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## **Ordinance on the Protection of Nature and Cultural Heritage (NCHO)**

of 16 January 1991 (Status as of 1 June 2017)

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*The Swiss Federal Council,*

on the basis of Article 26 of the Federal Act of 1 July 1966<sup>1</sup> on the Protection of Nature and Cultural Heritage (NCHA), Article 44 paragraph 1 of the Environmental Protection Act of 7 October 1983<sup>2</sup> (USG), and in implementation of the Convention 19 September 1979<sup>3</sup> on the Conservation of European Wildlife and Natural Habitats,<sup>4</sup>

*ordains:*

### **Section 1 Nature Protection, Cultural Heritage Protection and Monument Preservation in the Fulfilment of Federal Tasks<sup>5</sup>**

#### **Art. 1<sup>6</sup>**          Basic principle

In fulfilling federal tasks as specified in Article 2 of the NCHA, and in preparing and amending ordinances, concepts and sectoral plans (Art. 13 of the Federal Act of 22 June 1979<sup>7</sup> on Spatial Planning) in relation to these tasks, the competent federal and cantonal authorities shall give due consideration to the requirements of nature protection, cultural heritage protection and monument preservation.

AS 1991 249

1    SR 451

2    SR 814.01

3    SR 0.455

4    Amended by No I of the O of 19 June 2000, in force since 1 Aug. 2000 (AS 2000 1869).

5    Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

6    Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

7    SR 700

**Art. 2** Cooperation of specialist bodies responsible for nature protection, cultural heritage protection and monument preservation<sup>8</sup>

<sup>1</sup> The Federal Office for the Environment (FOEN)<sup>9</sup>, the Federal Office of Culture (the FOC) and das Federal Roads Office (FEDRO)<sup>10</sup> shall be available to advise the authorities responsible for the fulfilment of federal tasks.

<sup>2</sup> When fulfilling a federal task in accordance with Article 2 NCHA, the competent federal authorities shall obtain an expert opinion from the cantons. In relation to the cooperation of the FOEN, the FOC and FEDRO, Article 3 paragraph 4 NCHA applies.<sup>11</sup>

<sup>3</sup> The cantons shall ensure that their specialist agencies responsible for nature protection, cultural heritage protection and monument preservation cooperate in fulfilling the tasks that fall to them in accordance with Article 1.<sup>12</sup>

<sup>4</sup> As an element of their cooperation, the FOEN, the FOC and FEDRO (para. 2) and the cantonal specialist agencies for nature protection, cultural heritage protection and monument preservation (para. 3) whether in accordance with Article 7 NCHA a report from the competent federal expert commission (Art. 23 para. 2) is required.<sup>13</sup>

**Art. 3**<sup>14</sup>

**Section 2**  
**Federal support for Nature Protection, Cultural Heritage Protection and Monument Preservation**<sup>15</sup>

**Art. 4**<sup>16</sup> Global financial assistance

<sup>1</sup> Financial assistance for measures for the preservation of sites deserving protection in accordance with Article 13 NCHA shall normally be granted globally on the basis of a programme agreement.

<sup>8</sup> Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

<sup>9</sup> The title of the administrative unit concerned has been modified in application of Art. 16 para. 3 of the Publications O of 17 Nov. 2004 (AS 2004 4937). This modification has been made throughout the text.

<sup>10</sup> The group of administrative units affected has been modified in application of Art. 16 para. 3 of the Publications O of 17 Nov. 2004 (AS 2004 4937). This modification has been made throughout the text.

<sup>11</sup> Amended by No II 1 of the O of 2 Feb. 2000 to the Federal Act on the Coordination and Simplification of Decision-Making Procedures, in force since 1 Feb. 2000 (AS 2000 703).

<sup>12</sup> Amended by No II 1 of the O of 2 Feb. 2000 to the Federal Act on the Coordination and Simplification of Decision-Making Procedures, with effect from 1 Feb. 2000 (AS 2000 703).

<sup>13</sup> Amended by No II 1 of the O of 2 Feb. 2000 to the Federal Act on the Coordination and Simplification of Decision-Making Procedures, in force since 1 Feb. 2000 (AS 2000 703).

<sup>14</sup> Repealed by No I of the O of 18 Dec. 1995, with effect from 1 Feb. 1996 (AS 1996 225).

<sup>15</sup> Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

<sup>16</sup> Amended by No I 4 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS 2007 5823).

- <sup>2</sup> The subject matter of the programme agreement shall in particular be:
- a. the strategic programme objectives to be achieved jointly in the fields of nature protection, cultural heritage protection or monument preservation;
  - b. the duties of the canton;
  - c. the federal subsidy to be provided;
  - d. the financial control system.
- <sup>3</sup> The term of the programme agreement shall be no more than four years.
- <sup>4</sup> The FOEN, the FOC and FEDRO shall issue guidelines on the procedure for programme agreements and on the information and documentation on the subject matter of the programme agreement.

**Art. 4a<sup>17</sup>** Financial assistance in specific cases

<sup>1</sup> By way of exception, financial assistance may be granted in a specific case if the measures:

- a. are urgently required;
- b. to a substantial extent require a complex or specialist assessment; or
- c. involve considerable expense.

<sup>2</sup> The FOEN, the FOC or FEDRO shall enter into a contract with the canton for this purpose or shall issue a ruling.

<sup>3</sup> The FOEN, the FOC and FEDRO shall issue guidelines on the procedure for the granting of financial assistance in specific cases and on the information and documentation accompanying the application.

**Art. 4b<sup>18</sup>** Application

<sup>1</sup> The canton shall submit the application for financial assistance to the FOEN, the FOC or FEDRO.

<sup>2</sup> The application for global financial assistance must contain details of:

- a. the programme objectives to be achieved;
- b. the probable measures required to achieve the objectives and how they are to be implemented;
- c. the effectiveness of the measures.

<sup>17</sup> Inserted by No I 4 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS 2007 5823).

<sup>18</sup> Inserted by No I 4 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS 2007 5823).

**Art. 5<sup>19</sup>** Determination of the subsidy

<sup>1</sup> The amount of financial assistance is determined by:

- a. the national, regional or local importance of the sites to be protected;
- b. the extent, quality and complexity of the measures;
- c. the level of threat to the sites to be protected;
- d. the quality in which the services are to be provided.

<sup>2</sup> The amount of global financial assistance shall be negotiated between the FOEN, the FOC or FEDRO and the canton concerned.

<sup>3</sup> In the fields of monument preservation, archaeology, protection of sites of local character and protection of historic traffic routes, the financial assistance may also be calculated on the basis of the following maximum subsidies in per cent of the expenditure eligible for subsidy:

- a. 25 per cent for sites of national importance;
- b. 20 per cent for sites of regional importance;
- c. 15 per cent for sites of local importance.

<sup>4</sup> By way of exception, the percentage in paragraph 3 may be increased to a maximum of 45 per cent if it is proven that essential measures cannot be financed otherwise.

**Art. 6<sup>20</sup>** Expenditure eligible for subsidy

Expenditure is eligible for subsidy only if it has actually been incurred and is required for the proper fulfilment of the measures.

**Art. 7** Supplementary provisions

<sup>1</sup> Requirements and conditions may be attached to the granting of financial assistance for a site, and in particular that:

- a. the site is placed under protection either permanently or for a specified period;
- b. the site is maintained in a condition appropriate to the purpose of the subsidy and that alterations to its condition require the approval of the FOEN, the FOC or FEDRO;
- c. the recipient of the subsidy reports periodically on its condition;
- d.<sup>21</sup> a person appointed by the FOEN, the FOC or FEDRO is granted full inspection rights while work is being carried out on the site;

<sup>19</sup> Amended by No 14 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS **2007** 5823).

<sup>20</sup> Amended by No 14 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS **2007** 5823).

<sup>21</sup> Amended by No 1 of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS **1996** 225).

e.<sup>22</sup> ...

f.<sup>23</sup> any reports, drawings or photographic records requested by the FOEN, the FOC or FEDRO be provided free of charge;

g.<sup>24</sup> the site is provided with a permanent inscription giving notice of the federal assistance and protection;

h. any necessary upkeep work is carried out;

i. any changes of ownership or other legal changes are reported immediately to the FOEN, the FOC or FEDRO;

k. the condition of the site may be monitored;

l. the site is made open to the public to the extent that this is compatible with its intended purpose.

<sup>2</sup> The FOEN, the FOC and FEDRO may waive the requirement that documentation be provided as specified in paragraph 1 letter f above if the canton guarantees that the material is properly archived and remains accessible.<sup>25</sup>

#### **Art. 8<sup>26</sup>** Exemptions from mandatory record in land register

In granting financial assistance, the FOEN, the FOC or FEDRO shall exempt the landowner from the obligation to have restrictions on use recorded in the land register if the protection and upkeep measures are guaranteed equally effectively by other means. They shall take account of the importance of the site, potential risks and the existing cantonal options for legal protection.

#### **Art. 9<sup>27</sup>** Power to grant subsidies<sup>28</sup>

<sup>1</sup> The FOEN, the FOC or FEDRO are responsible for granting financial assistance.<sup>29</sup>

<sup>2</sup> This provision also applies to Articles 14, 14a and, unless in connection with the initiation of a compulsory purchase proceedings, 15 NCHA.

#### **Art. 10<sup>30</sup>** Payment

<sup>1</sup> Global financial assistance shall be paid in instalments.

<sup>22</sup> Repealed by No I of the O of 18 Dec. 1995, with effect from 1 Feb. 1996 (AS 1996 225).

<sup>23</sup> Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

<sup>24</sup> Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

<sup>25</sup> Inserted by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

<sup>26</sup> Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

<sup>27</sup> Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

<sup>28</sup> Amended by No I 4 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS 2007 5823).

<sup>29</sup> Amended by No I 4 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS 2007 5823).

<sup>30</sup> Amended by No I 4 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS 2007 5823).

<sup>2</sup> Financial assistance in specific cases shall be paid on the basis of the statement of accounts examined and approved by the cantonal specialist agency.

**Art. 10a**<sup>31</sup> Reporting and checking

<sup>1</sup> The canton shall report to the FOEN, the FOC or FEDRO each year on the use of the global financial assistance.

<sup>2</sup> The FOEN, the FOC or FEDRO shall check by random sample:

- a. that individual measures have been implemented in accordance with the programme agreement, ruling or contract;
- b. the use of the subsidies paid.

**Art. 11**<sup>32</sup> Substandard compliance

<sup>1</sup> In the case of global financial assistance, the FOEN, the FOC or FEDRO shall withhold all or part of the instalment payments during the term of the programme if the canton:

- a. fails to comply with its reporting duty (Art. 10a para. 1);
- b. culpably causes substantial disruption to its services.

<sup>2</sup> If in the case of global financial assistance, it becomes apparent after the programme term that the services provided are substandard, the FOEN, the FOC or FEDRO shall require the canton to rectify the defects; it shall allow the canton an appropriate period within which to do this.

<sup>3</sup> The legal consequences of instances of substandard compliance where financial assistance has been granted in specific cases and claims for the recovery of financial already paid out shall be governed by Article 28 of the Subsidies Act of 5 October 1990<sup>33</sup>.

**Art. 12** Subsidies paid to organisations<sup>34</sup>

<sup>1</sup> Organisations of national importance involved in nature protection, cultural heritage protection and monument preservation which claim financial assistance under Article 14 of the NCHA shall submit an application, stating their reasons, to the FOEN, the FOC or FEDRO.<sup>35</sup> The application must be accompanied by detailed documentation (accounts and reports) on the activities of the organisation indicating the extent to which services eligible for subsidy that serve the public interest are being provided.

<sup>31</sup> Inserted by No 14 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS 2007 5823).

<sup>32</sup> Amended by No 14 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS 2007 5823).

<sup>33</sup> SR 616.1

<sup>34</sup> Amended by No 1 of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

<sup>35</sup> Amended by No 1 of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

<sup>2</sup> Financial assistance for activities serving the national interest may also be granted to:

- a. international organisations for nature protection, cultural heritage protection and monument preservation;
- b. secretariats responsible for international conventions on nature protection, cultural heritage protection and monument preservation.<sup>36</sup>

**Art. 12a<sup>37</sup>** Research, education, public relations

<sup>1</sup> Applications for financial assistance under Article 14a paragraph 1 NCHA must be submitted to the FOEN, the FOC or FEDRO.

<sup>2</sup> Financial assistance to the cantons shall be granted globally on the basis of programme agreements. Articles 4–11 apply.

<sup>3</sup> Financial assistance to other recipients shall be granted individually. Articles 6, 9, 10a and 11 paragraph 3 apply.

### **Section 3 Protection of Indigenous Flora and Fauna**

**Art. 13<sup>38</sup>** Principle

Wherever possible, the protection of indigenous flora and fauna shall be achieved by adapting agricultural and forestry practices in their habitats (biotopes). This task requires cooperation between the specialist bodies for agricultural and forestry, for nature protection and cultural heritage protection, and for spatial planning.

**Art. 14<sup>39</sup>** Biotope protection

<sup>1</sup> Biotope protection, combined in particular with ecological compensation measures (Art. 15) and the species protection provisions (Art. 20), is intended to ensure the survival of indigenous wild flora and fauna.

<sup>2</sup> Biotopes shall be protected in particular by:

- a. measures designed to preserve or, if necessary, restore their individual character and biological diversity;
- b. upkeep, management and supervision to ensure that the protection objective is secured in the long term;

<sup>36</sup> Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS **1996** 225).

<sup>37</sup> Inserted by No I of the O of 18 Dec. 1995 (AS **1996** 225). Amended by No I 1 of the O of 2 Feb. 2011 (Development of Environmental Programme Agreements), in force since 1 March 2011 (AS **2011** 649).

<sup>38</sup> Amended by No I 2 of the O of 28 Jan. 2015 on Amendments to the O on the Environment, in particular in relation to the programme agreements for the programme period 2016–2019, in force since 1 March 2015 (AS **2015** 427).

<sup>39</sup> Amended by No I of the O of 19 June 2000, in force since 1 Aug. 2000 (AS **2000** 1869).

- c. structural measures that make it possible for the protection objective to be achieved, existing damage to be remedied, and future damage to be avoided;
- d. the establishment of buffer zones to provide adequate ecological protection;
- e. the preparation of basic scientific material.

<sup>3</sup> Biotopes shall be designated as deserving protection on the basis of:

- a. biotopes types characterised in particular by indicator species, as specified in Annex 1;
- b. plant and animal species protected under Article 20;
- c. fish and crustaceans at risk according to fisheries legislation;
- d. threatened and rare plant and animal species cited in the Red Lists issued or approved by the FOEN;
- e. additional criteria, such as species mobility requirements or ecological networks.

<sup>4</sup> The cantons may adapt the lists referred to in paragraph 3 letters a-d to regional circumstances.

<sup>5</sup> The cantons shall establish an appropriate determination procedure so as to prevent possible damage to biotopes deserving protection and infringements of the species protection provisions of Article 20.

<sup>6</sup> Any technical intervention that could damage biotopes deserving protection may be approved only if it pertains to a specific site and meets an overriding need. In addition to a biotopes deserving protection as specified in paragraph 3, the following criteria are particularly decisive in evaluating the biotopes when competing interests are being weighed up:

- a. its importance for the protected, threatened and rare animal and plant species;
- b. its role in preserving the ecological balance;
- c. its importance in linking biotopes deserving protection;
- d. its biological individuality or typical character.

<sup>7</sup> Anyone who carries out or brings about an intervention shall be obliged to take the best possible protection or restoration measures, or failing that, appropriate compensation measures.

#### **Art. 15** Ecological compensation

<sup>1</sup> The purpose of ecological compensation (Art. 18b para. 2 NCHA) is primarily to connect isolated biotopes, if necessary by the creation of new biotopes, in order to promote species diversity, to achieve forms of land use that are as near-natural and benign as possible, to integrate nature into residential areas, and to enliven the landscape.



<sup>2</sup> With regard to subsidies for special ecological measures in agriculture, the term biodiversity subsidy as used in the Direct Payments Ordinance of 23 October 2013<sup>40</sup> applies.<sup>41</sup>

**Art. 16** Designation of biotopes of national importance

<sup>1</sup> The designation of biotopes of national importance, specification of protection objectives and setting of time limits for the specification of protection measures in accordance with Article 18a of the NCHA shall be the subject of separate ordinances (inventories).

<sup>2</sup> The inventories are not exhaustive and shall be reviewed and updated at regular intervals.

**Art. 17** Protection and upkeep of biotopes of national importance

<sup>1</sup> For biotopes of national importance, the cantons shall arrange protection and upkeep measures and the financing thereof after consulting the FOEN.

<sup>2</sup> and <sup>3</sup> ...<sup>42</sup>

**Art. 18<sup>43</sup>** Compensatory payments for biotopes and ecological compensation

<sup>1</sup> The level of the global compensatory payments for the protection and upkeep of biotopes and for ecological compensation is determined by:

- a. the national, regional or local importance of the sites to be protected;
- b. the extent, quality and complexity of the measures and their planning;
- c. the importance of the measures for animal and plant species that take priority for the preservation and improvement of biological diversity;
- d. the level of threat to the sites to be protected;
- e. the importance of the measures for the networking of biotopes deserving protection and of stocks of species deserving protection;
- f. the quality with which the services are provided;
- g. the burden imposed on the Canton by mire landscape and biotopes protection.<sup>44</sup>

<sup>2</sup> It shall be negotiated between the FOEN and the canton concerned.

<sup>40</sup> SR 910.13

<sup>41</sup> Inserted by No I of the O of 18 Dec. 1995 (AS 1996 225). Amended by Annex 9 No 3 of the Direct Payments O of 23 Oct. 2013, in force since 1 Jan. 2014 (AS 2013 4145).

<sup>42</sup> Repealed by No I 4 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, with effect from 1 Jan. 2008 (AS 2007 5823).

<sup>43</sup> Amended by No I 4 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS 2007 5823).

<sup>44</sup> Amended by No I 1 of the O of 2 Feb. 2011 (Development of Environmental Programme Agreements), in force since 1 March 2011 (AS 2011 649).

<sup>3</sup> Articles 4–4*b* and 6–11 also apply.

**Art. 19<sup>45</sup>** Relation to ecological services in agriculture

The compensatory payments made under Article 18 shall be reduced by the amount of any subsidies provided for the same ecological service in relation to agricultural land used or farmed in terms of Articles 55-62 of the Direct Payments Ordinance 23 October 2013<sup>46</sup>.

**Art. 20** Species protection

<sup>1</sup> Unauthorized picking, digging up, uprooting, removal, offering for sale, sale, purchase or destruction, particularly as a result of technical interventions, of species of wild plants listed in Annex 2 is prohibited.

<sup>2</sup> In addition to the species cited in the Federal Act of 20 June 1986<sup>47</sup> on Hunting and the Protection of Wild Mammals and Birds, the species of wild animals listed in Annex 3 shall be considered to be protected. It is prohibited:

- a. to kill, injure or capture animals of these species, or to damage, destroy or remove their eggs, larvae, pupae, nests or breeding grounds;
- b. to carry, dispatch, offer for sale, export, entrust to others, purchase, or take custody of animals of these species, living or dead, including their eggs, larvae, pupae or nests, or to be party to such actions.

<sup>3</sup> The competent authority may grant exceptional approvals in addition to those specified in Article 22 paragraph 1 NCHA:

- a. if this serves to preserve biological diversity;
- b. for technical interventions pertaining to a specific site and that meet an overriding need. The person responsible shall be obliged to take the best possible protection measures, or failing that, appropriate compensation measures.

<sup>4</sup> The cantons shall make arrangements for appropriate protection of the animal and plant species listed in Annex 4 after consultation with the FOEN.<sup>48</sup>

<sup>5</sup> Anyone infringes the provisions of paragraphs 1 and 2 is liable to the penalties under Article 24*a* NCHA.<sup>49</sup>

**Art. 21** Resettlement of flora and fauna

The Federal Department of the Environment, Transport, Energy and Communications (DETEC) may by agreement with the cantons concerned authorise the resettlement of

<sup>45</sup> Amended by Annex 9 No 3 of the Direct Payments O of 23 Oct. 2013, in force since 1 Jan. 2014 (AS 2013 4145).

<sup>46</sup> SR 910.13

<sup>47</sup> SR 922.0

<sup>48</sup> Amended by No I of the O of 19 June 2000, in force since 1 Aug. 2000 (AS 2000 1869).

<sup>49</sup> Inserted by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

species, subspecies and breeds no longer occurring in the wild in Switzerland, provided that:<sup>50</sup>

- a. an appropriate habitat of adequate size is available;
- b. appropriate legal safeguards are introduced for protection of the species;
- c. the preservation of the diversity or genetic characteristics of species will not be adversely affected.

### **Section 3a**

## **Mires and Mire Landscapes of Outstanding Beauty and National Importance<sup>51</sup>**

#### **Art. 21a<sup>52</sup>** Protection of mires

The designation of mires of outstanding beauty and national importance, together with their protection and upkeep is governed by Articles 16–19.

#### **Art. 22<sup>53</sup>** Protection of mire landscapes

<sup>1</sup> The designation of mire landscapes of outstanding beauty and national importance and the specification of the protection objectives shall be subject of a separate ordinance (inventory).

<sup>2</sup> The cantons shall arrange protection and upkeep measures and the financing thereof after consulting with the FOEN.

<sup>3</sup> The level of the global compensatory payments for the protection and upkeep of mire landscapes is determined by:

- a. the extent, quality and complexity of the measures;
- b. the level of threat to the sites to be protected;
- c. the quality with which the services are provided;
- d. the burden imposed on the Canton by mire landscape and den biotopes protection.<sup>54</sup>

<sup>50</sup> Amended by No II 1 of the O of 2 Feb. 2000 to the Federal Act on the Coordination and Simplification of Decision-Making Procedures, in force since 1 Feb. 2000 (AS **2000** 703).

<sup>51</sup> Inserted by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS **1996** 225).

<sup>52</sup> Inserted by No I of the O of 18 Dec. 1995 (AS **1996** 225). Amended by No I 4 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS **2007** 5823).

<sup>53</sup> Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS **1996** 225).

<sup>54</sup> Amended by No I 4 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS **2007** 5823).

<sup>3bis</sup> It shall be negotiated between the FOEN and the canton concerned. Articles 4–4b, 6–11 and 18 and 19 also apply to the provision of compensatory payments.<sup>55</sup>

<sup>4</sup> The global compensatory payments for biotopes of national importance situated within mire landscapes of outstanding beauty and national importance are governed by Articles 18 and 19.<sup>56</sup>

## Section 4 Implementation

### Art. 23<sup>57</sup> Federal bodies

<sup>1</sup> The federal specialist agencies for nature, cultural heritage protection and monument preservation are:

- a. the FOEN for nature and landscape protection;
- b. the FOC for monument preservation, archaeology and protection of sites of local character;
- c. FEDRO for the protection of historic traffic routes.

<sup>2</sup> They shall implement the NCHA, unless other federal authorities are responsible. When fulfilling federal tasks in accordance with Articles 2–6 NCHA, they shall ensure that the authorities and the public are informed and advised in a coordinated manner.<sup>58</sup>

<sup>3</sup> If other federal bodies are responsible for implementation, the FOEN, the FOC and FEDRO shall cooperate with them in accordance with Article 3 paragraph 4 NCHA.

<sup>4</sup> The Federal Commission for the Protection of Nature and Cultural Heritage (FCNC) and Federal Commission for Monument Preservation (FCMP) are the federal advisory commissions on matters relating to nature protection, cultural heritage protection and monument preservation.

### Art. 24<sup>59</sup> Organisation of the FCNC and the FCMP

<sup>1</sup> The FCNC and the FCMP shall each comprise a maximum of 15 members. Expertise, individual areas of responsibility and language regions shall be taken into consideration in determining the composition of these bodies. The Federal Council shall elect

<sup>55</sup> Inserted by No I 4 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS **2007** 5823).

<sup>56</sup> Amended by No I 4 of the O of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS **2007** 5823).

<sup>57</sup> Revised in accordance with No I of the O of 18 Dec. 1995 (AS **1996** 225), No II 1 of the O of 2 Feb. 2000 to the Federal Act on the Coordination and Simplification of Decision-Making Procedures (AS **2000** 703) and Art. 16 para. 3 of the Publications O of 17 Nov. 2004, in force since 1 Jan. 2005 (AS **2004** 4937).

<sup>58</sup> Amended by Ann 2 No 1 of the O of 29 March 2017 on the Federal Inventory of Landscapes and Natural Monuments, in force since 1 June 2017 (AS **2017** 2815).

<sup>59</sup> Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS **1996** 225).

the members and appoint the commission presidents. In all other matters, the commissions shall be responsible for their own organisation.

<sup>2</sup> At the request of the FCNC or the FCMP, the FOEN, the FOC and FEDRO may appoint specialists as permanent consultants. They shall advise the commissions and also the FOEN, the FOC and FEDRO in their fields of expertise.

<sup>3</sup> DETEC shall approve the regulations of the FCNC and the Federal Department of Home Affairs (FDHA) shall approve those of the FCMP.<sup>60</sup>

<sup>4</sup> The FOEN and the FOC shall be responsible for the secretariats. FOEN, the FOC and FEDRO shall finance them proportionately, with payments being charged to the credits for equipment and services.

<sup>5</sup> The FCNC and the FCMP shall provide DETEC and FDHA respectively with an annual report on their activities.<sup>61</sup>

**Art. 25** Tasks of the FCNC and the FCMP<sup>62</sup>

<sup>1</sup> The FCNC and the FCMP shall have the following tasks in particular:

- a.<sup>63</sup> they shall advise the Departments on fundamental questions of nature protection, cultural heritage protection and monument preservation;
- b. they shall assist in a consultative capacity with implementation of the NCHA;
- c. they shall assist in the preparation and revision of the inventories of sites of national importance;
- d.<sup>64</sup> they shall provide expert opinions on questions of nature protection, cultural heritage protection and monument conservation for federal and cantonal authorities responsible for fulfilling federal tasks as specified in Article 2 NCHA (Art. 7 and 8 NCHA);
- e.<sup>65</sup> they shall prepare special expert reports (Art. 17a NCHA) in cases where a project that does not constitute a federal task as specified in Article 2 NCHA could damage a site listed in a federal inventory in accordance with Article 5 NCHA or otherwise of particular importance.

<sup>2</sup> The FCMP shall also have the following tasks:

- a. it shall provide an opinion, at the request of the FOC, on requests for financial assistance in the field of monument conservation;

<sup>60</sup> Amended by No II 1 of the O of 2 Feb. 2000 to the Federal Act on the Coordination and Simplification of Decision-Making Procedures, in force since 1 Feb. 2000 (AS 2000 703).

<sup>61</sup> Amended by No II 1 of the O of 2 Feb. 2000 to the Federal Act on the Coordination and Simplification of Decision-Making Procedures, in force since 1 Feb. 2000 (AS 2000 703).

<sup>62</sup> Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

<sup>63</sup> Amended by No II 1 of the O of 2 Feb. 2000 to the Federal Act on the Coordination and Simplification of Decision-Making Procedures, in force since 1 Feb. 2000 (AS 2000 703).

<sup>64</sup> Amended by No II 1 of the O of 2 Feb. 2000 to the Federal Act on the Coordination and Simplification of Decision-Making Procedures, in force since 1 Feb. 2000 (AS 2000 703).

<sup>65</sup> Inserted by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

- b. it shall promote cooperation and scientific communication with all interested parties and foster basic practical and theoretical work.<sup>66</sup>

<sup>3</sup> The FOC may appoint members of the FCMP, consultants or other suitably qualified persons as experts with responsibility for advising and supporting the cantons in the implementation of measures.<sup>67</sup>

**Art. 26** Tasks of the cantons

<sup>1</sup> The cantons shall ensure that their constitutional and legal mandate is properly and effectively fulfilled. To this end, they shall designate specialist agencies responsible for nature protection, cultural heritage protection and monument preservation, and notify the FOEN or the FOC accordingly.<sup>68</sup>

<sup>2</sup> In any activities that have an impact on land use (Art. 1 of the Ordinance of 2 Oct. 1989<sup>69</sup> on Spatial Planning), the cantons shall give due consideration to measures for which the Confederation provides financial assistance or compensatory payments under this Ordinance. In particular, they shall ensure that protection measures are taken into account in the plans and regulations governing permissible use of land in accordance with spatial planning legislation.

**Art. 27** Notification of legislation and rulings

<sup>1</sup> The cantons shall notify the FOEN, the FOC or FEDRO of their legislation on nature protection, cultural heritage protection and monument preservation.<sup>70</sup>

<sup>2</sup> The competent authorities shall notify the FOEN of any rulings on the following:

- a. exceptional approvals relating to the species protection provisions (Art. 22 para. 1 and 3 NCHA; Art. 20 para. 3);
- b. removal of riparian vegetation (Art. 22 para. 2 and 3 NCHA);
- c. declaratory rulings on biotopes and species protection (Art. 14 para. 4);
- d. restitution rulings (Art. 24e NCHA);
- e.<sup>71</sup> rulings on relating to buildings, installations and soil degradation in biotopes of national importance (Art. 18a NCHA) or in mire landscapes (Art. 23b NCHA);

<sup>66</sup> Inserted by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

<sup>67</sup> Inserted by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

<sup>68</sup> Wording of sentence in accordance with No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

<sup>69</sup> [AS 1989 1985, 1996 1534. AS 2000 2047 Art. 50]. See now Spatial Planning of 28 June 2000 (SR 700.1).

<sup>70</sup> Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS 1996 225).

<sup>71</sup> Inserted by No II 1 of the O of 2 Feb. 2000 to the Federal Act on the Coordination and Simplification of Decision-Making Procedures, in force since 1 Feb. 2000 (AS 2000 703).

f.<sup>72</sup> approvals of land use plans (Art. 26 Spatial Planning Act of 22 June 1979<sup>73</sup>) if landscapes, natural monuments, biotopes or mire landscapes of national importance are damaged.

<sup>3</sup> If the FCNC, the FCMP, the FOEN, the FOC or FEDRO have collaborated on a project as specified in Article 2, the competent authority shall notify them of the relevant decision on request.

#### **Art. 27a<sup>74</sup>** Monitoring and evaluation of success

<sup>1</sup> The FOEN shall be responsible for the monitoring of biological diversity and shall coordinate this with other environmental observation measures. This monitoring may be supplemented by cantonal measures. The cantons shall coordinate their measures with the FOEN, and make their documentation available to it.

<sup>2</sup> The FOEN, the FOC and FEDRO shall conduct success evaluations to check that the legally required measures have been implemented and to assess their suitability. They shall cooperate closely with the federal offices and the cantons concerned.

#### **Art. 27b<sup>75</sup>** Geoinformation

The FOEN shall provide the minimum geodata models and representation models for basic geographical data under this Ordinance for which it is designated as the federal specialist agency in Annex 1 to the Geoinformation Ordinance of 21 May 2008<sup>76</sup>.

## **Section 5 Final Provisions**

#### **Art. 28** Repeal of current legislation

The following are repealed:

- a. die Implementation Ordinance of 27 December 1966<sup>77</sup> to the Federal Act on the Protection of Nature and Cultural Heritage;
- b. the Federal Council Decree of 6 June 1988<sup>78</sup> on the Application of Article 18d NCHA.

#### **Art. 29** Transitional provision

<sup>1</sup> Until the Federal Council has designated the biotopes of national importance (Art. 16) and the mire landscapes of outstanding beauty and national importance (Art. 22) and until the various inventories have been finalised:

<sup>72</sup> Inserted by No II of the O of 2 April 2014, in force since 1 May 2014 (AS 2014 909).

<sup>73</sup> SR 700

<sup>74</sup> Inserted by No I of the O of 19 June 2000, in force since 1 Aug. 2000 (AS 2000 1869).

<sup>75</sup> Inserted by Annex 2 No 2 of the O of 21 May 2008 on Geoinformation, in force since 1 July 2008 (AS 2008 2809).

<sup>76</sup> SR 510.620

<sup>77</sup> [AS 1966 1646, 1977 2273 No I 41, 1985 670 No I 5, 1986 988]

<sup>78</sup> Not published in the AS.

- a. the cantons shall ensure through immediate and suitable measures that any deterioration in the condition of biotopes considered to be of national importance on the basis of available knowledge and documentation is prevented;
- b.<sup>79</sup> in response to specific requests for subsidies, the FOEN shall assess the importance of a biotopes or mire landscape on the basis of available knowledge and documentation;
- c.<sup>80</sup> the cantons shall ensure through immediate and suitable measures that any deterioration in the condition of mire landscapes considered to be of outstanding beauty and national importance on the basis of available knowledge and documentation is prevented.

<sup>2</sup> Financing in terms of paragraph 1 letters a and b is provided in accordance with Article 17 and 18, and financing in terms of paragraph 1 letter c is provided in accordance with Article 22.<sup>81</sup>

<sup>3</sup> The federal authorities and agencies and of federal institutions and enterprises shall take immediate measures as specified in paragraphs 1 letters a and c in the fields for which they are responsible in accordance with the applicable special federal legislation.<sup>82</sup>

### **Art. 30** Commencement

This Ordinance comes into force on 1 February 1991.

<sup>79</sup> Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS **1996** 225).

<sup>80</sup> Amended by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS **1996** 225).

<sup>81</sup> Amended by No I 2 of the O of 28 Jan. 2015 on Amendments to the O on the Environment, in particular in relation to the programme agreements for the programme period 2016–2019, in force since 1 March 2015 (AS **2015** 427).

<sup>82</sup> Inserted by No I of the O of 18 Dec. 1995, in force since 1 Feb. 1996 (AS **1996** 225).



*Annex 1*<sup>83</sup>  
(Art. 14 para. 3)

## List of Biotope Types deserving Protection

Scientific	German
<b>Beds of springs, waterbodies</b>	
Adiantion	Kalktuff-Felsspaltengesellschaften
Cratoneurion (commutati)	Kalk-Quellflur
Cardamino-Montion	Weichwasser-Quellflur
Ranunculion fluitantis	Brachmen- und Barbenregion (Epipotamon)
Glycerio-Sparganion	Bach- und Flussröhricht
Charion	Armleuchteralgenrasen
Potamion	Laichkrautgesellschaften
Lemnion	Wasserlinsengesellschaften
Nymphaeion	Seerosengesellschaften
<b>Raised bogs, transition bogs</b>	
Sphagnion magellanici	Torfmoos-Hochmoor
Caricion lasiocarpae	Übergangsmoor
Sphagno-Utricularion	Wasserschlauch-Moortümpelgesellschaften
Betulion pubescentis	Birken-Moorwald
Piceo-Vaccinienion uliginosi (Sphagno-Pinetum mugi)	Torfmoos-Bergföhrenwald
Sphagno-Piceetum	Torfmoos-Fichtenwald
<b>Waterside areas, silted-up areas, fenlands</b>	
Phragmition	Stillwasser-Röhricht
Phalaridion	Landschilf-Röhricht
Littorellion	Strandlingsgesellschaften
Magnocaricion	Grossseggenried
Cladietum	Schneidbinsenried
Caricion fuscae	Saures Kleinseggenried
Caricion davallianae,	Kalk-Kleinseggenried
Rhynchosporion	
Calthion	Sumpfdotterblumenwiese
Molinion	Pfeifengraswiese
Filipendulion	Spierstaudenflur
<b>Dry grasslands, low-nutrient meadows and pastures</b>	
Alyso-Sedion	Thermophile Kalkfelsgrusflur
Caricion ferrugineae	Rostseggenhalde
Elynon	Nacktriedrasen

<sup>83</sup> Amended by No II of the O of 19 June 2000, in force since 1 Aug. 2000 (AS 2000 1869).

Scientific	German
Arabidion caeruleae	Kalk-Schneetälchen
Salicion herbaceae	Sauerboden-Schneetälchen
Stipo-Poion	Inneralpine Felsensteppe
Cirsio-Brachypodion	Kontinentaler Halbtrockenrasen
Xerobromion	Subatlantischer dry grasslands
Diplachnion	Insubrischer dry grasslands
Mesobromion	Subatlantischer Halbtrockenrasen
<b>Alluvial zone vegetation</b>	
Epilobion fleischeri	Alluvionen mit krautiger Pioniervegetation
Caricion bicolori-atrofuscae	Schwemmufervegetation alpiner Wildbäche
Nanocyperion	Zwergbinsen-Annuellenflur
Bidention	Nitrophile Annuellenvegetation
Salicion elaeagni	Gebirgsweidenaue
Salicion cinereae	Moorweidengebüsche
Alnion glutinosae	Erlen-Bruchwald
Salicion albae	Silberweiden-Auenwald
Alnion incanae	Grauerlen-Auenwald
Fraxinon	Eschen-Auenwald
<b>Gorge forests, escarpment forests and dry forests</b>	
Lunario-Acerion	Bergahorn-Schluchtwald
Tilion platyphylli	Wärmeliebender Linden-Mischwald
Cephalanthero-Fagenion	Orchideen-Buchenwald
Carpinion betuli	Eichen-Hainbuchenwald
Quercion pubescenti-petraeae	Flaumeichenwald
Orno-Ostryon	Hopfenbuchenwald der Südalpen
Molinio-Pinion	Pfeifengras-Föhrenwald
(inkl. Cephalanthero-Pinion)	
Erico-Pinion sylvestris,	Subkontinentaler Kalk-Föhrenwald
Cytiso-Pinion	
Ononido-Pinion	Kontinentaler Steppen-Föhrenwald
Dicrano-Pinion	Mesophiler Föhrenwald auf Silikat
Asplenio-Abieti-Piceetum	Blockschutt-Tannen-Fichtenwald
(Abieti-Piceion)	
Larici-Pinetum cembrae	Lärchen-Arvenwald
Cirsio tuberosi-Pinetum montanae	Knollendistel-Bergföhrenwald
(Erico-Pinion mugo)	
<b>Fringe communities, bushes and heathland</b>	
Aegopodion, Alliarion	Nährstoffreicher mesophiler Krautsaum
Geranion sanguinei	Trockenwarmer Krautsaum
Berberidion	Trockenwarmer Gebüsch auf basenreichem Boden
Calluno-Genistion	Subatlantische Zwergstrauchheide
Juniperion sabiniae	Kontinentale Zwergstrauchheide

Scientific	German
Ericion (carneae)	Subalpine Heide auf Kalkboden
Juniperion nanae	Trockene subalpine Zwergstrauchheide
Rhododendro-Vaccinion	Mesophile subalpine Zwergstrauchheide
Loiseleurio-Vaccinion	Arktisch-alpine Zwergstrauchheide
<b>Vegetation on rocks, detritus, karsts and scree</b>	
Asplenion serpentini	Serpentinegesteinsflur
Sedo-Veronicion	Thermophile Silikatfelsgrusflur
Thlaspion rotundifolii	Alpine Kalkblockflur
Drabion hoppeanae	Alpine Kalkschieferflur
Petasion paradoxii	Feuchte Kalkschuttflur der höheren Lagen
Androsacion alpinae	Alpine Silikatschuttflur
Galeopsion segetum	Sommerwarme Silikatschuttflur
<b>Weeds, ruderal vegetation</b>	
Chenopodion rubri	Begleitvegetation der Hackkulturen auf basenarmen Böden
Agropyro-Rumicion	Feuchte Trittflur
Onopordion (acanthii)	Wärmeliebende Ruderalgesellschaften

*Annex 2<sup>84</sup>*  
(Art. 20 para. 1)

## List of Protected Plants

Scientific	German
<b>Angiospermae</b>	<b>Blütenpflanzen</b>
Adonis vernalis L.	Frühlingsadonis
Androsace sp.	Mannsschild, alle Arten
Anemone sylvestris L.	Hügel-Windröschen
Apium repens (Jacq.) Lag.	Kriechender Eppich
Aquilegia alpina L.	Alpen-Akelei
Armeria sp.	Grasnelke, alle Arten
Artemisia sp. (Artengruppe der A. glacialis)	alle kleinen alpinen Edelraute-Arten
Asphodelus albus Mill.	Affodill
Calla palustris L.	Drachenwurz
Carex baldensis L.	Monte-Baldo-Segge
Daphne alpina L.	Alpen-Seidelbast
Daphne cneorum L.	Flaumiger Seidelbast, Flühröschen
Delphinium elatum L.	Hoher Rittersporn
Dianthus glacialis Haenke	Gletscher-Nelke
Dianthus gratianopolitanus Vill.	Grenobler Nelke
Dianthus superbus L.	Pracht-Nelke
Dictamnus albus L.	Diptam
Dracocephalum sp.	Drachenkopf, beide Arten
Droseraceae	Sonnentaugewächse, inkl. Wasserfalle
Ephedra helvetica C. A. Mey.	Schweizerisches Meerträubchen
Eriophorum gracile Roth	Schlankes Wollgras
Eritrichium nanum (L.) Gaudin	Himmelsherold
Eryngium alpinum L.	Alpen-Mannstreu, Alpendistel
Eryngium campestre L.	Feld-Mannstreu
Erythronium dens-canis L.	Hundszahn
Fritillaria meleagris L.	Gewöhnliche Schachblume
Gentiana pneumonanthe L.	Lungen-Enzian
Gladiolus sp.	Gladiole, alle Arten
Inula helvetica Weber	Schweizerischer Alant
Iris pseudacorus L.	Gelbe Schwertlilie
Iris sibirica L.	Sibirische Schwertlilie
Leucjum aestivum L.	Spätblühende Knotenblume
Lilium bulbiferum L. s.l.	Feuerlilie, beide Unterarten
Lilium martagon L.	Türkenbund
Lindernia procumbens (Krock.) Philcox	Büchsenkraut

<sup>84</sup> Amended by No II of the O of 19 June 2000, in force since 1 Aug. 2000 (AS 2000 1869, 2001 1662).

Scientific	German
Melampyrum nemorosum L.	Hain-Walchtelweizen
Myosotis rehsteineri Wartm.	Bodensee-Vergissmeinnicht
Nuphar sp.	Teichrose, alle Arten
Nymphaea alba L.	Weisse Seerose
Orchidaceae	Orchideengewächse, alle Arten
Paeonia officinalis L.	Pfingstrose
Papaver f. alpinum (aurantiacum, sendtneri, occidentale)	Alpen-Mohn, alle Arten
Paradisea liliastrum (L.) Bertol.	Trichterlilie, Paradieslilie
Pulsatilla vulgaris Mill.	Gewöhnliche Küchenschelle
Saxifraga hirculus L.	Goldblumiger Steinbrech
Sempervivum grandiflorum Haw.	Gaudins Hauswurz
Sempervivum wulfenii Mert. & W.D.J. Koch	Wulfens Hauswurz
Silene coronaria (L.) Desr.	Kranzrade
Sisymbrium supinum L.	Niederliegende Rauke
Sorbus domestica L.	Speierling, Sperberbaum
Trapa natans L.	Wassernuss
Trifolium saxatile All.	Stein-Klee
Tulipa sp.	Tulpe, alle Arten
Typha minima Hoppe	Kleiner Rohrkolben
Typha shuttleworthii W. D. J. Koch & Sond.	Shuttleworths Rohrkolben
<b>Pteridophyta</b>	<b>Farne</b>
Adiantum capillus-veneris L.	Venushaar
Botrychium sp. (ausgenommen B. lunaria)	Traubenfarn, alle Arten ausser Gemeiner Mondraute
Marsilea quadrifolia L.	Kleefarn
Matteuccia struthiopteris (L.) Tod.	Straussfarn
Phyllitis scolopendrium (L.) Newman	Hirschzunge
Polystichum braunii (Spenn.) Fée	Alex. Brauns Schildfarn
Polystichum setiferum (Forssk.) Woyn.	Borstiger Schildfarn
<b>Bryophyta</b>	<b>Moose</b>
Barbula asperifolia Mitt.	
Breutelia chrysocoma (Hedw.) Lindb.	Goldschopfmoos
Bryum versicolor B. & S.	ein Birnmoos
Drepanocladus vernicosus (Mitt.) Warnst.	ein Sichelmoos
Frullania parvistipula Steph.	ein Sack-Lebermoos
Leucobryum glaucum aggr.	Weissmoos, "Klumpenmoos"
Phaeoceros laevis ssp. carolinianus (Michx.) Prosk.	Gelbhornmoos
Riccia breidleri Steph.	Breidlers Stern-Lebermoos
Ricciocarpos natans (L.) Corda	Schwimm-Lebermoos
Sphagnum sp.	Torfmoose od. Bleichmoose, alle Arten

Scientific

German

*Tayloria rudolphiana* (Garov.) B., S. & G. Rudolphs Trompetenmoos

**Lichenes**

*Gyalecta ulmi* (Sw.) Zahlbr.  
*Heterodermia* sp.  
*Hypotrachina laevigata* (Sm.) Hale  
*Leptogium burnetiae* Dodge  
*Leptogium hildenbrandii* (Garov.) Nyl.  
*Lobaria* sp.  
*Nephroma expallidum* (Nyl.) Nyl.  
*Nephroma laevigatum* Ach.  
*Parmotrema reticulatum* (Taylor) Choisy  
*Parmotrema stuppeum* (Taylor) Hale  
*Peltigera hymenina* (Ach.) Delise  
*Ramalina dilacerata* (Hoffm.) Hoffm.  
*Ramalina roesleri* (Hochst. ex Schaerer)  
Hue  
*Sphaerophorus globosus* (Hudson) Vainio  
*Sphaerophorus melanocarpus* (Sw.) DC.  
*Squamarina lentigera* (Weber) Poelt  
*Stereocaulon* sp.  
*Sticta* sp.  
*Usnea cornuta* (Körber)  
*Usnea glabrata* (Ach.) Vainio  
*Usnea longissima* Ach.  
*Usnea wasmuthii* (Räsänen)

**Grossflechten**

alle Arten  
Lungenflechte, alle Arten  
alle Arten  
Grübchenflechten, alle Arten  
Engelshaarflechte

**Basidiomycetes**

*Boletus regius* Krombholz  
*Clavaria zollingeri* Lévaille  
*Hygrocybe calyptraeformis* (Berk. & Br.) Fayod  
*Lariciformes officinalis* (Vill.: Fr.) Kotl. & Pouz.  
*Lyophyllum favrei* Haller & Haller  
*Pluteus aurantiorugosus* (Trog.) Sacc.  
*Sarcodon joeides* (Pass.) Pat.  
*Squamanita schreieri* Imbach  
*Suillus plorans* (Roll.) Sing.  
*Tricholoma caligatum* (Viv.) Rick.  
*Tricholoma colossum* (Fr.) Quélet  
*Verpa conica* Swartz ex Pers. (=V. digital-Fingerhut-Verpelformis)

**Grosspilze**

Echter Königsröhrling  
Amethystfarbige Keule  
Rosaroter Saftling  
Lärchen-Baumschwamm  
Gelbblättriger Karminschwärzling  
Orangeroter Dachpilz  
Violettfleischiger Braunsporstacheling  
Gelber Schuppenwulstling  
Arven-Röhrling  
Krokodil-Ritterling  
Riesen-Ritterling

**List of Protected Animals**

Scientific

German

**Invertebrata****Mollusca**

Charpentieria thomasiana (Pini)  
 Tandonia nigra (K. Pfeiffer)  
 Trichia biconica (Eder)  
 Unio crassus Philipsson

Unio mancus Lamarck  
 Zoogenetes harpa (Say)

**Insecta****Odonata**

Aeshna caerulea Ström.  
 Aeshna subarctica Walker  
 Boyeria irene Fons.  
 Calopteryx virgo meridionalis Selys  
 Ceriagrion tenellum Villers  
 Coenagrion lunulatum Charp.  
 Coenagrion mercuriale Charp.  
 Epitheca bimaculata Charp.  
 Gomphus simillimus Selys  
 Gomphus vulgatissimus L.  
 Lestes dryas Kirby  
 Leucorrhinia albifrons Burm.  
 Leucorrhinia caudalis Charp.  
 Leucorrhinia pectoralis Charp.  
 Nehalennia speciosa Charp.  
 Onychogomphus forcipatus L.  
 Onychogomphus uncatius Charp.  
 Ophiogomphus cecilia Fourc.  
 Oxygastra curtisii Dale  
 Sympecma braueri Bianchi  
 Sympetrum depressiusculum Selys  
 Sympetrum flaveolum L.

**Wirbellose****Weichtiere (Schnecken, Muscheln)**

Studers Schliessmundschnecke  
 Schwarzer Kielschneigel  
 Nidwaldner Haarschnecke  
 Kleine Flussmuschel, Gemeine  
 Bachmuschel  
 Südliche Malermuschel  
 Harfenschnecke

**Insekten****Libellen**

Alpen-Mosaikjungfer  
 Hochmoor-Mosaikjungfer  
 Boyeria  
 Südliche Prachtlibelle  
 Späte Adonislibelle  
 Mond-Azurjungfer  
 Helm-Azurjungfer  
 Zweifleck  
 Gelbe Keiljungfer  
 Gemeine Keiljungfer  
 Glänzende Binsenjungfer  
 Oestliche Moosjungfer  
 Zierliche Moosjungfer  
 Grosse Moosjungfer  
 Zwerglibelle  
 Kleine Zangenlibelle  
 Grosse Zangenlibelle  
 Grüne Keiljungfer  
 Gekielte Smaragdlibelle  
 Sibirische Winterlibelle  
 Sumpf-Heidelibelle  
 Gefleckte Heidelibelle

<sup>85</sup> Amended by No II of the O of 19 June 2000, in force since 1 Aug. 2000 (AS 2000 1869).

Scientific

German

**Mantodea**

Mantis religiosa L.

**Orthoptera**

Aiolopus thalassinus (Fabr.)  
 Calliptamus italicus (L.)  
 Calliptamus siciliae Ramme  
 Chrysochraon keisti Nadig  
 Epacromius tergestinus (Charp.)  
 Ephemigiger ephippiger vitium Serville  
 Locusta migratoria cinerascens (Fabr.)  
 Oedaleus decorus (Germar6)  
 Oedipoda caerulea (L.)  
 Oedipoda germanica (Latr.)  
 Pachytrachis striolatus (Fieber)  
 Pholidoptera littoralis insubrica Nadig  
 Platycleis tessellata (Charp.)  
 Polysarcus denticauda (Charp.)  
 Psophus stridulus (L.)  
 Saga pedo (Pallas)  
 Sphingonotus caeruleus (L.)  
 Stethophyma grossum (L.)  
 Tettigonia caudata (Charp.)

**Neuroptera, Ascalaphidae**

Libelloides sp.

**Lepidoptera, Papilionidea**

Arethusana arethusa Denis & Schiff.  
 Chazara briseis L.  
 Coenonympha hero L.  
 Coenonympha oedippus Fabr.  
 Erebia christi Raetzer  
 Erebia nivalis Lorkovic & de Lesse  
 Erebia sudetica Staudinger  
 Eurodryas aurinia aurinia Rott.  
 Iolana iolas (Ochs.)  
 Limenitis populi L.  
 Lopinga achine Scop.  
 Lycaeides argyrognomon Bergstr.  
 Lycaena dispar Haworth  
 Maculinea alcon (Denis & Schiff.)  
 Maculinea arion L.

**Fangschrecken**

Gottesanbeterin

**Geradflügler (Heuschrecken, Grillen)**

Grüne Strandschrecke  
 Italienische Schönschrecke  
 Provence-Schönschrecke  
 Schweizer Goldschrecke  
 Fluss-Strandschrecke  
 Steppen-Sattelschrecke  
 Wanderheuschrecke  
 Kreuzschrecke  
 Blauflügelige Ödlandschrecke  
 Rotflügelige Ödlandschrecke  
 Gestreifte Südschrecke  
 Fiebers Strauchschrecke  
 Braunfleckige Beißschrecke  
 Gemeine Wantschaftschrecke  
 Rotflügelige Schnarrschrecke  
 Steppen-Sägeschrecke  
 Blauflügelige Sandschrecke  
 Sumpfschrecke  
 Östliches Heupferd

**Netzflügler**

Schmetterlingshafte, beide Arten

**Tagfalter**

Rotbindensamtfalter  
 Felsenfalter  
 Waldwiesenvögelchen  
 Moorwiesenvögelchen  
 Raetzers Mohrenfalter  
 Sudeten-Mohrenfalter  
 Skabiosenscheckenfalter, collin-montan  
 Blasenstrauchbläuling  
 Grosser Eisvogel  
 Gelbringfalter, Bacchantin  
 Kronwicken- or Gemeiner Bläuling  
 Grosser Feuerfalter, Ampferfeuerfalter  
 Lungenenzian Bläuling  
 Schwarzgefleckter Bläuling,  
 Quendel-Ameisenbläuling



Scientific	German
Maculinea nausithous Bergstr.	Schwarzblauerbläuling, Dunkler Moorbläuling
Maculinea teleius Bergstr.	Grosser Moorbläuling, Heller Wiesenknopf-Ameisenbläuling
Mellicta britomartis Assmann	Östlicher Scheckenfalter
Mellicta deione Dup.	
Parnassius apollo L.	Apollofalter
Parnassius mnemosyne L.	Schwarzer Apollofalter
<b>Lepidoptera, Hesperioidea</b>	<b>Dickkopffalter</b>
Carcharodus bacticus Rambur	Andorn-Dickkopffalter
Pyrgus cirsii Rambur	Spätsommer-Würfelfalter
<b>Lepidoptera, Sphingidae</b>	<b>Schwärmer (Nachtfalter)</b>
Hyles hippophaes Esper	Sanddorn-, Kreuzdornschwärmer
Proserpinus proserpina Pallas	Nachtkerzen-, Kleiner Oleanderschwärmer
<b>Lepidoptera, Lasiocampidae</b>	<b>Glucken, Wollspinner (Nachtfalter)</b>
Eriogaster catax L.	Heckenwollafter, Heckenwollspinner
<b>Coleoptera, Carabidae</b>	<b>Laufkäfer</b>
Abax oblongus Dej.	
Calosoma inquisitor (L.)	Kleiner Puppenräuber
Calosoma sycophanta (L.)	Grosser Puppenräuber
Carabus creutzeri Fabr.	
Cychrus cordicollis Chaud.	
Cymindis variolosa (Fabr.)	
Licinus cassideus (Fabr.)	
Nebria crenatostriata Bassi	
Platynus cyaneus (Dej.)	
Poecilus kugelanni (Panz.)	
Trechus laevipes Jeann.	
<b>Coleoptera, Dysticidae</b>	<b>Echte Schwimmkäfer</b>
Graphoderus bilineatus (Geer)	Schmalbindiger Breitflügeltauchkäfer
<b>Coleoptera, Buprestidae</b>	<b>Prachtkäfer</b>
Anthaxia candens (Panz.)	
Anthaxia hungarica (Scop.)	
Anthaxia manca (L.)	
Chalcophora mariana (L.)	Marienprachtkäfer
Coroebus florentinus (Herbst)	
Coroebus undatus (Fabr.)	
Dicerca aenea (L.)	
Dicerca alni (Fischer)	

Scientific

German

*Dicerca berolinensis* (Herbst)  
*Dicerca furcata* (Thunberg)  
*Dicerca moesta* (Fabr.)  
*Eurythyrea austriaca* (L.)  
*Eurythyrea micans* (Fabr.)  
*Eurythyrea quercus* (Hbst.)  
*Poecilonota variolosa* (Paykull)  
*Scintillatrix dives* (Guillebeau)  
*Scintillatrix mirifica* (Mulsant)  
*Scintillatrix rutilans* (Fabr.)

**Coleoptera, Scarabaeidae**

*Oryctes nasicornis* (L.)  
*Osmoderma eremita* (Scop.)  
*Polyphylla fullo* (L.)

**Coleoptera, Lucanidae**

*Lucanus cervus* (L.)

**Coleoptera, Cerambycidae**

*Akimerus schaefferi* (Laich.)  
*Cerambyx cerdo* L.  
*Cerambyx miles* Bonelli  
*Corymbia cordigera* (Fuesslins)  
*Dorcadion aethiops* (Scop.)  
*Dorcadion fuliginator* (L.)  
*Dorcatypus tristis* (L.)  
*Ergates faber* (L.)  
*Lamia textor* (L.)  
*Lepturobosca virens* (L.)  
*Mesosa curculionoides* (L.)  
*Morimus asper* Sulzer  
*Necydalis major* L.  
*Necydalis ulmi* Chevrolat  
*Pachyta lamed* (L.)  
*Pedostrangalia revestita* (L.)  
*Plagionotus detritus* (L.)  
*Purpuricenus kaehleri* (L.)  
*Rhamnusium bicolor* (Schrank)  
*Rosalia alpina* (L.)  
*Saperda octopunctata* (Scop.)  
*Saperda perforata* (Pallas)  
*Saperda punctata* (L.)  
*Saperda similis* Laich.  
*Tragosoma depsarium* (L.)

**Blatthornkäfer**

Nashornkäfer  
 Eremit  
 Walker

**Hirschkäfer**

Hirschkäfer, Hornschröter

**Bockkäfer**

Eichenheldbock, Eichenspiessbock

Grasbock, Erdbock

Mulmbock  
 Weberbock

Blutbock, Purpurbock

Alpenbock

Zottenbock

Scientific

German

**Hymenoptera, Formicidae**

Formica s.str. (rufa, aquilonia, lugubris, paralogubris, polycтена, pratensis, truncorum)

Polyergus rufescens (Latr.)

**Vertebrata****Amphibia****Reptilia****Mammalia****Insectivora**

Crocidura leucodon (Hermann)

Crocidura suaveolens (Pallas)

Neomys anomalus Cabrera

Neomys fodiens Pennant

**Rodentia**

Dryomys nitedula (Pallas)

Micromys minutus (Pallas)

Muscardinus avellanarius L.

**Chiroptera****Hautflügler**

hügelbildende Rote Waldameisen (Formica rufa-Gruppe)

Amazon-Ameise

**Wirbeltiere**

alle **Amphibien** (Frösche, Unken, Kröten, Salamander, Molche)

alle **Reptilien** (Sumpfschildkröte, Schlangen, Eidechsen, Blindschleichen)

**Säugetiere****Insektenfresser**

Feldspitzmaus

Gartenspitzmaus

Sumpfspitzmaus

Wasserspitzmaus

**Nagetiere**

Baumschläfer

Zwergmaus

Haselmaus

**alle Fledermäuse**

*Annex 4<sup>86</sup>*  
(Art. 20 para. 4)

## List of Species to be protected at Cantonal Level

### Plant species

Scientific	German
<b>Angiospermae</b>	<b>Blütenpflanzen</b>
<i>Bromus grossus</i> DC.	Dickährige Trespe
<i>Caldesia parnassifolia</i> (L.) Parl.	Caldesie
<i>Najas flexilis</i> (Willd.) Rostk. & W.L.E. Schmidt	Biegsames Nixenkraut
<b>Bryophyta</b>	<b>Moose (Laub-, Leber- and Hornmoose)</b>
<i>Andreaea blyttii</i> Schimp. ssp. <i>angustata</i> (Limpr.) Schultze-Mot. (=A. <i>heinemannii</i> )	Blytts Klaffmoos
<i>Andreaea rothii</i> Web. & Mohr	Roths Klaffmoos
<i>Atractylocarpus alpinus</i> (Milde) Lindb.	
<i>Barbula rigidula</i> ssp. <i>verbana</i> (Nich.&Dix.) Podp.	
<i>Bryum argenteum</i> ssp. <i>veronense</i> (De Not.) Amann	(Silber-)Birmmoos
<i>Buxbaumia viridis</i> (Lam. & DC.) Moug. & Nestl.	Grünes Koboldmoos
<i>Dicranum viride</i> (Sull. & Lesq.) Lindb.	Grünes Besenmoos, Gabelzahnmoos
<i>Distichophyllum carinatum</i> Dix. & Nich.	Gekieltes Zweizeilblattmoos
<i>Frullania cesatiana</i> De Not.	ein Sack-Lebermoos
<i>Hypnum sauteri</i> Schimp.	ein Schlafmoos
<i>Jamesoniella undulifolia</i> (Nees) K. Müll.	
<i>Mannia triandra</i> (Scop.) Grolle	ein Zwerglungenmoos
<i>Meesia longiseta</i> Hedw.	ein Zeilenmoos («Schwanenhalsmoos»)
<i>Orthotrichum rogeri</i> Brid.	Rogers Kapuzenmoos
<i>Orthotrichum scanicum</i> Grönv.	ein Kapuzenmoos
<i>Pseudoleskea artariae</i> Thér.	
<i>Pyramidula tetragona</i> (Brid.) Brid.	Viereckiges Pyramidenmoos
<i>Scapania helvetica</i> Gott.	ein Spaten-Lebermoos
<i>Scapania massalongi</i> (K. Müll.) K. Müll.	Massalongs Spatenmoos
<i>Scapania scapanioides</i> (Mass.) Grolle	ein Spaten-Lebermoos
<i>Seligeria austriaca</i> Schauer	ein Zwergmoos
<i>Seligeria carniolica</i> (Breidl. & Beck) Nyh.	ein Zwergmoos
<i>Tetrodontium ovatum</i> (Funck) Schwaegr.	

<sup>86</sup> Amended by No II of the O of 19 June 2000, in force since 1 Aug. 2000 (AS 2000 1869, 2001 1662).

Scientific	German
Ulotia rehmannii Jur. ssp. macrospora (Bauer & Warnst.) Podp. (=U. macrospora)	ein Krausblattmoos

### **Animal species**

#### **Annelida**

Hirudo officinalis L.

#### **Mollusca**

Helix pomatia L.

#### **Mammalia**

##### **Insectivora**

Erinaceus europaeus L.  
Soricidae, sp.

##### **Rodentia**

Gliridae, sp.

#### **Ringelwürmer**

Blutegel

#### **Weichtiere (Schnecken, Muscheln)**

Weinbergschnecke

#### **Säugetiere**

##### **Insektenfresser**

Igel  
Spitzmäuse, alle Arten

##### **Nagetiere**

Schläfer, alle Arten

