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Federal Act on the Implementation of International Sanctions (Embargo Act, EmbA)

of 22 March 2002 (Status as of 1 January 2022)

The Federal Assembly of the Swiss Confederation,

on the basis of Articles 54 paragraph 1, 122 paragraph 1 and 123 paragraph 1 of the Federal Constitution¹,

and having considered a report of the Federal Council dated 20 December 2000²,
decrees:

Section 1 General Provisions

Art. 1 Subject matter

¹ The Confederation may enact compulsory measures in order to implement sanctions that have been ordered by the United Nations Organisation, by the Organisation for Security and Cooperation in Europe or by Switzerland's most significant trading partners and which serve to secure compliance with international law, and in particular the respect of human rights.

² The right is reserved for the Federal Council to take measures to safeguard the interests of the country in accordance with Article 184 paragraph 3 of the Federal Constitution.

³ Compulsory measures may in particular:

- a. directly or indirectly restrict transactions involving goods and services, payment and capital transfers, and the movement of persons, as well as scientific, technological and cultural exchange;
- b. include prohibitions, licensing and reporting obligations as well as other restrictions of rights.

AS 2002 3673

¹ SR 101

² BBl 2001 1433

Art. 2 Scope of authority

¹ The Federal Council has the authority to enact compulsory measures. It may stipulate exceptions in order to support humanitarian activities or to safeguard Swiss interests.

² The Federal Council may stipulate exceptions in accordance with paragraph 1 above, in particular for the provision of food supplies, medicines and therapeutic products for humanitarian purposes.

³ The compulsory measures are enacted in the form of ordinances.

Section 2 Supervision of Compliance**Art. 3** Duty of disclosure

Anyone who is directly or indirectly affected by measures in accordance with this Act must provide the supervisory authorities appointed by the Federal Council with the information and documentation that is required for comprehensive assessment or supervision to be carried out.

Art. 4 Powers of the supervisory authorities

¹ The supervisory authorities have the right to enter and to inspect the business premises of persons who are subject to a duty of disclosure without prior notice during normal working hours, as well as to examine relevant documentation. They shall seize any incriminating material.

² They may call upon the assistance of the cantonal or communal police as well as investigating officers from the Federal Office for Customs and Border Security.³

³ The supervisory authorities and any other authorities called upon for assistance are obliged to preserve official secrecy and take such precautionary measures within the scope of their activities as may be required to prevent industrial espionage.

Section 3 Data Protection and Cooperation between Authorities**Art. 5** Data processing

¹ The responsible authorities of the Federal Administration may process personal data provided this is necessary for the enforcement of this Act and of ordinances in terms of Article 2 paragraph 3.

² They may only process particularly sensitive personal data in the event that such data is relevant to proceedings or sanctions under the administrative or criminal law.

³ Amended by No 139 of the O of 12 June 2020 on the Amendment of Legislation as a consequence of the Change to the Name of the Federal Customs Administration as part of its further Development, in force since 1 Jan. 2022 (AS **2020** 2743).

No other particularly sensitive personal data may be processed unless such processing is essential for the handling of the case in question.

Art. 6 Administrative assistance in Switzerland

The responsible authorities of the Confederation together with the cantonal and communal police authorities may disclose data, including particularly sensitive personal data, to each other and to the relevant supervisory authorities provided that this is necessary for the implementation of this Act and of the ordinances in terms of Article 2 paragraph 3.

Art. 7 Administrative and mutual assistance between Swiss and foreign authorities

¹ The authorities of the Confederation that are responsible for enforcement, supervision, crime prevention and prosecution may cooperate with the responsible foreign authorities as well as with international organisations or bodies and coordinate investigations, provided:

- a. this is necessary for the implementation of this Act and of the ordinances in terms of Article 2 paragraph 3, corresponding foreign provisions, or corresponding provisions of international organisations; and
- b. the foreign authorities, and international organisations or bodies are bound by official secrecy or a corresponding duty of secrecy, and guarantee the prevention of industrial espionage within the scope of their activities.

² They may in particular request foreign authorities and international organisations or bodies to handover any data that is required. In order to obtain such data, they may disclose data, including particularly sensitive personal data, to other authorities, and in particular data relating to:

- a. the nature, quantity, place of destination and place of use, purpose, and recipients of goods;
- b. persons who are involved in the manufacture, supply or procurement of goods;
- c. the financial terms and conditions of the transaction;
- d. frozen accounts and assets.

³ The federal authorities may disclose data in terms of paragraph 2 above on their own initiative or in response to a request from a foreign state, provided the relevant state:

- a. accords reciprocal legal rights and is also enforcing the international sanctions;
- b. provides the assurance that the data will be processed only for purposes that are in accordance with this Act; and