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## **Ordinance on the Avoidance and the Disposal of Waste (Waste Ordinance, ADWO)**

of 4 December 2015 (Status as of 1 April 2022)

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*The Swiss Federal Council,*

on the basis of Articles 29, 30a letter c, 30b paragraph 1, 30c paragraph 3, 30d letter a, 30h paragraph 1, 39 paragraph 1, 45 and 46 paragraph 2 of the Environmental Protection Act of 7 October 1983<sup>1</sup> (EPA),  
and Articles 9 paragraph 2 letter c, 16 letter c and 47 paragraph 1  
of the Waters Protection Act from 24 January 1991<sup>2</sup>,

*ordains:*

### **Chapter 1 Aim, Scope of Application and Definitions**

#### **Art. 1** Aim

This Ordinance aims to:

- a. protect people, animals, plants and their biological communities, waters, the soil and the air from harmful effects or nuisances caused by waste;
- b. to limit environmental pollution by waste through precautionary measures;
- c. to encourage the sustainable use of natural raw materials through the environmentally sustainable recovery of waste.

#### **Art. 2** Scope of application

This Ordinance applies to the avoidance and disposal of waste and to the construction and operation of waste disposal facilities. Special regulations on individual types of waste in other federal acts and ordinances are reserved.

AS 2015 5699

<sup>1</sup> SR 814.01

<sup>2</sup> SR 814.20

**Art. 3** Definitions

In this Ordinance:

- a.<sup>3</sup> *municipal waste* means:
1. waste from households,
  2. waste from businesses with fewer than 250 full-time employees the composition of which in ingredients and proportions is similar to waste from households,
  3. waste from public authorities the composition of which in ingredients and proportions is similar to waste from households;
- b. *undertaking* means a legal entity with its own identification number or such entities combined in a group with a jointly organised waste disposal system;
- c. *special waste* means waste designated as special waste in the list of wastes issued in Article 2 of the Ordinance of 22 June 2005<sup>4</sup> on Movements of Waste (OMW);
- d. *biogenic waste* means waste of vegetable, animal or microbial origin;
- e. *construction waste* means waste produced in the construction, conversion or dismantling of fixed installations;
- f. *excavated material* means material that is excavated or extracted in the course of construction work, with the exception of any topsoil and subsoil removed;
- fbis.<sup>5</sup> mercury waste:
1. waste that contains mercury or mercury compounds,
  2. mercury or mercury compounds originating from the treatment of mercury waste in terms of number 1; the foregoing does not apply to mercury that has been authorised for export under Annex 1.7 Numbers 2.2.4 or 4.2 of the Chemical Risk Reduction Ordinance of 18 May 2005<sup>6</sup> (ORRChem),
  3. mercury or mercury compounds that is or are no longer required in industrial processes;
- g. *waste disposal facility* means an installation in which waste is treated, recovered, deposited or temporarily stored, with the exception of material extraction sites in which excavated material is recovered;
- h.<sup>7</sup> ...
- i. *composting facility* means a waste disposal facility in which biogenic waste decomposes while exposed to the air;

<sup>3</sup> Amended by No I of the O of 12 Feb. 2020, in force since 1 April 2020 (AS 2020 801).

<sup>4</sup> SR 814.610

<sup>5</sup> Inserted by No II 1 of the O of 25 Oct. 2017, in force since 1 Jan. 2018 (AS 2017 5963).

<sup>6</sup> SR 814.81

<sup>7</sup> Repealed by No I of the O of 12 Feb. 2020, with effect from 1 April 2020 (AS 2020 801).

- j.<sup>8</sup> *fermentation facility* means a waste disposal facility in which biogenic waste is allowed to ferment in the absence of air;
- k. *landfill* means a waste disposal facility in which waste is deposited;
- l. *incineration* means the treatment of waste at a temperature that is sufficiently high that substances hazardous to the environment are destroyed or physically or chemically bonded by mineralisation;
- m. *state of the art* means the latest stage of development of procedures, installations and operating methods which:
  - 1. have been successfully tested in comparable facilities or activities in Switzerland or abroad or have been used successfully in trials and may be used in other facilities or activities in accordance with the rules of the technology, and
  - 2. is economically viable in a medium-sized and economically sound enterprise in the relevant industry.

## Chapter 2 Planning and Reporting

### Art. 4 Waste management plans

<sup>1</sup> The cantons shall each draw up a waste management plan for their territory. It shall include in particular:

- a. measures to avoid waste;
- b. measures to recover waste;
- c. the number of facilities required to dispose of municipal waste and other types of waste that the cantons are responsible for disposing of;
- d. the landfill volume required and the locations of landfills (landfill plan);
- e. the required catchment areas;
- f.<sup>9</sup> the measures to use the energy content of the waste generated by its incineration.

<sup>2</sup> The cantons shall work together on their waste management plans, in particular on the matters mentioned in paragraph 1 letters c–f and shall if necessary designate intercantonal planning regions for this purpose.<sup>10</sup>

<sup>3</sup> They shall review their waste management plans every five years and amend them if necessary.

<sup>4</sup> The cantons shall submit their waste management plans and the significant revisions thereof to the Federal Office for the Environment (FOEN).

<sup>8</sup> The correction of 19 July 2016 relates to the Italian text only (AS 2016 2629).

<sup>9</sup> Inserted by No I of the O of 23 Feb. 2022, in force since 1 April 2022 (AS 2022 161).

<sup>10</sup> Amended by No I of the O of 23 Feb. 2022, in force since 1 April 2022 (AS 2022 161).

**Art. 5** Coordination with the spatial planning

<sup>1</sup> The cantons shall take account of the results of the waste management plan relevant to spatial planning in their structure plans.

<sup>2</sup> They shall indicate the planned locations of landfills in the landfill plan in their structure plans and ensure that the required land use zones are set aside.

**Art. 6** Reporting

<sup>1</sup> Each year, the cantons shall draw up publicly accessible lists with the following information and submit the same to the FOEN:

- a. quantities of categories of waste<sup>11</sup> mentioned in Annex 1 that are disposed of on their territory;
- b.<sup>12</sup> facilities for treating construction waste and facilities for treating metallic waste on their territory in which more than 1000 t waste is treated each year;
- c. other waste disposal facilities on their territory in which more than 100 t waste is disposed of each year.

<sup>2</sup> The Federal Department of the Environment, Transport, Energy and Communications may revise the categories of waste specified in Annex 1 to take account of technical developments.

<sup>3</sup> The cantons shall submit a report to the FOEN on request on the operation and condition of the landfills on their territory.<sup>13</sup> The report shall contain the following information in particular:

- a. the quantity and type of the deposited waste as well as remaining quantities of existing landfills;
- b. in the case of new landfills and alterations to existing landfill sites: evidence that the facilities on the site satisfy the requirements of Annex 2 numbers 2.1–2.4;
- c. where applicable, any measures taken under Article 53 paragraph 4 to prevent possible harmful effects or nuisances being caused to the environment by landfills.

**Chapter 3** Avoidance, Recovery and Deposit of Waste**Section 1** General Regulations**Art. 7** Information and advice

<sup>1</sup> The environmental protection agencies shall inform and advise private individuals and authorities on how to avoid producing waste and to dispose of waste. Among

<sup>11</sup> Term in accordance with No I of the O of 23 Feb. 2022, in force since 1 April 2022 (AS **2022** 161). This change has been made throughout the text, other than in Art. 2.

<sup>12</sup> Amended by No I of the O of 12 Feb. 2020, in force since 1 April 2020 (AS **2020** 801).

<sup>13</sup> Amended by No I of the O of 21 Sept. 2018, in force since 1 Nov. 2018 (AS **2018** 3515).

other issues, they shall provide information on the recovery of waste and on measures to avoid throwing away small quantities of waste or leaving it lying around.

<sup>2</sup> Based on the reports from the cantons (Art. 6 para. 1), the FOEN shall publish reports on the quantities of waste disposed of throughout Switzerland and on existing waste disposal facilities as in Switzerland.

#### **Art. 8** Training

In cooperation with the cantons and employment organisations, the Confederation shall ensure that persons carrying out activities in connection with the disposal of waste are taught the state of the art in their basic and continuing professional training.

#### **Art. 9<sup>14</sup>** Mixing ban

Waste of one types may not be mixed with other waste or with aggregates if this is primarily intended to reduce the pollutant or foreign substance content of the waste by dilution and thereby to comply with regulations on the consignment, recovery or landfill of waste.

#### **Art. 10** Obligation to incinerate

Municipal waste and waste of similar composition, sewage sludge, combustible fractions of construction waste and other combustible waste must be incinerated in appropriate facilities, unless their constituents may be recovered.

## **Section 2 Avoidance of Waste**

#### **Art. 11**

<sup>1</sup> The FOEN and the cantons shall encourage the avoidance of waste through appropriate measures such as raising the awareness of and providing information to the public and businesses. In doing so, they shall work with the private sector organisations concerned.

<sup>2</sup> Any person who manufactures products must organise the production processes according to the state of the art so that as little waste as possible is produced and any waste that is produced contains as few substances as possible that harm the environment.

<sup>14</sup> Amended by No I of the O of 23 Feb. 2022, in force since 1 April 2022 (AS 2022 161).