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**Ordinance
on the Rotterdam Convention on the Prior Informed
Consent Procedure for Certain Chemicals in
International Trade
(PIC Ordinance, ChemPICO)**

of 10 November 2004 (Status as of 1 January 2022)

The Swiss Federal Council,

based on Article 19 paragraph 2 letters a and d and Art. 38 of the Chemicals Act of 15 December 2000¹ (ChemA)

and Articles 29 and 39, paragraph 1^{bis} of the Federal Act of 7 October 1983² on the Protection of the Environment

and in implementation of the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade of 10 September 1998³ (PIC Convention),

ordains:

Section 1 General Provisions

Art. 1 Aim

¹ This Ordinance establishes a notification and information system for the import and export of certain substances and preparations, the use of which is banned or subject to severe restrictions owing to their effects on human health or on the environment.

² It enables Switzerland to participate in the international notification procedure and the international prior informed consent procedure (PIC procedure) for certain hazardous chemicals and preparations in accordance with the PIC Convention.

AS 2004 4787

¹ SR 813.1

² SR 814.01

³ SR 0.916.21

Art. 2 Scope

¹ This Ordinance applies to:

- a. substances that are banned or subject to severe restrictions in Switzerland for reasons of health or environmental protection (Annex 1);
- b. substances subject to the PIC procedure (Annex 2) and severely hazardous pesticide formulations (Annex 2);
- c. other hazardous substances and hazardous preparations in terms of Article 3 of the Chemicals Ordinance of 5 June 2015⁴ (ChemO).⁵

² It does not apply to:

- a. narcotic drugs and psychotropic substances;
- b. radioactive materials;
- c. wastes;
- d. chemical weapons;
- e. pharmaceuticals, including human and veterinary drugs;
- f. foods;
- g. substances and preparations used as food additives;
- h.⁶ substances and preparations exported for analysis and research purposes or by an individual for his own personal use in quantities that do not exceed 10 kg per consignment.

Art. 2a⁷ Definitions

In this Ordinance:

- a. chemical in accordance with Annex 1 means:
 1. a substance listed in Annex 1,
 2. a preparation that contains one or more substances in accordance with Annex 1 in a concentration that means that the preparation is deemed hazardous in terms of Article 3 ChemO⁸;
- b. chemical in accordance with Annex 2 means:
 1. a substance listed in Annex 2,
 2. a severely hazardous pesticide formulation listed in Annex 2,

⁴ SR 813.11

⁵ Amended by No I of the O of 22 March 2017, in force since 1 May 2017 (AS 2017 2593).

⁶ Amended by No I of the O of 22 March 2017, in force since 1 May 2017 (AS 2017 2593).

⁷ Inserted by No I of the O of 22 March 2017, in force since 1 May 2017 (AS 2017 2593).

⁸ SR 813.11

3. a preparation that contains one or more substances in accordance with Annex 1 in a concentration that means that the preparation is deemed hazardous in terms of Article 3 ChemO.

Section 2 Obligations of Exporters and Importers

Art. 3 Export notification

¹ Any person who wishes to export a chemical under Annex 1 or 2 to an importing PIC Party must, for his first export in each calendar year and for each destination country, communicate the following information to the Federal Office for the Environment (FOEN) no later than 30 days before exporting:⁹

- a. his name and address;
- b. the name and address of the importer;
- c.¹⁰ the name and identity of the substance or the names, identity and content (in per cent) of all substances under Annex 1 or 2 contained in the preparation (chemical name including CAS numbers) and the appropriate trade names;
- d. the expected quantity to be exported in the current year;
- e. the importing country;
- f. the hazardous properties and the proposed hazard labelling;
- g. advice on countermeasures in the event of an accident, on measures for safe disposal and on other precautionary measures, particularly to reduce exposure and emissions;
- h. the likely uses;
- i. the likely export date;
- j.¹¹ the safety data sheet in accordance with Article 20 ChemO¹².

² Chemicals listed in Annex 1 that are exported for use as plant protection products and are subject to the licensing requirement in accordance with Annex 2.5 Number 4.2.1 of the Chemical Risk Reduction Ordinance of 18 May 2005¹³ are exempted from the notification obligation in paragraph 1.¹⁴

Art. 4 Export restrictions

¹ The exporters must comply with the import decisions of the Parties.

⁹ Amended by No I of the O of 22 March 2017, in force since 1 May 2017 (AS 2017 2593).

¹⁰ Amended by No I of the O of 22 March 2017, in force since 1 May 2017 (AS 2017 2593).

¹¹ Amended by No I of the O of 22 March 2017, in force since 1 May 2017 (AS 2017 2593).

¹² SR 813.11

¹³ SR 814.81

¹⁴ Amended by No II of the O of 14 Oct. 2020, in force since 1 Jan. 2021 (AS 2020 4675).

² They must not export any chemical under Annex 2 to a PIC Party that, in exceptional circumstances, has failed to transmit an import decision or has transmitted an interim response that does not contain an interim decision.¹⁵

³ The ban under paragraph 2 does not apply if:

- a. the chemical concerned is registered or authorised at the time of import by the importing PIC Party;
- b. the chemical concerned can be proven to have previously been used or imported by the importing PIC Party and no ban on its use has been issued by the Party; or
- c. the exporter has received express consent for the import of the chemical from the importing PIC Party.¹⁶

Art. 5 Accompanying information and customs declaration¹⁷

¹ Any person exporting a hazardous substance or preparation in terms of Article 3 ChemO¹⁸ must:

- a. label the substance or preparation at least with the following information, taking into account the relevant international standards:
 1. name of the manufacturer,
 2. chemical name or trade name,
 3. information on the hazards to humans and the environment and the appropriate protective measures;
- b. provide each recipient with a safety data sheet containing the latest available information.¹⁹

² ...²⁰

³ The labelling under paragraph 1 and the safety data sheet must be worded in at least one official language of the importing country if this can be achieved at reasonable expense. In other cases, the most widely used foreign language in the importing country must be chosen.

⁴ Any person who exports a chemical under Annex 1 or 2 or imports a chemical under Annex 2 must state in the customs declaration that the chemical falls within the scope of this Ordinance.²¹

¹⁵ Amended by No I of the O of 22 March 2017, in force since 1 May 2017 (AS 2017 2593).

¹⁶ Amended by No I of the O of 22 March 2017, in force since 1 May 2017 (AS 2017 2593).

¹⁷ Amended by No I of the O of 22 March 2017, in force since 1 May 2017 (AS 2017 2593).

¹⁸ SR 813.11

¹⁹ Amended by No I of the O of 22 March 2017, in force since 1 May 2017 (AS 2017 2593).

²⁰ Repealed by No I of the O of 22 March 2017, with effect from 1 May 2017 (AS 2017 2593).

²¹ Amended by No I of the O of 22 March 2017, in force since 1 May 2017 (AS 2017 2593).

⁵ Any person who exports a chemical under Annex 1 or 2 must also indicate in the customs declaration the identification number allocated by the FOEN in accordance with Article 8a.²²

⁶ Any person who exports or imports a chemical under Annex 2 must indicate in the shipping documents the customs tariff number, insofar as such exists for the chemical under Annex 2, that contains the code assigned to the chemical under Annex 2 by the World Customs Organisation under the harmonised systems (HS-Code).²³

Art. 6²⁴

Art. 7 Import restrictions

The importers must comply with the import decisions from Switzerland in accordance with Article 14.

Section 3 Duties of the Authorities

Art. 8 Designated national authority for Switzerland

The FOEN²⁵ is the designated national authority under Article 4 of the PIC Convention.

Art. 8a²⁶ Identification number

¹ Within 15 days of receiving an export notification in terms of Article 3, the FOEN shall in each case issue an identification number valid for specific calendar year:

- a. for each chemical under Annex 1, provided the notification contains the required information;
- b. for each chemical under Annex 2, provided the export restrictions are likely to be met.

²² Amended by No I of the O of 22 March 2017, in force since 1 May 2017 (AS 2017 2593).

²³ Inserted by No I of the O of 22 March 2017, in force since 1 May 2017 (AS 2017 2593).

²⁴ Repealed by No I of the O of 22 March 2017, with effect from 1 May 2017 (AS 2017 2593).

²⁵ The name of this administrative unit has been changed pursuant to Art. 16 para. 3 of the Publications Ordinance of 17 Nov. 2004 (AS 2004 4937). This change has been made throughout the text.

²⁶ Inserted by No I of the O of 22 March 2017, in force since 1 May 2017 (AS 2017 2593).