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Ordinance to the Federal Act on Protection against the Risks associated with Non-Ionising Radiation and with Sound (O-NIRSA)

of 27 February 2019 (Status as of 1 January 2022)

The Swiss Federal Council,

based on the Federal Act of 16 June 2017 on Protection against Non-Ionising Radiation and Sound¹ (NIRSA),

ordains:

Section 1 Use of Solariums

Art. 1 Definition

For the purposes of this Section, *solariums* means systems, devices and lamps which expose the skin to ultraviolet (UV) radiation.

Art. 2 Duties of the operator

¹ Solarium operators must ensure that:

- a. solariums for users are visibly classified as UV type 1, 2, 3 or 4 in accordance with Annex 1 Number 1;
- b. the total erythema effective irradiance of a solarium, taking into account the maximum values of the radiation components given in Annex 1 Number 1, does not exceed 0.3 watt per square metre;
- c. a device-specific irradiation plan in accordance to Annex 1 Number 2 shall be made available to the users;
- d. UV protective goggles of the type specified by the solarium manufacturer are available;
- e. users may only use a solarium of UV type 4 if they present a medical certificate to the staff.

- ² The operator must equip and operate the solarium in such a way that:
- persons aged under 18 years cannot use the solarium;
 - the users can easily set the parameters of the exposure schedule on the solarium.
- ³ The operator, prior to the users using the solarium, must:
- inform them that risk groups, as specified in Annex 1 Number 3, must not use a solarium under any circumstances;
 - explain the dangers of UV irradiation as listed in Annex 1 Number 4, as well as measures to minimise these dangers.

Art. 3 Unattended solariums

In the absence of an attendant, solarium operators may only make solariums of UV type 3 available.

Art. 4 Attended solariums

For the operation of solariums of UV types 1, 2 and 4, solarium operators must deploy personnel trained in accordance with the following standards²:

- SN EN 16489–1:2014, «Professional indoor UV exposure services – Part 1: Requirements for the provision of training»;
- SN EN 16489–2:2015, «Professional indoor UV exposure services – Part 2: Required qualification and competence of the indoor UV exposure consultant».

Section 2 Use of Products for Cosmetic Purposes

Art. 5 Carrying out treatments

¹ Treatments as specified in Annex 2 Number 1 with products that for their effect generate non-ionising radiation or sound may be carried out by the following persons:

- physicians who are authorised to practice their profession under their own professional responsibility;
- practice personnel directly instructed by and under the direct supervision and responsibility of a physician as specified under letter a;
- persons with a certificate of competence obtained through an examination.

² Treatments specified in Annex 2 Number 2 with such products shall be performed exclusively by persons specified in paragraph 1 letters a or b.

² This standard can be consulted free of charge and purchased from the Swiss Association for Standardization, Sulzerallee 70, 8404 Winterthur, www.snv.ch.

Art. 6 Prohibited use

The following are prohibited:

- a. removal of tattoos and permanent make-up by means of intense pulsed light (IPL);
- b. removal of melanocytic naevi by means of a laser or IPL.

Art. 7 Responsibilities of the administrative body for certificates of competence

¹ The administrative body for certificates of competence shall be made up of the professional associations with medical and cosmetic orientation.

² It draws up the training programme, the examination content and the examination regulations for the certificates of competence. The training programme must provide the know-how and skills as specified in Annex 2 Number 3, and which reflect the state of the art in science and technology. The examinations must certify the acquisition of these skills and know-how.

Art. 8 Responsibilities of the examining bodies

¹ The examining bodies shall conduct examinations and issue the certificates of competence.

² They shall notify the Federal Office of Public Health (FOPH) of the certificates of competence issued, including the following details of the recipient:

- a. name and first name;
- b. date of birth;
- c. treatments the recipient is permitted to carry out in accordance with Annex 2 Number 1.

Art. 9 Requirements for training and examinations

¹ Training and examinations must reflect the training programme and the examination content.

² The FDHA, by means of an Ordinance, adopts a list of certificates of competence which fulfil the requirements of Annex 2 Number 3.

³ The FOPH recognises the equivalence of other training qualifications if the acquired skills and knowledge fulfil these requirements.

Section 3 Events involving Laser Radiation

Art. 10 Definitions

For the purposes of this Section:

- a. *event involving laser radiation* means: a laser light show, holographic projection or astronomy presentation;
- b. *audience zone* means: the floor area reserved for the audience, including the space up to 3 metres above and 2.5 metres to the side of the floor area.

Art. 11 Classification of laser devices

Laser devices are assigned to Classes 1, 1M, 2, 2M, 3R, 3B and 4 in accordance with SN EN 60825-1:2014³, «Safety of laser products – Part 1: Equipment classification and requirements».

Art. 12 Event with no laser radiation in the audience zone

¹ Any person who conducts an event without laser radiation in the audience zone, but at which a laser device of Class 1M, 2M, 3R, 3B or 4 is operated, must appoint a person meeting the requirements of paragraph 2 letter a to do this.

² The person who operates the laser device must:

- a. have a certificate of competence level 1 as specified in Article 16 paragraph 1 letter a or a certificate of competence level 2 as specified in Article 16 paragraph 1 letter b;
- b. comply with the requirements specified in Annex 3 Number 1.1;
- c. notify the FOPH, via its notification portal, no later than 14 days before the event, in accordance with Annex 3 Numbers 2.1 and 2.2.

Art. 13 Event with laser radiation in the audience zone

¹ Any person who conducts an event with laser radiation in the audience zone, at which a laser device of Class 1M, 2M, 3R, 3B or 4 is operated, must appoint a person meeting the requirements of paragraph 2 letter a to do this.

² The person who operates the laser device must:

- a. have a certificate of competence level 2 as specified in Article 16 letter b;
- b. comply with the requirements specified in Annex 3 Number 1.2;
- c. notify the FOPH, via its notification portal, no later than 14 days before the event, in accordance with Annex 3 Numbers 2.1 and 2.3.

³ This standard can be consulted free of charge and purchased from the Swiss Association for Standardization, Sulzerallee 70, 8404 Winterthur, www.snv.ch.

³ Persons with a certificate of competence level 2 may instruct a person with a certificate of competence level 1 to supervise an event with laser radiation in the audience zone.

Art. 14 Laser radiation in or into the open air

¹ Any person who operates a laser device of any class to emit laser radiation in or into the open air may not endanger other people; in particular, pilots, airport staff and locomotive or motor vehicle drivers must not be dazzled.

² If a laser device emits laser radiation into airspace, then, in order to ensure the safety of flight operations, the following persons shall provide the following information to the FOPH via its notification portal no later than 14 days in advance in accordance with Annex 3 Number 2.1:

- a. to operate laser devices of Class 1M, 2M, 3R, 3B or 4: the person with a certificate of competence level 1 or 2 pursuant to Articles 12 or 13;
- b. to operate laser devices of Class 1 or 2: the organiser.

Art. 15 Notification portal for events involving laser radiation

¹ The FOPH shall maintain an electronic notification portal for events involving laser radiation.

² Data in accordance with Annex 3 Number 2 is collected via this portal.

³ The FOPH shall use the data exclusively for the tasks under this Ordinance.

⁴ No later than 10 years after the end of the event or series of events, the FOPH shall offer personal data to the Federal Archive and destroy data designated as not worth archiving by the Federal Archive.

⁵ It shall ensure that the notification portal operates with state of the art technology with regard to data protection and data security.

Art. 16 Acquisition of competence

¹ Training and examinations for the acquisition of competence must comprise the following modules:

- a. for the certificate of competence level 1, the modules specified in Annex 3 Numbers 3.1–3.3;
- b. for the certificate of competence level 2, the modules specified in Annex 3 Numbers 3.1–3.4.

² The certificate of competences at levels 1 and 2 are obtained by passing an examination.

³ The training and the examination must correspond to the state of the art in science and technology.