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Federal Act on the Compilations of Federal Legislation and the Federal Gazette (Publications Act, PubLA)

of 18 June 2004 (Status as of 1 January 2016)

Please note: this translation does not yet include the amendments of 1.4.2016

*The Federal Assembly of the Swiss Confederation,
based on Article 173 paragraph 2 of the Federal Constitution¹,
and having considered the Federal Council Dispatch of 22 October 2003²,
decrees:*

Section 1: General Provisions³

Art. 1 Subject matter⁴

This Act regulates the publication by the Federal Chancellery of:⁵

- a. the compilations of federal legislation (the Official Compilation of Federal Legislation, AS and the Systematic Compilation of Federal Legislation, SR);
- b. the Federal Gazette (BBI);
- c.⁶ other texts related to legislation.

Art. 1a⁷ Online publication

¹ Publication under this Act takes place centrally via a publicly accessible online platform (the publications platform).

AS 2004 4929

¹ SR 101

² BBI 2003 7711

³ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBI 2013 7057).

⁴ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBI 2013 7057).

⁵ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBI 2013 7057).

⁶ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBI 2013 7057).

⁷ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBI 2013 7057).

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Section 2: Official Compilation of Federal Legislation

Art. 2 Enactments of the Confederation

The following shall be published in the AS:

- a. the Federal Constitution;
- b. federal acts;
- c. ordinances of the Federal Assembly;
- d. ordinances of the Federal Council;
- e. other legislative enactments of the federal authorities and of organisations and persons under public or private law that are assigned administrative duties but do not form part of the Federal Administration;
- f. federal decrees subject to the optional referendum;
- g. federal decrees on the approval of international treaties;
- h. simple federal decrees, if the Federal Assembly so decides.

Art. 3 International treaties and international law decrees

¹ If they are binding on Switzerland, the following shall be published in the AS:

- a. international treaties that are subject to a referendum under Articles 140 paragraph 1 letter b and 141 paragraph 1 letter d of the Federal Constitution;
- b. other international treaties and decrees under international law that enact law or confer legislative powers.⁹

² The Federal Council may decide that treaties and decrees that are not legislative in their nature be published in the AS.

³ The Federal Council shall determine the requirements by which treaties and decrees of no more than six months in duration and of limited scope need not be published in the AS.¹⁰

Art. 4 Agreements between the Confederation and the cantons and between cantons¹¹

The following shall be published in the AS:

⁸ Not yet in force.

⁹ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

¹⁰ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

¹¹ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

- a. agreements between the Confederation and the cantons that enact law or confer legislative powers;
- b. other agreements between the Confederation and the cantons if the Federal Council so decides;
- c.¹² Agreements between cantons that have been declared by the Confederation to be generally binding (Art. 48a Federal Constitution).

Art. 5¹³ Publication by reference

¹ Texts in terms of Articles 2–4 which by their special nature are not suitable for the publication in the AS shall be included simply as a title with a reference or source, in particular if:

- a. they concern only a small group of people;
- b. they are technical in nature and only intended for specialists;
- c. they must be published in a format that is not suitable for publication in the AS; or
- d. a federal act or Federal Assembly ordinance requires publication outside the AS.

² Texts under Articles 2–4 that are published in another organ of publication available free of charge in Switzerland shall also be included in the AS only by title with a reference or source in that organ.

³ Articles 6–10 and 14 apply.

Art. 6¹⁴ Exceptions to the publication requirement

¹ Federal enactments, international treaties and decrees under international law that must be treated as confidential in the interests of Switzerland's internal or external security or international commitments shall not be published in the AS.

² Where texts under paragraph 1 impose obligations on individuals, only persons who have been given notice of the relevant provisions are bound.

Art. 7¹⁵ Ordinary, emergency and exceptional publication

¹ The texts in terms of Articles 2–4 shall be published in the AS at least five days before they come into force.

¹² Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

¹³ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016, with the exception of the introductory sentence to para. 1 (AS 2015 3977; BBl 2013 7057).

¹⁴ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

¹⁵ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

² Agreements and decrees under Articles 3 and 4 whose commencement date is not yet known at the time of their approval shall be published immediately after the announcement of their commencement date.

³ A text shall be published by way of exception on the day it comes into force at the latest (emergency publication) if this is required either to ensure its effectiveness.

⁴ If the publications platform is not available, the texts shall be published by other means (exceptional publication).

Art. 8 Legal effect of publication

¹ Legal obligations arising from texts in terms of Articles 2–4 shall apply as soon as the texts have been published in accordance with the provisions of this Section.

² If an enactment is published in the AS after commencement, obligations arising therefrom apply from the day following publication, subject to Article 7 paragraph 3.

³ If an enactment is published under the exceptional procedure, it remains open to any person affected thereby to show that he or she was unaware of the enactment and despite taking all reasonable care could not have been aware of it.

Art. 9¹⁶

Art. 10 Formal corrections

¹ The Federal Chancellery shall correct errors and formulations in the AS that affect the meaning and do not correspond to the decision of the enacting authority:

- a. in federal enactments, with the exception of Federal Assembly enactments: at its own behest;
- b. in international treaties and decrees under international law: by agreement with the contracting partners.¹⁷

² For the correction of Federal Assembly enactments, Article 58 of the Parliament Act of 13 December 2002¹⁸ applies.

³ Errors in Federal Assembly enactments that arose on publication are corrected in the AS by the Federal Chancellery by agreement with the Federal Assembly Drafting Committee.¹⁹

¹⁶ Repealed by No I of the Federal Act of 26 Sept. 2014, with effect from 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

¹⁷ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

¹⁸ SR 171.10

¹⁹ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

Section 3: Systematic Compilation of Federal Legislation

Art. 11²⁰ Content

The SR is a revised compilation, arranged under subject headings and updated at regular intervals, which contains:

- a. the texts published in the AS, with the exception of non-legislative federal decrees on the approval of international treaties and decrees under international law; and
- b. the cantonal constitutions.

Art. 12 Informal corrections and amendments

¹ The Federal Chancellery shall informally correct errors in the SR that do not change the meaning.

² It shall informally amend details such as descriptions of administrative units, links, references or abbreviations in the SR.

³ For the correction of Federal Assembly enactments, Article 58 of the Parliament Act of 13 December 2002²¹ applies.

Section 4: Federal Gazette

Art. 13

¹ The following shall be published in the Federal Gazette:

- a. dispatches and drafts of the Federal Council on enactments of the Federal Assembly;
- b.²² reports and drafts of Federal Assembly committees on enactments of the Federal Assembly and the related Federal Council statements;
- c.²³ ...
- d. federal decrees on amendments to the Constitution as well as on the approval of international treaties in accordance with Article 140 paragraph 1 letter b of the Federal Constitution;
- e. federal acts and federal decrees subject to an optional referendum;

²⁰ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS **2015** 3977; BBl **2013** 7057).

²¹ SR **171.10**

²² Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS **2015** 3977; BBl **2013** 7057).

²³ Repealed by No I of the Federal Act of 26 Sept. 2014, with effect from 1 Jan. 2016 (AS **2015** 3977; BBl **2013** 7057).

- f. simple federal decrees that are not published in the AS in accordance with Article 2 letter h;
- fbis,²⁴ Federal Council directives;
- g. further texts that must be included in accordance with federal legislation.
- ² In addition, the following may be published in the Federal Gazette:
- a. reports, statements or agreements of the Federal Council, Federal Assembly committees or the federal courts, unless these must be published under paragraph 1;
 - b. Federal Council decrees and announcements;
 - c. decrees, directives and announcements from the Federal Administration and from organisations and persons under public or private law that are assigned administrative duties but do not form part of the Federal Administration.²⁵
- ³ If it seems appropriate, the publication may be limited to the title with the reference or source (Art. 5).
- ⁴ For the correction of texts, Article 10 applies by analogy.

Section 4a:²⁶ Other Texts published on the Publications Platform

Art. 13a

- ¹ The following texts are also published on the publications platform:
- a.²⁷ ...
 - b. the documents relating to consultation proceedings and hearings under the Consultation Procedure Act of 18 March 2005²⁸;
 - c. former versions of federal law;
 - d. translations of official publications, in particular those in Romansh or English.
- ² The Federal Council may provide that further texts that are related to legislation are published on the publications platform.

²⁴ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

²⁵ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

²⁶ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

²⁷ Not yet in force.

²⁸ SR 172.061

Section 5: Common Provisions

Art. 14 Languages of published texts²⁹

¹ Publication is effected simultaneously in the official languages German, French and Italian. In the case of enactments, the three versions are equally binding.

² The Federal Council may decide that texts that are only published as a title with a reference or source will not be published in all three official languages or that a translation into the official languages is not required if:

- a. the provisions contained in these texts do not directly bind the persons concerned; or
- b. the persons concerned use the texts only in their original language.

³ The Federal Chancellery may decide that decrees and announcements issued by the Federal Administration and by organisations and persons under public or private law in accordance with Article 13 paragraph 2 are published only in the official language of the persons concerned, provided these are solely of local significance.

⁴ The translation of documents related to consultation proceedings and hearings is governed by the legislation on the consultation procedure^{30,31}

⁵ The publication of texts in Romansh is governed by Article 11 of the Languages Act of 5 October 2007^{32,33}

⁶ Texts of particular importance or international interest that are published on the publications platform may also be published in other languages, in particular English.³⁴

Art. 14a³⁵ Federal Assembly enactments

¹ The Federal Chancellery shall publish in the Federal Gazette and in the AS Federal Assembly enactments in the three official languages in the final version approved by the Councils.

² In doing so, it is only authorised to add information on the deadline for requesting a referendum, the expiry of that deadline and the entry into force, to complete missing AS, BBl and SR references and to make formatting changes.

²⁹ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

³⁰ SR 172.061 and 172.061.1

³¹ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

³² SR 441.1

³³ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

³⁴ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

³⁵ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

Art. 15³⁶ Authoritative version

¹ For federal enactments, agreements between the Confederation and the cantons and agreements between cantons (Art. 2 and 4), the version published in the AS is authoritative. If a text is published by reference, the version to which reference is made is authoritative.

² The version published on the publications platform is authoritative.

³ The authoritative version of international treaties and decrees under international law is determined by the provisions thereof.

Art. 16³⁷ Printed versions

¹ The texts published on the publications platform may be obtained in printed form.

² The Federal Council shall determine the conditions by which periodical editions of texts published on the publications platform are produced and distributed in printed form.

³ It shall determine the minimum number of printed copies of the texts published in the AS and Federal Gazette that may be made available, and where they shall be deposited.

Art. 16a³⁸ Data security

The Federal Council shall determine the measures required to guarantee the authenticity, integrity and the safekeeping of texts published on the publications platform and the smooth operation of the publications platform; in doing so, it shall take account of the state of the art.

Art. 16b³⁹ Data protection

¹ Publications under this Act may contain personal data; in particular, they may also contain sensitive personal data in terms of Article 3 letter c of the Federal Act of 19 June 1992⁴⁰ on Data Protection, where this is required for a publication provided for in a federal act.

² Texts that contain sensitive personal data may not be made publicly available online for longer or contain more information than their purpose requires.

³ The Federal Council shall determine any further measures required in order to ensure the protection of sensitive personal data in online publications; in doing so, it shall take account of the state of the art.

³⁶ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

³⁷ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

³⁸ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

³⁹ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

⁴⁰ SR 235.1

Art. 17⁴¹**Art. 18**⁴² Inspection

The following may be inspected at the Federal Chancellery and at the offices designated by the cantons:

- a. the content on the publications platform; and;
- b. enactments published under the exceptional procedure that have not yet been included in the AS (Art. 7 para. 4).

Art. 19⁴³ Fees

¹ Consultation of the publications platform and inspections in terms of Article 18 are free of charge.

² . The Federal Council shall regulate the fees for the provision of printed texts and electronic data under this Act.

Art. 19a⁴⁴ Third-party suppliers

The Federal Council may make third party suppliers subject to special conditions, in particular in relation to the use of data.

Section 6: Final Provisions**Art. 19b**⁴⁵ Implementation

¹ The Federal Chancellery manages the publications platform.

² It shall carry out the other tasks under this Act unless other administrative units are responsible.

Art. 20 Repeal of current legislation

The Publications Act of 21 March 1986⁴⁶ is repealed.

⁴¹ Repealed by No I of the Federal Act of 26 Sept. 2014, with effect from 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

⁴² Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

⁴³ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

⁴⁴ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

⁴⁵ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS 2015 3977; BBl 2013 7057).

⁴⁶ [AS 1987 600]

Art. 21 Amendment of current legislation

The following federal acts are amended as follows:

...⁴⁷

Art. 22 Referendum and commencement

¹ This Act is subject to an optional referendum.

² The Federal Council shall determine the date on which this Act comes into force.

Commencement date: 1 January 2005⁴⁸

⁴⁷ The amendments may be consulted under AS **2004 4929**.

⁴⁸ Federal Council Decree of 17 Nov. 2004.