

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

Federal Act on the Protection of Waters (Waters Protection Act, WPA)

of 24 January 1991 (Status as of 1 January 2022)

The Federal Assembly of the Swiss Confederation,

based on Article 76 paragraphs 2 and 3 of the Federal Constitution^{1,2}
and having considered a Federal Council Dispatch dated 29 April 1987³,
decrees:

Title 1 General Provisions

Art. 1 Purpose

The purpose of this Act is to protect waters against harmful effects. In particular it aims:

- a. to preserve the health of people, animals and plants;
- b. to guarantee the supply and economic use of drinking water and water required for other purposes;
- c. to preserve the natural habitats of indigenous fauna and flora;
- d. to preserve waters suitable as a habitat for fish;
- e. to preserve waters as an element of the landscape;
- f. to ensure the irrigation of agricultural land;
- g. to permit the use of waters for leisure purposes;
- h. to ensure the natural functioning of the hydrological cycle.

Art. 2 Scope of application

This Act applies to all surface and underground waters.

AS 1992 1860

¹ SR 101

² Amended by No II 2 of the FA of 19 March 2010, in force since 1 Aug. 2010 (AS 2010 3233; BBl 2009 5435).

³ BBl 1987 II 1061

Art. 3 Duty of care

Everyone is required to take all the care due in the circumstances to avoid any harmful effects to waters.

Art. 3a⁴ Polluter pays principle

Anyone who causes measures to be taken under this Act must bear the costs.

Art. 4 Definitions

In this Act:

- a. *surface waters*: means water bodies and their beds including the bottoms and banks, together with the fauna and flora living there;
- b. *underground waters*: means groundwater (including spring water), aquifer, lower and upper confining beds;
- c. *detrimental effects*: means pollution and any other intervention which harms the character or function of water;
- d. *pollution*: means any detrimental physical, chemical or biological change in the nature of water;
- e. *waste water*: means water which has been altered by domestic, industrial, commercial, agricultural or other uses, as well as that which flows with such water in sewers, and precipitation water flowing off built-up or sealed area;
- f. *polluted waste water*: means waste water which may pollute waters into which it flow;
- g. *farm manure*: means liquid manure, stable manure stemming from animal husbandry as well as liquids emitted by fodder silo;
- h. *flow rate Q₃₄₇*: means the flow rate which, averaged over ten years, is reached or exceeded on an average of 347 days per year and which is not substantially affected by damming, withdrawal or supply of wate;
- i. *permanent flow*: means a flow rate Q₃₄₇ which is greater than zero;
- k. *residual flow*: means the flow rate of a watercourse which remains after one or several withdrawals of water;
- l. *required water endowment*: means the amount of water required to ensure the maintenance of a particular residual flow after withdrawal of water;
- m.⁵ *rehabilitation*: means the re-establishment by means of civil engineering of the natural functions of channelled, straightened, covered or culverted surface waters.

⁴ Inserted by No I of the FA of 20 June 1997, in force since 1 Nov. 1997 (AS 1997 2243; BBl 1996 IV 1217).

⁵ Inserted by No I of the FA of 11 Dec. 2009 (Restoration), in force since 1 Jan. 2011 (AS 2010 4285; BBl 2008 8043 8079).

Art. 5 Exemptions for reasons of national defence or emergencies

If required in the interests of national defence or in the event of emergencies, the Federal Council may, by ordinance, provide for exemptions from the provisions of this Act.

Title 2 Prevention and Remediation of Detrimental Effects**Chapter 1** Maintaining the Quality of Waters**Section 1** Discharge, Introduction and Infiltration of Substances**Art. 6** Principle

¹ It is prohibited to introduce into a body of water, either directly or indirectly any substances which may pollute it; the infiltration of such substances is also prohibited.

² It is also prohibited to store or spread such substances outside a body of water if there is a genuine risk of water pollution.

Art. 7 Disposal of waste water

¹ Polluted waste water must be treated. It may only be discharged or infiltrated into a body of water with the authorisation of the cantonal authority.

² Non-polluted waste water must be discharged by infiltration according to the instructions of the cantonal authority. If local conditions do not permit this, such non-polluted water may be discharged into surface waters; in this case retention measures must be taken if possible so as to ensure a steady discharge in the event of high inflow. The discharge of water that is not shown on a communal drainage plan approved by the canton requires the consent of the cantonal authority.⁶

³ The cantons shall arrange the drawing up of communal and, if required, regional drainage plans.⁷

Art. 8⁸**Art. 9** Federal Council regulations on the discharge and infiltration of substances

¹ The Federal Council shall specify the water quality requirements for surface and underground waters.

⁶ Amended by No I 3 of the FA of 21 Dec 2007 on the Abolition and Simplification of Licensing Procedures, in force since 1 June 2008 (AS 2008 2265; BBl 2007 315).

⁷ Inserted by No I of the FA of 20 June 1997, in force since 1 Nov. 1997 (AS 1997 2243; BBl 1996 IV 1217).

⁸ Repealed by Annex No 2 of the FA of 21 Dec. 1995, with effect from 1 July 1997 (AS 1997 1155; BBl 1993 II 1445).

² It shall enact regulations on:

- a. the discharge of waste water into bodies of water;
- b. the infiltration of waste water;
- c. substances which may according to the method of their use enter into water and which, by reason of their properties or the quantities used, risk polluting waters or impairing the operation of waste water treatment plants.

Section 2 Treatment of Waste Water and Use of Farm Manure

Art. 10 Public sewers and central waste water treatment plants

¹ The cantons shall be responsible for the construction of public sewers and central plants for the treatment of polluted waste water:

- a. from building zones;
- b. from existing groups of buildings outside building zones for which the special procedures for the disposal of waste water (Art. 13) provide insufficient protection for waters or are not economically viable.

^{1bis} They shall ensure that these plants are operated economically.⁹

² In isolated or sparsely inhabited regions, polluted waste water must be treated by systems other than central waste water treatment plants provided that the protection of surface and underground waters is guaranteed.

³ If private sewers also serve the public interest, their status is equal to that of public sewers.

⁴ ...¹⁰

Art. 11 Duty to connect to sewers and to accept polluted waste water

¹ Polluted waste water which originates in an area served by public sewers shall be discharged into such sewers.

² The areas served by public sewers shall include:

- a. building zones;
- b. other zones as soon as they are connected to the public sewers (Art. 10 para. 1, let. b);
- c. other zones where connection to the public sewers is expedient and reasonable.

³ The person responsible for the sewers is obliged to accept waste water and convey it to the appropriate central waste water treatment plant.

⁹ Inserted by No I of the Federal Act of 20 June 1997, in force since 1 Nov. 1997 (AS 1997 2243; BB1 1996 IV 1217).

¹⁰ Repealed by No I of the FA of 20 June 1997, with effect from 1 Nov. 1997 (AS 1997 2243; BB1 1996 IV 1217).

Art. 12 Special cases in areas covered by public sewers

¹ Those responsible for waste water which does not meet the requirements laid down for discharge into the drainage system must subject such waste water to pre-treatment. Such pre-treatment shall be regulated by the cantons.

² The cantonal authorities shall decide on the appropriate way to dispose of waste water which is not suited for treatment by a central water treatment plant.

³ Non-polluted waste water with permanent flow shall not be passed through a central waste water treatment plant either directly or indirectly. The cantonal authorities may authorise exceptions to this rule.

⁴ In a farm comprising a substantial stock of cattle or pigs, domestic waste water may be used agriculturally together with the liquid manure (Art. 14) provided that:

- a. residential or industrial buildings and their adjoining land are situated in an area classified as an agricultural zone or the communal authority is taking the necessary measures, particularly in the field of area planning, to classify the buildings and their adjoining land in an agricultural zone;
- b. storage capacity is sufficient for domestic waste water too and the waste water is used on land which is either owned or leased by the farm in question.

⁵ If the residential or industrial buildings and their adjoining land in accordance with Art. 4 are not allocated to an agricultural zone within five years, domestic waste water must be discharged into the public sewers.

Art. 13 Special procedures for the disposal of waste water

¹ Outside areas covered by public sewers, waste water shall be disposed of by state-of-the-art methods.

² The cantons shall ensure that water quality requirements are respected.

Art. 14 Animal husbandry farms

¹ All animal husbandry farms must attempt to balance their use of manure.

² Farm manure shall be used in agriculture and horticulture in an environmentally compatible way and according to the state-of-the-art.

³ The farm must have storage facilities with a capacity for at least three months. However, the cantonal authorities may require a higher storage capacity for establishments situated in mountain areas or in areas with unfavourable climatic or special crop growing conditions. Lower storage capacities may also be authorised for buildings which are occupied by livestock for only short periods of time.

⁴ A maximum of three livestock units of manure may be spread on 1 ha of agricultural land. If part of the farm manure is used outside the normal local farming area, the number of animals kept must be such that at least half the manure produced by the farm may be used on the agricultural land owned or leased.¹¹

¹¹ Amended by Annex No 6 of the FA of 22 March 2013, in force since 1 Jan. 2014 (AS 2013 3463 3863; BBl 2012 2075).