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Animal Welfare Act

(AniWA)

of 16 December 2005 (Status as of 1 January 2022)

The Federal Assembly of the Swiss Confederation,
 based on Articles 80, paragraphs 1 and 2, and 120, paragraph 2
 of the Federal Constitution¹,
 after consideration of a Federal Council Dispatch dated 9 December 2002²,
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

¹ 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.

² The following are reserved: the Hunting Act of 20 June 1986³, the Federal Act of 1 July 1966⁴ on the Protection of Nature and Cultural Heritage, the Federal Act of 21 June 1991⁵ on Fishing, the Vocational and Professional Training and Education Act of 13 December 2002⁶ and the Epizootic Diseases Act of 1 July 1966⁷.

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

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

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;

- 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

¹ 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.

² 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.

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

Art. 5 Training and information

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

^{1bis} The Federal Council may provide for certain training and education activities to be recognised by the federal government or the cantons.⁸

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

Chapter 2 Handling of Animals

Section 1 Animal Husbandry

Art. 6 General provisions

¹ 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.

² 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.

³ 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.¹⁰

Art. 7 Reporting and authorisation requirements, bans¹¹

¹ 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.¹²

² 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.

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

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

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

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

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

³ 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*).¹³

⁴ 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.¹⁴

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

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 result from or are associated with the breeding objective, subject to the provisions on animal experiments.

² 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.¹⁵

Art. 11 Authorisation requirement for genetically modified animals

¹ 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

¹³ 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).

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

¹⁵ 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 2003¹⁶.

² 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.

³ 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.

⁴ 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

¹ 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.

² 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.

³ The Federal Council regulates the details of the report.

Section 3 Trade in Animals and Animal Products¹⁷

Art. 13¹⁸ Authorisation and reporting requirement

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

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

¹⁶ SR **814.91**

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

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