

## NATIONAL REPORTS – RECENT DEVELOPMENTS IN MEMBER STATES ENVIRONMENTAL LAW - Switzerland

Participants are asked to submit a short paper (max 2-3 pages) which highlights what in their view are significant developments in national environmental law (cases, new laws, new institutional arrangements, significant new policies) which might be of interest to other members of the Group. Please do so until the 9th of November 2012 (two weeks in advance of the meeting) so that the chair of that session will then have the opportunity to present their own cross cutting analysis of the most interesting aspects and lead the discussion accordingly. See on recent developments: Alain Griffel, *Entwicklungen um Raumplanungs-, Bau- und Umweltrecht*, SJZ 2011, 464 ff.

Part-Revision of the law on water protection (*Gewässerschutzgesetz*): concerning, the definition and use of the riverine zone; the revitalization of water bodies; measures against hydropeaking, rehabilitation of the flow regime.

Adaptation of the Chemical-Risk-Reduction-Decree (*Chemikalien-Risikoreduktionsverordnung*) to European Standards.

Adaptation of the CO<sub>2</sub>-Emissions of passenger vehicles to European Standard.

“Energy Strategy 2050: The Federal Council intends to continue to safeguard Switzerland's high level of energy security although without nuclear energy in the medium term. That was the decision taken at his special meeting on 25 may 2011. Existing nuclear power plants should be decommissioned at the end of their operational lifespan and not be replaced by new nuclear power plants. In order to ensure the security of supply, the Federal Council, as part of its new Energy Strategy 2050, is placing emphasis on increased energy savings (energy efficiency), the expansion of hydropower and new renewable energies, and, if necessary, on fossil fuel-based electricity production (cogeneration facilities, gas-fired combined-cycle power plants) and imports. Furthermore, Switzerland's power grid should be expanded without delay and energy research strengthened.”<sup>92</sup>

In March 11th 2012, the Swiss population has accepted the Initiative on Secondary Residencies which resulted in a change of the Swiss Federal Constitution. The initiative postulates that in each Swiss Community Secondary Residencies constitute a maximum of 20% of the total accommodation.

The acceptance of the Initiative has led to important debates. Several legal questions on how to implement this obligation are still open, e.g.:

- Definition of the notion “Secondary Residencies”
- Which accommodations need to be taken into account, also old ones, or only new ones?
- The situation in the Swiss regions is very different (touristic/rural), the initiative may lead to important disadvantages (especially in rural areas). Can exceptions be allowed?
- How can you implement an efficient controlling-system?

<sup>92</sup> <http://www.bfe.admin.ch/themen/00526/00527/index.html?lang=en>.