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Government and Administration Organisation Act (RVOG)

of 21 March 1997 (Status as of 1 January 2015)

Please note: this translation does not yet include the amendments of 1.5.2015

The Federal Assembly of the Swiss Confederation,

based on Article 173 paragraph 2 of the Federal Constitution^{1,2}

and having considered the Federal Council Dispatch dated 16 October 1996³,
decrees:

First Title: Principles

Art. 1 The Government

¹ The Federal Council is the highest executive authority of the Confederation.

² It comprises seven members.

³ It is assisted by the Federal Chancellor.

Art. 2 The Federal Administration

¹ The Federal Administration is subordinate to the Federal Council. It comprises the departments and the Federal Chancellery.

² The individual departments are divided into offices, which may be organised into groups. Each has a General Secretariat.

³ The Federal Administration also includes decentralised administrative units in accordance with the terms of its organisational directives.

⁴ Federal legislation may assign administrative duties to entities under public or private law which are not part of the Federal Administration.

AS 1997 2022

¹ SR 101

² Amended by No I of the Federal Act of 1 Oct. 2010 (Data Protection in the Use of Electronic Infrastructure), in force since 1 April 2012 (AS 2012 941; BBl 2009 8513).

³ BBl 1996 V 1

Art. 3 Principles of government and administrative activities

¹ The Federal Council and Federal Administration act in accordance with the Constitution and the law.

² They are committed to the common welfare, protect citizen's rights and the powers of the cantons and promote cooperation between the Confederation and cantons.

³ They shall act to achieve their aims in a manner that is appropriate and economically viable.

Art. 4 Political responsibility

The Federal Council is collectively responsible for its governmental functions.

Art. 5 Review of federal tasks

The Federal Council shall regularly review the tasks of the Confederation and their implementation as well as the organisation of the Federal Administration. In doing so, it shall apply the criterion of necessity and assess whether the aims set out in the Constitution and the law have been achieved. It shall develop forward-looking solutions for action by the state.

Second Title: The Government**Chapter 1: The Federal Council****Section 1: Functions****Art. 6** Government obligations

¹ The Federal Council determines the aims of its government policy and the means to achieve them.

² It gives priority to the fulfilment of its obligations of government.

³ It takes all the measures required to ensure the continuation of government activities at all times.

⁴ It works to maintain the unity of the state and the cohesion of the country while protecting the diversity of the federal system. It helps the other state institutions to fulfil the duties assigned to them by the Constitution and the law in a timely and appropriate manner.

Art. 7 Legislation

The Federal Council conducts the preliminary legislative proceedings, subject to the parliamentary right to an initiate legislation. It submits drafts of constitutional amendments, federal acts and decrees to the Federal Assembly and issues ordinances, provided it is authorised to do so under the Constitution and by law.

Art. 7a⁴ Conclusion of international treaties by the Federal Council

¹ The Federal Council may independently conclude treaties under international law in as far as it is authorised to do so by a federal act or by an international treaty approved by the Federal Assembly.

² It may likewise independently conclude international treaties of limited scope. This applies to treaties that:

- a. do not create new obligations for Switzerland and do not constitute a waiver of existing rights;
- b. serve to implement treaties approved by the Federal Assembly;
- c. concern matters that fall within the jurisdiction of the Federal Council and which require regulation in the form of an international treaty;
- d. primarily concern the authorities, involve administrative issues or incur no significant financial expenditure.

Art. 7b⁵ Provisional application of international treaties by the Federal Council

¹ Where the Federal Assembly is responsible for approving an international treaty, the Federal Council may determine or agree the provisional application of the treaty in urgent circumstances or when it is necessary to safeguard important Swiss interests.

² The provisional application of an international treaty ends if the Federal Council fails to present the Federal Assembly with a draft of a federal decree on the treaty in question within six months.

³ The Federal Council shall notify the parties to the treaty of the termination of the provisional application.

Art. 7c⁶ Ordinances safeguarding the interests of the country

¹ The Federal Council, in direct application of Article 184 paragraph 3 of the Federal Constitution, may when necessary issue an ordinance to safeguard the interests of the country.

² It shall limit the period of validity of the ordinance appropriately; the period of validity may not exceed four years.

³ It may extend the period of validity once. In this case, the ordinance ceases to apply six months after the beginning of the extension if the Federal Council fails to

⁴ Inserted by Annex No II 3 of the Parliament Act of 13 Dec. 2002, in force since 1 Dec. 2003 (AS **2003** 3543; BBI **2001** 3467 5428).

⁵ Inserted by No I 1 of the Federal Act of 8 Oct. 2004 on the Provisional Application of International Treaties, in force since 1 April 2005 (AS **2005** 1245; BBI **2004** 761 1017).

⁶ Inserted by No I 1 of the Federal Act of 17 Dec. 2010 on Safeguarding Democracy, the Rule of Law and the Capacity to Act in Extraordinary Situations, in force since 1 May 2011 (AS **2011** 1381; BBI **2010** 1563 2803).

present the Federal Assembly with a bill establishing a legal basis for the content of the ordinance.

⁴ The ordinance ceases to apply:

- a. if the bill mentioned in paragraph 3 is rejected by the Federal Assembly
- b. at the latest with introduction of the legal basis provided for in paragraph 3.

Art. 7d⁷ Ordinances to safeguard external and internal security

¹ The Federal Council may, in direct application of Article 185 paragraph 3 of the Federal Constitution, issue an ordinance to counter existing or imminent threats of serious disruption to public order or internal or external security.

² The ordinance ceases to apply:

- a. six months after its commencement if the Federal Council fails to submit to the Federal Assembly:
 1. a bill establishing a legal basis for the content of the ordinance, or
 2. a bill containing a Federal Assembly ordinance under Article 173 paragraph 1 letter c of the Federal Constitution which replaces the Federal Council's ordinance;
- b. if the bill is rejected by the Federal Assembly; or
- c. if the legal basis or the replacement ordinance issued by the Federal Assembly comes into force.

³ The Federal Assembly ordinance provided for in paragraph 2 letter a number 2 ceases to apply three years at the latest from its commencement.

Art. 7e⁸ Rulings to safeguard the interests of the country or to safeguard internal or external security

¹ The Federal Council may, in direct application of Article 184 paragraph 3 or Article 185 paragraph 3 of the Federal Constitution, issue a ruling:

- a. if required to protect the country's interests; or
- b. in order to counter existing or imminent threats of serious disruption to public order or internal or external security.

² The Federal Council shall inform the competent organ of the Federal Assembly within 24 hours of its resolution on the ruling.

⁷ Inserted by No 1 I of the Federal Act of 17 Dec. 2010 on Safeguarding Democracy, the Rule of Law and the Capacity to Act in Extraordinary Situations, in force since 1 May 2011 (AS 2011 1381; BBl 2010 1563 2803).

⁸ Inserted by No 1 I of the Federal Act of 17 Dec 2010 on Safeguarding Democracy, the Rule of Law and the Capacity to Act in Extraordinary Situations, in force since 1 May 2011 (AS 2011 1381; BBl 2010 1563 2803).

Art. 8 Organisation and management of the Federal Administration⁹

¹ The Federal Council determines the appropriate organisation of the Federal Administration and adapts it to circumstances. It may diverge from the organisational provisions of other federal acts unless the Federal Assembly expressly places limitations on its organisational powers.¹⁰

² It shall encourage efficiency and innovative ability within the Federal Administration.

³ It supervises the Federal Administration in a continuous and systematic manner.

⁴ It monitors the decentralised administrative bodies and other bodies charged with carrying out federal administrative tasks which are not themselves part of the Federal Administration.

⁵ It determines, as appropriate, the strategic goals for the following autonomous units:

- a. entities under public or private law which:
 1. are not part of the central Federal Administration,
 2. were created under federal legislation or over which the Confederation has control by virtue of its capital or voting rights, and
 3. are delegated federal administrative duties;
- b. the ETH Domain.¹¹

Art. 9 Implementation and administration of the law

¹ The Federal Council ensures that the legislation and other decisions of the Federal Assembly are implemented.

² It shall ensure the administration of administrative justice in as far as it is required to do so by legislation.

Art. 10 Information

¹ The Federal Council ensures that the Federal Assembly, the cantons and the general public are suitably informed.

² It ensures that consistent information on its assessments, plans, decisions and provisions is provided promptly and regularly.

³ Special provisions to protect overriding public or private interests are reserved.

⁹ Amended by No I of the Federal Act of 22 March 2002 on the Revision of Organisational Provisions of Federal Legislation, in force since 1 February 2003 (AS 2003 187; BBl 2001 3845).

¹⁰ Amended by No I of the Federal Act of 22 March 2002 on the Revision of Organisational Provisions of Federal Legislation, in force since 1 February 2003 (AS 2003 187; BBl 2001 3845).

¹¹ Inserted by No I 2 of the Federal Act of 17 Dec. 2010 on the Participation of the Federal Assembly in the Supervision of Autonomous Bodies, in force since 1 January 2012 (AS 2011 5859; BBl 2010 3377 3413).

Art. 10a¹² Federal Council spokesperson

¹ The Federal Council appoints a leading member of the Federal Chancellery as Federal Council spokesperson.

² He or she coordinates the flow of information between the Federal Council and the departments.

² The Federal Council spokesperson:

- a. provides information on behalf of the Federal Council to the general public;
- b. advises the Federal Council and its members on information and communication issues;
- c. coordinates the information activities of the Federal Council, the departments and the Federal Chancellery.

Art. 11 Communication with the general public

The Federal Council maintains contact with the general public and ensures they are informed of the opinions and concerns discussed in the public domain.

Section 2: Procedure and Organisation**Art. 12** Principle of collegiality

¹ The Federal Council reaches its decisions as a collegial body.

² The members of the Federal Council shall represent the decisions of the whole.

Art. 12a¹³ Duty to provide information

¹ The members of the Federal Council and the Federal Chancellor inform the Federal Council regularly about their business and in particular about related risks and possible challenges.

² The Federal Council may request specific information from its members and from the Federal Chancellor.

Art. 13 Deliberations

¹ The Federal Council members shall make decisions of major importance or political scope jointly and at the same time.

² The Federal Council may decide on other items of business in a simplified procedure.

¹² Inserted by No I of the Federal Act of 24 March 2000, in force since 1 September 2000 (AS **2000** 2095; BB1 **1997** III 1568, **1999** 2538). Amended by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2014 (AS **2013** 4549; BB1 **2002** 2095, **2010** 7811).

¹³ Inserted by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2014 (AS **2013** 4549; BB1 **2002** 2095, **2010** 7811).

³ The essential content of Federal Council deliberations and decisions are recorded in writing at all times. The Federal Council minutes guarantee transparency and aid the Federal Council as a management instrument.¹⁴

Art. 14 Directives

In preparing items of business of major importance or political scope, the Federal Council shall, if necessary, outline the relevant aims and guidelines.

Art. 15 Joint reporting procedure

¹ Items of business on which the Federal Council must decide are presented to the members of the Federal Council in a joint reporting procedure.

² The Federal Chancellery regulates the joint reporting procedure.

Art. 16 Convening

¹ The Federal Council convenes as frequently as its business requires.

² The Federal Council is convened by the Federal Chancellor on behalf of the President of the Confederation.

³ Each member of the Federal Council may at any time ask for the Council to convene.

⁴ In cases of urgency the President of the Confederation may make an exception to the regular procedure for convening the Council and conducting negotiations.

Art. 17 Special discussions and closed-door meetings

The Federal Council holds special discussions and closed-door meetings on issues of far-reaching importance.

Art. 18 Presidency and participation

¹ The President of the Confederation chairs the discussions in the Federal Council.

² In addition to the members of the Federal Council, the Federal Chancellor takes part in the discussions in an advisory capacity. He or she has the right to propose motions regarding Federal Chancellery business.

² In addition to the members of the Federal Council, the Federal Chancellor also participates in the deliberations of the Federal Council in an advisory capacity. He or she has the right to make proposals in order to fulfil the tasks of the Federal Chancellery.¹⁵

¹⁴ Inserted by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2014 (AS 2013 4549; BBl 2002 2095, 2010 7811).

¹⁵ Fassung des zweiten Satzes gemäss No I of the Federal Act of 28 Sept. 2012, in Kraft seit 1. Jan. 2014 (AS 2013 4549; BBl 2002 2095, 2010 7811).

³ The Vice-Chancellors shall be present at the discussions unless otherwise specified by the Federal Council.

⁴ The Federal Council may call on the expertise of its administrative staff and qualified persons from within and outside of the Federal Administration when it considers this necessary in order to acquire information and form an opinion.

Art. 19 Quorum

¹ The Federal Council may only reach a decision if at least four of its members are present.

² Decisions are taken by a majority vote. Federal Councillors are permitted to abstain from voting but a valid decision requires the votes of at least three members.

³ The chairperson of the Federal Council takes part in the vote. In the event of a tie, his or her vote is worth double. This does not apply in the case of elections.

Art. 20 Duty of recusal

¹ Members of the Federal Council and the persons mentioned in Article 18 shall recuse themselves if they have an immediate personal interest in the matter at hand.

² If the Council is making a ruling or deciding on an appeal, the provisions on recusal of the Federal Act of 20 December 1968¹⁶ on Administrative Procedure apply.

Art. 21 Exclusion of the general public

The discussions of the Federal Council and the joint reporting procedure mentioned in Article 15 are not public. The public are informed in accordance with Article 10.

Art. 22¹⁷ Deputisation in the event of absence

¹ The Federal Council appoints a deputy for each Federal Councillor from among its members.

² Each member of the Federal Council shall ensure that in the event of unforeseen incidents his or her deputy is notified quickly and comprehensively about important business and the issues to be decided.

³ Each member of the Federal Council and his or her deputy shall ensure the orderly handover of business.

¹⁶ SR 172.021

¹⁷ Amended by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2014 (AS 2013 4549; BBl 2002 2095, 2010 7811).

Art. 23¹⁸ Federal Council committees

¹ The Federal Council may appoint committees from among its members for certain items of business. These committees are normally made up of three members.

² The committees prepare discussions and decisions for the Federal Council or conduct discussions on behalf of the collegial body with other internal or external administrative bodies or private individuals. They have no decision-making powers.

³ They inform the Federal Council regularly about their discussions.

⁴ The Federal Chancellery runs the secretariat, which in particular keeps minutes of the discussions in the committee and manages the documentation.

Art. 24 Organisation ordinance

The Federal Council sets out in detail how it exercises its functions in an ordinance.

Chapter 2: The President of the Confederation**Art. 25** Functions within the Federal Council

¹ The President of the Confederation heads the Federal Council.

² The President of the Confederation:

- a. ensures that the Federal Council accomplishes its tasks in a timely, appropriate and coordinated manner;
- a^{bis}.¹⁹ coordinates matters of major importance in which two or more departments are involved or which are of major importance for the country;
- b.²⁰ prepares discussions for the Federal Council and the agenda of matters to be discussed and seeks conciliation on controversial issues;
- b^{bis}.²¹ may instruct a member of the Federal Council to submit a specific item of business to the Federal Council at a given time;
- c. ensures that the Federal Council organises and carries out its supervision of the Federal Administration in an appropriate manner;
- d. may at any time order investigations into specific matters and suggest appropriate measures to the Federal Council where necessary.

¹⁸ Amended by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2014 (AS 2013 4549; BBl 2002 2095, 2010 7811).

¹⁹ Inserted by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2014 (AS 2013 4549; BBl 2002 2095, 2010 7811).

²⁰ Amended by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2014 (AS 2013 4549; BBl 2002 2095, 2010 7811).

²¹ Inserted by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2014 (AS 2013 4549; BBl 2002 2095, 2010 7811).

Art. 26 Presidential decisions

- ¹ In urgent cases, the President may order precautionary measures to be taken.
- ² If it is not possible to arrange an ordinary or extraordinary Federal Council meeting, the President decides in its stead.
- ³ These decisions must be submitted retrospectively to the Federal Council for approval.
- ⁴ In addition, the Federal Council may authorise the President of the Confederation to decide on matters of a predominantly formal nature.

Art. 27 Replacement in case of absence

- ¹ If the President is unable to fulfil his or her public duties, the Vice-President takes responsibility as his or her replacement and takes over the presidential duties.
- ² The Federal Council may transfer certain presidential powers to the Vice-President.

Art. 28 Representation

The President represents the Federal Council in Switzerland and abroad.

Art. 29 Relationship with the cantons

The President is responsible for maintaining relations between the Confederation and the cantons with regard to shared concerns of a general nature.

Art. 29a²² Presidential services unit

- ¹ The President shall have a presidential services unit to take care of his or her special tasks, and in particular for international relations, communication, protocol and organisational matters.
- ² The presidential services unit is affiliated to the Federal Chancellery.

Chapter 3: The Federal Chancellor**Art. 30** Functions

- ¹ The Federal Chancellor is the chief of staff of the Federal Council.
- ² The Federal Chancellor:
 - a. supports the President of the Confederation and the Federal Council in the fulfilment of their tasks;

²² Inserted by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2015 (AS 2013 4549; BBl 2002 2095, 2010 7811).

- b. fulfils the responsibilities to the Federal Assembly assigned to him or her by the Constitution and the law.

Art. 31 Organisation

¹ The Federal Chancellor is head of the Federal Chancellery, just as the Federal Councillors are each head of a department.

² The Vice-Chancellors deputise for the Federal Chancellor.

³ Unless subject to specific arrangements by the Federal Council, the organisation and management of the Federal Chancellery are governed by the provisions that apply to the entire Federal Administration, with the exception of the section on general secretariats.

Art. 32 Advice and support

The Federal Chancellor:

- a. advises and supports the Federal President and the Federal Council in planning and coordination at government level;
- b. creates and supervises work plans and business rosters for the Federal President;
- c.²³ takes part in the preparation and conduct of Federal Council meetings and is responsible for keeping the minutes and preparing official copies of the decisions.
- c^{bis}.²⁴ monitors on behalf of the Federal Council the progress of its business and of Federal Assembly mandates as well as the consistency of the content of business and mandates with the legislature plan, the Federal Council's annual objectives and other federal plans, and may submit proposals to the Federal Council thereon in the event of new developments;
- c^{ter}.²⁵ ensures that a long-term and continual analysis is made of the situation and environment and provides the Federal Council with regular reports thereon;
- d. prepares the Federal Council's reports to the Federal Assembly on the key aspects of government policy and the management of the Federal Council;
- e. advises the Federal President and the Federal Council in terms of the overall management of the Federal Administration and assumes supervisory roles;
- f. supports the Federal Council in its dealings with the Federal Assembly.
- g.²⁶ advises and supports the Federal Council in its efforts to recognise and respond to crises in good time.

²³ Amended by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2014 (AS 2013 4549; BBI 2002 2095, 2010 7811).

²⁴ Inserted by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2015 (AS 2013 4549; BBI 2002 2095, 2010 7811).

²⁵ Inserted by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2015 (AS 2013 4549; BBI 2002 2095, 2010 7811).

Art. 33 Coordination

¹ The Federal Chancellor ensures the coordination of interdepartmental affairs.

^{1bis} He or she carries out cross-departmental coordination tasks aimed at recognising and responding to crises in good time.²⁷

² He or she ensures coordination with the parliamentary administration. In particular, he or she consults the Secretary General of the Federal Assembly if the business of the Federal Council or its subordinate offices directly affects the procedure and organisation of the Federal Assembly or Parliamentary Services. He or she may take part in the meetings of the Administration Committee of the Federal Assembly in an advisory capacity.²⁸

Art. 33a²⁹ Right to information

The Federal Chancellor may request information from the departments in order to fulfil his or her tasks.

Art. 34³⁰ Information

¹ The spokesperson for the Federal Council in cooperation with the departments ensures that appropriate measures are taken to inform the public.

² The Federal Chancellor is responsible for internal information between the Federal Council and the departments.

Third Title: The Federal Administration**Chapter 1: Direction and Principles of Direction****Art. 35** Direction

¹ The Federal Administration is directed by the Federal Council and the heads of department.

² Each member of the Federal Council heads a department.

³ The Federal Council allocates the departments among its members; each member has the duty to take over their designated department.

⁴ The Federal Council may reallocate the departments at any time.

²⁶ Inserted by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2015 (AS 2013 4549; BBl 2002 2095, 2010 7811).

²⁷ Inserted by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2015 (AS 2013 4549; BBl 2002 2095, 2010 7811).

²⁸ Inserted by Annex No 3 of the Federal Act of 8 Oct. 1999, in force since 1 Jan. 2000 (AS 2000 273; BBl 1999 4809 5979).

²⁹ Inserted by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2014 (AS 2013 4549; BBl 2002 2095, 2010 7811).

³⁰ Amended by No I of the Federal Act of 24 March 2000, in force since 1 Sept. 2000 (AS 2000 2095; BBl 1997 III 1568, 1999 2538).

Art. 36 Principles of direction

¹ The Federal Council and the heads of department set the objectives and priorities of the Federal Administration.

² When they delegate the immediate fulfilment of tasks to project management bodies or units of the Federal Administration, they shall provide them with the required powers and resources.

³ They assess the performance of the Federal Administration and periodically check whether their objectives have been met.

⁴ They ensure the careful selection and continuing professional education of employees.

Chapter 2: The Departments**Section 1: Heads of Department****Art. 37** Direction and responsibility

¹ The head of department bears political responsibility for running a department.

² The head of department:

- a. sets the guidelines for running the department;
- b. delegates where necessary the immediate fulfilment of the department's tasks to administrative units and employees under its authority;
- c. determines the organisation of the department within the terms of this act.

Art. 38 Leadership instruments

In principle, the head of department has the unrestricted right to issue instructions, to lead his or her department and intervene personally in a matter. Special provisions for individual administrative units and the attribution of certain powers under federal legislation are reserved.

Art. 39 Personal staff

The heads of department may employ personal staff and assign tasks to them.

Art. 40 Information

In consultation with the Federal Chancellery, the heads of department take the measures required to inform the public of the departments' activities and decide who is responsible for disseminating that information.

Section 2: The General Secretariats

Art. 41 Position

¹ Each department has a general secretariat as its general administrative office. The general secretariat may also conduct other tasks.

² The Secretary General is the department's chief of staff.

Art. 42 Functions

¹ The General Secretariat supports the head of department in the planning, organisation and coordination of the department's activities and in the decisions that he or she is required to make.

² It plays a supervisory role as instructed by the head of department.

³ It ensures that the planning and activities of the department are coordinated with those of the other departments and of the Federal Council.

⁴ It supports the head of department in preparing Federal Council discussions.

Section 3: Offices and Groups of Offices

Art. 43 Position and functions

¹ The offices are the administrative units charged with dealing with the business of the Administration.

² The Federal Council sets out in ordinances the way in which the Federal Administration is organised into offices. It assigns the offices areas of business which are closely related if possible and determines their tasks.

³ The Federal Council assign the offices to the departments according to the criteria of management, coherence of tasks and material and political balance. It may reassign the offices at any time.

⁴ The heads of department determine the organisational structure of the offices in their department. With the consent of the Federal Council, they may organise the offices into groups.

⁵ The office directors determine the detailed organisation of their offices.

Art. 44³¹ FLAG administrative units

¹ The Federal Council may head appropriate administrative units with a public service agreement and global budget (FLAG administrative units), whilst observing the principles of outcome-oriented public management.

³¹ Amended by Art. 65 Sec. 2 of the Financial Budget Act of 7 Oct 2005, in force since 1 May 2006 (AS 2006 1275; BBl 2005 5).

² In the public service agreement, the services provided by the FLAG administrative units shall be organised into product groups.

³ The Federal Council shall consult the parliamentary committees of both Councils before issuing a public service agreement.

Art. 45 Direction and Responsibility

The directors of the groups and offices are responsible to their superiors for directing the administrative units under them and for carrying out the duties assigned to them.

Section 4: State Secretaries³²

Art. 45a³³ Appointment and function

¹ The Federal Council may appoint as state secretaries the directors of offices or groups that are responsible for important fields of responsibility of a department. An office or group that is headed by a state secretary may be known as a state secretariat.

² State secretaries support and relieve the burden on heads of department particularly in their dealings with foreign authorities.

Art. 46³⁴ Temporary award of the title of "State Secretary"

The Federal Council may temporarily award the title of "State Secretary" to persons in the Federal Administration who represent Switzerland on its behalf in high-level international negotiations.

Chapter 3:³⁵ Fees

Art. 46a

¹ The Federal Council issues provisions on charging appropriate fees for decisions and other services provided by the Federal Administration.

² It regulates the charging of fees in detail, in particular:

- a. the procedure for charging fees;
- b. the level of the fees;

³² Inserted by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2014 (AS **2013** 4549; BBl **2002** 2095, **2010** 7811).

³³ Inserted by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2014 (AS **2013** 4549; BBl **2002** 2095, **2010** 7811).

³⁴ Amended by No I of the Federal Act of 28 Sept. 2012, in force since 1 Jan. 2014 (AS **2013** 4549; BBl **2002** 2095, **2010** 7811).

³⁵ Inserted by No I 3 of the Federal Act of 19 Dec. 2003 on the 2003 Budgetary Relief Programme, in force since 1 Jan. 2005 (AS **2004** 1633; BBl **2003** 5615).

- c. the question of liability when two or more people are required to pay fees;
- d. the time limits relating to the charging of fees.

³ When setting fees, it observes the principles of equivalence and cost recovery.

⁴ It may make exceptions in charging fees provided the decision or service is of overriding public interest.

Fourth title: Responsibilities, Planning and Coordination

Chapter 1: Responsibilities

Art. 47 Decisions

¹ Depending the importance of an item of business, it is dealt with by the Federal Council, a department, a group or an office.

² The Federal Council sets out in an ordinance which administrative unit is responsible for decisions about individual items of business or in wider areas of business.

³ If the departments are unable to agree on responsibility in specific cases, the President of the Confederation shall decide.

⁴ The superordinate administrative units and the Federal Council may at any time take responsibility for deciding on a particular item of business.

⁵ Mandatory responsibilities in accordance with the legislation on the administration of federal justice are reserved. If the appeal to the Federal Council is not permitted, the latter may issue a directive to the competent federal administrative authority on how to decide in accordance with the law.

⁶ Federal Council business is delegated by law to the department competent for the matter concerned where rulings must be issued that are subject to an appeal to the Federal Administrative Court. The appeal against Federal Council rulings under Article 33 letters a and b of the Administrative Court Act of 17 June 2005³⁶ is reserved.³⁷

Art. 48 Lawmaking

¹ The Federal Council may delegate responsibility for enacting legal rules to the departments. In doing so, it takes account of the significance of the legal rules.

² Delegating lawmaking to groups and offices is only permitted if authorised by a federal act or a general binding federal decree.

³⁶ SR 173.32

³⁷ Amended by Annex No 9 of the Administrative Court Act of 17 June 2005, in force since 1 Jan. 2007 (AS 2006 2197 1069; BBl 2001 4202).

Art. 48a³⁸ Conclusion of international treaties

¹ The Federal Council may delegate responsibility for concluding international treaties to a department. In the case of treaties of limited significance, it may also delegate this responsibility to a group or federal office.

² It provides the Federal Assembly with an annual report on the treaties entered into by the Federal Council, the departments, groups and federal offices.

Art. 49 Authorisation to sign

¹ The heads of department may authorise the following persons to sign particular items of business in their name:

- a. secretaries-general or the persons representing them;
- b. members of senior management in the groups and offices;
- c. further persons in the general secretariat in relation to the department's responsibilities as an appeal authority.

² They may also authorise these persons to sign rulings.³⁹

³ The directors of the groups and offices determine who is to have signature authorisation in their domain.

Art. 50 Official business

¹ The Federal Council sets out the principles for maintaining international relations in the Federal Administration.

² Dealings with the cantonal governments are the responsibility of the Federal Council and the heads of department.

³ The directors of the groups and offices deal directly with other federal, cantonal and communal authorities and public offices as well as with private individuals, according to their responsibilities.

Chapter 2: Planning and Coordination⁴⁰**Art. 51** Planning

The departments, groups and offices plan their activities as part of the Federal Council's general planning. The departments shall bring their plans to the attention of the Federal Council.

³⁸ Inserted by Annex No II 3 of the Parliament Act of 13 Dec. 2002, in force since 1 Dec. 2003 (AS **2003** 3543; BBl **2001** 3467 5428).

³⁹ Amended by No II 5 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, in force since 1 Aug. 2008 (AS **2008** 3437; BBl **2007** 6121).

⁴⁰ Amended by No I of the Federal Act of 20 March 2008 (revision of extra-parliamentary committees), in force since 1 Jan. 2009 (AS **2008** 5941; BBl **2007** 6641).

Art. 52 Coordination activities at government level

The Federal Council, its committees and the Federal Chancellery carry out the coordination tasks assigned to them by the Constitution and the law.

Art. 53 Conference of Secretaries General

¹ Under the leadership of the Federal Chancellor, the Conference of Secretaries General directs coordination activities in the Federal Administration.

² Where no special coordinating body exists for specific tasks or items of business, the Conference is responsible for these coordination activities, in particular in preparing items of Federal Council business.

³ It may in terms of a Federal Council decree deal with interdepartmental issues and prepare these for the Federal Council.

⁴ The Secretary General of the Federal Assembly may take part in the Conference of Secretaries General in an advisory capacity.⁴¹

Art. 54 Information Conference

¹ The Information Conference comprises the Federal Council Spokesperson and the persons responsible for information in the departments. A representative from the Parliamentary Services may with take part in an advisory role.⁴²

² The Information Conference deals with current information problems in the departments and Federal Council; it coordinates and plans information.⁴³

³ The Federal Council Spokesperson holds the chair.⁴⁴

Art. 55 Other standing staff office, planning and coordination bodies

The Federal Council and departments may employ other staff office, planning and coordination bodies as institutionalised conferences or as self-contained administrative units.

Art. 56 Interdepartmental project organisations

The Federal Council may form project organisations to process important interdepartmental tasks of limited duration.

⁴¹ Inserted by Annex No 3 of the Federal Act of 8 Oct. 1999, in force since 1 Jan. 2000 (AS 2000 273; BBl 1999 4809 5979).

⁴² Amended by No I of the Federal Act of 24 March 2000, in force since 1 Sept. 2000 (AS 2000 2095; BBl 1997 III 1568, 1999 2538).

⁴³ Amended by No I of the Federal Act of 8 Oct. 1999, in force since 1 Jan. 2000 (AS 2000 273; BBl 1999 4809 5979).

⁴⁴ Amended by No I of the Federal Act of 24 March 2000, in force since 1 Sept. 2000 (AS 2000 2095; BBl 1997 III 1568, 1999 2538).

Chapter 3: External Advice and Extra-Parliamentary Committees⁴⁵**Section 1: External Advice⁴⁶****Art. 57** ...⁴⁷

¹ The Federal Council and departments may consult organisations and persons which are not part of the Federal Administration.

² ...⁴⁸

Section 2:⁴⁹ Extra-Parliamentary Committees**Art. 57a** Purpose

¹ Extra-parliamentary committees advise on a permanent basis the Federal Council and the Federal Administration on accomplishing their tasks.

² They make decisions insofar as they are authorised to by a federal act.

Art. 57b Requirements

Extra-parliamentary committees may be established when tasks:

- a. require specialist knowledge that is not available in the Federal Administration;
- b. require the cantons or additional interested circles to be involved at an early stage; or
- c. are to be carried out by a decentralised unit of the Federal Administration which is not bound by directives.

Art. 57c Instituting committees

¹ A committee is not established if the task can be more appropriately carried out by a unit of the central Federal Administration or an organisation or person from outside the Federal Administration.

² The Federal Council establishes extra-parliamentary committees and elects their members.

³ The members are appointed for a term of office of four years.

⁴⁵ Amended by No I of the Federal Act of 20 March 2008 (Revision of Extra-Parliamentary Committees), in force since 1 Jan. 2009 (AS **2008** 5941; BBl **2007** 6641).

⁴⁶ Inserted by No I of the Federal Act of 20 March 2008 (Revision of Extra-Parliamentary Committees), in force since 1 Jan. 2009 (AS **2008** 5941; BBl **2007** 6641).

⁴⁷ Repealed by No I of the Federal Act of 20 March 2008 (Revision of Extra-Parliamentary Committees), with effect from 1 Jan. 2009 (AS **2008** 5941; BBl **2007** 6641).

⁴⁸ Repealed by No I of the Federal Act of 20 March 2008 (Revision of Extra-Parliamentary Committees), with effect from 1 Jan. 2009 (AS **2008** 5941; BBl **2007** 6641).

⁴⁹ Inserted by No I of the Federal Act of 20 March 2008 (Revision of Extra-Parliamentary Committees), in force since 1 Jan. 2009 (AS **2008** 5941; BBl **2007** 6641).

⁴ If a seat becomes vacant, a replacement is elected.

Art. 57d Review

Every four years, when an extra-parliamentary committee is elected, the necessity for the committee, its tasks and composition shall be reviewed.

Art. 57e Composition

¹ Extra-parliamentary committees may normally have no more than 15 members.

² Among the members there must a balance between the sexes, languages, regions, age groups and interest groups, with due consideration of the committee's tasks.

³ Members the Federal Administration may only be elected as members of a committee in exceptional cases and with due reason.

Art. 57f Disclosure of interests

¹ Committee members must disclose their interests before election. The Federal Council shall issue the relevant implementing provisions.

² Any person who refuses to disclose their interests is not eligible for election to a committee.

Art. 57g⁵⁰ Remuneration

¹ The Federal Council sets out uniform criteria for the remuneration of committee members.

² The amount of remuneration is made public.

Chapter 4:⁵¹ Data Processing

Section 1: Documenting Correspondence and Items of Business⁵²

Art. 57h⁵³

¹ Under the Federal Act of 19 June 1992⁵⁴ on Data Protection, any federal authority may run an information and documentation system to register, administer, index and monitor its correspondence and business. This system may contain data and personality profiles particularly worthy of protection, depending on the correspondence and

⁵⁰ 1 Jan. 2010 (AS **2009** 6135).

⁵¹ Originally Chapter 3. Inserted by No I of the Federal Act of 24 March 2000 on the Creation and Amendment of Statutory Principles for the Processing of Personal Data, in force since 1 Sept. 2000 (AS **2000** 1891; BBl **1999** 9005).

⁵² Inserted by No I of the Federal Act of 1 Oct. 2010 (Data Protection in the Use of Electronic Infrastructure), in force since 1 April 2012 (AS **2012** 941; BBl **2009** 8513).

⁵³ Originally Art. 57a.

⁵⁴ SR **235.1**

type of business. The federal authority concerned may only save personal data if they serve to:

- a. process items of business;
- b. organise operational processes;
- c. determine whether it is processing the data of a particular person;
- d. facilitate access to documentation.

² Only the employees of the federal body concerned have access to the personal data, and only in as far as they need it in order to carry out their tasks.

³ The Federal Council issues implementing provisions on the organisation and operation of this information and documentation system and on the protection of the personal data recorded in it.

Section 2:⁵⁵

Processing Personal Data when Using Electronic Infrastructure

Art. 57i Relationship to other federal law

The regulations in this section do not apply if another federal act regulates the processing of personal data linked to the use of electronic infrastructure.

Art. 57j Principles

¹ Under the Federal Act of 19 June 1992⁵⁶ on Data Protection, federal bodies may not record and evaluate personal data linked to the use of their electronic infrastructure or any electronic infrastructure operated by them unless this is necessary for any of the purposes set out in Articles 57l–57o.

² Data processing as described in this section may also relate to personal data and personality profiles which are particularly worthy of protection.

Art. 57k Electronic infrastructure

Electronic infrastructure includes all stationary or mobile installations and devices capable of recording personal data; it includes in particular:

- a. data processing systems, network components and software;
- b. data storage units;
- c. telephones;
- d. printers, scanners, fax and photocopying machines;
- e. timekeeping systems;

⁵⁵ Inserted by No I of the Federal Act of 1 Oct. 2010 (Data Protection in the Use of Electronic Infrastructure), in force since 1 April 2012 (AS 2012 941; BBl 2009 8513).
⁵⁶ SR 235.1

- f. access and video surveillance systems;
- g. geopositioning systems.

Art. 57l Recording personal data

The federal bodies may record personal data associated with the use of electronic infrastructure for the following purposes:

- a. all data, including of the content of electronic correspondence: for back-up purposes;
- b. data linked to the use of electronic infrastructure:
 1. to ensure the security of information and services,
 2. to ensure that electronic infrastructure is maintained on a technical level,
 3. to verify compliance with licensing regulations,
 4. to trace access to data collections,
 5. to record any costs arising from the use of electronic infrastructure;
- c. data on staff working hours: to manage working hours;
- d. data on persons entering, leaving and remaining on federal premises: for security purposes.

Art. 57m Data evaluation not relating to persons

Evaluation of recorded data which does not relate to persons is permitted for the purposes stated in Article 57l.

Art. 57n Data evaluation not relating to named persons

Evaluation of recorded data which does not relate to named persons is permitted by random sampling for the following purposes:

- a. to monitor the use of electronic infrastructure;
- b. to monitor staff working hours.

Art. 57o Data evaluation relating to named persons

¹ Evaluation of recorded data which relates to named persons is permitted for the following purposes:

- a. to investigate specific suspicion regarding abuse of electronic infrastructure and to take action against proven abuse;
- b. to analyse and eliminate disruptions to electronic infrastructure and protect against clear threats to this infrastructure;
- c. to provide required services;
- d. to determine and invoice services rendered;

- e. to monitor individual working hours.
- ² Evaluation according to paragraph 1 letter a may only be carried out:
- a. by federal bodies;
 - b. once the person concerned has been informed in writing.

Art. 57p Prevention of abuse

The federal authority takes the required preventive technical and organisational measures to prevent abuses.

Art. 57q Implementing provisions

¹ The Federal Council regulates in particular:

- a. the recording, safeguarding and destruction of data;
- b. the data processing procedure;
- c. access to data;
- d. the technical and the organisational measures to guarantee data security.

² Data may only be kept as long as is necessary.

³ Unless otherwise determined by an Ordinance issued by the Federal Assembly, these implementing provisions where appropriate apply to data relating to members of the Federal Assembly and the staff of the Parliamentary Services.

Fifth title: Individual and Final Provisions

Chapter 1: Legal Status

Art. 58 Official seat

The official seat of the Federal Council, the departments and the Federal Chancellery is the City of Bern.

Art. 59 Place of residence of the members of the Federal Council and of the Federal Chancellor

Members of the Federal Council and the Federal Chancellor are free to choose their place of residence; however, it must be within easy reach of the official seat.

Art. 60 Professional incompatibility

¹ The members of the Federal Council and the Federal Chancellor may not occupy another position in the Confederation or an official position in a canton nor may they carry out another profession or trade.

² They may not hold a position as director, manager or member of an administration, supervisory body or auditing body of organisations that pursue an economic activity.

³ The members of the Federal Council and the Federal Chancellor may not exercise an official function for a foreign state or accept a title or decoration from a foreign authority.⁵⁷

Art. 61⁵⁸ Personal incompatibility

¹ The following may not be members of the Federal Council at the same time:

- a. two persons married to each other or who live in a registered partnership or as cohabitantes;
- b. relatives and in-laws related in direct line or collaterally up to the fourth degree;
- c. two persons whose spouses or registered partners are siblings.

² This provision applies by analogy to the degree of relationship between the Federal Chancellor and members of the Federal Council.

Art. 61a⁵⁹

Chapter 2: Approval of Cantonal Enactments⁶⁰

Art. 61b⁶¹

¹ Where required by a federal act, the cantons submit their acts and ordinances to the Confederation for approval; approval is a condition of validity.

² The departments give approval in uncontroversial cases.

³ The Federal Council shall decide in disputed cases. It may also give approval with reservation.

⁵⁷ Inserted by No 12 of the Federal Act of 23 June 2000 on Titles and Decorations of Foreign Authorities, in force since 1 Feb. 2001 (AS **2001** 114; BBl **1999** 7922).

⁵⁸ Amended by Annex No 4 of the Same-Sex Partnership Act of 18 June 2004, in force since 1 Jan. 2007 (AS **2005** 5685; BBl **2003** 1288).

⁵⁹ Inserted by Annex No II 3 of the Parliament Act of 13 Dec. 2002 (AS **2003** 3543; BBl **2001** 3467 5428). Repealed by Annex No 2 of the Federal Act of 17 June 2011 (Applications to repeal immunity), with effect from 5 Dec. 2011 (AS **2011** 4627; BBl **2010** 7345 7385).

⁶⁰ Originally before Art. 62. Amended by No I of the Federal Act of 7 Oct. 2005, in force since 1 June 2006 (AS **2006** 1265; BBl **2004** 7103).

⁶¹ Originally Art. 62, thereafter Art. 61a. Amended by No I of the Federal Act of 7 Oct. 2005, in force since 1 June 2006 (AS **2006** 1265; BBl **2004** 7103).

Chapter 3: Information on Agreements between the Cantons or between a Canton and an Institution Abroad⁶²

Art. 61^{c63} Duty to provide information

¹ The cantons shall inform the Confederation of any agreements concluded among themselves or with institutions abroad. They shall inform the Confederation of any agreements with an institution abroad before they are concluded. The Confederation and the cantons shall seek amicable solutions.

² Agreements are exempted from the duty to provide information if they:

- a. serve to implement agreements about which the Confederation is informed;
- b. principally concern the authorities or regulate administrative issues.

Art. 62⁶⁴ Procedure

¹ The Confederation shall inform the public in the Official Federal Gazette about agreements that are brought to its knowledge.

² The department responsible examines whether or not an agreement is in accordance with the law and interests of the Confederation. It shall inform the cantons that are party to the agreement of the result within two months following publication of the information in terms of paragraph 1. Cantons that are not party to the agreement (third-party cantons) shall inform the contracting parties of any objections they may have within the same time period.

³ If objections exist, the department or third-party cantons shall attempt to reach an amicable solution with the cantons that are party to the agreement.

⁴ If no solution is reached, the Federal Council and third-party cantons may raise a formal objection with the Federal Assembly within six months following publication of the information in terms of paragraph 1.

⁶² Inserted by No I of the Federal Act of 7 Oct. 2005, in force since 1 June 2006 (AS 2006 1265; BBI 2004 7103).

⁶³ Inserted by No I of the Federal Act of 7 Oct. 2005, in force since 1 June 2006 (AS 2006 1265; BBI 2004 7103).

⁶⁴ Inserted by No I of the Federal Act of 8 Oct. 1999 (AS 2000 289; BBI 1999 7922). Amended by No I of the Federal Act of 7 Oct. 2005, in force since 1 June 2006 (AS 2006 1265; BBI 2004 7103).

Chapter 4:⁶⁵ Concentrated Decision-Making Process

Art. 62a Hearing

¹ If, in projects such as those involving buildings and installations, an act provides for the concentration of decision-making in a single authority (the principal authority), this authority hears the statements of the specialist authorities concerned before making a decision.

² If several specialist authorities are concerned, the principal authority listens to their statements at the same time; it may however hear them one after the other if there are particular reasons for doing so.

³ The principal authority sets the specialist authorities a deadline for providing a statement; the deadline is normally two months.

⁴ The principal authority and the specialist authorities shall agree amicably on the cases in which exceptionally no statement needs to be provided.

Art. 62b Elimination of differences

¹ If there are any differences between the statements of the specialist authorities or if the principal authority does not agree with the statements, it conducts a discussion with the specialist authorities within 30 days in order to eliminate any differences. In this it may call on further authorities or specialists.

² If the differences are successfully eliminated, the result is binding for the principal authority.

³ If the differences cannot be successfully eliminated, the principal authority decides; if considerable differences exist between administrative units of the same department, the principal authority shall instruct the department on how to resolve the matter. If several departments are involved, they consult to reach an agreement. When explaining their decision, they should explain the differences in their positions.

⁴ The specialist authorities concerned may defend their own point of view before an appeals authority even after having taken part in a procedure to eliminate differences.

Art. 62c Deadlines

¹ The Federal Council sets deadlines within which a decision is to be reached for each procedure to approve plans for buildings and installations.

² If any of these deadlines cannot be met, the principal authority informs the applicant when the decision is likely to be made, with reasons given.

⁶⁵ Originally Chapter 2^{bis}. Inserted by No 11 of the Federal Act of 18 June 1999 on the Coordination and Simplification of the Decision-Making Process, in force since 1 Jan. 2000 (AS 1999 3071; BBl 1998 2591).

Chapter 5:⁶⁶ Tax Exemption and Protection of Federal Property

Art. 62d Tax exemption

The Confederation as well as its institutions, businesses and non-autonomous foundations are exempt from all taxation imposed by the cantons and communes, other than in the case of properties which do not serve an immediate public purpose.

Art. 62e Liability

¹ The cantons are liable to the Confederation for damage to its property as a result of disruption to public order.

² Cantonal and communal regulations on insurance obligations do not apply to the Confederation.

Chapter 6:⁶⁷ Domiciliary Rights

Art. 62f

The Confederation exercises domiciliary rights in its buildings.

Chapter 7:⁶⁸ Final Provisions

Art. 63 Repeal of the Administration Organisation Act

The Federal Act of 19 September 1978⁶⁹ on the Organisation and Management of the Federal Council and the Federal Administration is repealed.

⁶⁶ Originally Chapter 2^{ter}. Inserted by Annex No II 3 of the Parliament Act of 13 Dec. 2002, in force since 1 Dec. 2003 (AS **2003** 3543; BBl **2001** 3467 5428).

⁶⁷ Originally Chapter 2^{quater}. Inserted by Annex No II 3 of the Parliament Act of 13 Dec. 2002, in force since 1 Dec. 2003 (AS **2003** 3543; BBl **2001** 3467 5428).

⁶⁸ Originally Chapter 3.

⁶⁹ [AS **1979** 114, **1983** 170 931 Art. 59 Sec. 2, **1985** 699, **1987** 226 Sec. II 2 808, **1989** 2116, **1990** 3 Art. 1 1530 Sec. II 1 1587 Art. 1, **1991** 362 Sec. I, **1992** 2 Art. 1 288 Annex No 2 510 581 Annex No 2, **1993** 1770, **1995** 978 4093 Annex No 2 4362 Art. 1 5050 Annex No 1, **1996** 546 Annex No 1 1486 1498 Annex No 1]

Art. 64⁷⁰

Art. 65⁷¹

Art. 66 Referendum and commencement

¹ This Act is subject to an optional referendum.

² The Federal Council shall determine the commencement date.

Commencement date: 1 October 1997⁷²

⁷⁰ Repealed by No I of the Federal Act of 22 March 2002 on the Revision of Organisational Provisions of Federal Legislation (AS **2003** 187; BBl **2001** 3845).

⁷¹ Repealed by Art. 65 Sec. 2 of the Financial Budget Act of 7 Oct. 2005, with effect from 1 May 2006 (AS **2006** 1275; BBl **2005** 5).

⁷² Federal Council Decree of 3 Sept. 1997

Annex

Amendments to other Federal Acts

...⁷³

⁷³ The amendments may be consulted under AS 1997 2022.

