of office.

[3] The Federal Council defines the limits for cantonal fees.

Article 42 Cantonal regulations

[1] If this Act requires supplementation by cantonal law in order for it to be implemented, the cantons are obliged to draw up the relevant regulations.

[2] The cantons notify the Department of Economic Affairs of the implementing regulations.

Section 2:
Repeal of Existing Law and Transitional Regulations

Article 43 Repeal of existing law

The Animal Protection Law of 9 March 1978[18] is repealed.

Article 44 Transitional regulations in relation to Article 16

The surgical castration of piglets without anaesthetisation is forbidden as from 1 January 2009. If no practical alternative method is available by this date, the Federal Council may postpone the entry into force of this ban by not more than two years.

Article 45 Transitional regulations with regard to legal protection

Until the entry into force of the Administrative Court Act of 17 June 2005[19], legal protection is regulated, in addition to the general provisions on the administration of federal justice, as follows: the Appeals Commission of the Department of Economic Affairs assesses appeals against decisions of the Federal Veterinary Office.

18 [AS **1981** 562, **1991** 2345, **1995** 1469, Art. 59 section. 1, **2003** 4181 4803 Annex section 3, **2006** 2197 Annex section 45]

19 BBl **2005** 4093 4146

Section 3: Referendum and Commencement

Article 46

[1] This Act is subject to an optional referendum.

[2] It will not be published in the Federal Gazette until the Popular Initiative "In favour of modern animal protection (*Tierschutz-Ja!*)" has been withdrawn or rejected[20].

[3] The Federal Council determines the commencement date.

Commencement date; 1 September 2008[21]

20 The popular initiative was withdrawn (see BBl **2006** 355).
21 BRB 23 April 2008