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## **Ordinance on Forest (Forest Ordinance, ForO)**

of 30 November 1992 (Status as of 1 July 2021)

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*The Swiss Federal Council,*

on the basis of Article 49 of the Forest Act of 4 October 1991<sup>1</sup> (ForA),  
and Article 29 of the Environmental Protection Act of 7 October 1983<sup>2</sup>,  
*ordains:*

### **Chapter 1 Definition of Forest**

#### **Art. 1** Definition of forest (Art. 2 para. 4 ForA)

<sup>1</sup> The cantons shall define the parameters according to which a wooded area is defined as forest, within the following ranges:

- a. area, including an appropriate forest margin: 200–800 m<sup>2</sup>;
- b. width, including an appropriate forest margin: 10–12 m;
- c. age of stands in newly colonised areas: 10–20 years.

<sup>2</sup> If the stand fulfils particularly important social or protective functions, it is defined as forest, irrespective of its area, its width or its age.

#### **Art. 2** Wooded pastures (Art. 2 para. 2 ForA)

Wooded pastures are areas consisting of a mosaic of wooded areas and open pastures and which fulfil both livestock husbandry and forestry purposes.

#### **Art. 3** Check dams and foreground (Art. 2 para. 3 ForA)

<sup>1</sup> Check dams are structures that hinder the natural flow of water and create a backwater.

AS 1992 2538

<sup>1</sup> SR 921.0

<sup>2</sup> SR 814.01

<sup>2</sup> The immediate foreground of a check dam is the terrain bordering the installation on the airside. It normally covers a 10-metre-wide strip.

## **Chapter 2 Protection of the Forest against Intervention**

### **Section 1 Deforestation**

#### **Art. 4 Definition**

(Art. 4 and 12 ForA)

The following are not defined as deforestation:

- a. the use of forest land for forestry buildings and installations and for small structures and installations not used for forestry purposes;
- b. the allocation of forest to a protection zone in accordance with Article 17 of the Spatial Planning Act of 22 June 1979<sup>3</sup> (SPA), if the protection objective is compatible with forest conservation.

#### **Art. 5<sup>4</sup> Deforestation application, publication and consultation**

<sup>1</sup> In the case of works for which the Confederation is the competent authority, the deforestation application must be submitted to the lead federal authority, and in the case of works for which the canton is the competent authority, the deforestation application must be submitted to the competent authority under cantonal law.

<sup>2</sup> The authority shall publish the application and provide access to the files for consultation.

<sup>3</sup> The Federal Office for the Environment<sup>5</sup> (the FOEN<sup>6</sup>) shall issue guidelines on the contents of a deforestation application.

#### **Art. 6<sup>7</sup> Cooperation between the federal authority and the cantons**

<sup>1</sup> If the Confederation is responsible for the deforestation permit, the cooperation between the FOEN and the cantons is subject to Article 49 paragraph 2 ForA. The cantons shall support the federal authorities in the clarification of the facts.

<sup>3</sup> SR 700

<sup>4</sup> Amended by No II 17 of the O of 2 Feb. 2000 (Coordination and Simplification of Decision-Making Procedures), in force since 1 March 2000 (AS 2000 703).

<sup>5</sup> The designation of the administrative entity was amended according to Art. 16 para. 3 of the Publication Ordinance of 17 Nov. 2004 (AS 2004 4937).

<sup>6</sup> Name in accordance with No I 5 of the O of 28 Jan. 2015 on the Amendment of Ordinance Law on the Environment, in particular with regard to the programme agreements for the Programme Period 2016–2019, in force since 1 Jan. 2016 (AS 2015 427). This change has been made throughout the text.

<sup>7</sup> Amended by No II 17 of the O of 2 Feb. 2000 (Coordination and Simplification of Decision-Making Procedures), in force since 1 March 2000 (AS 2000 703).

<sup>2</sup> Included in the calculation of the deforestation area, based on which the obligation to hear the FOEN (Art. 6 para. 2 ForA) is determined, are all deforestation areas that:

- a. are included in the deforestation application;
- b. were deforested for the same works in the 15 years previous to the submission of the deforestation application, or for which deforestation is still allowed.

#### **Art. 7** Deforestation decision

<sup>1</sup> The deforestation decision covers the following:

- a. the areas in which deforestation is authorised or refused and the affected plots with specification of the coordinates;
- b. the nature and scope of the compensatory measures and the affected plots with specification of the coordinates;
- c. the deadlines for the use of the deforestation permit and for the fulfilment of the obligations associated with the deforestation, in particular those involving compensatory measures;
- d. the unresolved objections;
- e. any further conditions and requirements.

<sup>2</sup> The FOEN shall keep statistics on the deforestation projects authorised by the Confederation and the cantons. The cantons shall make the necessary information available to the FOEN.<sup>8</sup>

#### **Art. 8** Compensation in kind

(Art. 7 para. 1 ForA)<sup>9</sup>

<sup>1</sup> Compensation in kind is made by creating an area of forest of the same size in a location offering qualitatively similar conditions to the deforested area.

<sup>2</sup> Compensation in kind includes the acquisition of the land, the planting and all of the measures necessary for the long-term safeguarding of the compensatory area.

<sup>3</sup> Areas in which forest is expanding and voluntarily afforested areas which have not yet become forest may be recognised as compensation in kind.

#### **Art. 8a<sup>10</sup>** Areas with increasing forest area

(Art. 7 para. 2 let. a ForA)

The cantons shall designate areas with increasing forest area after consulting the FOEN. Their boundaries shall be based on federal and cantonal surveys, in principle following topographical features and taking account of existing settlements and uses.

<sup>8</sup> Inserted by No II 17 of the O of 2 Feb. 2000 (Coordination and Simplification of Decision-Making Procedures), in force since 1 March 2000 (AS **2000** 703).

<sup>9</sup> Amended by No I of the O of 14 June 2013, in force since 1 July 2013 (AS **2013** 1983).

<sup>10</sup> Inserted by No I of the O of 14 June 2013, in force since 1 July 2013 (AS **2013** 1983).

**Art. 9** Conservation of arable land and areas of ecological or landscape value

(Art. 7 para. 2 let. b ForA)<sup>11</sup>

<sup>1</sup> Compensation in kind may be dispensed with in particular in the case of crop rotation areas.<sup>12</sup>

<sup>2</sup> Areas of particular ecological value are, in particular:

- a. biotopes in accordance with Article 18 paragraph 1<sup>bis</sup> of the Federal Act of 1 July 1966<sup>13</sup> on the Protection of Nature and Cultural Heritage;
- b. areas designated as nature protection areas in accordance with Article 17 SPA<sup>14</sup>.

<sup>3</sup> Areas of particular landscape value are, in particular:

- a. objects of national importance in accordance with the Ordinance of 10 August 1977<sup>15</sup> on the Federal Inventory of Landscapes and Natural Monuments of National Importance;
- b. mire landscapes of outstanding beauty and national importance in accordance with Article 24<sup>sexies</sup> paragraph 5 of the Federal Constitution of the Swiss Confederation<sup>16</sup>;
- c. areas designated as landscape protection zones in accordance with Article 17 SPA.

**Art. 9a**<sup>17</sup> Dispensing with compensation for deforestation

(Art. 7 para. 3 let. b ForA)

Compensation for deforestation may be dispensed with in the case of projects to guarantee flood protection and the rehabilitation of waters in particular in the case of areas that can no longer be stocked as forest.

**Art. 10**<sup>18</sup>

**Art. 11** Record in the land register and notification

<sup>1</sup> At the request of the competent cantonal forest authority, a record must be made in the land register of the obligation to provide:<sup>19</sup>

<sup>11</sup> Amended by No I of the O of 14 June 2013, in force since 1 July 2013 (AS **2013** 1983).

<sup>12</sup> Amended by No I of the O of 14 June 2013, in force since 1 July 2013 (AS **2013** 1983).

<sup>13</sup> SR **451**

<sup>14</sup> SR **700**

<sup>15</sup> [AS **1977** 1962, **1983** 1942, **1996** 3264, **1998** 788, **2010** 1593 Annex No 2.

AS **2017** 2815 Art. 11]. See now: the O of 29 Mrch 2017 (SR **451.11**).

<sup>16</sup> [BS **1** 3; AS **1988** 352]. The specified provision now corresponds to Art. 78 para. 5 of the Federal Constitution of the Swiss Confederation of 18 April 1999 (SR **101**).

<sup>17</sup> Inserted by No I of the O of 14 June 2013, in force since 1 July 2013 (AS **2013** 1983).

<sup>18</sup> Repealed by No I of the O of 14 June 2013, with effect from 1 July 2013 (AS **2013** 1983).

<sup>19</sup> Amended by No I of the O of 17 Aug. 2016, in force since 1 Jan. 2017 (AS **2016** 3215).

- a. compensation in kind or measures for the benefit of nature and landscape conservation;
- b. retrospective compensation for deforestation in the event of a change of use in accordance with Article 7 paragraph 4 ForA.<sup>20</sup>

<sup>2</sup> The cantons shall monitor all compensatory measures and notify the FOEN of the final approval of the works.

## **Section 2 Declaration as Forest<sup>21</sup>**

### **Art. 12 Ruling on declaration as forest**

(Art. 10 para. 1 ForA)<sup>22</sup>

<sup>1</sup> The ruling on declaration as forest records whether a stocked or unstocked area is a forest or not and specifies its coordinates.

<sup>2</sup> It specifies on a map the location and size of the forest and the location of the affected plots.

### **Art. 12a<sup>23</sup> Specification of static forest boundaries outside development zones**

(Art. 10 para. 2 let. b ForA)

Areas where the canton wants to prevent an increase in forest must be specified in the cantonal structure plan.

## **Section 3 Motorised Vehicular Traffic**

(Art. 15 para. 1 ForA)

### **Art. 13**

<sup>1</sup> Forest roads may be accessed by motorised vehicular traffic for the following purposes:

- a. for rescue and recovery purposes;
- b. for police controls;
- c. for military exercises;
- d. for the implementation of measures for the protection against natural events;
- e.<sup>24</sup> for the maintenance of the network lines of the providers of telecommunications services.

<sup>20</sup> Amended by No I of the O of 14 June 2013, in force since 1 July 2013 (AS **2013** 1983).

<sup>21</sup> Amended by No I of the O of 14 June 2013, in force since 1 July 2013 (AS **2013** 1983).

<sup>22</sup> Inserted by No I of the O of 14 June 2013, in force since 1 July 2013 (AS **2013** 1983).

<sup>23</sup> Inserted by No I of the O of 14 June 2013, in force since 1 July 2013 (AS **2013** 1983).

<sup>24</sup> Amended by No II 61 of the O of 1 Dec. 1997, in force since 1 Jan. 1998 (AS **1997** 2779).